



**MEETING OF THE
TEMPLE CITY COUNCIL**

MUNICIPAL BUILDING

2 NORTH MAIN STREET

3rd FLOOR - CONFERENCE ROOM

THURSDAY, APRIL 7, 2011

4:00 P.M.

WORKSHOP AGENDA

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, April 7, 2011.
2. Receive a presentation from the City Attorney on the redistricting process.

5:00 P.M.

MUNICIPAL BUILDING

2 NORTH MAIN STREET
CITY COUNCIL CHAMBERS – 2ND FLOOR

TEMPLE, TX

REGULAR MEETING AGENDA

I. CALL TO ORDER

1. Invocation
2. Pledge of Allegiance

II. PUBLIC APPEARANCE

3. Receive comments from Ms. Judy Callaway regarding distemper of dogs in the [animal shelter](#).

III. PROCLAMATIONS & SPECIAL RECOGNITIONS

- | | | | |
|----|-----|--------------------------------|--------------------|
| 4. | (A) | Purple Ribbon Week | April 9 – 16, 2011 |
| | (B) | Absolutely Incredible Kids Day | April 14, 2011 |
| | (C) | Earth Day | April 22, 2011 |
| | (D) | Fair Housing Month | April 2011 |

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) [March 17, 2011 Special Called and Regular Meeting](#)

Contracts, Leases & Bid

- (B) [2011-6265-R](#): Consider adopting a resolution authorizing the purchase of ten (10) mobile digital video systems for the new police vehicles from L-3 Mobile Vision utilizing the Houston-Galveston Area Council Interlocal Cooperative, HGAC contract # EF04-09, in the amount of \$55,247.50.
- (C) [2011-6266-R](#): Consider adopting a resolution authorizing the following purchases utilizing the BuyBoard Cooperative:
1. Toro Groundmaster 5900 mower from Professional Turf Products, L.P. of Euless, in the amount of \$77,952.05, and
 2. Two-person, 24-foot Hino Landscaper truck from Rush Truck Center of Buda, in the amount of \$70,179.
- (D) [2011-6267-R](#): Consider adopting a resolution authorizing the purchase of six (6) chemical pumps for the Conventional Water Treatment Plant from Environmental Improvements, Inc. of Buda, in the amount of \$40,564.
- (E) [2011-6268-R](#): Consider adopting a resolution authorizing an amendment in the amount of \$10,522 to the professional services agreement with Kasberg, Patrick and Associates for the design of the Friar's Creek Trail Project for a total amended contract value of \$35,222.
- (F) [2011-6269-R](#): Consider adopting a resolution authorizing a construction contract with Kraftsman Commercial Playgrounds & Water Park Equipment of Spring, for the purchase and installation of 3 new aquatic features for the West Temple Community Park splash pad in the amount of \$39,673.33 utilizing the BuyBoard Cooperative.
- (G) [2011-6270-R](#): Consider adopting a resolution authorizing an extension of a contract through September 30, 2012, with Siemens Water Technologies Corporation of Sarasota, Florida for the service/supplier of chlorine dioxide/sodium chlorite in the estimated annual amount of \$250,000.
- (H) [2011-6271-R](#): Consider adopting a resolution authorizing a change order to a construction contract with Utility Service Company, Inc. for construction activities required to add a PAX mixing system as part of the Taylor Road Tank Rehabilitation, in an amount not to exceed \$42,567.

Ordinances – Second and Final Reading

- (I) [2011-4430](#): SECOND READING – 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.
- (J) [2011-4431](#): SECOND READING – 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.

- (K) [2011-4432](#): SECOND READING - 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.
- (L) [2011-4433](#): SECOND READING – 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.
- (M) [2011-4434](#): SECOND READING - 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.

Misc.

- (N) [2011-6272-R](#): Consider adopting a resolution authorizing a term extension to a Chapter 380 “matching grant” agreement with Rudy and Karen Gonzales for redevelopment improvements in downtown Temple in the South 1st Street Strategic Investment Zone corridor.
- (O) [2011-6273-R](#): Consider adopting a resolution amending a Chapter 380 “matching grant” agreement with Strasburger Enterprises for redevelopment improvements in the Temple Medical and Education District and the South 1st Street Strategic Investment Zone corridor at 1802 and 1808 South 1st Street in an amount not to exceed \$24,900 plus waiver of permit and other fees.
- (P) [2011-6274-R](#): Consider adopting a resolution appointing election judges and setting their compensation for the City’s general election to be held on May 14, 2011.
Considere el adoptar de una resolución que designa a jueces de la elección y que fija su remuneración para que la elección de la ciudad sea sostenida el 14 de mayo de 2011.
- (Q) [2011-6275-R](#): Consider adopting a resolution declaring the candidates for the May 14, 2011 District 3 City Councilmember and Mayor-at-large as unopposed and elected to office, thereby canceling the May 14, 2011 City general election for these positions.
Considere el adoptar de una resolución que declara a los candidatos a la ciudad Councilmember del distrito 3 del 14 de mayo de 2011 y Alcalde-en-grande como sin oposición y haber elegido a la oficina, de tal modo cancelando la elección general de la ciudad del 14 de mayo de 2011 para esas posiciones.
- (R) [2011-6276-R](#): Consider adopting a resolution authorizing budget amendments for fiscal year 2010-2011.

VI. REGULAR AGENDA

ORDINANCES

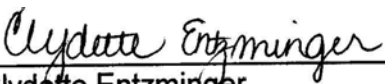
6. **2011-4435:** FIRST READING – PUBLIC HEARING – Consider adopting an ordinance designating a certain area as City of Temple Tax Abatement Reinvestment Zone Number Twenty for commercial/industrial tax abatement.
7. **2011-4436:** FIRST READING – PUBLIC HEARING - Z-FY-11-18: Consider adopting an ordinance authorizing a Conditional Use Permit allowing a package store on a portion of Lots 11, 12, and 13, Block 25, Roach Addition, commonly known as 313 East Central Avenue, zoned Central Area (CA) District.
8. **2011-4437:** FIRST READING – PUBLIC HEARING – A-FY-11-02: Consider adopting an ordinance abandoning all of North 5th Street, between West Downs Avenue and West Calhoun Avenue, located between Blocks 27 and 28 of Moore's Addition; and reserving a public drainage and utility easement in the entire abandoned right-of-way.
9. **2011-4438:** FIRST & FINAL READING – PUBLIC HEARING – Consider adopting an ordinance validating the petition submitted by the Temple Police Association and ordering a special Charter Amendment election for May 14, 2011, to be considered on an emergency basis.
PRIMERA y FINAL LECTURA - AUDIENCIA PÚBLICA - considere el adoptar de una ordenanza que valida la petición sometida por la asociación del policía del templo y que ordena una elección especial de la enmienda de la carta para el 14 de mayo de 2011, ser considerado sobre una base de la emergencia.

BOARD APPOINTMENTS

10. **2011-6277-R:** Consider adopting a resolution appointing members to the following City boards and commissions:
 - (A) Library Board – one member to fill an unexpired term through September 1, 2011; and
 - (B) Planning & Zoning Commission – one member to fill an unexpired term through September 1, 2011

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

I hereby certify that a true and correct copy of this Notice of Meeting was posted in a public place at 3:10 PM, on April 4, 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

04/07/11
Item #3
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

William A. Jones, III, Mayor

ITEM DESCRIPTION: Receive comments from Ms. Judy Callaway regarding distemper of dogs in the animal shelter.

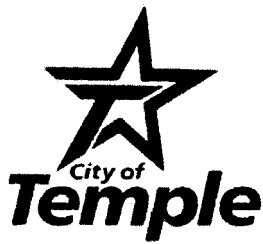
STAFF RECOMMENDATION: Receive comments as presented in item description.

ITEM SUMMARY: Judy Callaway 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: Judy Callaway

ADDRESS: 2325 S. 55th Street

TELEPHONE NO. 913-7123

DATE REQUESTED TO APPEAR BEFORE THE COUNCIL: (Note – The City Council meets the first and third Thursdays of each month.) April 7

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.) Distemper of dogs in the animal shelter.

I want to request that Quarantines be done on New
Puppies coming into the shelter. ^{And Vaccinations be given} They are most vulnerable
to distemper. Several have died after they've been adopted.

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.

Judy Callaway
SIGNATURE OF PRESENTER

3-29-10
DATE

RECEIVED

MAR 30 2011

For Office Use:

CITY OF TEMPLE, TX
CITY SECRETARY



COUNCIL AGENDA ITEM MEMORANDUM

04/07/11
Item #4(A)-(D)
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

William A. Jones, III, Mayor

ITEM DESCRIPTION: Presentation of Proclamations:

(A) Purple Ribbon Week	April 9 – 16, 2011
(B) Absolutely Incredible Kids Day	April 14, 2011
(C) Earth Day	April 22, 2011
(D) Fair Housing Month	April 2011

STAFF RECOMMENDATION: Present proclamations as presented in item description.

ITEM SUMMARY: (A) This proclamation was requested by Jackie Wernli, Event Chairperson for Relay for Life—Temple. The proclamation will recognize the American Cancer Society's Relay for Life Event that will be held at Wildcat Stadium April 30th and May 1st.

(B) This proclamation was requested by Karen Allman, Camp Fire USA Tejas Council. The Camp Fire kids will also be present to lead the Pledge of Allegiance.

(C) This proclamation was requested by, and will also be received by, Tanya Gray, Executive Director for Keep Temple Beautiful.

(D) This proclamation was requested by, and will be received by Beth Correa, Regional Planner for Central Texas Council of Governments

FISCAL IMPACT: None

ATTACHMENTS: None



COUNCIL AGENDA ITEM MEMORANDUM

04/07/11
Item #5(A)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Clydette Entzminger, City Secretary

ITEM DESCRIPTION: Approve Minutes:

(A) March 17, 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:

[March 17, 2011 Special Called and Regular Meeting](#)

TEMPLE CITY COUNCIL

MARCH 17, 2011

The City Council of the City of Temple, Texas conducted a Special Meeting on Thursday, March 17, 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
Mayor William A. Jones, III

Absent:

Councilmember Russell Schneider

- 1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, March 17, 2011.**

Regular Agenda Item 11 - Sustainability Policy: David Blackburn, City Manager, stated the sustainability and energy policy was briefly discussed at the City Council planning retreat. If this policy is approved the plan will be developed later, in various and multiple stages, with completion targeted for late fall.

- 2. Receive update on the sale of City of Temple, Texas General Obligation Refunding Bonds, Series 2011.**

Traci Barnard, Finance Director, introduced Jennifer Douglas, with Specialized Public Finance, Inc., the City's financial advisors. Ms. Douglas reminded the Council the delegation ordinance for these refunding bonds was approved in December. The bonds were sold on February 28th, in the amount of \$24,120,000. The closing occurs today on three separate issues, the Combination Tax & Revenue Certificates of Obligation, Series 2002, General Obligation Refunding & Improvement Bonds, Series 2003, and Waterworks & Sewer System Revenue Bonds, Series 2002. The total savings recognized was \$1,350,633. Standard & Poor's also affirmed the City's AA rating with this issuance.

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

David Blackburn, City Manager, discussed the FY 2012 budget process and calendar with the Council. He once again reviewed the fence posts he will use to develop the budget. The updated budget calendar was also discussed.

- 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

Autumn Speer, Director of Community Services, began with a discussion of the proposed Temple Medical and Education District (TMED) Code amendments. She explained the TMED standards were approved on January 6, 2011 and zoning map changes were approved on February 3rd, with the exception of 165 residential properties that were tabled at that time.

Mrs. Speer stated the first proposed code amendment is the request to add the nursing home/assisted living use. This request was initiated by a property owner in TMED during the public hearing process. Commercial standards would apply to this use. The second code amendment was initiated by Temple College after the public hearing process. The current requirement is that parking structures in special districts require ground floor retail. The proposed amendment would require all structured parking on public frontages in SD district to adhere to screening requirements and include one additional ornamental tree planted every 25 feet. Mrs. Speer explained the screening requirements.

The third proposed code amendment was initiated by the City Council during the rezoning process because it was felt that the standards were too stringent for existing residential properties. Mrs. Speer showed the location of the 165 residential locations in TMED along Avenue M, South 5th Street and South 3rd Street. The proposed amendment would only require full compliance for new construction or change in use from single-family residential to multi-family and non-residential uses. All other residential modifications would be required to undergo internal staff review, meet general standards for lot dimensions and setbacks, conform to TMED use table, off street parking ratios of two spaces per dwelling unit and metal facade requirements for residential primary or accessory structures.

The last proposed code amendment was also initiated by the City Council as a concern with the potential damage from street trees and infrastructure. The proposed amendment would designate specific trees as street trees on the approved tree list. Mrs. Speer showed examples of these specific trees and reviewed the current street tree requirements. She also presented some implementation options for the Council to consider for both developer and City-initiated implementation. The potential impact to the City's tree farm was also discussed.

Councilmember Dunn asked if the City would be required to irrigate the trees after planting.

Mrs. Speer stated the developer currently has the obligation to plant the trees and provide irrigation, as well as replacing them if needed.

Mayor Jones stated if the residential standards are lowered the landscape in residential areas will not change significantly from what is in place today. There are some options to be considered, such as the City planting the trees and property owners providing irrigation.

Councilmember Janczak stated he felt the City should grow as many trees as possible at the tree farm.

Mrs. Speer stated these proposed code amendments are scheduled to go to the Planning and Zoning Commission on March 21st, then to Council on April 21st. After

approval of the code amendments on first reading, the zoning of the 165 residential properties that was previously tabled will be included on the April 21st agenda.

Brian Mabry, Planning Director, discussed the Unified Development Code (UDC), Phase 2. He began by explaining one of the goals in the Comprehensive Plan recommends the development of a UDC, which is a coordinated set of regulations related to land development. Mr. Mabry stated the goals of Phase 1 were to reformat, reorganize and clarify the document as a base document for Phase 2. The second phase will implement the immediate and short-term policy recommendations of the Comprehensive Plan and make staff recommended administrative adjustments.

Mr. Mabry discussed the membership of the policy committee that has been established to provide 'big picture' guidance on the project and give the staff feedback on prioritizing the Comprehensive Plan recommendations. Next, Mr. Mabry presented the schedule and work products for Phase 2. He provided sample work products from each of the modules. The Planning and Zoning Commission public hearing will be scheduled for late summer 2012, with City Council public hearing and final adoption in the early fall of 2012.

Mrs. Speer provided the next update to the Council regarding the International Residential Code (IRC), International Building Code (IBC), and the International Fire Code (IFC) updates from 2006 to 2009. She explained these model code regulations safeguard public health and safety. The new codes, which are updated every three years, modify and clarify the current requirements and make additions for new requirements as new technology and needs evolve. All of the proposed codes have been presented to the Temple Area Builders Association (TABA) for their review. The Building Board of Appeals is scheduled to review the codes in April, followed by City Council public hearings and adoption in May.

Mrs. Speer continued with a summary of the IRC, the IBC and the IFC, noting some of the more significant changes being proposed in each.

The City Council of the City of Temple, Texas conducted a Regular Meeting on Thursday, March 17, 2011 at 5:00 PM in the Council Chambers, Municipal Building, 2nd Floor, 2 North Main Street.

Present:

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

Absent:

Councilmember Russell Schneider

I. CALL TO ORDER

1. Invocation

Pastor Dana Wilhelmsen, Immanuel Lutheran Church, voiced the Invocation.

2. Pledge of Allegiance

Pastor Wilhelmsen led the Pledge of Allegiance.

II. PROCLAMATIONS & SPECIAL RECOGNITIONS

3. (A) Social Work Month March, 2011

Mayor Jones presented this proclamation to Dr. Diane Ruud, Social Work Department, Central Texas Veterans Healthcare System.

(B) The Great American Clean Up March 17 - May 31, 2011

Mayor Jones presented this proclamation to Lisa Sebek, Director of Solid Waste Service, City of Temple.

III. PUBLIC APPEARANCES

4. Receive comments from Mr. Andrew Machuca regarding oak wilt prevention.

Andrew Machuca, Jody's Tree Service, discussed the prevention of oak wilt in our community. He explained how trees are affected by oak wilt and how it is spread. Mr. Machuca asked the City of Temple to help spread the word throughout the community about oak wilt prevention.

IV. PUBLIC COMMENTS

There were no public comments made at this meeting.

V. CONSENT AGENDA

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

(A) February 10, 2011 Special Called Meeting

(B) March 3, 2011 Special Called and Regular Meeting

(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.

(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.

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

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

Motion passed unanimously.

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.**

Brian Mabry, Director of Planning, presented this case to the City Council. He explained the proposed amendments to the Unified Development Code, one of which is to change the authority for the person who can grant a sidewalk waiver from the Director of Public Works to the Director of Community Services. The current criteria for waiving sidewalks will be retained. The other proposed amendment is to establish definitions for sidewalks and trails in the Unified Development Code. Mr. Mabry showed photo examples of both.

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

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

Motion by Mayor Pro Tem Patsy E. Luna to adopt ordinance, with second and final reading set for April 7, 2011, seconded by Councilmember Marty Janczak.

Motion passed unanimously.

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.**

Brian Mabry, Director of Planning, presented this case to the City Council. It involves a vacant lot which sides on South 31st street and is surrounded by transitional land uses. Mr. Mabry showed surrounding uses on an aerial map and ground level photos. The request is in compliance with the Future Land Use and Character Map and Thoroughfare Plan. Utilities are available to serve the tract. One notice was returned in approval of the request and one was received in disapproval. The Planning and Zoning Commission unanimously recommended approval of the requested rezoning to General Retail.

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

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

Motion by Mayor Pro Tem Patsy E. Luna to adopt ordinance, with second and final reading set for April 7, 2011, seconded by Councilmember Danny Dunn.

Motion passed unanimously.

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.**

Brian Mabry, Director of Planning, presented this case to the City Council. The property is vacant and is proposed for the location of a duplex, fronting on South 2nd Street. Mr. Mabry showed photos of surrounding uses and zoning. He also presented the Two-Family dimension standards. The property is near but outside the TMED area recently rezoned. The request conforms to the Future Land Use and Character Map and Thoroughfare Plan. Utilities are available to serve the tract. The Planning and Zoning Commission unanimously recommended approval of the requested rezoning.

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

Pat Patterson, 2116 West Avenue H, owner of the lot, addressed the City Council. He stated this is a large lot and he would like to build a duplex in this location. Mr. Patterson added that he owns the house to the north also.

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

Motion by Councilmember Marty Janczak to adopt ordinance, with second and final reading set for April 7, 2011, seconded by Councilmember Danny Dunn.

Motion passed unanimously.

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.

Brian Mabry, Director of Planning, presented this zoning case to the City Council. The request is to establish a retail development. Mr. Mabry displayed an aerial photo of the subject property and surrounding uses. The request complies with the Future Land Use and Character Map and Thoroughfare Plan. Utilities serve the property. Seven notices were mailed to surrounding property owners, with two being returned in approval and none in disapproval of the requested rezoning. The Planning and Zoning Commission unanimously recommended approval of the rezoning.

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

Pat Patterson, 2116 West Avenue H, stated he has owned this property for seven years. A plat request will be forthcoming. He stated he will be constructing his new office at this location, as well as other general retail uses.

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

Motion by Mayor Pro Tem Patsy E. Luna to adopt ordinance, with second and final reading set for April 7, 2011, seconded by Councilmember Marty Janczak.

Motion passed unanimously.

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.

Jonathan Graham, City Attorney, presented this item to the City Council. This ordinance would add a section to the chapter in the City Code relating to traffic prohibiting vehicles from using any type of engine brakes, or "jake" brakes, within the City, with the exception of emergency

vehicles. This ordinance would apply city-wide but would be handled on a complaint basis for posting of signs.

Mayor Jones declared the public hearing open with regard to agenda item 10 and asked if anyone wished to address this item.

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

Motion by Councilmember Danny Dunn to adopt ordinance, with second and final reading set for April 7, 2011, seconded by Mayor Pro Tem Patsy E. Luna.

Motion passed unanimously.

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.**

David Blackburn, City Manager, presented this item to the City Council. In 2009 the City was awarded the Energy Efficiency and Conservation Block Grant from the U.S. Department of Energy. Upon 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. Eleven goals have been identified in the policy such as reducing energy costs, preventing pollution, conserving water, etc., many of which are already in practice. A management plan will follow the adoption of the policy, Mr. Blackburn stated.

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

Motion passed unanimously.

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.**

It was recommended that Florencio Olivares be appointed to this board.

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

Motion passed unanimously.

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.**

Traci Barnard, Director of Finance, presented this item to the Trustees. 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 has received notification from the State Comptroller's Office which would require an amendment to the Declaration of Trust. These amendments are housekeeping in nature and have been reviewed by the City Attorney's Office and Finance Department.

Motion by Mr. Janczak, seconded by Mrs. Luna, that amendment to the Declaration of Trust be approved as recommended.

Motion passed unanimously.

William A. Jones, III, Mayor

ATTEST:

Clydette Entzminger
City Secretary



COUNCIL AGENDA ITEM MEMORANDUM

04/07/11
Item #5(B)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Gary O. Smith, Chief of Police

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of ten (10) mobile digital video systems for the new police vehicles from L-3 Mobile Vision utilizing the Houston-Galveston Area Council Interlocal Cooperative, HGAC contract # EF04-09, in the amount of \$55,247.50.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The Police Department seeks approval to purchase mobile digital video systems to be installed in the ten (10) replacement vehicles that are on order. The digital video system being considered is the same system we are now using on the six traffic motorcycles and the 11 vehicles we purchased last year. This system wirelessly downloads videos to a server which reduces the time that officers and employees must handle cassettes and DVDs, as well as reducing the costs associated with purchasing these recording media. The system also provides for much quicker access to the recordings by officers, supervisors, and prosecutors, saving considerable time when incidents need to be reviewed, or are moving through the criminal justice system.

This purchase is being recommended utilizing a Houston-Galveston Area Council (HGAC) Cooperative contract. All contracts available through the HGAC Cooperative have been awarded by virtue of a public competitive procurement process compliant with state statutes.

FISCAL IMPACT: In the FY 2011 budget, funding in the amount of \$350,000 was appropriated in account 110-2031-521-62-13, project # 100640 for the purchase of 10 marked police vehicles and related accessories. The mobile digital video systems were included as an accessory in the original budgeted amount for each vehicle. To date, all vehicles have been purchased along with some of the accessories. A balance of \$71,164.45 is available to purchase the mobile digital video systems.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF 10 MOBILE DIGITAL VIDEO SYSTEMS FOR THE NEW POLICE VEHICLES FROM L-3 MOBILE VISION UTILIZING THE HOUSTON-GALVESTON AREA COUNCIL INTERLOCAL COOPERATIVE, HGAC CONTRACT #EF04-09, IN THE AMOUNT OF \$55,247.50; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Police Department needs to purchase mobile digital video systems to be installed in 10 police vehicles that are on order;

Whereas, the digital video system being considered wirelessly downloads videos to a server which reduces the time that officers and employees must handle cassettes and DVD's, as well as reducing the costs associated with purchasing these recording media;

Whereas, the Staff recommends purchasing the mobile digital video systems from L-3 Mobile Vision utilizing the Houston-Galveston Area Council Interlocal Cooperative contract pricing (contract # EF04-090) in the amount of \$55,247.50;

Whereas, funds are available for this purchase in Account 110-2031-521-6213, project # 100640; and

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

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

Part 1: The City Council authorizes the purchase of 10 mobile digital video systems for police vehicles from L-3 Mobile Vision utilizing the Houston-Galveston Area Council Interlocal Cooperative contract pricing (contract # EF04-090), for a cost not to exceed \$55,247.50.

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

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

PASSED AND APPROVED this the 7th day of **April**, 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

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Item #5(C)
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DEPT./DIVISION SUBMISSION & REVIEW:

Ken Cicora, Director of Parks and Leisure Services

ITEM DESCRIPTION: Consider adopting a resolution authorizing the following purchases utilizing the BuyBoard Cooperative:

1. Toro Groundmaster 5900 mower from Professional Turf Products, L.P. of Euless, in the amount of \$77,952.05, and
2. Two-person, 24-foot Hino Landscaper truck from Rush Truck Center of Buda, in the amount of \$70,179.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On March 17, 2011, the City Council approved the appropriation of funding to hire staff and equipment to mow the Texas Department of Transportation (TxDOT) right of way areas, and to maintain storm drainage inlets and drains within the city limits of Temple.

Funding will be 50% from the general fund unallocated fund balance, and 50% from drainage systems.

Staff is requesting Council approval for the purchase of a Toro Groundmaster 5900 mower from Professional Turf Products of Euless, Texas, to mow TxDOT right of way areas to include exit and entrance ramps, medians, and overpasses. The cost utilizing the BuyBoard Cooperative is \$77,952.05.

We are also requesting authorization to purchase of a two-person, 24-foot Hino Landscaper truck. This truck will carry the mowers and other mowing accessories around to job sites. This will be the most efficient way to transport the mowing equipment and will result in the most efficient use of the crew's time by reducing drive time between locations. The price for this piece of equipment is \$70,179, also from the BuyBoard Cooperative.

As stated above, the price received for both pieces of equipment is through the BuyBoard Cooperative. All offerings available through the BuyBoard have been procured in accordance with the competitive bid requirements.

Both pieces of equipment will be able to be used by the Parks and Drainage Divisions.

FISCAL IMPACT:

Equipment Description	Account	Amount
A) Toro Groundmaster 5900 mower	110-3500-552-6222, project 100719	\$38,976
	292-2900-534-6222, project 100719	\$38,976
Total		\$77,952

Equipment Description	Account	Amount
B) Two-person, 24-foot Hino Landscaper truck	110-3500-552-6222, project 100721	\$35,090
	292-2900-534-6222, project 100721	\$35,090
Total		\$70,180

Funding for the equipment is split between the General Fund fifty percent (50%) and the Drainage Fund fifty percent (50%) based on the work that will be performed by the crew.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF A TORO GROUNDMASTER 5900 MOWER (\$77,952.05) FROM PROFESSIONAL TURF PRODUCTS, LP, OF EULESS, TEXAS, AND A TWO-PERSON 24-FOOT HINO LANDSCAPER TRUCK (\$70,179.00) FROM RUSH TRUCK CENTER OF BUDA, TEXAS, WITH BOTH PURCHASES THROUGH THE BUYBOARD LOCAL GOVERNMENT ONLINE PURCHASING COOPERATIVE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on March 17, 2011, the City Council approved the hiring of staff and the purchasing of equipment to mow the TxDOT right of way areas and to maintain storm drainage inlets and drains within the city limits;

Whereas, the Staff recommends purchasing a Toro Groundmaster 5900 mower (\$77,952.05) from Professional Turf Products, L.P., of Euless, Texas, and a two-person, 24-foot Hino Landscaper truck (\$70,179.00) from Rush Truck Center of Buda, Texas, with both purchases through the BuyBoard Local Government Online Purchasing Cooperative;

Whereas, funds are available for the purchases in Account Nos. 110-3500-552-6222 and 292-2900-534-6222, project # 100719 (mower) and project #100721 (truck); and

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

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

Part 1: The City Council authorizes the purchase of a Toro Groundmaster 5900 mower (\$77,952.05) from Professional Turf Products, L.P., of Euless, Texas, and a two-person, 24-foot Hino Landscaper truck (\$70,179.00) from Rush Truck Center of Buda, Texas, with both purchases through the BuyBoard Local Government Online Purchasing Cooperative.

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

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

PASSED AND APPROVED this the 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

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Consent Agenda
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DEPT./DIVISION SUBMISSION & REVIEW:

Nicole Torralva, P.E., Director of Public Works
Johnnie Reisner, Superintendent of Water Production

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of six (6) chemical pumps for the Conventional Water Treatment Plant from Environmental Improvements, Inc. of Buda, in the amount of \$40,564.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: A series of chemical pumps are in place in the basement of the Conventional Water Treatment Plant, feeding chemicals to various processes in the treatment system. These chemicals include caustic, fluoride, LAS, and alum. Existing pumps are between 8 and 10 years old, and have reached the end of their expected life. Bearing and head problems have developed, and replacement parts are difficult to find, necessitating this request to purchase 6 new Watson-Marlow chemical pumps to replace the failing units.

Currently, three new updated Watson-Marlow pumps are in use at the Conventional Plant. To maintain consistent operations and continuity within the plant, this purchase is identified as a sole source purchase through Environmental Improvements, Inc., who is the exclusive distributor of the Watson-Marlow pumps in Texas. Utilizing a different pump would cause longer downtime for the replacement process and would require adapter kits for installation. These chemical pumps run continuously on a 24 hour, 7 day a week schedule – therefore, it is imperative to limit time spent on replacement, and minimize disruption to the normal water treatment process.

FISCAL IMPACT: Funding in the amount of \$40,564 is available in account 520-5100-535-6310, project #100724, for the purchase of the six chemical pumps for the Conventional Water Treatment Plant.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF 6 CHEMICAL PUMPS FOR THE CONVENTIONAL WATER TREATMENT PLANT FROM ENVIRONMENTAL IMPROVEMENTS, INC., OF BUDA, TEXAS, IN THE AMOUNT OF \$40,564; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, 6 new Watson-Marlow chemical pumps need to be purchased to replace failing pumps at the Conventional Water Treatment Plant;

Whereas, Staff recommends a sole source purchase of the pumps from Environmental Improvements, Inc., of Buda, Texas, in the amount of \$40,564;

Whereas, funds are available for this purchase in Account No. 520-5100-535-6310, project #100724; and

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

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

Part 1: The City Council authorizes the purchase of 6 chemical pumps at the Conventional Water Treatment Plant from Environmental Improvements, Inc., of Buda, Texas, in the amount of \$40,564.

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

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

PASSED AND APPROVED this the **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

04/07/11
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DEPT./DIVISION SUBMISSION & REVIEW:

Ken Cicora, Parks and Leisure Services Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing an amendment in the amount of \$10,522 to the professional services agreement with Kasberg, Patrick and Associates for the design of the Friar's Creek Trail Project for a total amended contract value of \$35,222.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: This trail is partially funded by a Department of Energy grant in the amount of \$413,000. In addition to the grant funds, the Reinvestment Zone No. 1 has budgeted \$1,500,000 of additional funds for the project. The Friar's Creek Trail Project will result in the construction of a concrete trail that will connect the Temple College area with Scott & White Hospital in the TMED area.

A contract with Kasberg, Patrick and Associates was created for the design services for this project in the amount of \$24,700. As the design has progressed on this project it has been necessary to expand the scope of the original contract to include additional professional services. Two contract amendments totaling \$10,522 have been executed because of the expanded scope. As a result of the contract amendments, the total contract amount is \$35,222 and requires Council approval.

The additional services include researching existing easements, preparing metes and bounds for proposed easements, staking proposed easements, and performing an archaeological survey for the Texas Historical Commission.

FISCAL IMPACT: The design services are 100% grant funded and funds are available in account 260-1100-552-63-16, project # 100585.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH KASBERG, PATRICK & ASSOCIATES, LP, FOR DESIGN OF THE FRIAR'S CREEK TRAIL PROJECT, TO INCLUDE ADDITIONAL PROFESSIONAL SERVICES, IN THE AMOUNT OF \$10,522, FOR A TOTAL AMENDED CONTRACT AMOUNT OF \$35,222; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on October 4, 2010, the City entered into a professional services agreement with Kasberg, Patrick & Associates, L.P., in the amount of \$24,700 for engineering services for Phase I of the Friar's Creek Trail System;

Whereas, as the design has progressed on the project it has been necessary to expand the scope of the original contract to include additional professional services – 2 contract amendments totaling \$10,522 have been executed for the additional professional services, for a total contract amount of \$35,222;

Whereas, funding is available for the contract amendments in Account No. 260-1100-552-6316, project #100585; 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 amendment to the Professional Services Agreement with Kasberg, Patrick & Associates, LP, after approval as to form by the City Attorney, for the design of the Friar's Creek Trail Project, to add additional professional services in the amount of \$10,522, for a total amended contract amount of \$35,222.

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 7th day of **April**, 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

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DEPT./DIVISION SUBMISSION & REVIEW:

Ken Cicora, Parks and Leisure Services Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing a construction contract with Kraftsman Commercial Playgrounds & Water Park Equipment of Spring, for the purchase and installation of 3 new aquatic features for the West Temple Community Park splash pad in the amount of \$39,673.33 utilizing the BuyBoard Cooperative.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: This project will result in the placing of three new features for the splash pad in West Temple Community Park.

These three new features will replace three existing features at the splash pad. The new features will provide a different play experience for the users but will continue the overall theme of the splash pad of being a pond setting. The original features will be retained by the department so they can be re-installed in the future to keep the play experience fresh.

Kraftsman is the company that constructed the splash pad as part of the 2007 Bond Package and they did an excellent job. We found them to be very responsive and professional during the original construction of the facility.

The purchase and installation of these water features will be through the BuyBoard.

FISCAL IMPACT: A budget adjustment is presented for Council's approval appropriating \$10,800 of park developer fees from the Village of Sage Meadows IV subdivision to account 110-3500-552-6516, project #100723 for the purchase of 3 new aquatic features at the West Temple Community Park splash pad. In addition, the budget adjustment reallocates savings of \$28,874 in the Parks Department operating budget to fully fund the project of \$39,974.

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	
110-3500-552-65-16	100723	Park Impr-West Temple Splash Pad	\$ 39,674			
110-3500-552-26-23		Other Contract Services			28,874	
110-0000-461-08-30		Park Developer Fees-Sage Meadows	10,800			
TOTAL.....			\$ 50,474		\$ 28,874	

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

Appropriate \$10,800 in park developer fees from the Village of Sage Meadows IV subdivision and an additional \$28,874 from the Parks Department operating budget from remaining funds budgeted to meet Department of Health spray park requirements to fund a construction contract with Kraftsman Commercial Playgrounds & Water Park Equipment for the purchase and installation of 3 aquatic features for the West Temple Community Park splash pad in the amount of \$39,674.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒

Yes

☐

No

DATE OF COUNCIL MEETING

April 7, 2011

WITH AGENDA ITEM?

☒

Yes

☐

No

Department Head/Division Director

Date

☐
☐

Approved

Disapproved

Finance

Date

☐
☐

Approved

Disapproved

City Manager

Date

☐
☐

Approved

Disapproved

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH KRAFTSMAN COMMERCIAL PLAYGROUNDS & WATER PARK EQUIPMENT OF SPRING, TEXAS, FOR THE PURCHASE AND INSTALLATION OF 3 NEW AQUATIC FEATURES FOR THE WEST TEMPLE COMMUNITY PARK SPLASH PAD, IN AN AMOUNT NOT TO EXCEED \$39,673.33, THROUGH THE BUYBOARD LOCAL GOVERNMENT ONLINE PURCHASING COOPERATIVE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Staff recommends entering into a construction contract with Kraftsman Commercial Playgrounds and Water Park Equipment of Spring, Texas, for the purchase and installation of 3 new aquatic features for the West Temple Community Park splash pad;

Whereas, the purchase and installation of the water features is available through the Buyboard Local Government Online Purchasing Cooperative in the amount of \$39,673.33;

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

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute a construction contract, for an amount not to exceed \$39,673.33, between the City of Temple and Kraftsman Commercial Playgrounds & Water Parks of Spring, Texas, after approval as to form by the City Attorney, for the purchase and installation of 3 new aquatic features for the West Temple Community Park splash pad.

Part 2: The City Council approves an amendment to the FY2010-11 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 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

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DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing an extension of a contract through September 30, 2012, with Siemens Water Technologies Corporation of Sarasota, Florida for the service/supplier of chlorine dioxide/sodium chlorite in the estimated annual amount of \$250,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Chlorine Dioxide/Sodium Chlorite is used as a pre-oxidant for the taste and odor, iron, manganese and trihalomethanes in the potable drinking water treatment process. Due to the nature of this chemical, it must be carefully stored and requires the use of a chemical feed system, and accordingly, the City has historically contracted out to a supplier the requirements of maintaining chemical feed systems for the Chlorine Dioxide/Sodium Chlorite at the conventional plant.

On September 6, 2007, the City Council authorized a 3-year contract with the option to renew the contract for two additional 1-year periods with Siemens Technologies Corp. of Sarasota, Florida, for the service/supplier of chlorine dioxide/sodium chlorite at the Water Treatment Plant in the amount of \$.57 per pound. Inadvertently, the contract was drafted and executed for a period of four years expiring on September 30, 2011, instead of the initial three year period as authorized by Council.

Siemens Water Technologies Corporation has agreed to extend the contract through September 30, 2012, at a purchase price of \$.57 per pound. Staff is pleased with the products and service provided by Siemens Technologies Corp and recommends Council authorize an extension to their contract. This would be the first and final extension to the contract.

FISCAL IMPACT: Funding for this contracted chemical is budgeted in account 520-5100-535-2118, Water Treatment Plant Chemical Supplies, in the amount of \$250,000 for FY 2011. To date in FY 2011, \$51,208.80 has been expended for these chemicals.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS,
AUTHORIZING EXTENDING A CONTRACT WITH SIEMENS WATER
TECHNOLOGIES CORPORATION OF SARASOTA, FLORIDA, FOR THE
SERVICE/SUPPLIER OF CHLORINE DIOXIDE/SODIUM CHLORITE IN THE
ESTIMATED ANNUAL AMOUNT OF \$250,000; AND PROVIDING AN OPEN
MEETINGS CLAUSE.

Whereas, on September 6, 2007, the City entered into a 3-year contract with Siemens Water Technologies Corporation of Sarasota, Florida for the service and supply of chlorine dioxide/sodium chlorite for the Water Treatment Plant;

Whereas, the contract provided for the option to renew the contract for 2 additional 1-year periods – Siemens Water Technologies Corporation has agreed to extend the contract through September 30, 2012, at the same purchase price of \$.57 per pound;

Whereas, funds are budgeted in Account No. 520-5100-535-2118, for this purchase; and

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

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

Part 1: The City Council authorizes extending a contract with Siemens Water Technologies Corporation of Sarasota, Florida, for an additional year for the service/supplier of chlorine dioxide/sodium chlorite for the Water Treatment Plant (estimated annual expenditure is \$250,000) at \$.57 per pound.

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

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

PASSED AND APPROVED this the 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

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DEPT./DIVISION SUBMISSION & REVIEW:

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

Michael C. Newman, P.E., CFM, Assistant Director/City Engineer

ITEM DESCRIPTION: Consider adopting a resolution authorizing a change order to a construction contract with Utility Service Company, Inc. for construction activities required to add a PAX mixing system as part of the Taylor Road Tank Rehabilitation, in an amount not to exceed \$42,567.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Taylor Road Tank is currently being rehabilitated. Taylor Tank is a 1.0 MG storage facility that provides water to both City of Temple customers in the 876' pressure plane, as well as to Little-River Academy. During periods of low water usage, water quality within Taylor Tank must be closely monitored to ensure that chlorine residuals do not fall below state regulated standards. Installation of a mixing system inside the tank will help maintain better chlorine residuals and water quality throughout the year.

This change order will allow for Utility Service Company, Inc. to furnish and install (1) National Sanitation Foundation (NSF) Approved PAX Submersible Active Mixing System, together with all drives, motors, controls, and accessories necessary for a complete and operable active mixing system. T. Morales Company will be the electrician, providing power supply at the tank, and making the final connection between the PAX Mixer and the power supply. A map is attached showing the proposed project area.

The existing construction contract with Utility Service Company, including rehabilitation of Taylor Road Tank and Pepper Creek Tank, is \$724,900. Total cost for the Pepper Creek Tank portion of the project was \$233,600 and total cost for the Taylor elevated storage tank was \$491,300. This proposed change order #1, attached, totals \$42,567 and is related to the Taylor elevated storage tank. An additional ten (10) days construction time is requested with this change order.

FISCAL IMPACT: The proposed change order totals \$42,567. Funding in the amount of \$1,200,000 was appropriated for the rehabilitation of both tanks from the 2010 Utility Revenue Bond Issue. After funding engineering related services in the amounts of \$69,100, construction contract in the amount of \$491,300, and miscellaneous costs related to the project in the amount of \$9,348, a balance of \$42,567 remains available in account 561-5100-535-6904, project #100620 to fund this change order related to the rehabilitation of the Taylor Road tank.

ATTACHMENTS:

[Change Order #1](#)

[Project Map](#)

[Resolution](#)



KASBERG, PATRICK & ASSOCIATES, LP

CONSULTING ENGINEERS

Texas Firm F-510

RICK N. KASBERG, P.E.

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

THOMAS D. VALLE, P.E.

Temple

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

Georgetown

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

March 24, 2011

Mr. Samuel Hoefort, E.I.T.

City of Temple

3210 E. Avenue H

Building A

Temple, Texas 76501

Re: City of Temple, Texas
Taylor Road and Pepper Creek Tank Rehabilitation

Dear Mr. Hoefert:

Attached are four (4) copies of Change Order No. 1 for the referenced project.

This Change Order is for installation of a mixing system at the Taylor Road Elevated Storage Tank. Installation of this mixing system will aid in maintaining better chlorine residual and water quality. Change Order No. 1 reflects a total add for the mixing system of \$42,567.00 and an additional 10 calendar days. Please execute the enclosed copies and return a copy to RPK and Utility Service Co., Inc.

Sincerely,

Ginger R. Tolbert, P.E.

GRT/

xc: Mr. Ross Smith, Utility Services Co., Inc.
2010-121-40

CHANGE ORDER

PROJECT: **Pepper Creek and Taylor Road Tank Rehabilitation**
 OWNER: **City of Temple**
 CONTRACTOR: **Utility Service Company, Inc**
 ENGINEER: **Kasberg, Patrick & Associates, LP**
 CHANGE ORDER #: **1**

Make the following additions, modifications or deletions (circle those that apply) to the work described in the Contract Documents:

1. For the labor and equipment necessary to install PAX Mixing System in Taylor Road Tank.

Item	Description	Quantity	Unit	Cost	Total
CO1-1	PAX Mixing System	100%	LS	\$ 42,567.00	\$ 42,567.00
				Total Add	\$ 42,567.00

The compensation agreed upon in this Change Order is full, complete and final payment for all costs the Contractor may incur as a result of or relating to this change whether said costs are known, unknown, foreseen or unforeseen at this time, including without limitation, any cost for delay (for which only revised time is available), extended overhead, ripple or impact cost, or any other effect on changed or unchanged work as a result of this Change Order.

Original Contract Amount	\$	724,900.00
Previous Net Change in Contract Amount	\$	-
Net Change in Contract Amount	\$	42,567.00
Revised Contract Amount	\$	767,467.00
Original Contract Time		120 days
Previous Net Change in Contract Time		N/A
Net Change in Contract Time		10 days
Revised Contract Time		130 days
Original Final Completion Date		January 14, 2011
Revised Final Completion Date		May 23, 2011

Recommended By Engineer:

Approved By Contractor:

By: *Ginger R. Albert*
 3/24/11 Date

By: *Ad Blue* 3-23-11
 Date

Approved by City of Temple:

Approved as to Form:

By: _____

By: _____
 City Attorney's Office Date

**Utility Service Co., Inc.**

535 Courtney Hodges Blvd.

P.O. Box 1350

Perry, GA 31069

Phone (478) 987-0303

Fax (478) 987-9657

TEMPLE, TX CHANGE ORDER PROPOSAL #1

TO:	FROM:
Ginger Tolbert	Ross Smith
COMPANY:	DATE:
KPA Engineering	2/21/11
RE:	TOTAL NO. OF PAGES INCLUDING THIS PAGE:
PAX Mixer System	3

Dear Ginger,

We can provide all insurance, labor, materials, equipment, tools and accessories needed to complete the work as described below:

- Utility Service Co, Inc shall furnish and install **(1) NSF Approved PAX Submersible Active Mixing system**, together with all drives, motors, controls, and accessories necessary for a complete and operable active mixing system. PAX Submersible Active Mixing system shall consist of a low-voltage, water-filled submersible motor, an impeller, mounting tripod, float switch and a non-submersible control center that houses all control electronics.
- **Morales Company** will be the electrician. **The City of Temple** will manage the work by Morales Company. Monies are only being added to this proposal for funding purposes.
- **Morales Company** will provide 120 VAC, 15 AMP GFCI - Protected, 15 Amp Circuit power supply at the tank, and will make the final connection between the PAX Mixer and the power supply during the installation.
- **Morales Company** will be responsible for all trenching, conduit and electrical connections outside the tank.
- Upon completion of installation, Utility Service Co, Inc will power up the PAX Active Mixing system and complete electrical system check/IAR on PAX Control Center to verify proper operation.
- **Additional contract time required for this work is 10 days.**

Total = \$42,567

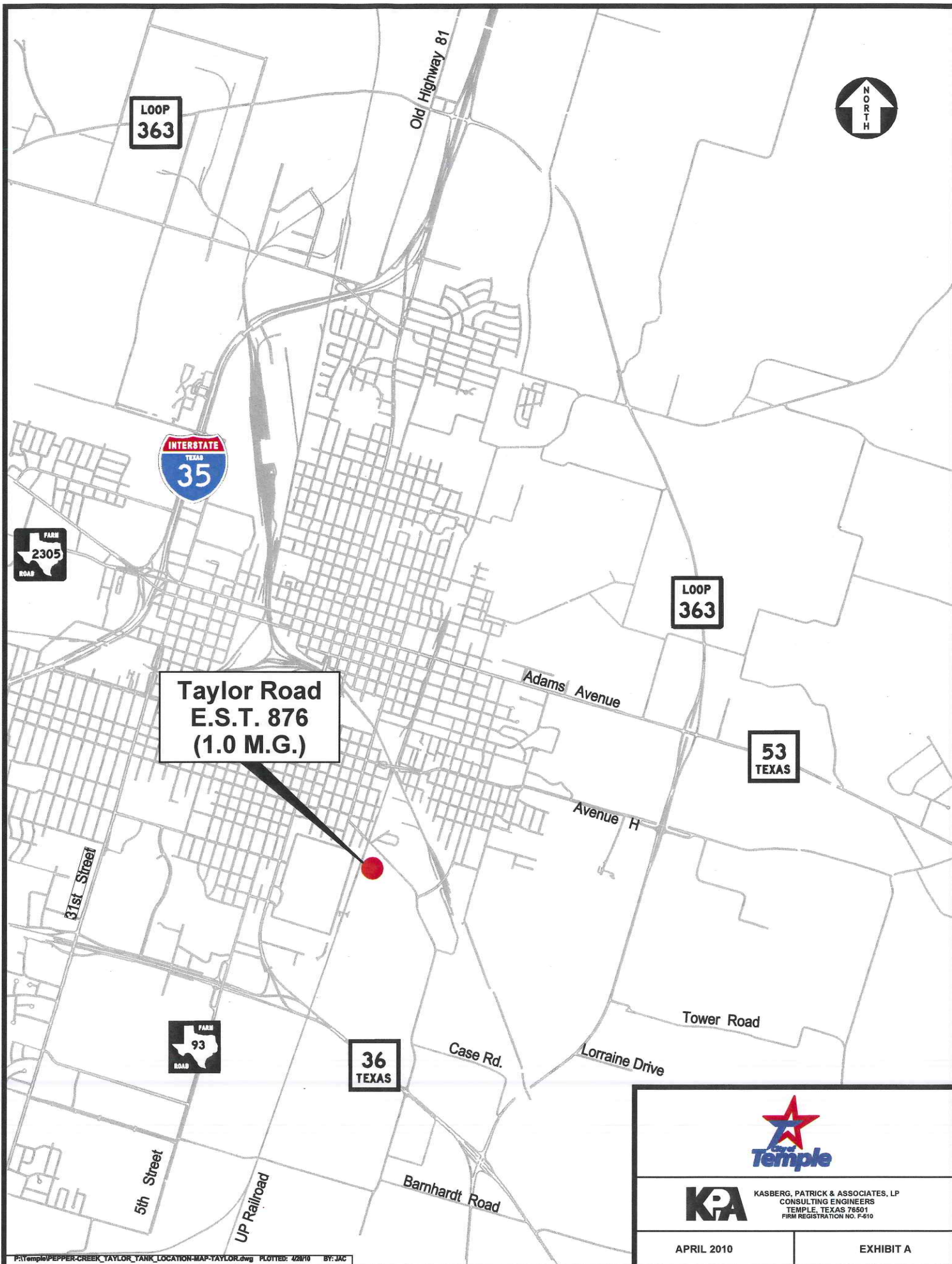
If the proposed work is acceptable to you please sign and return via fax (478-987-9657) or email rosssmith@utilityservice.com.
If you have any questions please call me at 478-988-5202.

Thank you,

Ross Smith

Accepted by: _____

Date: _____



KASBERG, PATRICK & ASSOCIATES, LP
CONSULTING ENGINEERS
TEMPLE, TEXAS 76701
FIRM REGISTRATION NO. F-410

APRIL 2010

EXHIBIT A

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CHANGE ORDER TO THE CONSTRUCTION CONTRACT WITH UTILITY SERVICES COMPANY, INC., OF PERRY, GEORGIA, FOR CONSTRUCTION ACTIVITIES REQUIRED TO ADD A PAX MIXING SYSTEM AS PART OF THE TAYLOR ROAD TANK REHABILITATION, IN AN AMOUNT NOT TO EXCEED \$42,567; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, in November, 2010, the City entered into a construction contract with Utility Services Company, Inc., of Perry, Georgia, for construction activities required to rehabilitate the Pepper Creek and Taylor Road elevated storage tanks located in west Temple and southeast Temple, respectively;

Whereas, the Taylor Road tank is currently being rehabilitated and the Staff recommends a change order to the contract (\$42,567) to allow the company to furnish and install a National Sanitation Foundation-approved PAX Submersible Active Mixing System, together with all drives, motors, controls, and accessories necessary for a complete and operable active maxing system;

Whereas, funds are available for this change order in Account No. 561-5100-535-6904 project #100620; 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 change order to the construction contract, not to exceed \$42,567, with Utility Services Company, Inc., of Perry, Georgia, after approval as to form by the City Attorney, to allow the company to furnish and install a PAX mixing system as part of the Taylor Road Tank Rehabilitation.

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 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

04/07/11
Item #5(l)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Brian Mabry, Planning Director

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

ITEM SUMMARY: Please refer to the Staff Report and draft minutes of case Z-FY-11-06, 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.

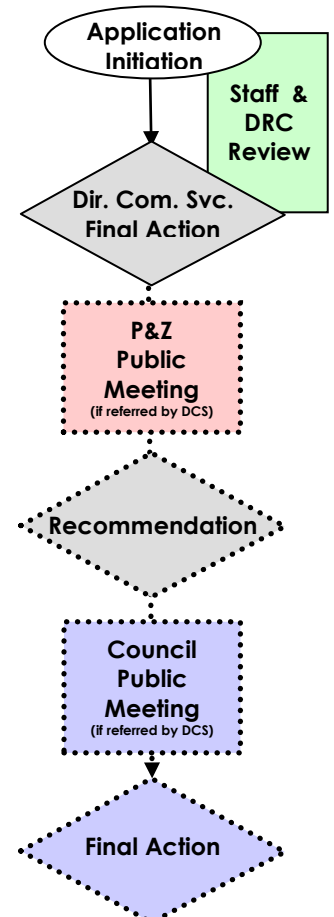
3.10.2 Review Process

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:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

04/07/11
Item #5(J)
Consent Agenda
Page 1 of 3

DEPT. / DIVISION SUBMISSION & REVIEW:

Brian Mabry, Planning Director

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

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

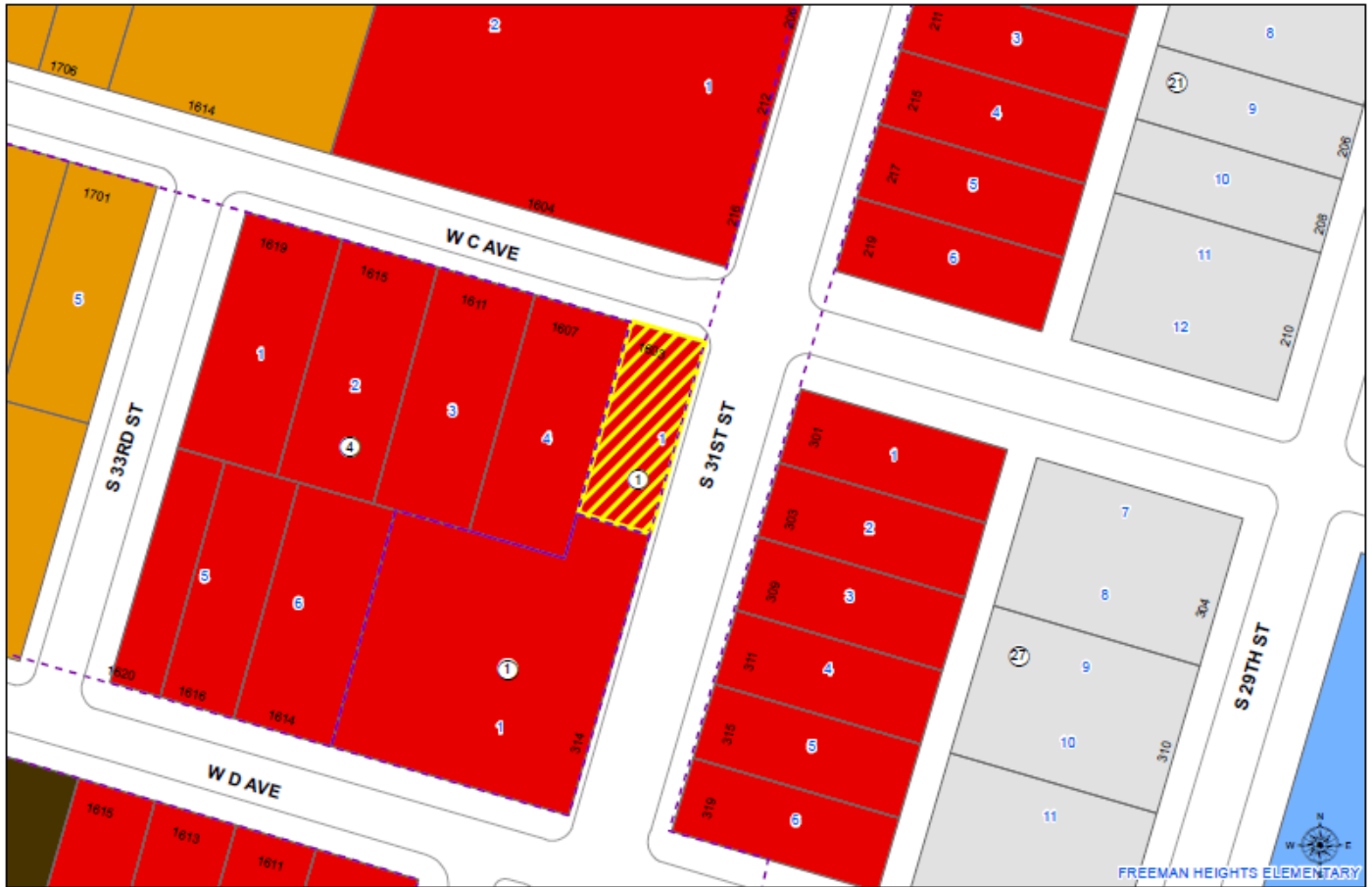
LMatlock Planning 1.21.11



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 | |

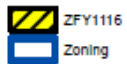
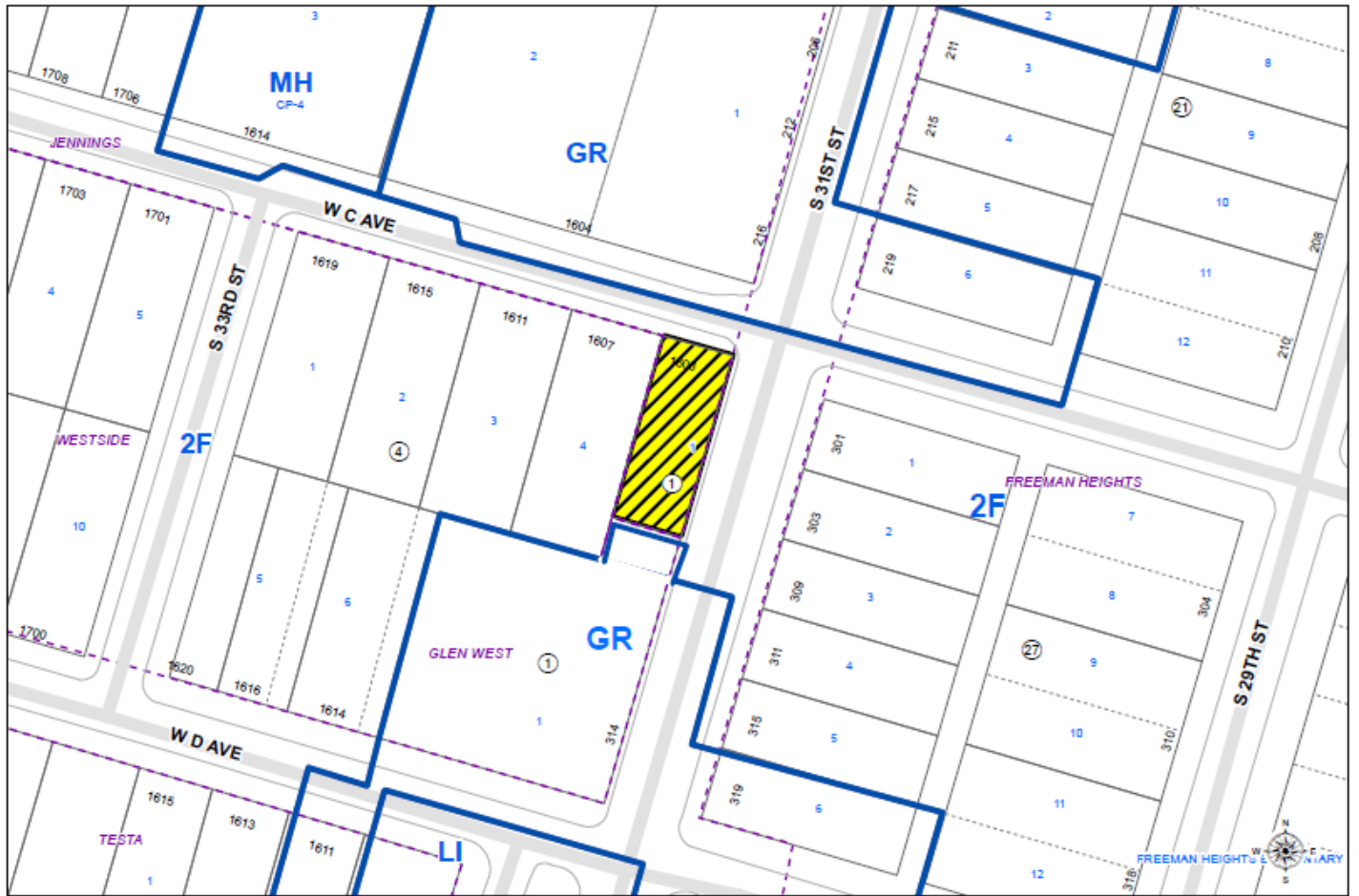
1 inch = 86 feet
LMatlock Planning 1.25.11



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



- | | | |
|-------------------------|-------------------------|----------------|
| ZFY1115, <Null> | Expressway | Minor Arterial |
| Major Arterial | Proposed Minor Arterial | |
| Proposed Major Arterial | Collector | |
| Proposed K-TUTS | 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

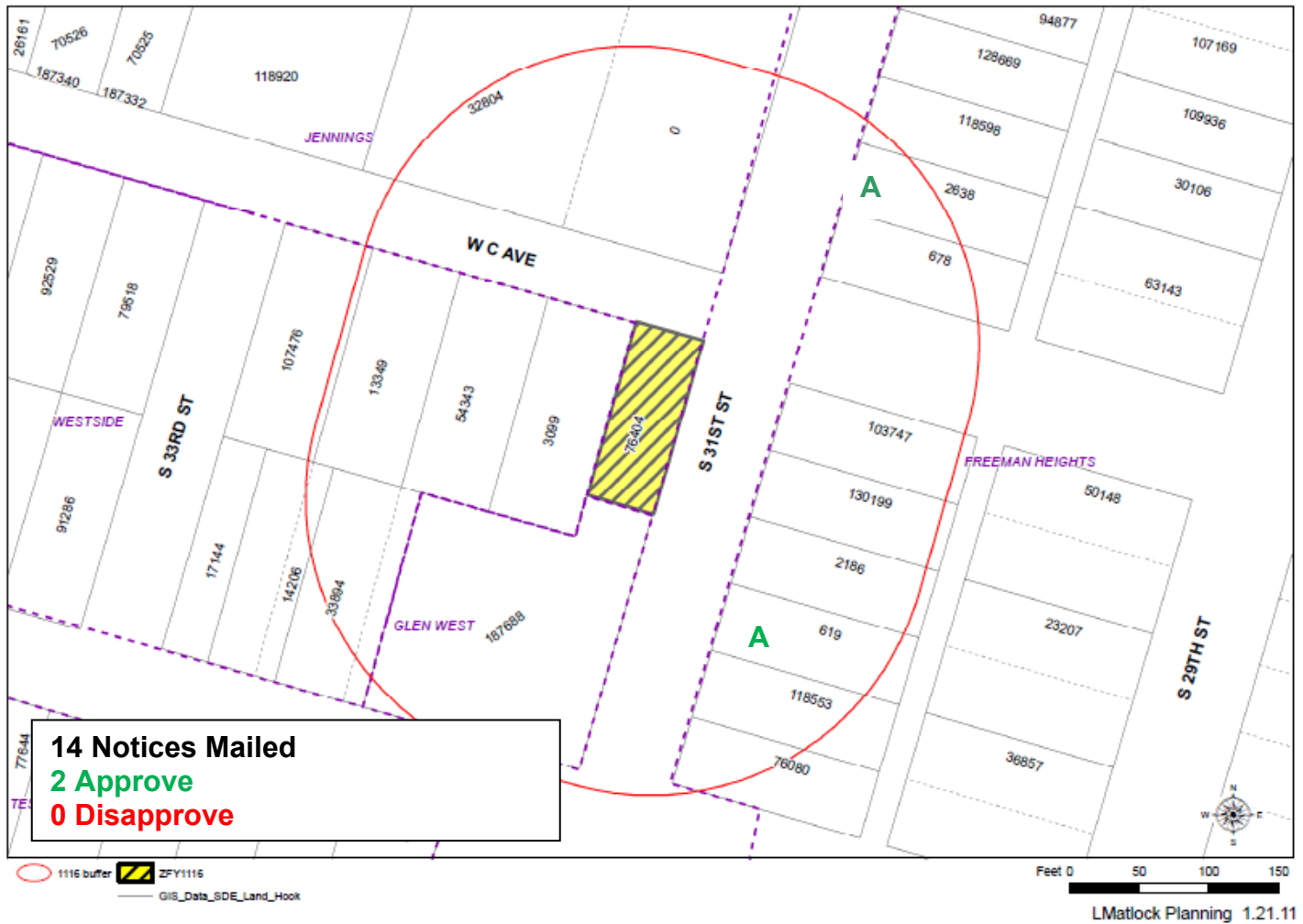


 ZFY1116  SEWER LINE
 WATER LINE

Feet 0 50 100 150

LMatlock Planning 1.21.11

12 inch Water Line





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

04/07/11
Item #5(K)
Consent Agenda
Page 1 of 3

DEPT./DIVISION SUBMISSION & REVIEW:

Brian Mabry, Planning Director

ITEM DESCRIPTION: SECOND READING – 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.

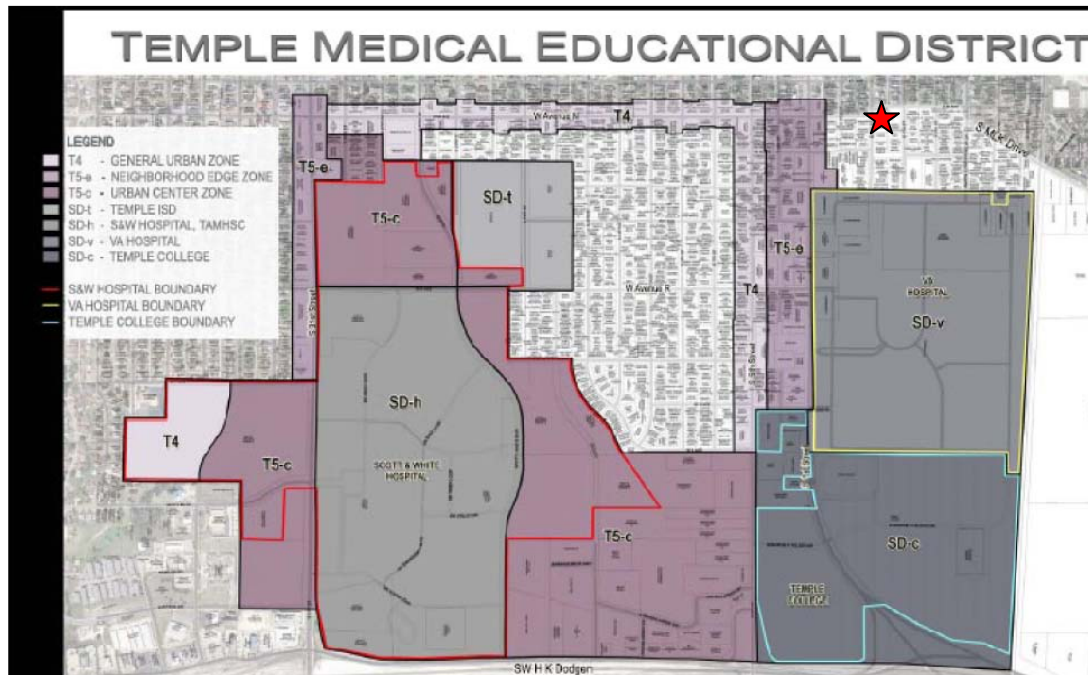
STAFF RECOMMENDATION: Adopt ordinance as presented in item description, on second and final reading.

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



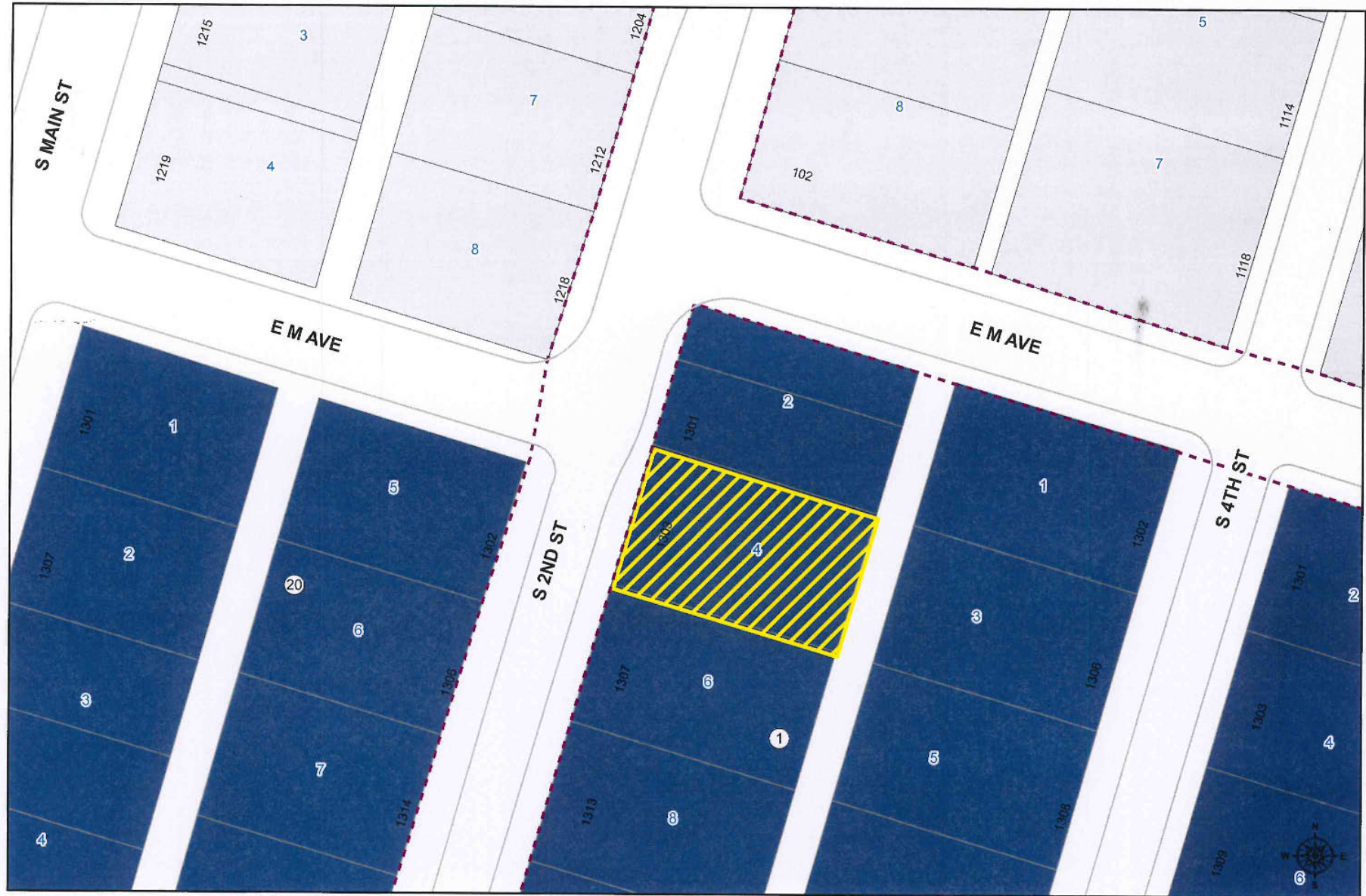
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Z-FY-11-17

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

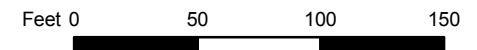
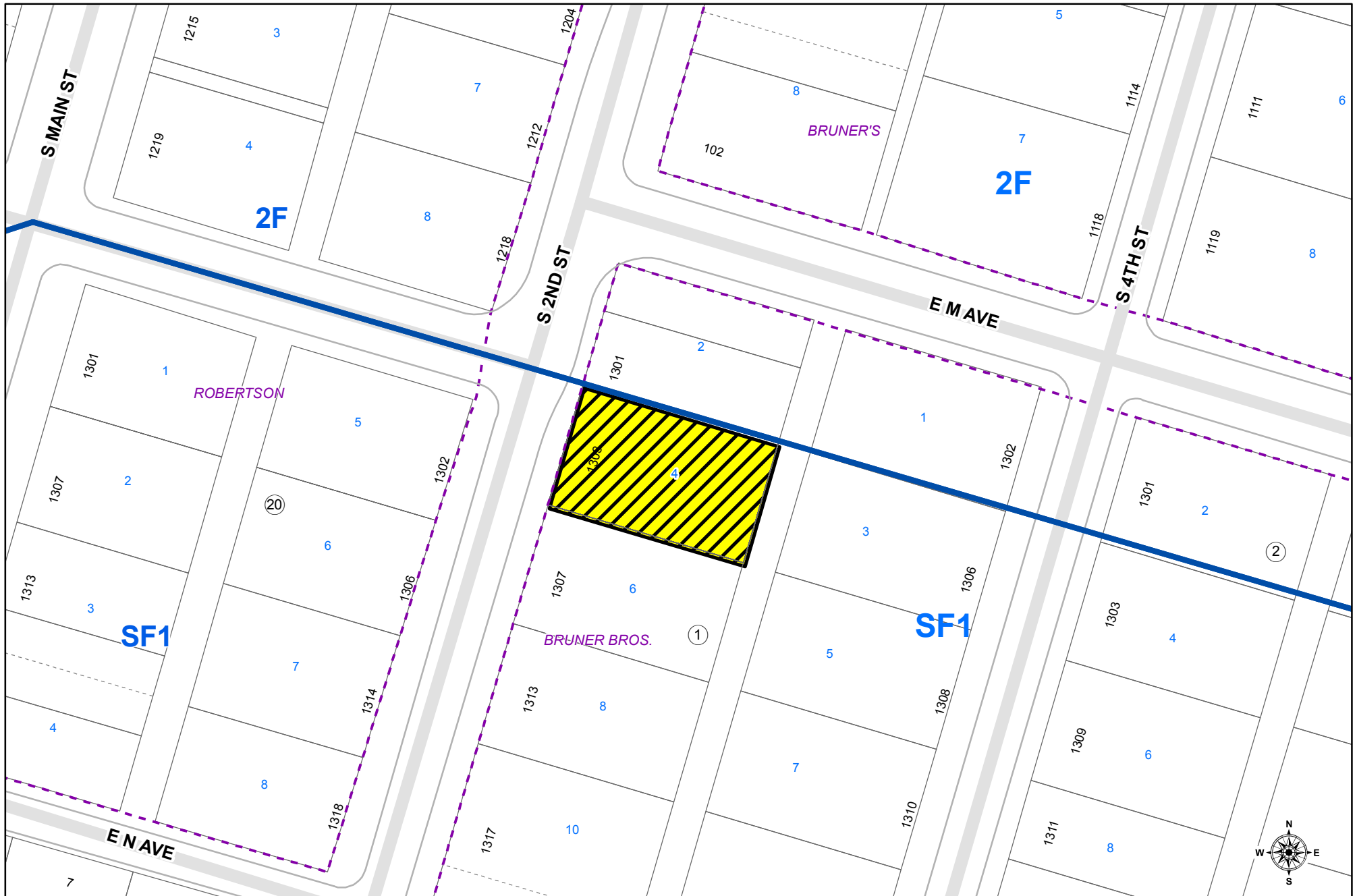
LMatlock Planning 1.25.11



Z-FY-11-17

Lot 4, Block 1, Bruner Brothers Addition

1303 S. 2nd Street

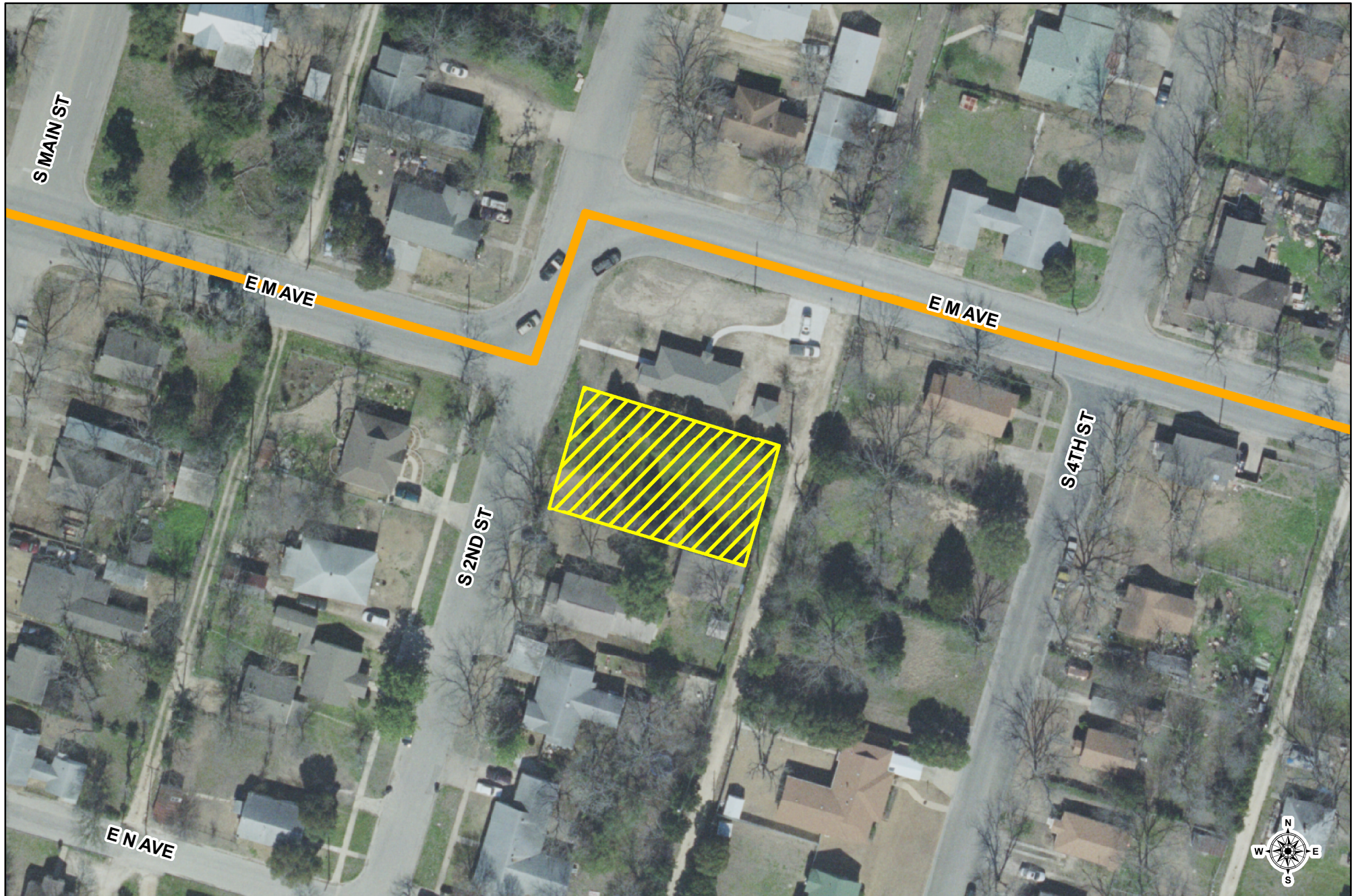




Z-FY-11-17

Lot 4, Block 1, Bruner Brothers Addition

1303 S. 2nd Street



Feet 0 50 100 150

Collector Case 1117



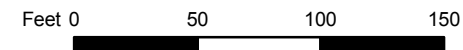
Z-FY-11-17

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

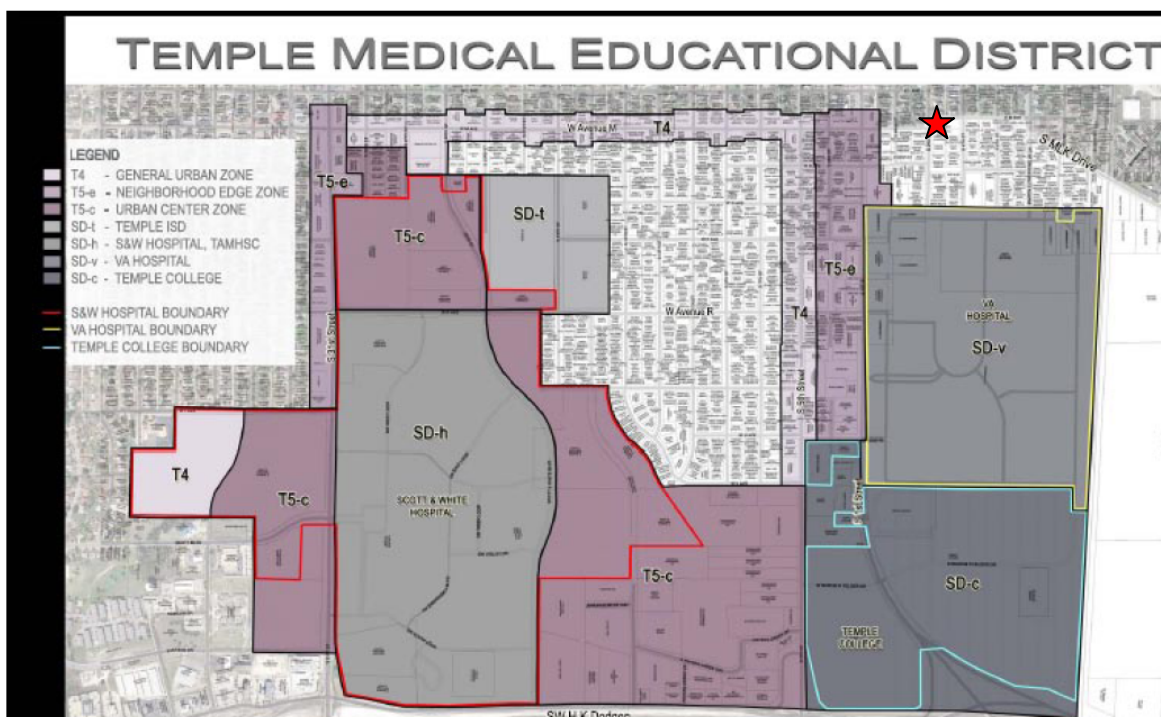
Page 1 of 4

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

04/07/11
Item #5(L)
Consent Agenda
Page 1 of 3

DEPT. / DIVISION SUBMISSION & REVIEW:

Brian Mabry, Planning Director

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

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

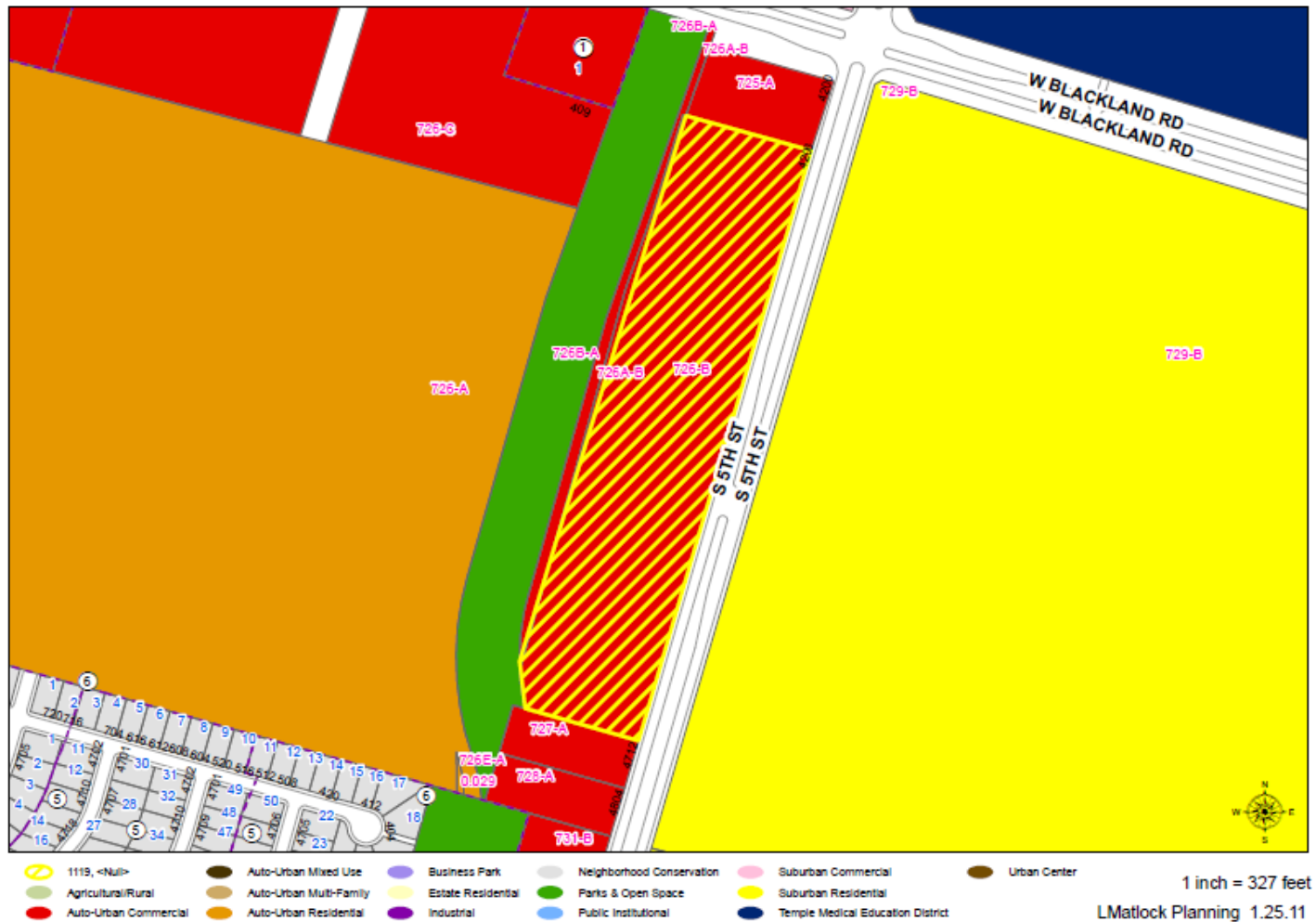
LMatlock Planning 1.25.11



Z-FY-11-19

Outblock 726-B

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

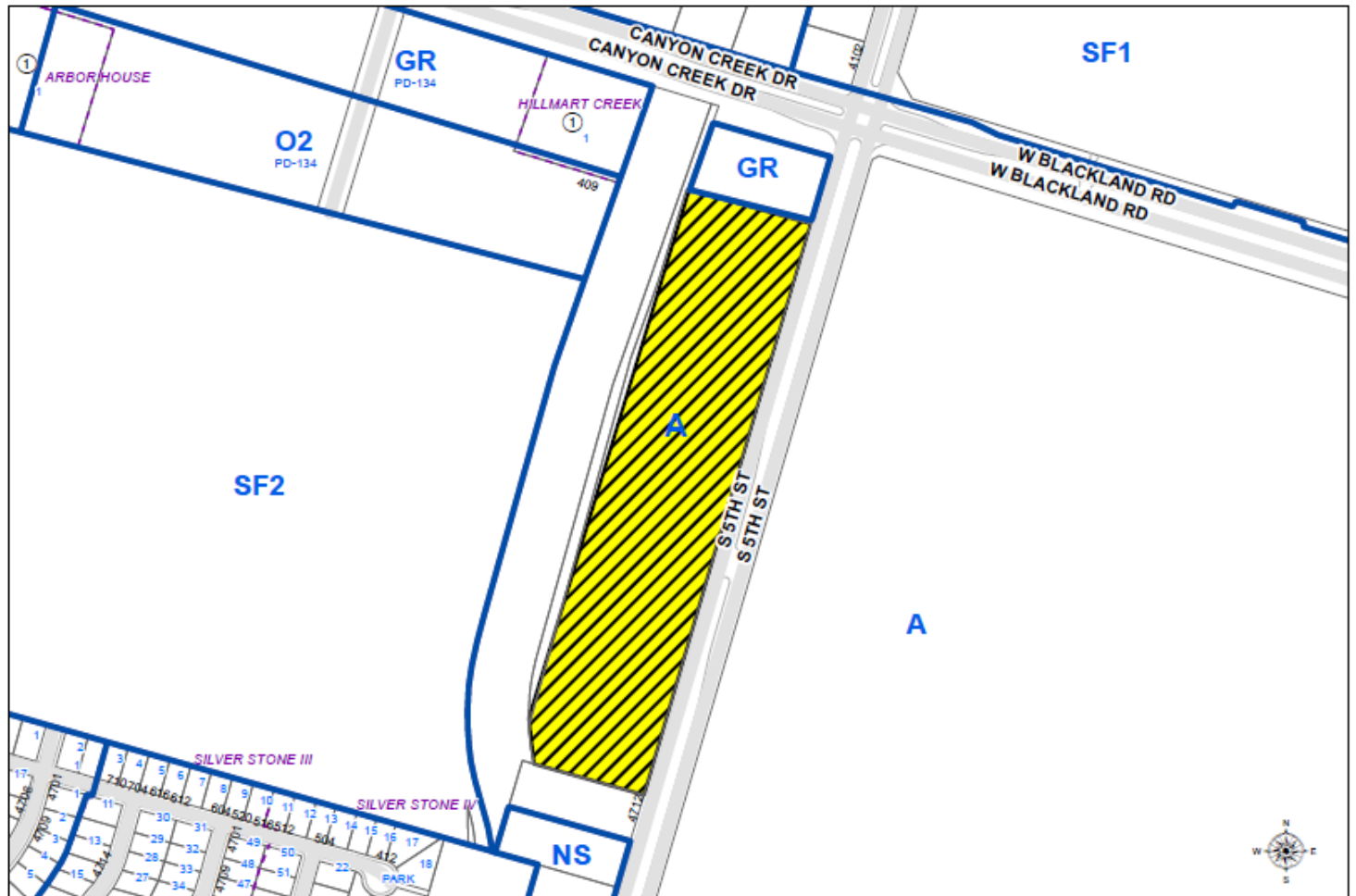




Z-FY-11-19

Outblock 726-B

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



1119



Zoning



Subdivisions

Feet 0 50100150

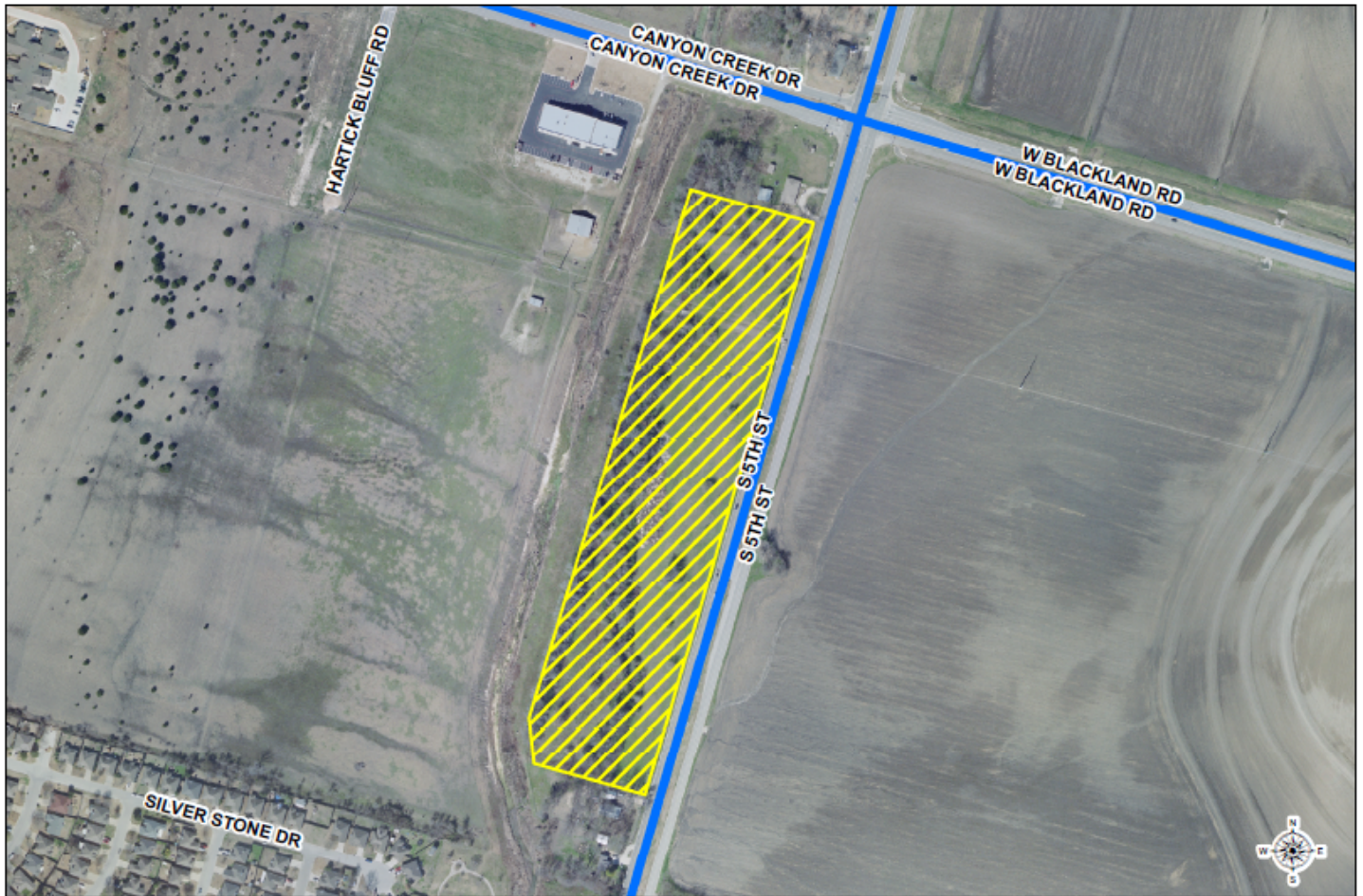
LMatlock Planning 1.25.11



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

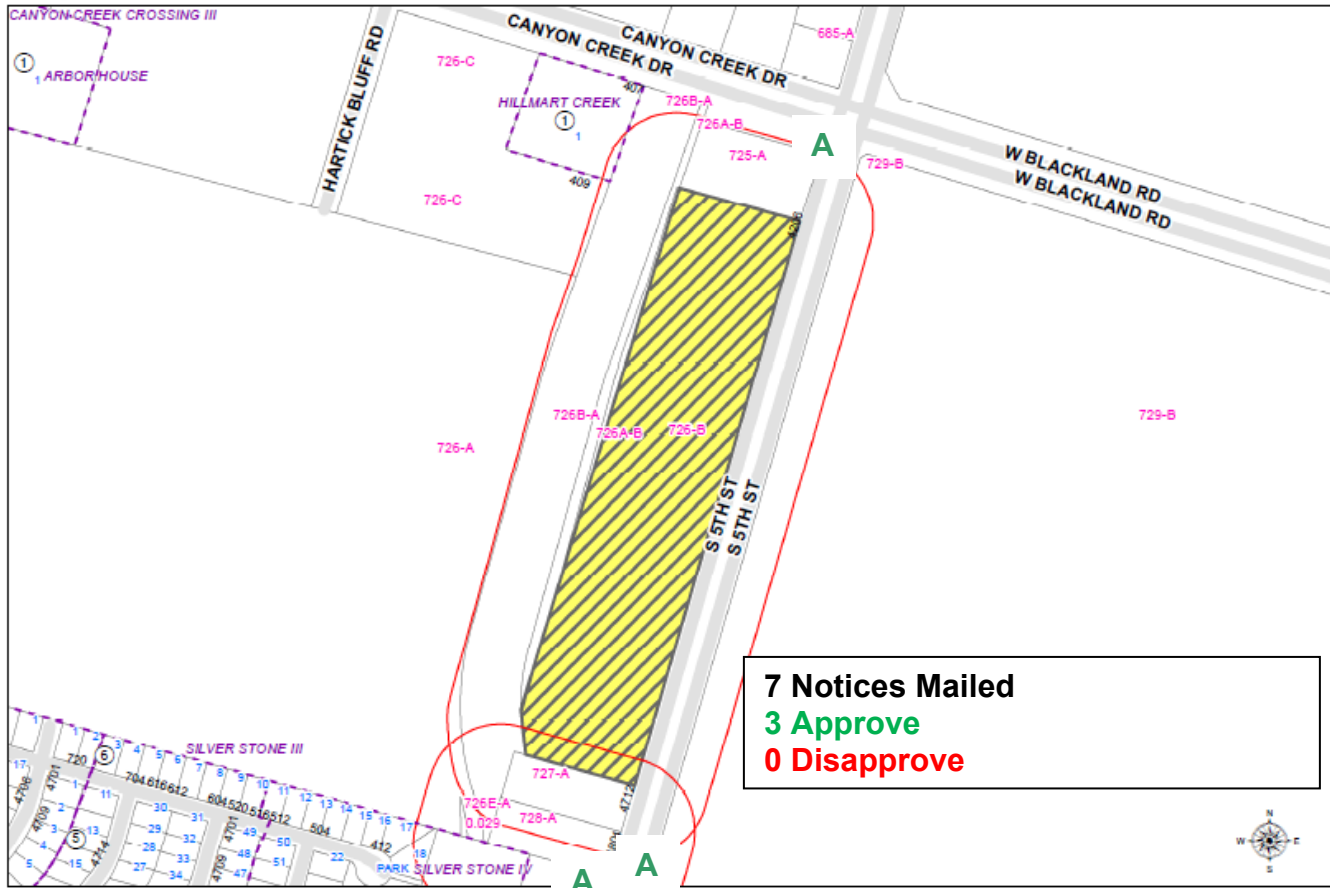
LMatlock Planning 1.25.11



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

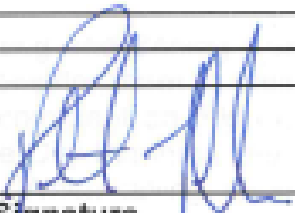
Zoning Application Number: Z-FY-11-19

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


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

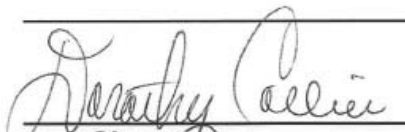
Zoning Application Number: Z-FY-11-19

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

04/07/11
Item #5(M)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney

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

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

04/07/11
Item #5(N)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Kim Foutz, Assistant City Manager
Jonathan Graham, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing a term extension to a Chapter 380 “matching grant” agreement with Rudy and Karen Gonzales for redevelopment improvements in downtown Temple in the South 1st Street Strategic Investment Zone corridor.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On September 17, 2009 the City Council approved an incentive agreement with Karen and Rudy Gonzales, owners of a commercial building located at 13 South Main Street, which is situated in downtown Temple in the South 1st Street Strategic Investment Zone corridor. The owners, not being developers, experienced significant problems with their initial contractor and the improvements have not been installed in accordance with the timelines established. As a result, the original agreement expired on January 31, 2010.

Since that time, the owners have now hired CRW Construction Company to perform the work. The owners have asked for an extension through December 31, 2011 of this year.

The extension would allow the Gonzales' to receive a Chapter 380 matching grant of up to \$15,000 for commercial façade improvements plus waiver of permits and fees. The Gonzales' total project investment is now estimated at \$73,000. The extension would require the improvements to be completed by December 31, 2011 and the agreement would terminate on January 1, 2012. In return, the Gonzales' have agreed to install a veranda, doors, windows, and other façade improvements and repairs. See revised Attachment “A”.

FISCAL IMPACT: The total maximum grant match is \$15,000 plus waiver of permits and fees. The funds are still encumbered for this project from account 110-1500-515-2695. Payment of the grant matching funds will not be made until work and inspections are completed, and receipts are received by the City.

ATTACHMENTS:

[Extension Agreement](#)
[Location map](#)
[Revised Attachment “A” – Façade design](#)
[Resolution](#)

**Amendment to South 1st Street Investment Zone
Chapter 380 Development Agreement**

This amendment to the original agreement dated September 29, 2009 is executed by and between the City of Temple, a home rule city in Bell County, Texas (hereinafter “the City”) and Karen and Rudy Gonzales, a Sole Proprietorship (hereinafter “Owner”).

City and Owner hereby agree to the following amendment to Section 2 “Obligations of Owner:”

Owner agrees to complete said Improvements on or before December 31, 2011.

City and Owner hereby agree to the following amendment to Section 3(a) “Façade Improvement Grant”:

Replace **Attachment “A”** with **Attachment “A”** amended.

This amendment shall be fully incorporated into the original agreement. Any other changes must be made in writing and signed by both parties.

Executed on this the ____ day of _____, 2011.

City of Temple, Texas

Owner

David A. Blackburn

Karen Gonzales

Rudy Gonzales

ATTEST:

Clydette Entzminger
City Secretary

APPROVED AS TO FORM:

City Attorney’s Office

STATE OF TEXAS '

COUNTY OF BELL '

 This instrument was acknowledged before me on the _____ day of _____, 2011, by David Blackburn, City Manager of the City of Temple, Texas.

Notary Public, State of Texas

STATE OF TEXAS '

COUNTY OF BELL '

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

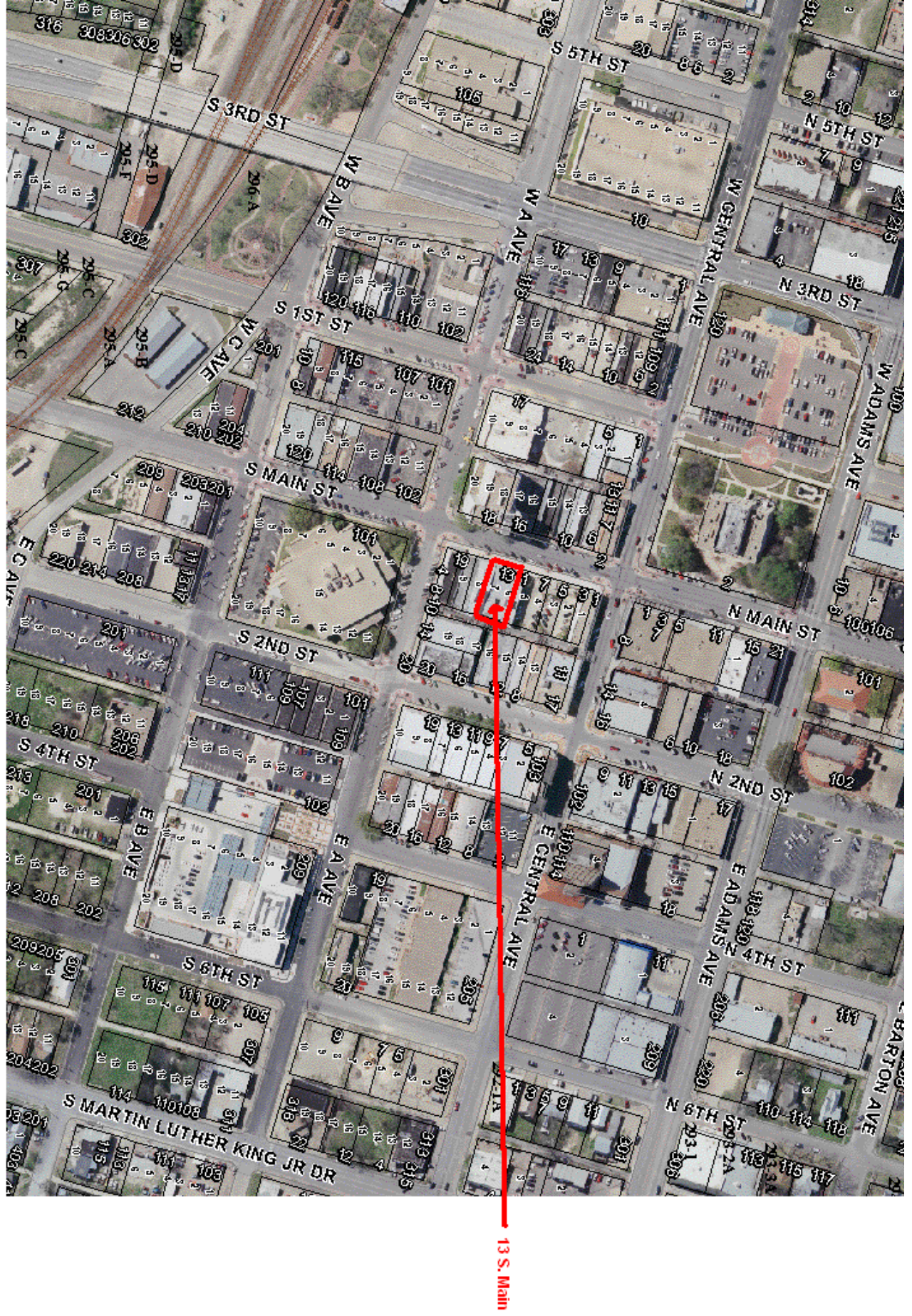
Notary Public, State of Texas

STATE OF TEXAS '

COUNTY OF BELL '

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

Notary Public, State of Texas



Attachment 'A' - Amended



RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN EXTENSION TO A CHAPTER 380 “MATCHING GRANT” AGREEMENT BETWEEN THE CITY OF TEMPLE AND KAREN GONZALES AND RUDY GONZALES FOR REDEVELOPMENT IMPROVEMENTS IN DOWNTOWN TEMPLE IN THE SOUTH 1ST STREET STRATEGIC INVESTMENT ZONE CORRIDOR; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on September 17, 2009, the City Council approved a Chapter 380 “Matching Grant” agreement with Karen Gonzales and Rudy Gonzales who own property located at 13 South Main Street which is located in the South 1st Street Strategic Investment Zone;

Whereas, the owners experienced significant problems with their initial contractor and the improvements have not been installed in accordance with the timelines established – the agreement expired January 31, 2010;

Whereas, the Staff recommends extending the agreement through December 31, 2011, to allow the owners to complete the improvements;

Whereas, the total matching grant amount is \$15,000 and funds are available for this incentive in Account No. 110-1500-515-2695; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute an extension to a Chapter 380 “matching grant” agreement, between the City of Temple and Karen Gonzales and Rudy Gonzales, after approval as to form by the City Attorney, for redevelopment improvements in downtown Temple and the South 1st Street Strategic Investment Zone corridor.

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 7th day of April, 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

04/07/11
Item #5(O)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Kim Foutz, Assistant City Manager
Jonathan Graham, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution amending a Chapter 380 “matching grant” agreement with Strasburger Enterprises for redevelopment improvements in the Temple Medical and Education District and the South 1st Street Strategic Investment Zone corridor at 1802 and 1808 South 1st Street in an amount not to exceed \$24,900 plus waiver of permit and other fees.

STAFF RECOMMENDATION: The proposed incentives and improvements are substantially the same as approved previously by City Council. Therefore staff recommends approval of the extension and associated revised design. Staff provides no recommendation on the request for \$2,500 for demolition costs.

ITEM SUMMARY: Strasburger’s retail center, located at 1802 and 1808 South First Street, is situated in the Temple Medical and Education District and is within the South 1st Street Strategic Investment Zone.

City Council approved the original incentive agreement on July 1, 2010 which included a completion of improvements date of March 31, 2011. This agreement is expiring without improvements being installed. Strasburger has submitted a letter requesting an extension to October 1, 2011.

This revised agreement provides for an extension of the original agreement and also incorporates newly adopted TMED standards for sidewalks and landscaping. The extension continues the same level of matching incentives as follows: up to \$10,000 for landscaping, islands, and irrigation improvements (estimated match is \$10,000); up to \$10,000 match for sidewalk and related improvements (estimated match is \$10,000); and waiver of permits and fees. Also still included is oversize participation funding for sidewalks on Avenue R of \$2,400 (up from the original \$1200 due to sidewalks needing to be 2’ wider to meet TMED standards). Due to TxDOT changes in TMED streetscape design, a grant of \$4,200 for tree grates is no longer included or required. **One significant new request is for a \$2,500 demolition grant.** Under this grant, Strasburger would be performing all demolition and disposal.

Strasburger’s total project investment is approximately \$800,000. The maximum City contribution including the matching funds, oversize participation, plus the demolition contribution is \$24,900. With the extension, improvements must be completed by October 1, 2011.

FISCAL IMPACT: The total maximum grant match by the City is \$22,500 plus waiver of permit and other fees. In addition, the City will reimburse Strasburger for the cost of oversizing the sidewalk in the estimated amount of \$2,400, for a total maximum City reimbursement of \$24,900. The amended agreement is \$500 less than the original grant match of \$25,400. Funds for this project are still available in account 110-1500-515-2695.

The \$2,400 to reimburse Strasburger for the cost of oversizing the Avenue R sidewalk is available within the Street Department's operating budget, account 110-3400-531-2315.

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

ATTACHMENTS:

[Grant Agreement & Design- Revised](#)
[Location map and picture](#)
[Resolution](#)



South 1st Street Strategic Investment Zone Chapter 380 Development Agreement - Amendment

This Agreement is executed by and between the City of Temple, a home rule city in Bell County, Texas (hereinafter “the City”) and Strasburger Enterprises, a Limited Liability Company (hereinafter “Owner”).

City and Owner agree to amend the original agreement as follows:

Section 1. Purpose. Pursuant to authority granted to home rule cities under Chapter 380 of the Local Government Code and pursuant to a program established for the South 1st Street Strategic Investment Zone under City Ordinance Number 2009-4285, the City and the Owner enter into this Agreement to promote economic development within the South 1st Street Strategic Investment Zone. As an inducement to Owner to make certain specified improvements to the property located at 1802-1818 South 1st Street (hereinafter the “Property”), 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 as attached, and to use the Property as a retail center after the Improvements are completed. Owner is seeking matching grants for certain types of additional improvements described in Section 3, and further agrees to complete all of the additional improvements describe in the subparts of Section 3.

Improvements include: install landscaping, landscape islands, planting strips, and irrigation system as per **Attachment “A”**; demolish existing and install new 10’ wide sidewalks on S. 1st Street, curb and gutter, landscape medians, and handicap ramps as per **Attachment “A”**; install new 8’ wide sidewalks on Ave. R; install additional parking lot (not grant eligible); demolish existing “Old Corral” building; engineering, survey work, etc. (not grant eligible), hereinafter collectively referred to as “the Improvements.” The cost of total anticipated Improvements, including the new building that was recently constructed is approximately \$800,000.

Owner originally agreed to complete said Improvements on or before March 31, 2011. Pursuant to this agreement, the revised deadline is October 1, 2011. As a

condition to receiving the matching grants from the City described in Section 3, Owner further agrees to complete the improvements described in each subpart of Section 3.

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

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

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

Install landscaping, landscape islands, ,planting strip, and irrigation system as per **Attachment "A"**

- (b) **Sidewalk Improvement Grant.** The City will make a grant of up to \$10,000.00 on a 1:1 matching basis (estimated grant of \$9,985) for the demolition and disposal of existing sidewalks, construction of new sidewalks, curb and guttering, and handicap ramps. Sidewalk improvement costs eligible for reimbursement include demolition costs (where applicable) (including labor), landfill costs, and material and construction (including labor) costs and equipment rental, but specifically exclude design costs.

Sidewalk Improvement design and construction to be completed by Owner is as follows: Sidewalks on 1st Street will be a minimum of 10 feet wide and meet the requirements as listed and depicted on **Attachment "A."**

Sidewalks on Ave. R will be a minimum of 8 feet wide and meet the requirements as listed and depicted on **Attachment “A”**. City will make a grant of \$2,400 with no matching requirements for the costs of upsizing the required 4’ sidewalk to an 8’ sidewalk along Ave. R.

- (c) **Demolition:** The City will contribute \$2,500 toward demolition of the building known as the “El Corral” building which is located on the northern portion of the site.
- (d) **Waiver of Platting, Zoning and Permit Fees.** The City will waive platting, zoning, water and wastewater tap fees, and building permit fees related to the Improvements on the Property.

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

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

Section 5. Maintenance of Improvements. Owner, or its successors and assigns, agree to maintain the Improvements described in Section 2 and the subparts of Section 3. Landscaping must not be removed or allowed to die.

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

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

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

City of Temple, Texas

Owner

David A. Blackburn
City Manager

Gregg Strasburger
For Strasburger Enterprises

Attest:

Approved as to form:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney

State of Texas §

County of Bell §

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

Notary Public

State of Texas §

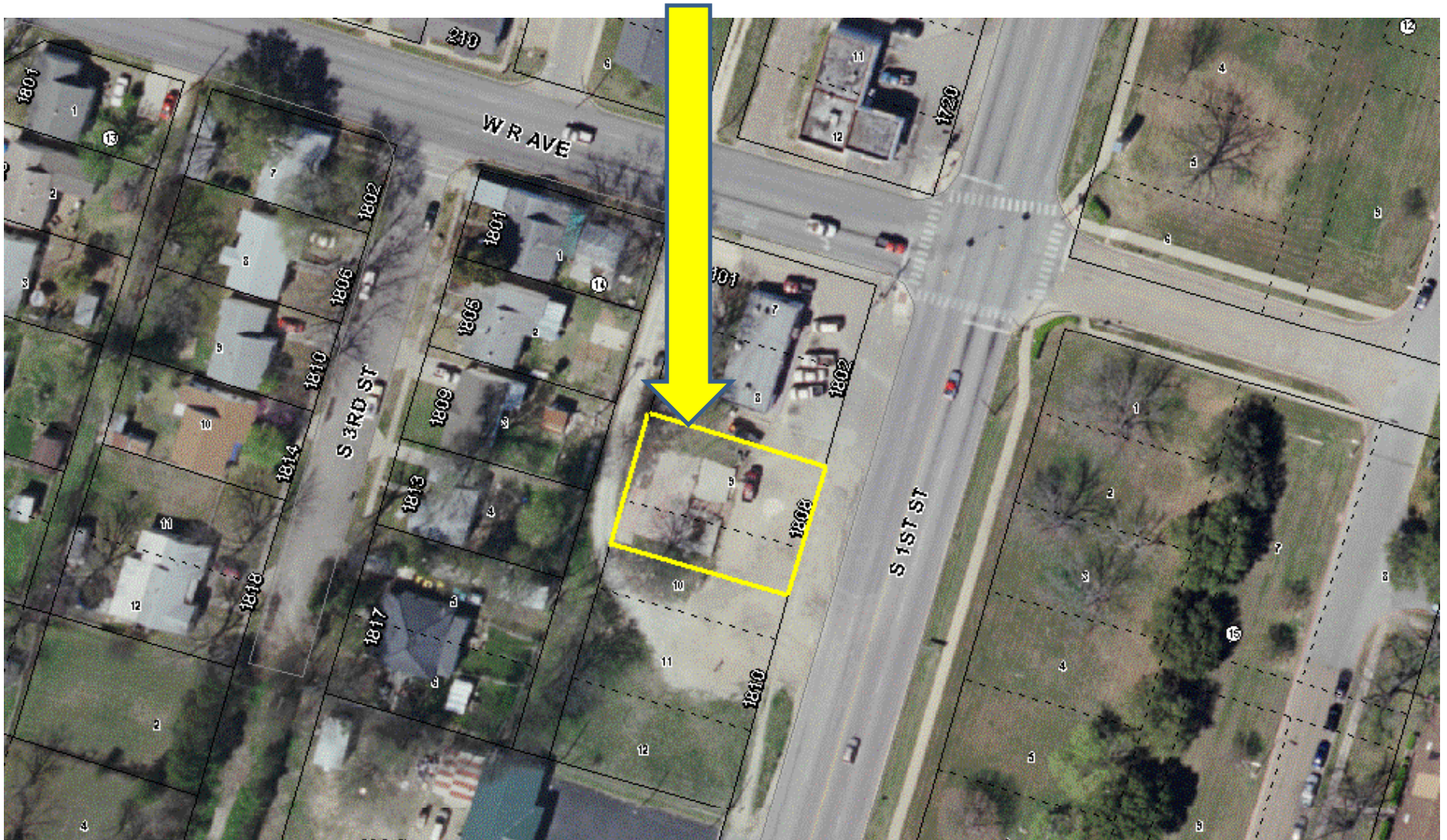
County of Bell §

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

Notary Public

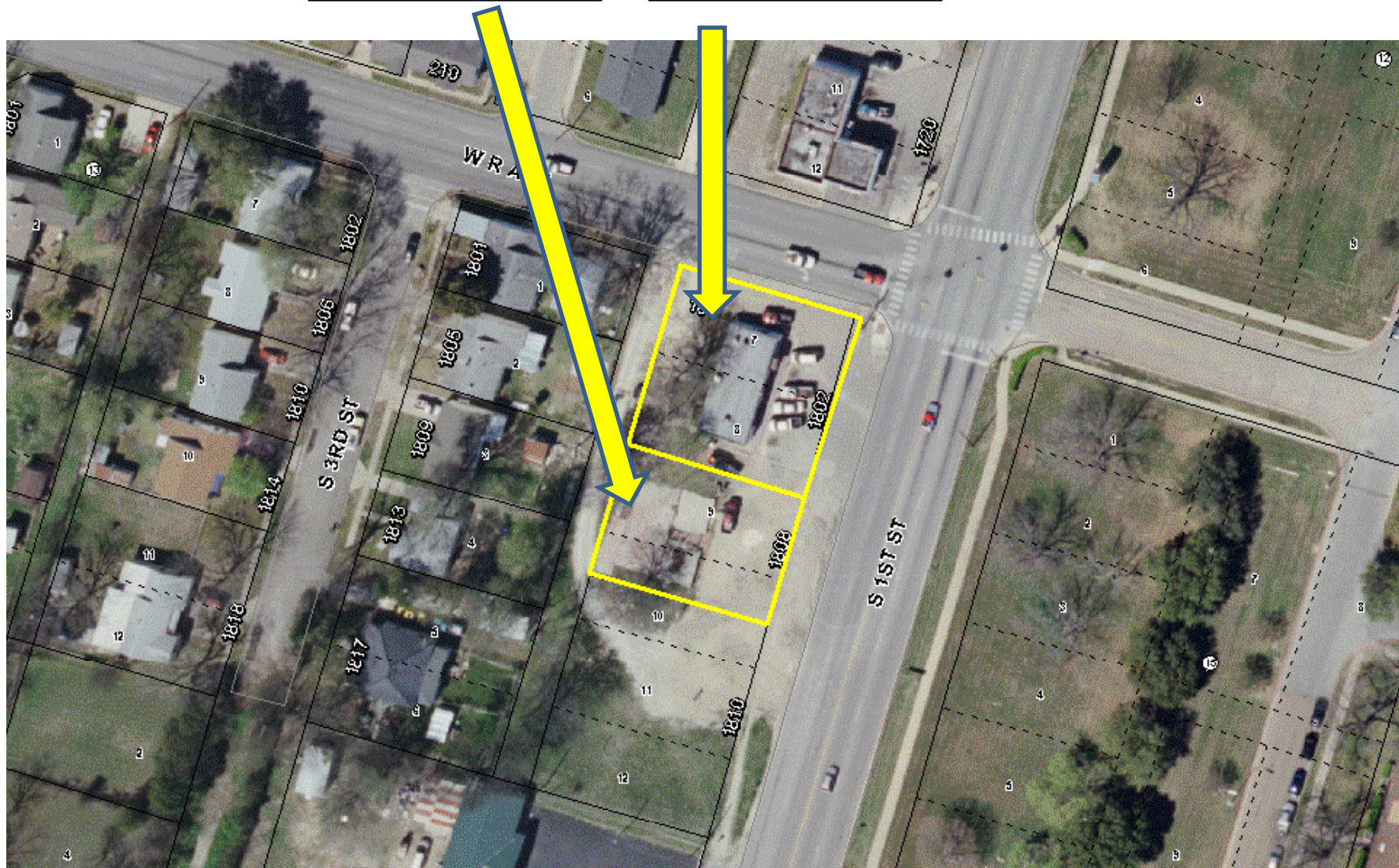
Attachment “A”
Landscaping, Streetscape, and Sidewalk Design

1802 S. 1st Street



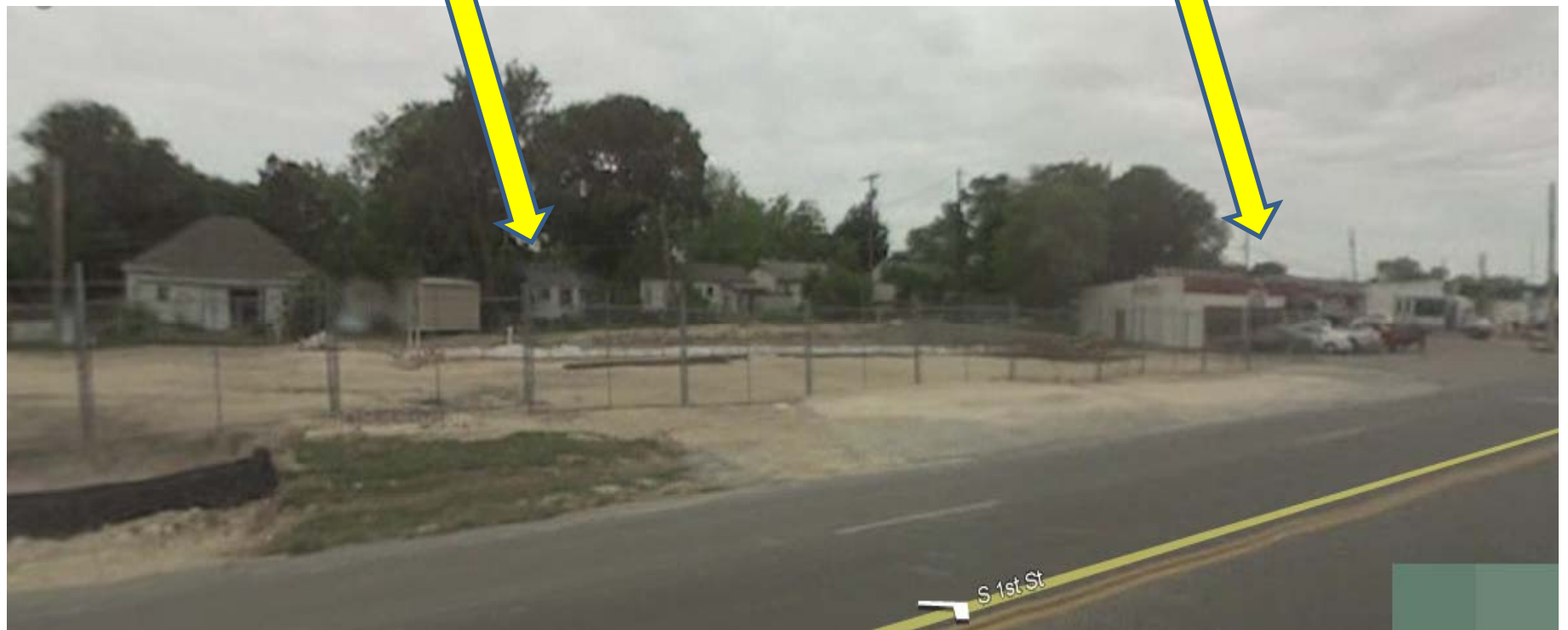
1808 S. 1st Street

1802 S. 1st Street



1808 S. 1st Street

1802 S. 1st Street



1808 S. 1st Street

1802 S. 1st Street



RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN AMENDMENT TO A CHAPTER 380 "MATCHING GRANT" AGREEMENT BETWEEN THE CITY OF TEMPLE AND STRASBURGER ENTERPRISES FOR REDEVELOPMENT IMPROVEMENTS IN THE TEMPLE MEDICAL EDUCATION DISTRICT AND THE SOUTH 1ST STREET STRATEGIC INVESTMENT ZONE CORRIDOR AT 1802 AND 1808 SOUTH 1ST STREET, FOR A COST NOT TO EXCEED \$24,900 PLUS WAIVER OF PERMIT AND OTHER FEES; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on July 1, 2010, the City of Temple entered into a Chapter 380 "Matching Grant" agreement with Strasburger Enterprises for property located at 1802 and 1808 South 1st Street which is situated within the Temple Medical Education District and the South 1st Street Strategic Investment Zone;

Whereas, the agreement expired on March 31, 2011, without the improvements being installed – the owner requested an extension of the agreement to October 1, 2011;

Whereas, the revised agreement provides for the extension and also incorporates newly adopted TMED standards for sidewalks and landscaping;

Whereas, the total matching grant is \$24,900 plus waiver of permit and other fees – funds are available in Account Nos. 110-1500-515-2695 and 110-3400-531-2315; 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 amendment to the Chapter 380 "matching grant" agreement, between the City of Temple and Strasburger Enterprises, after approval as to form by the City Attorney, for redevelopment improvements in the Temple Medical Education District

and the South 1st Street Strategic Investment Zone corridor, for a cost not to exceed \$24,900 plus waiver of permit and other 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 7st 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

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DEPT./DIVISION SUBMISSION & REVIEW:

Clydette Entzminger, City Secretary

ITEM DESCRIPTION: Consider adopting a resolution appointing election judges and setting their compensation for the City's general election to be held on May 14, 2011.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: This proposed resolution recommends the appointment of election judges and sets their compensation for the City's general election to be held on Saturday, May 14, 2011.

On February 3, 2011, the City Council ordered a General Election for the election of the District 2 and District 3 Councilmembers and the Mayor at-large for three year terms. The District 3 and Mayor's elections will be cancelled as each were unopposed. District 2 had one candidate file for a place on the ballot and one write-in candidate declare, so the District 2 election will be conducted.

TISD is the only other entity in the City of Temple conducting an election on May 14th so we will conduct this election jointly, using common polling places and election judges. TISD has executed a joint election agreement with the City to establish the duties of each party. TISD will pay for their pro rata share of all election expenses incurred.

Please see the attached resolution for election judges being recommended for appointment at each of the four election day polling places and for the Early Voting Ballot Board. The compensation for election judges and clerks is recommended to be set at \$10.00 per hour in accordance with §32.091 of the Election Code. The election judge or clerk who delivers the precinct election records, keys to ballot boxes or other election equipment, and unused election supplies after an election is entitled to compensation for that service in an amount not to exceed \$25.

The election judge and members of the early voting ballot board are entitled to the same compensation as presiding election judges, in accordance with §87.005 of the Election Code, however, the minimum compensation to each member of the early voting ballot board is recommended to be \$50.

FISCAL IMPACT: Funds in the amount of \$3,500 remain in account 110-1400-511-25-17, Election Expense, for the 2011 General Election. Since this election is being conducted jointly with TISD, the school district will reimburse the City their pro rata share of all election expenses incurred by the City for conducting this election.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPOINTING THE ELECTION JUDGES AND ALTERNATE JUDGES AND SETTING THEIR COMPENSATION FOR THE MAY 14, 2011, CITY OF TEMPLE – TEMPLE ISD JOINT ELECTON; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on February 3, 2011 the City Council ordered a General Election for the election of District 2 and District 3 Councilmembers and the Mayor at-large for 3 year terms;

Whereas, the election judges for the May 14, 2011, General Election need to be appointed and their compensation needs to be set by the City Council; and

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

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

Part 1: The following persons are hereby appointed presiding judges and alternate presiding judges, respectively, for the May 14, 2011, election:

City Council District No. 1 Frank Mayborn Civic and Convention Center,
3303 North 3rd Street

Presiding Judge	Alicia Prado
Alternate Presiding Judge	Amanda Schuetze

City Council District No. 2 Meredith-Dunbar Elementary School
1717 East Avenue J

Presiding Judge	Rachael Knighton
Alternate Presiding Judge	Twila Coley

City Council District No. 3 Thornton Elementary School
2900 Pin Oak Drive

Presiding Judge	Joan Howell
Alternate Presiding Judge	Lou Ann White

City Council District No. 4 Holy Trinity Catholic High School

6608 West Adams Avenue (FM 2305)

Presiding Judge
Alternate Presiding Judge

Wilma Butler
Glenda McDorman

Early Voting Location

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

Presiding Judge
Alternate Presiding Judge

John Dempsey
J.W. Perry

Part 2: In the case of death, inability or refusal of any person appointed as a presiding judge to act, the Mayor shall have the authority and he is hereby directed to appoint some suitable person or persons to act instead. The presiding judges for each city council election district are authorized to appoint not less than two or more than three election clerks to assist the judge in the conduct of the election at the polling place served by the judge. The Early Voting Ballot Board shall count the ballots cast during early voting for the election in accordance with the requirements of chapter 87 of the Texas Election Code. Early voting ballots will in every case be treated as a separate precinct and a separate set of returns will be made for early voting ballots.

Part 3: As compensation for services rendered at the precinct polling place, election judges and clerks shall receive \$10.00 per hour in accordance with provisions in §32.091 of the Election Code. The election judge or clerk who delivers the precinct election records, keys to ballot boxes or other election equipment, and unused election supplies after an election is entitled to compensation for that service in an amount not to exceed \$25.

Part 4: The election judge and members of the early voting ballot board are entitled to the same compensation as presiding election judges, in accordance with provisions in §87.005 of the Election Code, however, the minimum compensation to each member of the early voting ballot board shall be \$50.

Part 5: 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 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

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Consent Agenda
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DEPT./DIVISION SUBMISSION & REVIEW:

Clydette Entzminger, City Secretary

ITEM DESCRIPTION: Consider adopting a resolution declaring the candidates for the May 14, 2011 District 3 City Councilmember and Mayor-at-large as unopposed and elected to office, thereby canceling the May 14, 2011 City general election for these positions.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The Election Code permits the cancellation of an election under certain circumstances. This is the fourth opportunity the City of Temple has had to cancel an election.

In order to cancel an election in the City, the City Secretary must certify in writing to the City Council that only one candidate's name is to appear on the ballot for the election in a particular district; that no write-in candidates have filed to be placed on the list of write-in candidates for this place; and that no proposition is to appear on the ballot. These certifications have been made on the attached *Certification of Unopposed Candidates* regarding the District 3 Councilmember and Mayor-at-large election.

Since there is only one candidate for District 3 Councilmember, Perry Cloud, and Mayor-at-large, incumbent, William A. Jones, III, the Council can declare the unopposed candidates for District 3 and Mayor-at-large elected to office, thereby canceling the May 14, 2011 election in Districts 1, 3, and 4. The *Order of Cancellation*, also attached, will be posted on Election Day at these polling places. The Certificate of Election will be presented to Mr. Cloud and Mr. Jones following the May 14th election date.

One candidate filed for a place on the ballot in the District 2 election, Judy Morales, and one write-in candidate filed, Benito Trevino. Therefore, the election in District 2 cannot be canceled and will be held as ordered on May 14, 2011 in District 2 only.

FISCAL IMPACT: Savings of approximately \$4,000 will be realized by canceling the May 14th election for District 3 Councilmember and the Mayor at-large.

ATTACHMENTS:

Certificate of Unopposed Candidate
Order of Cancellation
Resolution

**CERTIFICATION OF UNOPPOSED CANDIDATES
CERTIFICACIÓN DE CANDIDATOS ÚNICOS**

To: Presiding Officer of Governing Body

Al: Presidente de la entidad gobernante

As the authority responsible for having the official ballot prepared, I hereby certify that the following candidates are unopposed for election to office for the election scheduled to be held on May 14, 2011.

Como autoridad a cargo de la preparación de la boleta de votación oficial, por la presente certifico que los siguientes candidatos son candidatos únicos para elección para un cargo en la elección que se llevará a cabo el 14 de mayo de 2011.

List offices and names of candidates:

Lista de cargos y nombres de los candidatos:

Office(s) Cargo(s)

**Mayor at-large
District 3 Councilmember**

Candidate(s) Candidato(s)

**William A. Jones, III
Perry Cloud**

Signature (*Firma*)

Clydette Entzminger

Printed name (*Nombre en letra de molde*)

City Secretary

Title (*Puesto*)

April 7, 2011 (Seal) (*sello*)

Date of signing (*Fecha de firma*)

ORDER OF CANCELLATION
EJEMPLO DE ORDEN DE CANCELACIÓN

The City Council of the City of Temple hereby cancels the election scheduled to be held on May 14, 2011 in accordance with Section 2.053(a) of the Texas Election Code. The following candidates have been certified as unopposed and are hereby elected as follows:

La Ciudad Temple, Texas por la presente cancela la elección que, de lo contrario, se hubiera celebrado el 14 de mayo de 2011 de conformidad, con la Sección 2.053(a) del Código de Elecciones de Texas. Los siguientes candidatos han sido certificados como candidatos únicos y por la presente quedan elegidos como se haya indicado a continuación:

Candidate (Candidato)

Office Sought (Cargo al que presenta candidatura)

William A. Jones, III
Perry Cloud

Mayor at-large
Councilmember District 3

A copy of this order will be posted on Election Day at each polling place that would have been used in the election.

El Día de las Elecciones se exhibirá una copia de esta orden en todas las mesas electorales que se hubieran utilizado en la elección.

Mayor (Presidente)

Secretary (Secretario de ciudad)
(seal) (sello)

April 7, 2011
Date of adoption (Fecha de adopción)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, DECLARING THE CANDIDATE FOR THE MAY 14, 2011, DISTRICT 3 CITY COUNCILMEMBER AND MAYOR AT-LARGE ELECTION AS UNOPPOSED AND ELECTED TO OFFICE, THEREBY CANCELLING THE MAY 14, 2011 DISTRICT 3 CITY COUNCILMEMBER AND MAYOR AT-LARGE ELECTION.

Whereas, in 1995, the Texas Legislature amended the Election Code to permit the cancellation of an election under certain circumstances;

Whereas, in 1997, the Legislature added write-in declaration requirements for many types of political subdivisions, expanding the number who could cancel the election;

Whereas, in 2001 the Legislature added a write-in declaration requirement for special elections for cities and for legislative vacancy elections;

Whereas, the City Secretary of the City of Temple, as the authority responsible for gathering information for preparation of the ballot for the May 14, 2011 City of Temple General Election, has certified in writing to the City Council of the City of Temple, Texas that only one candidate's name is to appear on the ballot for the City Councilmember District 3 and Mayor at-large election;

Whereas, no write-in candidates have filed to be placed on the list of write-in candidates for these places;

Whereas, no proposition is to appear on the ballot for the May 14, 2011, election; and

Whereas, the City Council of the City of Temple, Texas 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:

Part 1: The City Council of the City of Temple, Texas accepts the Certification of Unopposed Status of Candidates for District 3 Councilmember and Mayor at-large for the May 14, 2011 General Election as submitted by the City Secretary.

Part 2: The City Council declares the unopposed candidates for District 3 Councilmember and Mayor at-large elected to office.

Part 3: The City Council hereby cancels the May 14, 2011 District 3 Councilmember and Mayor at-large Election, and authorizes a copy of the order of cancellation to be posted on election day at each polling place that would have been used in the election.

Part 4: The City Council also authorizes a certificate of election to be issued to each candidate in the same manner as provided in the Texas Election Code for a candidate elected at the election.

Part 5: It is 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 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

04/07/11
Item #5(R)
Consent Agenda
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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 \$160,431.

ATTACHMENTS:

[Budget amendments
Resolution](#)

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2011 BUDGET
April 7, 2011

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
110-2240-522-2516		Judgments & Damages (Fire Dept.)	\$ 9,889	
110-1500-515-6531		Contingency - Judgments & Damages		\$ 5,000
110-0000-461-0554		Insurance Claims		\$ 4,889
<p>In December 2010, it was discovered that a civil defense siren at 4563 Lucius McCelvey Dr had been hit by an unidentified vehicle. The cost to repair the civil defense siren is \$9,889. This budget adjustment appropriates \$5,000 from Judgments & Damages Contingency to pay for the deductible. The remaining \$4,889 will be insurance proceeds recognized as revenue above.</p>				
110-3223-551-1118		Extra Help/Seasonal (Recreation - Aquatics: Clark Pool)	\$ 15,555	
110-3223-551-1221		Social Security	\$ 1,195	
110-3223-551-1223		Workers Compensation	\$ 260	
110-3223-551-1224		Unemployment Insurance	\$ 125	
110-3223-551-2110		Office Supplies	\$ 75	
110-3223-551-2112		Food Items & Supplies	\$ 100	
110-3223-551-2113		Clothing & Uniforms	\$ 100	
110-3223-551-2117		Janitorial	\$ 200	
110-3223-551-2118		Chemicals	\$ 2,000	
110-3223-551-2120		Education/Recreation	\$ 700	
110-3223-551-2123		Medical Supplies	\$ 75	
110-3223-551-2212		Office Machines	\$ 120	
110-3223-551-2514		Travel & Training	\$ 850	
110-3223-551-2610		Telephone	\$ 600	
110-3223-551-2635		Water & Sewer	\$ 5,000	
110-3223-551-2636		Electric Utilities	\$ 5,100	
110-3223-551-2210		Furniture/Fixtures	\$ 260	
110-3270-551-2112		Food Items & Supplies (Sammons Community Center)		\$ 4,000
110-3240-551-2120		Education/Recreation (Adult Programming)		\$ 1,000
110-3270-551-2510		Contributions & Prizes (Sammons Community Center)		\$ 300
110-3250-551-2513		Special Services (Summit Fitness & Recreation Center)		\$ 10,700
110-3250-551-2118		Chemicals/Compressed Gas (Summit Fitness & Recreation Center)		\$ 1,580
110-3260-551-2118		Chemicals/Compressed Gas (Wilson Recreation Center)		\$ 490
110-3260-551-2220		Machinery & Equipment (Wilson Recreation Center)		\$ 550
110-3240-551-2513		Special Services (Adult Programming)		\$ 1,000
110-3231-551-2120		Education/Recreation (Afterschool Programs & Camps: Latch Key)		\$ 4,000
110-3292-551-2129		Advertising/Marketing (Athletics: Adult)		\$ 800
110-3291-551-2511		Printing/Publication (Athletics: Youth)		\$ 450
110-3292-551-2110		Office Supplies (Athletics: Adult)		\$ 275
110-0000-445-0582		Swimming Pool Fees		\$ 7,170
<p>The Clark Pool activity in the Aquatics program was eliminated in the FY 2010 Adopted Budget. This continued into the FY 2011 Adopted Budget. This budget adjustment appropriates estimated expenditures of \$32,315 and recognizes \$7,170 of estimated revenue to open the Maxine Clark Pool for the 2011 summer swim season. Additional funds of \$25,145 to be re-appropriated are available from various accounts from multiple activities. The re-structuring of the tennis pro contract at the Summit made \$10,700 available and the additional funds were re-allocated in order to offer water recreation to citizens in East Temple.</p>				
110-3400-531-2516		Judgments & Damages (Street Dept.)	\$ 1,910	
110-1500-515-6531		Contingency - Judgments & Damages		\$ 1,910
<p>Settlement of claim filed against the City seeking reimbursement for damage to a vehicle by gravel spilling from a City truck on February 16, 2011, on North IH-35 near Belton.</p>				

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2011 BUDGET
April 7, 2011

			APPROPRIATIONS	
ACCOUNT #	PROJECT #	DESCRIPTION	Debit	Credit
110-3500-552-2623		Other Contracted Services (Parks Dept.)	\$ 10,000	
110-0000-445-1587		Parks Donations		\$ 10,000
110-3500-552-2311		Buildings & Grounds	\$ 395	
110-0000-445-1587		Parks Donations		\$ 395
110-3500-552-2311		Buildings & Grounds	\$ 2,921	
110-0000-445-1587		Parks Donations		\$ 2,921
110-3500-552-2623		Other Contracted Services	\$ 1,100	
110-0000-461-0554		Insurance Claims		\$ 1,100
<p>This budget adjustment recognizes revenues and appropriates the expenditures for the following donations/reimbursements: 1) Keep Temple Beautiful's contribution for our community cleanup program [\$10,000]; 2) Youth baseball association's reimbursement for line chalk [\$395]; and 3) The softball association's reimbursement for chain link fence around the playground at Wilson South [\$2,921]. In addition, this budget adjustment recognizes insurance proceeds and appropriates the expenditure to repair damage to a portion of the fence at the Whistlesop Playground.</p>				
110-4000-555-2225		Books & Periodicals (Library)	\$ 1,269	
110-0000-461-0841		Donations/Gifts		\$ 1,269
Spend donations for library collection as specified.				
110-4000-555-2110		Office Supplies (Library)	\$ 1,000	
110-4000-555-2111		Computer Supplies	\$ 125	
110-4000-555-2112		Food Items/Supplies	\$ 150	
110-4000-555-2510		Contributions/Prizes	\$ 1,150	
110-4000-555-2623		Other Contract Services	\$ 475	
110-0000-461-0841		Donations/Gifts		\$ 2,900
Use donations for summer reading program as specified.				
110-4000-555-2721		Cost of Goods Sold/Food (Library)	\$ 325	
110-0000-461-0843		Library Reimbursements		\$ 325
Increasing revenue account and cost of goods sold account to cover coffee pods and coffee pot rental costs.				
240-4600-551-2211		Instruments/Special Equipment (Tourism)	\$ 8,000	
240-0000-358-1110		Hotel/Motel Unreserved Fund Balance		\$ 8,000
Appropriate Hotel/Motel Unreserved Fund Balance to fund the replacement of Christmas Decorations for downtown.				
260-3300-519-6310	100709	Buildings & Grounds (Economic Development Grant)	\$ 196	
260-0000-490-2582		Transfer In - General Fund		\$ 196
110-9100-591-8160		Transfer Out - Grant Fund	\$ 196	
110-3700-524-2649		Landfill Tipping Fees (Construction Safety)		\$ 196
Transfer funds to cover remaining cost of Asbestos Abatement/Demolition Notification Fee related to the Department of Housing and Urban Development's Economic Development Initiative Grant that funded asbestos abatement at the Hawn Hotel.				

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2011 BUDGET
April 7, 2011

			APPROPRIATIONS	
ACCOUNT #	PROJECT #	DESCRIPTION	Debit	Credit
520-5500-535-6211	100666	Instruments/Special Equipment (Sewer Treatment)	\$ 3,620	
520-5700-580-7120		Water Rebate Contracts		\$ 3,620
<p>Public Works is purchasing two (2) screening trailers to haul sludge at the Doshier WWTP for a total of \$21,620. They originally budgeted \$18,000 for this purchase. This budget adjustment appropriates the additional \$3,620 from funds available in Water Rebate Contracts.</p>				
520-5200-535-6357	100722	Waterline Improvements - Hwy 190 (Water Distribution)	\$ 85,395	
520-5400-535-2616		Professional		\$ 12,000
520-5400-535-6211	100653	Instruments/Special Equipment - Push Camera		\$ 552
520-5400-535-6211	100654	Instruments/Special Equipment - Trailer		\$ 4,852
520-5400-535-6359	100657	Sewer Line Replacement - Ave H and Open Field		\$ 10,132
520-5400-535-6359	100559	Sewer Line Replacement - Ave H and S. 10th St		\$ 13,069
520-5700-580-7120		Water Rebate Contracts		\$ 44,790
<p>During TxDOT's final roadway grading improvements along Hwy 190, construction crews discovered a conflict along the ditch line with an existing Temple waterline. Before TxDOT improvements can be completed, this waterline conflict must be resolved. This project will include preparation of engineered plans to address the issue, and contractor costs to complete the work.</p>				
TOTAL AMENDMENTS			\$ 160,431	\$ 160,431
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			\$	(53,402)
Net Balance of Judgments & Damages Contingency Account			\$	26,598
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			\$	82,439
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
April 7, 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 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

04/07/11
Item #6
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DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING – Consider adopting an ordinance designating a certain area as City of Temple Tax Abatement Reinvestment Zone Number Twenty for commercial/industrial tax abatement.

STAFF RECOMMENDATION: Conduct public hearing and consider adopting ordinance as presented in item description, and schedule second reading and final adoption for April 21, 2011.

ITEM SUMMARY: The proposed ordinance designates the area described as a portion of an approximately 250 acre tract of land situated in the Maximo Moreno Survey, Abstract No. 14, Bell County, Texas, located in the Southeast Industrial Park, south of Lorraine Drive, as a commercial/industrial tax abatement reinvestment zone. The designation of a tax abatement reinvestment zone lasts for five years and is a prerequisite for entering into a tax abatement agreement with a future economic development prospect.

Chapter 312 of the Texas Tax Code requires that property be within a tax abatement reinvestment zone (or an enterprise zone) to be eligible for tax abatement. The designation of a tax abatement reinvestment zone requires an ordinance, two readings and a public hearing. We are also required to give seven days prior notice to the other taxing entities before final approval of the ordinance, which will be done.

The proposed tax abatement reinvestment zone as described above, is proposed for commercial or industrial tax abatement (the property is currently zoned Commercial). Chapter 312 requires that the City make the following findings when it adopts an ordinance creating a tax abatement reinvestment zone: (1) that the creation of the tax abatement reinvestment zone will result in benefits to the City and to the land included in the zone after the term of any agreement, and that the improvements being sought are feasible; and (2) that the tax abatement reinvestment zone meets the criteria for creation of a zone under State law and the City's own criteria and guidelines for tax abatement. I have reviewed both the State law and our criteria and guidelines, and believe that the creation of the proposed reinvestment zone and subsequent approval of a tax abatement agreement with the property owner will lead to the retention of primary employment in the area, and the creation of new real and personal property improvements in the area—as contemplated by our State and local criteria. The Staff recommends approval of the ordinance for the above reasons.

FISCAL IMPACT: None at this time

ATTACHMENTS:

[Ordinance](#)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, DESIGNATING A CERTAIN AREA AS TAX ABATEMENT REINVESTMENT ZONE NUMBER TWENTY FOR COMMERCIAL/INDUSTRIAL TAX ABATEMENT; ESTABLISHING THE BOUNDARIES THEREOF AND OTHER MATTERS RELATING THERETO; DECLARING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

WHEREAS, the City Council of the City of Temple, Texas (the "City"), desires to promote the development or redevelopment of a certain contiguous geographic area within its jurisdiction by creation of a reinvestment zone for commercial/industrial tax abatement, as authorized by Section 312.201 of the Texas Tax Code (hereinafter the "Code");

WHEREAS, the City held such public hearing after publishing notice of such public hearing, and giving written notice to all taxing units overlapping the territory inside the proposed reinvestment zone;

WHEREAS, the City at such hearing invited any interested person, or his attorney, to appear and contend for or against the creation of the reinvestment zone, the boundaries of the proposed reinvestment zone, whether all or part of the territory described in the ordinance calling such public hearing should be included in such proposed reinvestment zone, the concept of tax abatement; and

WHEREAS, the proponents of the reinvestment zone offered evidence, both oral and documentary, in favor of all of the foregoing matters relating to the creation of the reinvestment zone, and opponents of the reinvestment zone appeared to contest creation of the reinvestment zone.

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

Part 1: The facts and recitations contained in the preamble of this ordinance are hereby found and declared to be true and correct.

Part 2: The City, after conducting such hearings and having heard such evidence and testimony, has made the following findings and determinations based on the testimony presented to it:

A. That a public hearing on the adoption of the reinvestment zone has been properly called, held and conducted and that notices of such hearings have been published as required by law and mailed to all taxing units overlapping the territory inside the proposed reinvestment zone;

B. That the boundaries of the reinvestment zone (hereinafter "REINVESTMENT ZONE NUMBER TWENTY") should be a portion of an approximately 250 acre tract of land situated

in the Maximo Moreno Survey, Abstract No. 14, Bell County, Texas, located in the Southeast Industrial Park, south of Lorraine Drive, as described in the drawing attached as Exhibit "A."

C. That creation of REINVESTMENT ZONE NUMBER TWENTY will result in benefits to the City and to the land included in the zone after the term of any agreement executed hereunder, and the improvements sought are feasible and practical;

D. That REINVESTMENT ZONE NUMBER TWENTY meets the criteria for the creation of a reinvestment zone as set forth in Section 312.202 of the Code in that it is "reasonably likely as a result of the designation to contribute to the retention or expansion of primary employment or to attract major investment in the zone that would be a benefit to the property and that would contribute to the economic development of the City;" and

E. That REINVESTMENT ZONE NUMBER TWENTY meets the criteria for the creation of a reinvestment zone as set forth in the City of Temple Guidelines and Criteria for granting tax abatement in reinvestment zones.

Part 3: Pursuant to Section 312.201 of the Code, the City hereby creates a reinvestment zone for commercial/industrial tax abatement encompassing a portion of an approximately 250 acre tract of land situated in the Maximo Moreno Survey, Abstract No. 14, Bell County, Texas, located in the Southeast Industrial Park, south of Lorraine Drive, described by the drawing in Exhibit "A" attached hereto and such REINVESTMENT ZONE is hereby designated and shall hereafter be officially designated as Tax Abatement Reinvestment Zone Number Twenty, City of Temple, Texas.

Part 4: The REINVESTMENT ZONE shall take effect on April 21, 2011, or at an earlier time designated by subsequent ordinance.

Part 5: To be considered for execution of an agreement for tax abatement the commercial/industrial project shall:

A. Be located wholly within the Zone as established herein;

B. Not include property that is owned or leased by a member of the City Council of the City of Temple, Texas, or by a member of the Planning and Zoning Commission;

C. Conform to the requirements of the City's Zoning Ordinance, the CRITERIA governing tax abatement previously adopted by the City, and all other applicable laws and regulations; and

D. Have and maintain all land located within the designated zone, appraised at market value for tax purposes.

Part 6: Written agreements with property owners located within the zone shall provide identical terms regarding duration of exemption and share of taxable real property value exempted from taxation.

Part 7: Written agreements for tax abatement as provided for by Section 312.205 of the Code shall include provisions for:

A. Listing the kind, number and location of all proposed improvements of the property;

B. Access to and inspection of property by municipal employees to ensure that the improvements or repairs are made according to the specification and conditions of the agreements;

C. Limiting the use of the property consistent with the general purpose of encouraging development or redevelopment of the zone during the period that property tax exemptions are in effect; and

D. Recapturing property tax revenue lost as a result of the agreement if the owner of the property fails to make the improvements as provided by the agreement.

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

Part 9: This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

Part 10: Sunset provision. The designation of Tax Abatement Reinvestment Zone Number Twenty shall expire five years from the effective date of this ordinance. The designation of a tax abatement reinvestment zone may be renewed for periods not exceeding five years. The expiration of a reinvestment zone designation does not affect an existing tax abatement agreement authorized by the City Council.

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

PASSED AND APPROVED on First Reading and Public Hearing on the 7th day of **April**, 2011.

PASSED AND APPROVED on Second Reading on the **21st** 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

04/07/11
Item #7
Regular Agenda
Page 1 of 4

DEPT. / DIVISION SUBMISSION & REVIEW:

Brian Mabry, Planning Director

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING - Z-FY-11-18: Consider adopting an ordinance authorizing a Conditional Use Permit allowing a package store on a portion of Lots 11, 12, and 13, Block 25, Roach Addition, commonly known as 313 East Central Avenue, zoned Central Area (CA) District.

P&Z COMMISSION RECOMMENDATION: At its March 7, 2011 meeting, the Planning and Zoning Commission voted 7/0 to recommend approval of this CUP for a package store as presented with the additional condition that the burglar bars are permitted to remain one year from the issuance of the Certificate of Occupancy.

Commissioners Williams and Staats were absent.

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance as presented in item description, on first reading, and schedule second reading and final adoption for April 21, 2011.

ITEM SUMMARY: Please refer to the Staff Report and draft minutes of case Z-FY-11-18, from the Planning and Zoning meeting, March 7, 2011. The Applicant requests this Conditional Use Permit to establish a retail package store development.

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

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

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

Future Land Use and Character (CP Map 3.1)

The request conforms to the Future Land Use and Character Map which designates the property as Auto Urban Commercial. This use is classed as retail and is compatible with the Future Land Use Plan, but because of its nature, requires discretionary judgment in districts which allow the use to site within them.

Thoroughfare Plan (CP Map 5.2)

This request conforms to the Thoroughfare Plan since the subject tract has access to E. Central Avenue and N. Martin Luther King Jr. Drive which are designated as Arterial streets. The surrounding area is in transition and most surrounding lots are underutilized. This strip center has three tenant spaces and for at least the last five years, has had two spaces empty. Traffic congestion will not be unreasonably increased by this proposed use or will it require a change in the infrastructure surrounding this lot.

Availability of Public Facilities (CP Goal 4.1)

A four- and an eight-inch water line and an eight-inch sewer line currently serve the site. No additional services are required for this use.

CONDITIONAL USE SITE PLAN REVIEW:

If the City Council approves this CUP request, the site must be developed according to the approved CUP site plan before the proposed package store may open for business. Below are some critical elements of the CUP site plan along with explanatory notes.

Parking

In Sec. 5.3.16 of the Unified Development Code (UDC), package stores are required to have one on-site parking space per 250 square feet of retail area, even in the CA, Central Area District. The regulation requires a minimum of seven spaces for a package store of the proposed size. The applicant is proposing the purchase of the adjacent lot, behind the building and fronting on Martin Luther King Drive, to provide nine off-street parking spaces. Parking behind the subject building satisfies the "on-site" parking requirement as direct access to the building is possible.

There are currently seven on-street spaces along the street perimeter of this lot, three spaces on Martin Luther King Jr. Drive and four spaces on E. Central Avenue. Staff has requested that the parking on the front of the building, which is currently head-in with vehicle maneuvering into E. Central Avenue directly into the east-bound turning queue, be re-planned to be parallel to the street. This would increase vehicle safety along this right-of-way. This also frees up an area with which to plant required landscaping and improve pedestrian access (see section below). Unlike a previous package store case for a nearby property, the subject property has enough room for landscaping and other site improvements that the adjacent on-street parking can remain in-tact, although re-configured.

Landscaping and Hardscaping

Staff has requested that the applicant improve the lot to the basic standards that are within the landscaping portion of the UDC and to complete pedestrian links to the new parking lot and the existing sidewalks from the building.

Landscaping includes planting one, six-foot or taller, approved tree for every 40-ft of street frontage, and to cover any other irrigated unpaved area with ground cover, which can include turf, Asian

jasmine or similar species. Because the parking is being rearranged along E. Central Avenue, part of the parking spaces on private and public right-of-way can be removed for the planting area. Additionally, along the Martin Luther King Jr. Drive side of the building, there is a portion of unpaved area that currently has minimal landscaping. Because this would be the access area for patrons parking in the proposed onsite parking area behind the building, Staff has requested the applicant to add trees and ground cover, which is shown on the site plan.

The applicant shows the requested access connections from the building to the street in the form of ADA-compliant ramps, as this building is higher than the surrounding street and sidewalk level. He has additionally provided light standards at the entrance of the parking lot in the landscaped areas that match with the City installed Acorn-styled globes and historic posts.

Building Elevation Improvements

The building was built in the early 1970's and is in need of repair. The canopy around the face of the building has damage, and Staff has requested that the entire canopy be repainted. The applicant has agreed to this, although he has not stated the final color. Additionally staff has requested that the burglar bars be removed. The note on the plan states that all burglar bars will be removed on this building.

Signs

Staff requested a mock up of the signs that the Applicant planned to install. The photos below reflect the proposed signs and will not be part of the CUP ordinance. They show that the applicant intends to place professionally-produced signs in proportion with the size of the building.

As a decision guide, the UDC establishes five general criteria for evaluation of all CUPs. They are listed below for the Council's consideration:

- A. The conditional use is compatible with and not injurious to the use and enjoyment of the property, and does not significantly diminish or impair property values within the immediate vicinity.
- B. The establishment of the conditional use does not impede the normal and orderly development and improvement of surrounding vacant property.
- C. The design, location and arrangement of all driveways and parking spaces provide for the safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent development.
- D. Adequate nuisance prevention measures have been taken to prevent or control offensive odors, fumes, dust, noise and vibration.
- E. Directional lighting is provided so as not to disturb or adversely affect neighboring properties.

PUBLIC NOTICE: Fourteen notices of the Planning and Zoning Commission public hearing were sent out. As of Wednesday, March 1st, at 5:00 PM, two notices were returned in favor of and one notice were returned in opposition to the request. The newspaper printed notice of the Planning and Zoning Commission public hearing on March 7, 2011, in accordance with state law and local ordinance. Both negative public comment letters were related to Criteria A above.

FISCAL IMPACT: NA

ATTACHMENTS:

Aerial Map
Land Use and Character Map
Zoning Map
Utility Map
Parking Site Plan
Landscaping Site Plan
Notice Map
Response Letters
P&Z Staff Report with meeting handouts
P&Z Excerpts
Ordinance



Z-FY-11-18

Portion of Lots 11,12,and 13,
Block 25, Roach Addition

313 E. Central Avenue



2008 Bell County Aerial



Z-FY-11-18

Feet 0 50 100 150

LMatlock Planning 1.25.11



Z-FY-11-18

Portion of Lots 11, 12, and 13,
Block 25, Roach Addition

313 E. Central Avenue



- | | | | | | |
|-----------------------|-------------------------|--------------------|---------------------------|-----------------------------------|--------------|
| 1118, | 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 = 88 feet

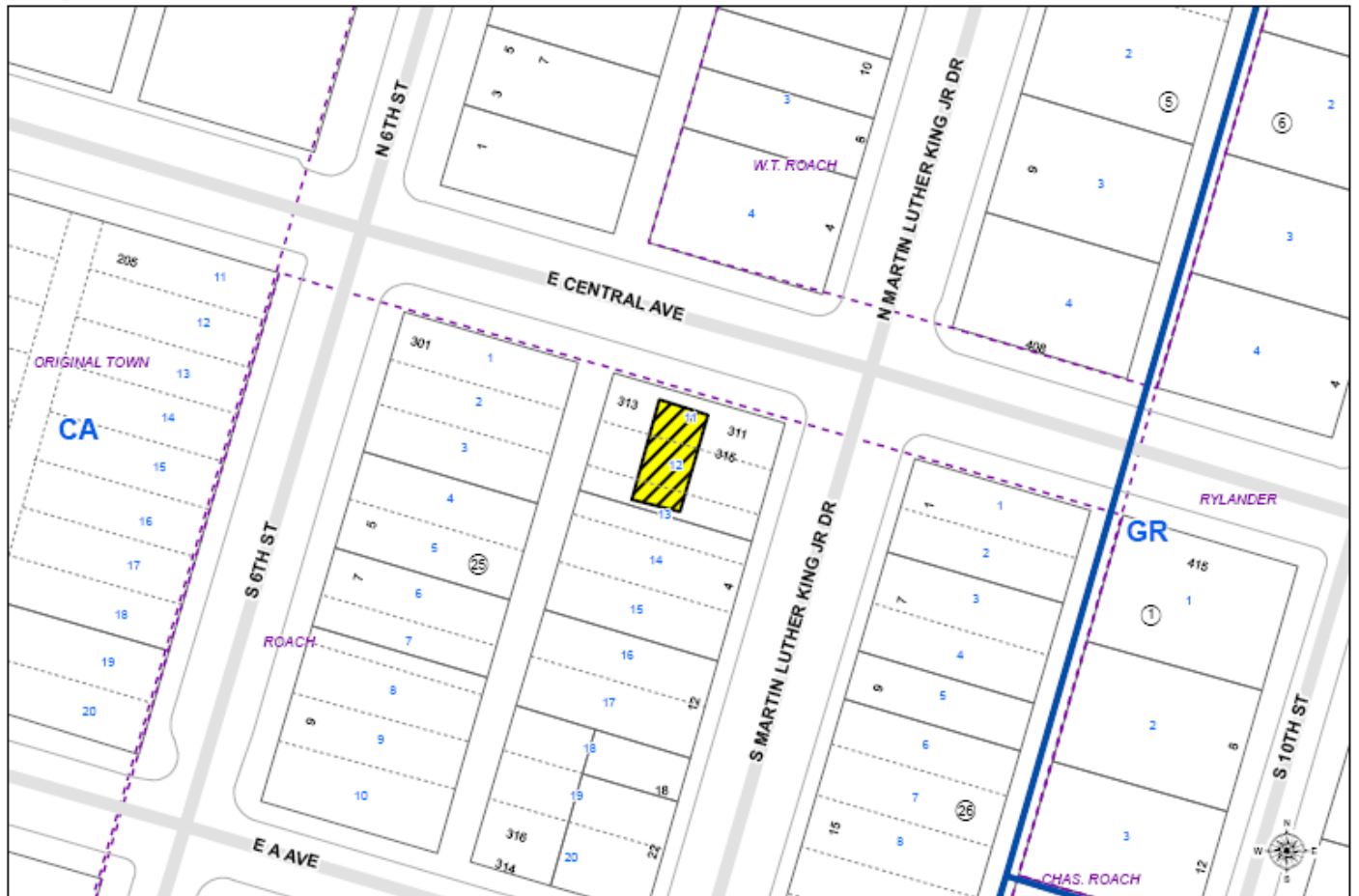
LMatlock Planning 1.25.11



Z-FY-11-18

Portion of Lots 11,12,and 13,
Block 25, Roach Addition

313 E. Central Avenue



Feet 0 50 100 150

LMatlock Planning 1.25.11



Z-FY-11-18

Portion of Lots 11,12,and 13,
Block 25, Roach Addition

313 E. Central Avenue

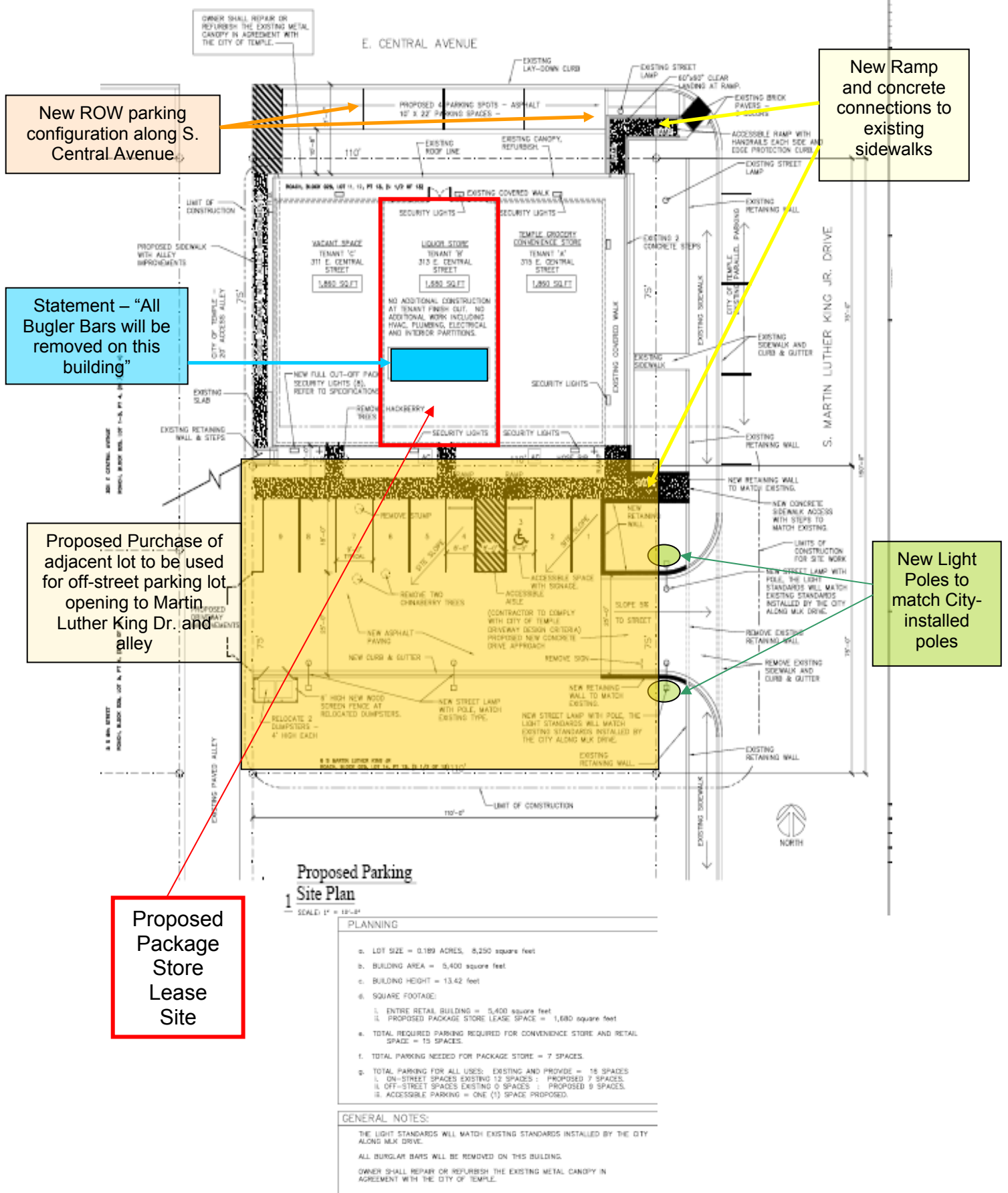


- 1118, <Null>
- WATER LINE
- FIRE HYDRANT
- SEWER LINE

Feet 0 50 100 150

LMatlock Planning 1.25.11

Proposed Galaxy Retail Package Store Parking Site Plan Dated February 18, 2011



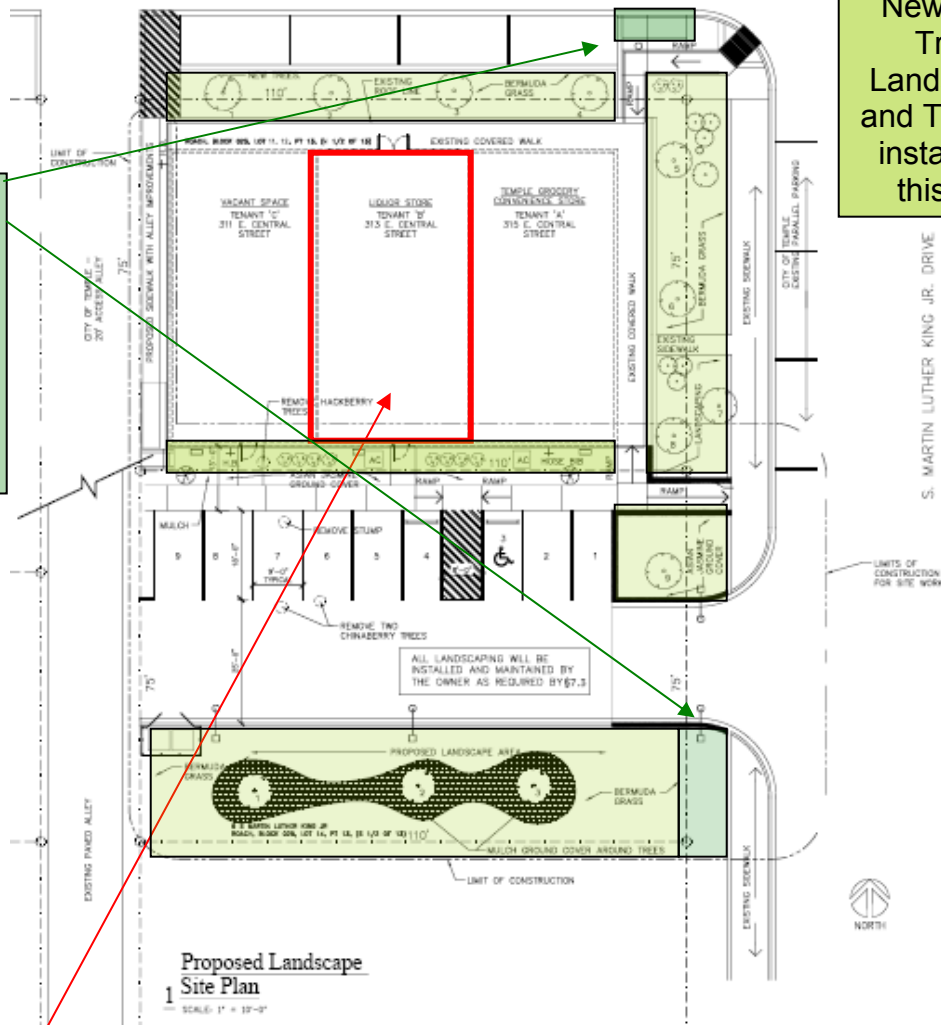
Proposed Galaxy Retail Package Store Landscape Site Plan

Dated February 18, 2011

E. CENTRAL AVENUE

Areas that should be landscaped and maintained with either shrubs or turf

New Street Trees, Landscaping and Turf to be installed for this CUP



Proposed Package Store Lease Site

PLANNING	
H. LANDSCAPING REQUIRED: 50% PROVIDED = 1.3% OF THE BUILDING SITE	PROVIDED = 36% OF PARKING LOT SITE
I. NUMBER OF TREES REQUIRED (0):	PROVIDE THREE (3) FOR LANDSCAPING.
J. NUMBER OF TREE REQUIRED SEVEN (7):	PROVIDED (9) FOR STREET FRONTAGE - SEE LANDSCAPE LEGEND
LANDSCAPE LEGEND	
PLANT / TREE SCHEDULE	
	8 - 2.5" CALIPER LIVE OAKS
	4 MULTI TRUNK CREPE MYRTLES
	2-RED / 2-WHITE
	8 - CLUMP OF NODINAS
	2 - INDIAN HAWTHORNE
	6 - CLUMP OF YOUNG
	700 SQUARE FEET - MULCH AREA
	4" PINE BARK MULCH TOPPING
	400 SQUARE FEET - PROPOSED GROUND COVER AREA
	4,300 SQUARE FEET - PROPOSED BERMUDA GRASS AREA.
	IRRIGATION: PROVIDE 3 HOSE BIDS = 100' EACH COVERING EACH PLANTING AREA, INCLUDING GROUND COVER AREAS.

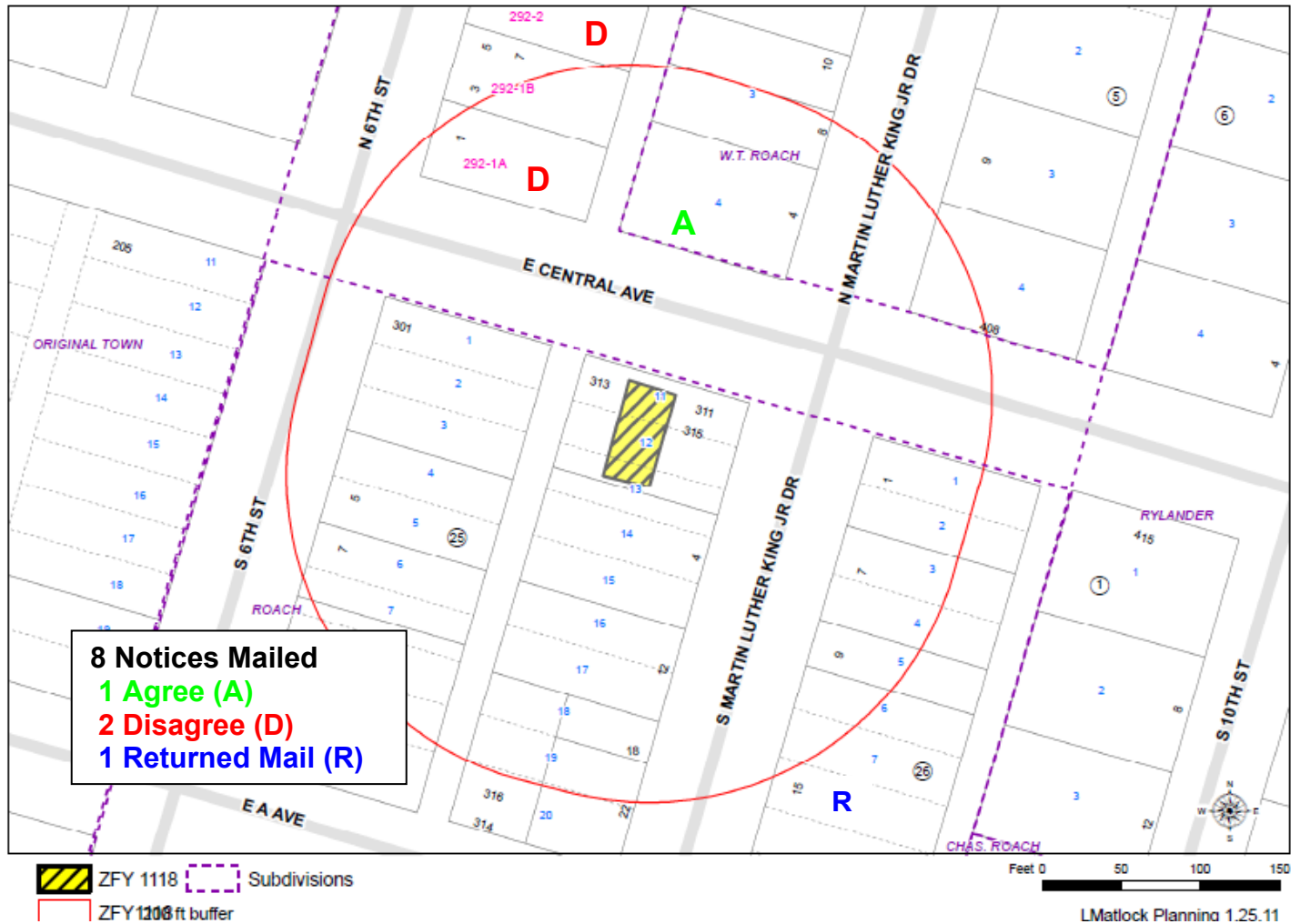
GENERAL NOTES:	
ALL LANDSCAPING WILL BE INSTALLED AND MAINTAINED BY THE OWNER AS REQUIRED BY §7.3	



Z-FY-11-18

Portion of Lots 11,12,and 13,
Block 25, Roach Addition

313 E. Central Avenue



Returned mail addressed to:

Love Outreach Pentecostal Church I
15 South Martin Luther King Drive
Temple Texas 76501



RESPONSE TO PROPOSED
CONDITIONAL USE PERMIT
CITY OF TEMPLE

1218 Richard Lewis Heating & Air Condition Ltd
1818 South 27th Street
Temple, Texas 76054

Zoning Application Number: Z-FY-11-18

Project Manager: Leslie Matlock

Proponent/Applicant: Muhammad Usman (Galaxy Retail Inc) for C's Investment

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

I recommend () approval ☒ denial of this request.

Comments:

I do not approve because I
could not use city parking I had to
buy a duplex & going to have to tear it
down & 12nd escape property at 6th &
6th st.
He does not have any parking so I do
not see how he can qualify for a
liquor store

Richard Lewis
(Signature)

Richard Lewis
(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: 8

Date Mailed: February 10, 2010



RESPONSE TO PROPOSED
CONDITIONAL USE PERMIT
CITY OF TEMPLE

RECEIVED

FEB 17 2011

City of Temple
Planning & Development

Amanda Krcha
8917 Oak Hills Drive
Temple, Texas 76052

Zoning Application Number: Z-FY-11-18

Project Manager: Leslie Matlock

Proponent/Applicant: Muhammad Usman (Galaxy Retail Inc) for C's Investment

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

I recommend () approval

☒ denial of this request.

Comments:

We have enough drinks in this
area - having a liquor store would
make it worse -

Amanda Krcha
(Signature)

Amanda Krcha
(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: 8

Date Mailed: February 10, 2010



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

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

Zoning Application Number: Z-FY-11-18

Project Manager: Leslie Matlock

Proponent/Applicant: Muhammad Usman (Galaxy Retail Inc) for C's Investment

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

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

Comments:


(Signature)

ROBERT SWENDSON, PRESIDENT
(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: 8

Date Mailed: February 10, 2010

To,

The City Council/Planning Department

SUBJECT: CUP Application

Dated: 03/02/2011

Dear Sir/Madam,

I as an Officer of the company wanted to add some comments to the CUP application by submitting this letter.

First of all I am a small business owner, and this will be the only Liquor store business, I will have if the CUP application is granted. Already all the TABC permits and county permits for this particular location are secured and all the furniture and Inventory is being purchased and secured on the location. Also security systems, Handicap Accessible restroom, camera systems are installed. In short I can safely say that the store is in a ready to go condition. The store can be opened within 30-60 days after the CUP application is granted and the work according to the CUP application is done.

Also I came to know that the City has approved another Liquor store in the same neighborhood. I must state that as our proposed parking is on the south side of the store so we will be catering more to the south and MLK side of the road, which is a 2-way road. I must state that the presence of 2 liquor stores will not make people buy more alcohol, but will only generate competitive prices. For example if some body wants to buy a bottle of red wine before going home, he will not buy one bottle each from both the stores but will try to buy at the store which has a better price. Also no development has been done by the other Liquor store, even approx 4 months after their CUP application approval. No application with TABC is made.

At the last I must state that after meeting with the City Planning department and working out on the plans, I have the understanding that this will be a high cost project. This project will also affect the Grocery store, which is in the same business strip as the proposed Liquor store. Their parking spaces will be reduced to almost half during the construction phase of the project. I must suggest the City to also consider the following,

1. We should be allowed up-to 5 years to keep the burglar bars as the area is still developing. There is no business around us for 200 feet but the grocery store. All are either closed or vacant lots. I must clarify as a retail business owner, that we don't like to put the burglar bars either, as it may scare away a good customer and it does not give good impression also. We will take them away as soon as possible within the time frame as suggested by the City Counsel and Planning Department.

RECEIVED

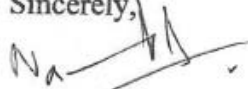
MAR 04 2011

City of Temple
Planning & Development

2. As the primary requirement for the Liquor store in this location is the parking space, which we have suggested on the south side of the store. I request that we be allowed to start the business as soon as the parking space is developed including Ramps, Handicap parking and other stuff related to proper parking requirements. But we should be allowed one year to complete the landscaping/parking part of the project, in front of the suggested store. This should allow our next-door store to operate without facing hardship due to us. This will also allow us to start the business as soon as possible and manage the total expenditure of the project over the course of a year. Also taxes will be paid and at least 3 jobs will be created sooner then later.

Please note that the above points are only suggestions and hopefully City Counsel and Planning Department will take note of our viewpoint of the CUP application.

Sincerely,



Muhammad N Usman
President
Galaxy Retail Inc.

RECEIVED

MAR 04 2011

City of Temple
Planning & Development



Photo passed out of store interior by Applicant at March 7, 2011, Planning and Zoning Commission.



Photo passed out of store interior by Applicant at March 7, 2011, Planning and Zoning Commission.



PLANNING AND ZONING COMMISSION AGENDA ITEM

03/07/11
Item #3
Regular Agenda
Page 1 of 6

APPLICANT: Mohammed Naveed Usman on behalf of Galaxy Retail, Inc.

CASE MANAGER: Leslie Matlock, AICP, Senior Planner

ITEM DESCRIPTION: Z-FY-11-18 Hold a public hearing to discuss and recommend action on a Conditional Use Permit to allow a package store with alcoholic beverage sales for off-premise consumption on a Portion of Lots 11,12,and 13, Block 25, Roach Addition, commonly known as 313 E. Central Avenue, zoned Central Area (CA) District.

BACKGROUND: This case was scheduled and notified for the February 22, 2011, meeting. Staff and the applicant requested that the case be deferred until the next regular meeting. P&Z opened the public hearing and then tabled the item until this meeting.

This site is the center lease space of a three-business retail building on the southwest corner of N. Martin Luther King Jr. Drive and E. Central Avenue. It is located across the street from 1 N. 6th Street, Case Z-FY-10-33, an approved Package Store which received a Conditional Use Permit (CUP) in August of 2010. That case, Z-FY-10-33, was originally denied earlier in the same year. It was revised and brought back to the Commission and Council where it was approved. The approved CUP site plan shows demolition of the neighboring duplex for a parking lot and onsite landscaping. That business has not yet opened.







Z-FY-10-33 CUP
Approved Package Store
1 North 6th Street


Subject Property
313 East Central Avenue

Surrounding Property and Uses

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

Direction	Zoning	Current Land Use	Photo
Subject Property	CA	Retail Building with 3 lease spaces - Convenience Store occupying east side, proposed Package Store in center space, and vacant lease space on the west.	

Direction	Zoning	Current Land Use	Photo
Subject Property	CA	View to the west from corner of N. Martin Luther King Jr. Drive and E. Central Avenue to front of subject building and entrance of subject proposal.	
North	CA	Vacant Commercial Metal Building siding on E. Central Avenue.	
South	CA	Vacant Lot (Proposed site of additional off-street parking lot to be added if approved)	
East	CA	Vacant Commercial Building (former church)	

Direction	Zoning	Current Land Use	Photo
West	CA	Alley and Paved Lot	

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

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

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

Future Land Use and Character (CP Map 3.1)

The request conforms to the Future Land Use and Character Map which designates the property as Auto Urban Commercial. This use is classed as retail and is compatible with the Future Land Use Plan, but because of its nature, requires discretionary judgment in districts which allow the use to site within them.

Thoroughfare Plan (CP Map 5.2)

This request conforms to the Thoroughfare Plan since the subject tract has access to E. Central Avenue and N. Martin Luther King Jr. Drive are designated as Arterial streets. The surrounding area is in transition and most surrounding lots are underutilized. This strip center has three tenant spaces and for at least the last five years, has had two spaces empty. Traffic congestion will not unreasonably increased by this proposed use or will it require a change in the infrastructure surrounding this lot.

Availability of Public Facilities (CP Goal 4.1)

A four- and an eight-inch water line and an eight-inch sewer line currently serve the site. No additional services are required for this use.

CONDITIONAL USE SITE PLAN REVIEW:

If the City Council approves this CUP request, the site must be developed according to the approved CUP site plan before the proposed package store may open for business. Below are some critical elements of the CUP site plan along with explanatory notes.

Parking

In Sec. 5.3.16 of the Unified Development Code (UDC), package stores are required to have one on-site parking space per 250 square feet of retail area, even in the CA, Central Area District. The regulation requires a minimum of seven spaces. The applicant is proposing the purchase of the adjacent lot, behind the building and fronting on Martin Luther King Drive, to provide nine off-street

parking spaces. Parking behind the subject building satisfies the “on-site” parking requirement as direct access to building is possible.

Although the entire retail building would require 22 off-street spaces, UDC Sec. 7.4.4, allows that the normal off-site parking requirements do not apply the CA District. There are currently seven on-street spaces along the street perimeter of this lot, three spaces on Martin Luther King Jr. Drive and four spaces on E. Central Avenue. Staff has requested that the parking on the front of the building, which is currently head-in with vehicle maneuvering into E. Central Avenue directly into the east-bound turning queue, be re-planned to be parallel to the street. This would increase vehicle safety along this right-of-way. This also frees up an area with which to plant required landscaping and improve pedestrian access (see section below).

Landscaping and Hardscaping

Staff has requested that the applicant improve the lot to the basic standards that are within the landscaping portion of the UDC and to complete pedestrian links to the new parking lot and the existing sidewalks from the building.

Landscaping includes planting one, six-foot or taller, approved tree for every 40-ft of street frontage, and to cover any other irrigated unpaved area with ground cover, which can include turf, Asian jasmine or similar species. Because the parking is being rearranged along E. Central Avenue, part of the parking spaces on private and public right-of-way can be removed for the planting area. Additionally, along the Martin Luther King Jr. Drive side of the building, there is a portion of unpaved area that currently has minimal landscaping. Because this would be the access area for patrons parking in the proposed onsite parking area behind the building, Staff has requested the applicant to add trees and ground cover, which is shown on the site plan. (The leader on the site plan showing turf installation should be extended to the existing sidewalk from the larger parking lot landscaped area and also on the other side of the ramp connecting to the intersection corner.)

The applicant shows the requested access connections from the building to the street in the form of ADA-compliant ramps, as this building is higher than the surrounding street and sidewalk level. He has additionally provided light standards at the entrance of the parking lot in the landscaped areas that match with the City installed Acorn-styled globes and historic posts.

Building Elevation Improvements

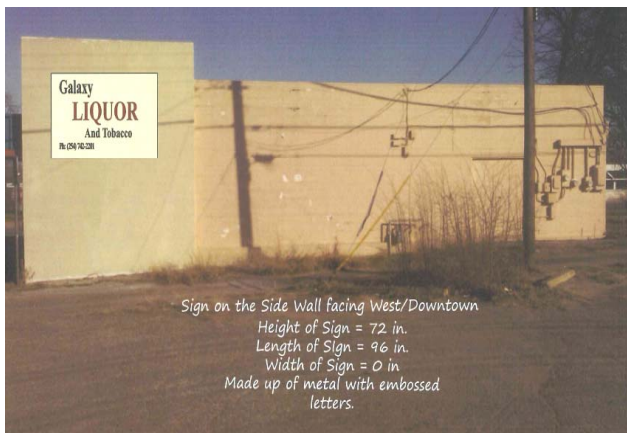
The building was built in the early 1970's and is in need of repair. The canopy around the face of the building has damage, and Staff has requested that the entire canopy be repainted. The applicant has agreed to this, although he has not stated the final color. Additionally staff has requested that the burglar bars be removed. The note on the plan states that all burglar bars will be removed on this building.

Signs

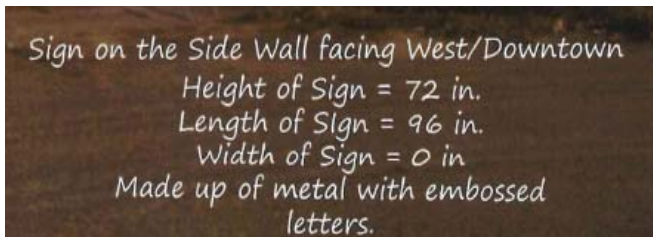
Staff requested a mock up of the signs that the Applicant planned to install. The photos below reflect the proposed signs and will not be part of the CUP ordinance. They show that the applicant intends to place professionally-produced signs in proportion with the size of the building.



Canopy
Repairs
shown
here as
completed



Alley side of the building – visible from
East Central Avenue- proposed size below



Existing window signs shown along bottom
of windows – proposed sign is on canopy– actual
sizes of window signs are below



Location

Staff has raised the concern as to whether this subject property is a good location for a package store, given the recent approval of another package store across the street. Part of the CUP process is for the P&Z and City Council to utilize their discretionary abilities in making a recommendation and taking final action.

As a decision guide, the UDC establishes five general criteria for evaluation of all CUPs. They are listed below for the P&Z's consideration:

- A. The conditional use is compatible with and not injurious to the use and enjoyment of the property, and does not significantly diminish or impair property values within the immediate vicinity.
- B. The establishment of the conditional use does not impede the normal and orderly development and improvement of surrounding vacant property.

- C. The design, location and arrangement of all driveways and parking spaces provide for the safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent development.
- D. Adequate nuisance prevention measures have been taken to prevent or control offensive odors, fumes, dust, noise and vibration.
- E. Directional lighting is provided so as not to disturb or adversely affect neighboring properties.

Both negative public comment letters were related to Criteria 1 above.

PUBLIC NOTICE:

Eight notices of the Planning and Zoning Commission public hearing were sent to surrounding property owners. As of Wednesday, February 25th at 5 PM, one notice was returned in favor of and two notices were returned in opposition to the request. One notice was returned by the Post Office as undeliverable. The newspaper printed notice of the Planning and Zoning Commission public hearing on February 11, 2011 in accordance with state law and local ordinance.

The returned undeliverable notice was addressed to the Love Outreach Pentecostal Church. Temple Code of Ordinance Section 4-2 states it is an offense for sales of alcoholic beverages within 300-feet of a Church, public school or public hospital. This section is referenced to the State Alcoholic Beverage Code. The building in question is within 300 feet from front door to front door and along property lines.

Staff referred the issue to the Deputy City Attorney who researched State Attorney General opinions. She believes that the Church has to be in operation in order for this restriction to apply to an alcoholic beverage sales business. Staff called the contact number posted in the window of the shuttered building, and followed up by calling other Pentecostal Churches in the area for a current number. Because there is no activity in the building, this Package Store has been forwarded to the Planning and Zoning Commission and the City Council for consideration.

STAFF RECOMMENDATION: NA (per direction of the City Council)

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

P&Z Minutes

Aerial

Land Use and Character Map

Zoning Map

Utility Map

CUP Site Plan

CUP Landscaping Plan

Notice Map

Response Letters

(March 8, 2011 added – Letter of Appeal from Muhammad Naveed Usman, Applicant

Photos of interior of building)

P&Z Staff Report

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

MONDAY, MARCH 7, 2011

ACTION ITEMS

Item 3: Z-FY-11-18: Hold a public hearing to discuss and recommend action on a Conditional Use Permit to allow a package store with alcoholic beverage sales for off-premise consumption on a Portion of Lots 11,12,and 13, Block 25, Roach Addition, commonly known as 313 E. Central Avenue, zoned Central Area (CA) District. (Mohammed Naveed Usman for Galaxy Retail, Inc.)

Ms. Leslie Matlock, Senior Planner, stated this was a CUP request for a package store located at E. Central and MLK on the east side of a three store building, currently zoned Central Area (CA) and across the street from another package store.

Property surrounding the subject building includes a vacant commercial building to the north, a vacant parcel to the south (applicant's proposed parking lot), a non-residential building to the east (formerly a church), and a paved parking to the west. Land uses of surrounding areas are also given.

Ms. Matlock reads the CUP criteria for the benefit of newer Board members.

- A. The conditional use is compatible with and not injurious to the use and enjoyment of the property, and does not significantly diminish or impair property values within the immediate vicinity.
- B. The establishment of the conditional use does not impede the normal and orderly development and improvement of surrounding vacant property.
- C. The design, location and arrangement of all driveways and parking spaces provide for the safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent development.
- D. Adequate nuisance prevention measures have been taken to prevent or control offensive odors, fumes, dust, noise and vibration.
- E. Directional lighting is provided so as not to disturb or adversely affect neighboring properties.

Ms. Matlock states the entrance to the package store would be along East Central Avenue and the lot boundaries are described including the lot at the rear of the building where the parking area would be located. There is some perpendicular parking available along East Central Avenue and three parking spaces along Martin Luther King Drive.

Pedestrian passageways would be connecting to the sidewalk already in place. Sidewalks and access to the building, along with a ramp, would be put in the rear of the building. Curbs and edging would be installed around the ramp in the parking lot and a new retaining wall

would be constructed between MLK and the parking lot. Applicant would install additional acorn lights to match the current City acorn lights.

The applicant has proposed to put in all required street trees with landscaping along the adjacent streets and trees and landscaping in the rear along the building and around the parking area. The applicant has proposed to repair and repaint the canopy and remove all burglar bars. The signs (not part of the CUP) will be professionally painted and proportional with the building.

Eight notification letters were mailed out: Two letters were received recommending denial and one was received in favor of the request.

Vice-Chair Martin asked about the burglar bars being removed since Mr. Usman requested in his letter that the bars be left up for five years. Ms. Matlock explained the applicant's letter arrived after the P&Z packet was finalized and sent out to the Commissioners.

Commissioner Pilkington stated the request as presented seems to meet all requirements.

Chair Talley asked if the building across the street was no longer a church and Ms. Matlock confirmed. Due diligence was done in trying to contact someone at that building but attempts was unsuccessful.

Chair Talley asked about the handicapped parking and that the applicant only showed one handicapped space. Ms. Matlock stated only one handicapped space per every five parking spaces was required. This matter would also be reviewed during the permitting process.

Vice-Chair Martin opened the public hearing.

Mr. Mohammad Naveed Usman, 406 Verona Circle, Kyle, Texas, 78640, stated the convenience store owner was concerned about no parking during the construction phase. Mr. Usman suggested switching around the areas that need work in order to accommodate the neighbor's business. Mr. Usman also stated the burglar bars would be helpful for now since there are no other businesses in the immediate area around the building and requested they not be removed for four or five years. Currently, it would be difficult to remove them. He suggested a shutter could possibly be placed on the inside.

Vice-Chair Martin asked Mr. Usman if he had any problem with the timeline of redoing the rear parking area first, rather than the rest of the work. Mr. Usman said no, the City's main concern was no provided parking for the package store and did not want the applicant to use the public parking areas as they currently were laid out. It would take approximately a month to complete each section of work.

Mr. Usman stated someone has some concern about another liquor store across the street but that building is empty and nothing has been started yet.

Commissioner Rhoads asked for the customers who park in the back, would they would still need to walk around to the front to enter the store or would there be a rear entry and Vice-Chair Martin asked if the rear door would be opened to the public. Mr. Usman stated according to TABC law, he could not open the rear door to the public since the rear door was

specifically for loading and unloading. A store was required to have two entries: one for the rear for loading and unloading and one in the front for customers.

Commissioner Pope asked what portion of the work Mr. Usman was asking to be delayed for a year and Mr. Usman stated the landscaping and everything on the south side should be completely finished first.

Ms. Matlock stated in the CO (Certificate of Occupancy) process, starting at the time that a building permit is issued, the applicant only had six months to build whatever he was going to build. The CO would be issued after the building was finished if it complied with the approved CUP site plan and approved building permit. Vice-Chair Martin stated and clarified Mr. Usman would have only six months, not one year, to complete everything he needed to do after the building permit is approved. Mr. Usman stated he understood. Vice-Chair Martin stated in order to get a CO, all of the work, landscaping, parking, etc., was to be completed before the business would be able to open and Mr. Usman again concurred.

Mr. Brian Armstrong, 117 East Bob White Lane, Harker Heights, Texas 76548, stated he had some pictures of the site as it currently sits and they were ready to open for business. (Handed out pictures to the Board). Mr. Armstrong felt it would be better to leave the burglar bars on for now since the store currently contained inventory and stock and the time requested to leave the bars up (4-5 years) would allow them an opportunity to find another method of securing the premises.

Commissioner Rhoads stated the applicant had a lot to do with the landscaping and parking lot before opening for business. Mr. Armstrong stated that the work could be done within the six month period. Vice-Chair Martin asked Mr. Armstrong if he understood the business would not be opened until all of the work was done and Mr. Armstrong stated he understood.

Mr. Armstrong stated they were requested by staff to take down the burglar bars. Ms. Matlock explained the business was originally opened, without a CUP, and the applicant was asked to close the business and go through the process to obtain a CUP which is why the store looks ready to open. Mr. Armstrong stated there was also a request to take their business sign down and it was removed. (Hands out pictures to Board).

Commissioner Rhoads asked how long the business had been opened. Mr. Usman stated approximately 30 to 40 minutes and then they were asked to shut down because they needed a permit. Mr. Usman stated they were not currently opened and did not know they needed a permit.

Commissioner Sears asked if a permit was ever pulled for the initial construction (remodeling) inside. Ms. Autumn Speer, Director of Community Services, stated they did not pull a permit but have been very cooperative since asking them to shut down and go through the permit process. Chair Talley stated that as a business owner, Mr. Usman should have known that ahead of time. Mr. Usman stated closer to Austin, if there are no structural changes, usually you do not need a permit. Ms. Speer stated to her knowledge, no major renovation took place inside the building for the required permit. The City of Temple does not have a CO process for a change of occupancy in place, however, one is being worked on to help applicants know what is required to do business.

Commissioner Pilkington asked about the burglar bars and if the City did not want them. Ms. Speer stated burglar bars send a message about the neighborhood and the applicant was asked to remove them. Ms. Speer stated she felt the City could work with the applicant regarding the bars considering all of the circumstances involved, and a time limit was up to the Board. Commissioner Pope stated burglar bars were not an issue last year on the package store across the street and did not feel these bars should be an issue on this store.

Commissioner Rhoads asked if the other store (across the street) was opened and the response was no. Mr. Armstrong stated it was his understanding that the applicant who was granted a CUP had not yet applied for the TABC license and the store was currently empty. Mr. Armstrong stated one of the denial letters was from the applicant across the street because he did not want competition in the area.

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

Commissioner Pilkington asked how the Board should indicate a time limit for the burglar bars and Ms. Matlock replied it could be stated in the motion and would then be included in the Ordinance. Commissioner Pilkington asked if there was an easy way to track this and Ms. Speer stated a Code Enforcement Officer would check on the applicant.

Vice-Chair Martin stated when a CUP is discussed, the phrase “diminish or impair the property within the immediate vicinity” always comes up. Vice-Chair Martin felt the applicant’s site plan covered the landscaping and parking requirements and did not feel it diminished or impaired the property in the immediate vicinity of the area. Commissioner Pilkington agreed with Vice-Chair Martin and said the area would look very nice once completed.

Commissioner Pilkington made a motion to approve the CUP for Z-FY-11-18 as presented with the additional condition that the burglar bars would be allowed to stay for up to one year after opening and then must be removed. Commissioner Sears made a second.

Commissioner Pope wanted clarification that the bars would be allowed for one year and not five years and Commissioner Pilkington stated yes. Commissioner Pope stated while the site was under construction and not opened for business, the bars could be very valuable to the applicant.

Motion passed: (7:0)

Commissioners Staats and Williams absent

ORDINANCE NO. _____

[PLANNING NO. Z-FY-11-18]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONDITIONAL USE PERMIT TO ALLOW THE SALE OF DISTILLED LIQUORS, WINES AND BEERS IN UNBROKEN ORIGINAL CONTAINERS IN A PACKAGE STORE FOR OFF-PREMISE CONSUMPTION ON A PORTION OF LOTS 11, 12, AND 13, BLOCK 25, ROACH ADDITION, COMMONLY KNOWN AS 313 EAST CENTRAL AVENUE; DECLARING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

WHEREAS, the Planning and Zoning Commission of the City of Temple, Texas, after due consideration of the conditions, operation and location of a portion of Lots 11, 12, and 13, Block 25, Roach Addition, commonly known as 313 East Central Avenue, recommends that the City Council approve the application for this Conditional Use Permit for an off-premise consumption package store; and

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

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

Part 1: The City Council approves a Conditional Use Permit to allow the sale of distilled liquors, wines and beers in unbroken original containers in a package store for off-premise consumption on a portion of Lots 11, 12, and 13, Block 25, Roach Addition, commonly known as 313 East Central Avenue, more fully shown on Exhibit A, attached hereto and made a part of for all purposes.

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

General:

- (a) The permittee must design and operate the establishment in such a manner that the proposed use or actual use of the premises shall not substantially increase traffic congestion or create overcrowding in the establishment or the immediately surrounding area.
- (b) The permittee must comply with applicable licensing and permit provisions of the Alcoholic Beverage Code within 6 months from the date of the issuance of the conditional use permit by the City Council, such limitation in time being subject to review and possible extension by the City.
- (c) The permittee bears the burden of showing that the establishment does not exceed the limitation on gross receipts from sales of alcoholic beverages applicable to its conditional use permit. The permittee must maintain accounting records of the sources of its gross revenue and allow the City to inspect such records during reasonable business hours. (Not applicable for package stores).
- (d) The permittee must demonstrate that the granting of the permit would not be detrimental to the public welfare of the citizens of the City.
- (e) The permittee must, at all times, provide an adequate number of employees for security purposes to adequately control the establishment premises to prevent incidents of drunkenness, disorderly conduct and raucous behavior. The permittee shall consult with the Chief of Police, who shall act in an advisory capacity to determine the number of qualified employees necessary to meet the obligations hereunder.
- (f) The establishment must provide adequate parking spaces in accordance with the standards in Section 7.4 of the Unified Development Code.
- (g) The permittee must operate the establishment in such a manner as to prevent excessive noise, dirt, litter and odors in the establishment or in the surrounding area and operate the establishment in such a manner as to minimize disturbance to surrounding property owners.
- (h) The City Council may deny or revoke this conditional use permit in accordance with Section 3.5 of the Unified Development Code if it affirmatively determines that the issuance of the permit is incompatible with the surrounding uses of property, or detrimental or offensive to the neighborhood or contrary to the health, safety, and general welfare of the City and its inhabitants.
- (i) A conditional use permit issued under this section runs with the property and is not affected by a change in the owner or lessee of a permitted establishment.
- (j) All conditional use permits issued under this section will be further conditioned that the same may be canceled, suspended or revoked in accordance with the revocation clause set forth in Section 3.5. of the Unified Development Code.

Specific to Package Stores:

- (k) Such use must comply with Chapter 4, “Alcoholic Beverages,” of the City Code.
- (l) Outdoor lighting must comply with the standards in Section 6.7.5.H of the Unified Development Code.
- (m) If applicable, a pick-up window must be visible from the public right-of-way, and may not be placed in alleys.
- (n) The drive-through lane must provide a minimum of 60 feet of stacking space from the pick-up window to the beginning.
- (o) An escape (bypass) lane must be provided parallel to the drive-through lane, if applicable, from the beginning of the drive-through lane.
- (p) Parking (in any zoning district including the CA) must be provided on-site, not less than one space for each 250 square feet of retail space (plus the number of parking spaces required for non-retail space as specified by other City ordinances).
- (q) Window signs are prohibited.
- (r) Lighted advertising signs must be turned off at closing time.

Specific to this CUP:

- (s) The permittee’s site plan is an exhibit to the conditional use permit, attached hereto as Exhibit B.
- (t) The existing burglar bars may remain on the building for a maximum of one year after the Director of Construction Safety approves a certificate of occupancy for the package store.

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

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

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

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **7th** day of **April**, 2011.

PASSED AND APPROVED on Second Reading on the **21st** 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

04/07/11
Item #8
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Brian Mabry, Planning Director

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING – A-FY-11-02: Consider adopting an ordinance abandoning all of North 5th Street, between West Downs Avenue and West Calhoun Avenue, located between Blocks 27 and 28 of Moore's Addition; and reserving a public drainage and utility easement in the entire abandoned right-of-way.

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 21, 2011.

ITEM SUMMARY: First Christian Church requests this street abandonment to allow safer crossing for youth between its buildings along both sides of North 5th Street. Approval of this request would allow First Christian Church to close this portion of North 5th Street and convert it into parking and access between the Church proper and its new youth center on the east side of North 5th Street. First Christian Church does not plan any new buildings or excavation in the subject area.

Planning staff contacted all utility providers, including all divisions of the Public Works Department, the Fire Department, and Police Department regarding the proposed street abandonment. A blanket utility easement is needed to protect existing utilities in the right-of-way. The Fire Department has concerns that this requested street abandonment may potentially affect emergency response time for its new Central Fire Station located at this intersection.

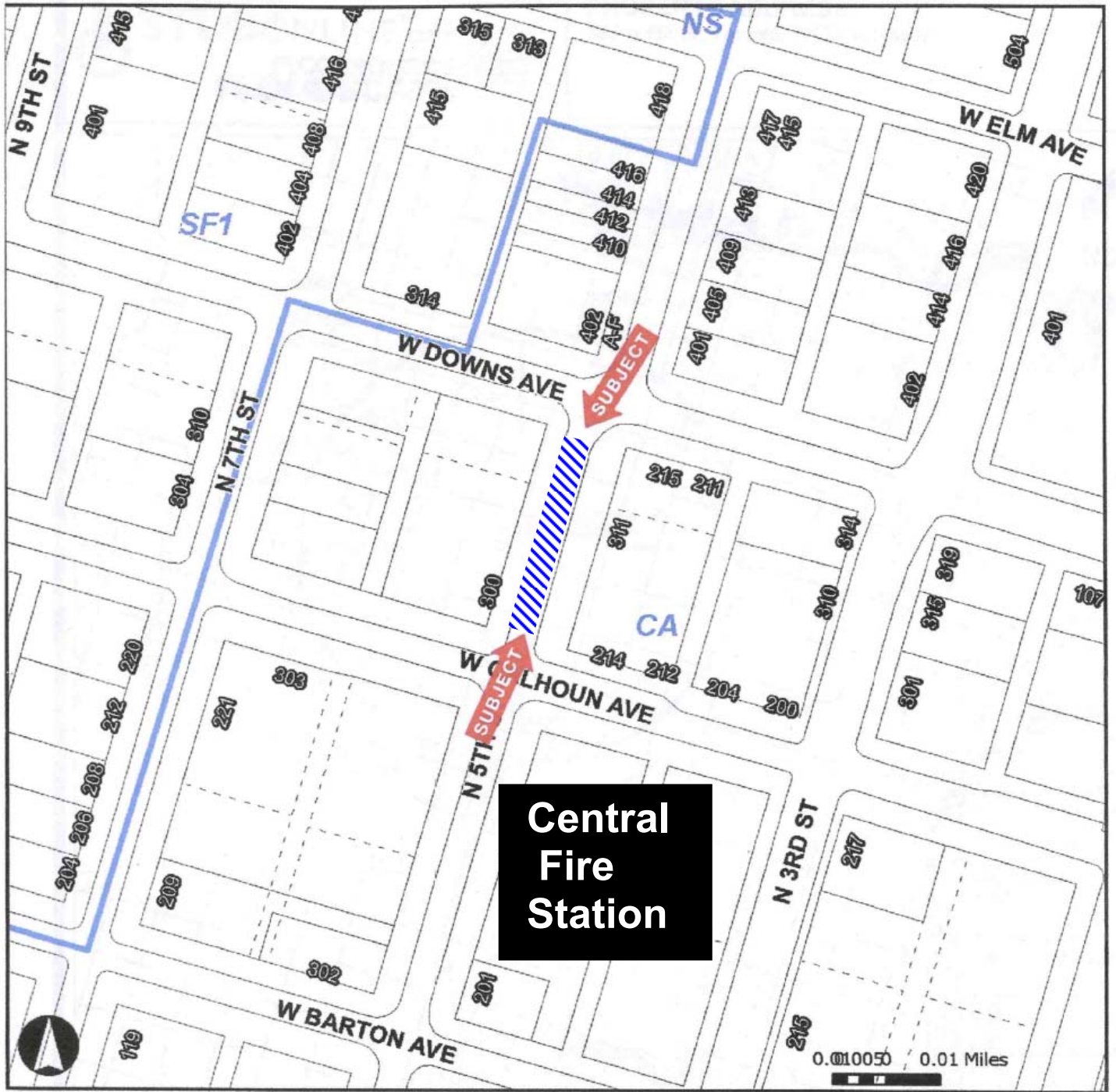
FISCAL IMPACT: If approved, First Christian Church would pay the City of Temple the fair market value of \$5,000 for the abandoned street right of way. Since First Christian Church is the only property owner along both sides of this portion of North 5th Street it is the only property owner eligible to purchase the abandoned right-of-way.

ATTACHMENTS:

[Aerial](#)
[Vicinity Map](#)
[Survey and Field Notes](#)
[Ordinance](#)



© 2008 Pictometry



Curbs

Streets Labels

TocSymbol 0

Railroad

Water Bodies

Historic Lot Lines

Ownership Parcels

Addresses

Parks

Schools

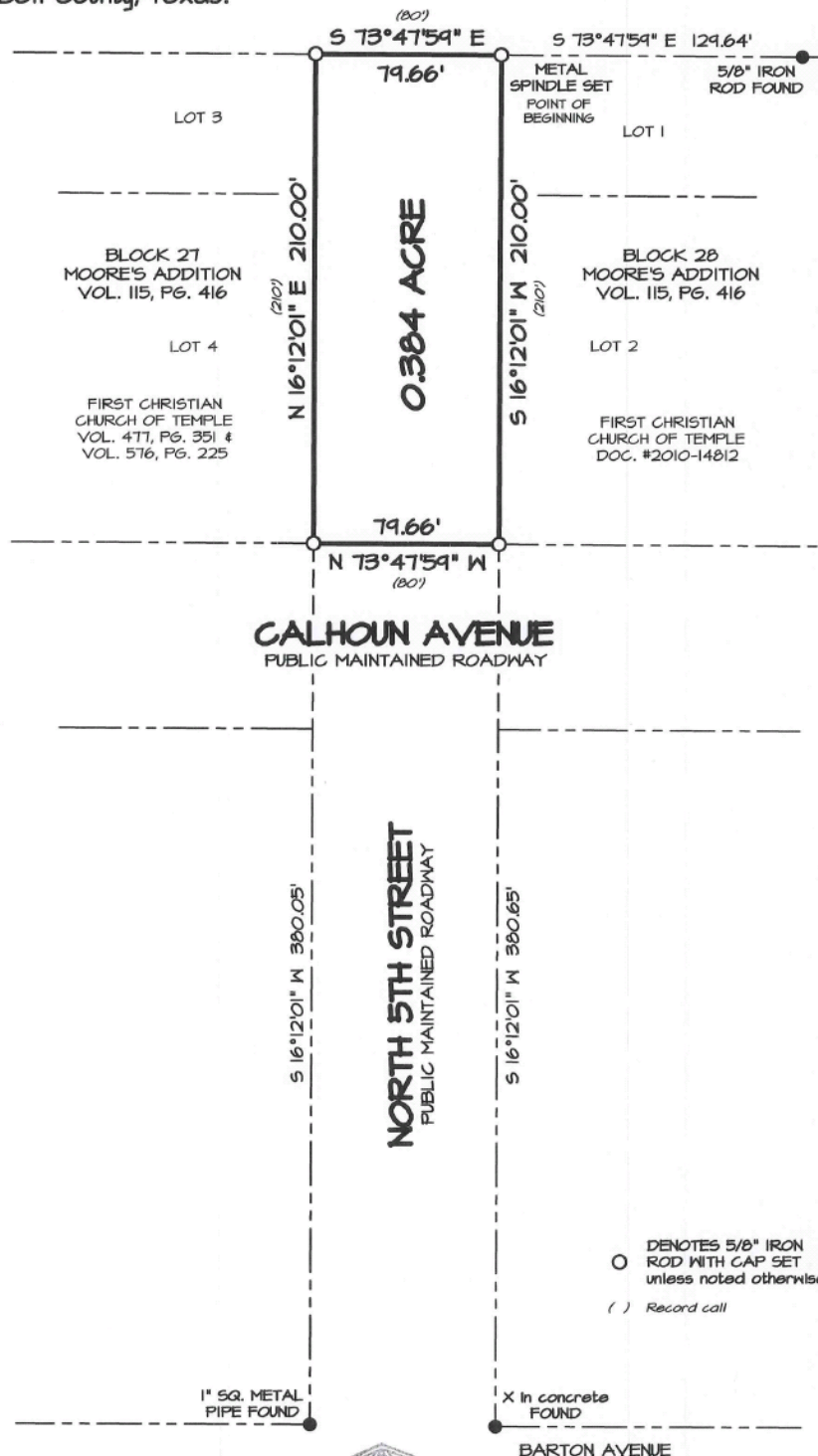
Zoning

City Limits

Temple ETJ

Temple ETJ

Surveyor's Sketch showing a 0.384 acre tract, being a portion of Moore's Addition, a subdivision in the City of Temple, Bell County, Texas, according to the plat of record in Volume 115, Page 416 of the Deed Records of Bell County, Texas.



This sketch accompanies a metes and bounds description of the herein shown 0.384 acre tract. This document is not valid for any purpose unless signed and sealed by a Registered Professional Land Surveyor.

This project is referenced to the City of Temple Coordinate System, an extension of the Texas State Plane Coordinate System, Central Zone, NAD83. All distances are horizontal surface distances and all bearings are grid bearings. All coordinates are referenced to City Monument No. 5. The theta angle at City Monument No. 5 is 01°31'42". The combined correction factor (CCF) is 0.999841. Grid distance = Surface distance x CCF. Geodetic north = grid north + theta angle. Published City coordinates for City Monument No. 5 are N = 10356440.64 E = 522555.57. The distance from City Monument No. 5 to the southwest corner of said 0.384 acre tract is N 40°30'07" E, 101754.12 feet.

○ DENOTES 5/8" IRON ROD WITH CAP SET unless noted otherwise
() Record call



ALL COUNTY SURVEYING, INC.

- Surveying
- Mapping
- Construction Layout

1303 South 21st Street
Temple, Texas 76504
254-718-2272 Killeen 254-634-4636
Fax 254-714-7608



Date: 11-2-10
Scale: 1" = 60'
Job No. 100711
Dwg No. 100711
Drawn by JMB
Surveyor JMB #5335

Copyright 2010 All County Surveying, Inc.

FIELD NOTES PREPARED BY ALL COUNTY SURVEYING, INC.

November 9, 2010

Surveyor's Field Notes for the CITY OF TEMPLE, for:

0.384 Acre, being part of the **MAXIMO MORENO SURVEY, ABSTRACT NO. 14**, in the City of Temple, Bell County, Texas, and being a portion of MOORE'S ADDITION, a subdivision of record in Volume 115, Page 416 of the Deed Records of Bell County, Texas, and being all of the right-of-way of a public maintained roadway known as NORTH 5TH STREET situated between the south right-of-way line of a public maintained roadway known as DOWNS AVENUE and the north right-of-way line of a public maintained roadway known as CALHOUN AVENUE, as shown on the plat of said MOORE'S ADDITION; said 0.384 acre tract was surveyed by All County Surveying, Inc., and is more particularly described by these metes and bounds as follows:

BEGINNING at a metal spindle set in the intersection of the east right-of-way line of said NORTH 5TH STREET and the south right-of-way line of said DOWNS AVENUE, said iron rod being the northwest corner of BLOCK 28 of said MOORE'S ADDITION, same being the northeast corner of this tract, from which a 5/8" iron rod found in the south right-of-way line of said DOWNS AVENUE bears SOUTH 73 deg 47 min 59 sec EAST, a distance of 129.64 feet.

THENCE in a southerly direction, with the east right-of-way line of said NORTH 5TH STREET, same being the west line of said BLOCK 28 (*record call 210 feet*), **SOUTH 16 deg 12 min 01 sec WEST, a distance of 210.00 feet** to a 5/8" iron rod with cap set in the intersection of the east right-of-way line of said NORTH 5TH STREET and the north right-of-way line of said CALHOUN AVENUE, same being the southwest corner of said BLOCK 28, also being the southeast corner of this tract, from which an X in concrete found in the intersection of the east right-of-way line of said NORTH 5TH STREET and the north right-of-way line of said BARTON AVENUE bears SOUTH 16 deg 12 min 01 sec WEST, a distance of 380.65 feet.

THENCE in a westerly direction, leaving the east right-of-way line of said NORTH 5TH STREET, and crossing the right-of-way of said NORTH 5TH STREET, with the north right-of-way line of said CALHOUN AVENUE (*record call 80 feet*), **NORTH 73 deg 47 min 59 sec WEST, a distance of 79.66 feet** to a 5/8" iron rod with cap set in the intersection of the west right-of-way line of said NORTH 5TH STREET and the north right-of-way line of said CALHOUN AVENUE, same being the southeast corner of BLOCK 27 of said MOORE'S ADDITION, also being the southwest corner of this tract, from which a 1" square metal pipe found in the intersection of the west right-of-way line of said NORTH 5TH STREET and the north right-of-way line of said BARTON AVENUE bears SOUTH 16 deg 12 min 01 sec WEST, a distance of 380.05 feet.

THENCE in a northerly direction, with the west right-of-way line of said NORTH 5TH STREET, same being the east line of said BLOCK 27 (*record call 210 feet*), **NORTH 16 deg 12 min 01 sec EAST, a distance of 210.00 feet** to a 5/8" iron rod with cap set in the intersection of the west right-of-way line of said NORTH 5TH STREET and the south right-of-way line of said DOWNS AVENUE, same being the northeast corner of said BLOCK 27, also being the northwest corner of this tract.

THENCE in an easterly direction, leaving the west right-of-way line of said NORTH 5TH STREET, and crossing the right-of-way of said NORTH 5TH STREET, with the south right-of-way line of said DOWNS AVENUE (*record call 80 feet*), **SOUTH 73 deg 47 min 59 sec EAST, a distance of 79.66 feet** to the Point of Beginning, containing **0.384 Acre**.

This project is referenced to the City of Temple Coordinate System, an extension of the Texas State Plane Coordinate System, Central Zone, NAD83. All distances are horizontal surface distances and all bearings are grid bearings. All coordinates are referenced to City Monument No. 3. The theta angle at City Monument No. 3 is 01 deg 31 min 42 sec. The combined correction factor (CCF) is 0.999847. Grid distance = Surface distance X CCF. Geodetic north = Grid north + theta angle. Published City coordinates for project reference point 3 are N. = 10,368,408.89 E. = 3,225,333.77 Reference tie from City monument No. 3 to the southwest corner of this 0.384 acre tract is N 40 deg 30 min 07 sec E, 10,759.92 feet.

Surveyed November 2, 2010

ALL COUNTY SURVEYING, INC.

1 (800) 749 - PLAT

File: 100711.fns



Jeffrey M. Baylor
Registered Professional Land Surveyor
Registration No. 5335

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, ABANDONING ALL OF NORTH 5TH STREET, BETWEEN WEST DOWNS AVENUE AND WEST CALHOUN AVENUE, LOCATED BETWEEN BLOCKS 27 AND 28 OF MOORE'S ADDITION; RESERVING A PUBLIC DRAINAGE AND UTILITY EASEMENT IN THE ENTIRE ABANDONED RIGHT-OF-WAY; DECLARING FINDINGS OF FACT; AUTHORIZING CONVEYANCE OF SUCH PROPERTY BY A DEED WITHOUT WARRANTY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City has a request from First Christian Church to abandon 210 feet of North 5th Street between West Downs Avenue and West Calhoun Avenue to allow a safer crossing for youth between the buildings along both sides of North 5th Street;

Whereas, the City and other public utility providers need to retain a public drainage and utility easement throughout the road proposed to be abandoned;

Whereas, the road is not necessary for the purpose of serving the general public or the owners of adjacent land for purposes of vehicular access; and

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

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

Part 1: The City Council abandons all of North 5th Street between West Downs Avenue and West Calhoun Avenue, more fully described in Exhibit A, attached hereto for all purposes, and reserves a public drainage and utility easement in the entire abandoned right-of-way.

Part 2: The City Council authorizes the Mayor of the City of Temple, Texas, for the consideration set out in Part 3, to execute a Deed Without Warranty conveying the rights and interests of the City of Temple, Texas, to the abutting property owner, reserving a public drainage and utility easement in the entire abandoned right-of-way, which when done, shall be and become a binding act and deed of the City of Temple.

Part 3: As consideration for the conveyance described in Part 2 hereof, the abutting property owner shall pay to the City of Temple the fair market value of \$5,000.

Part 4: If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or

applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

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

Part 6: It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading and Public Hearing on the **7th** day of **April**, 2011.

PASSED AND APPROVED on Second Reading the **21st** day of **April**, 2011.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

ATTEST:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney

STATE OF TEXAS §

COUNTY OF BELL §

This instrument was acknowledged before me on the _____ day of April, 2011, by WILLIAM A. JONES, III, Mayor of the City of Temple, Texas.

Notary Public, State of Texas



COUNCIL AGENDA ITEM MEMORANDUM

04/07/11

Item #9

Regular Agenda

Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney
Clydetta Entzminger, City Secretary

ITEM DESCRIPTION: FIRST & FINAL READING – PUBLIC HEARING – Consider adopting an ordinance validating the petition submitted by the Temple Police Association and ordering a special Charter Amendment election for May 14, 2011, to be considered on an emergency basis.

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance on first and final reading.

ITEM SUMMARY: The Temple Police Association filed a petition with the City Secretary on April 1, 2011 proposing an amendment to the City Charter regarding the creation of a minimum staffing level for the number of police officers authorized for the City of Temple Police Department. In order for the petition to be valid it must contain at least 1482 signatures of qualified voters of the City. This number represents 5% of the qualified voters as determined by the Bell County Voter Registrar. The requirements for a Charter Amendment petition are contained in Local Government Code Section 9.004 and Election Code Section 277.002.

The City Secretary has certified that the petition does contain more than the 1482 required signatures and therefore, the petition is valid. The City Council must order a special Charter Amendment election for May 14, 2011 the next uniform election date. The following proposition (as contained in the petition) will appear on the ballot:

AN ARTICLE AMENDING THE CHARTER OF THE CITY OF TEMPLE TO CREATE A MINIMUM STAFFING LEVEL FOR THE NUMBER OF POLICE OFFICERS AUTHORIZED FOR THE CITY OF TEMPLE POLICE DEPARTMENT.

The City of Temple shall authorize, as of April 1st of each budget year, the Temple Police Department to employ a minimum number of Police Officers equivalent to not less than 2.5 Police Officers for every one thousand citizens in population for the city of Temple according to the most recent annual population estimate provided by the state demographer under Chapter 468, Government Code, or the most recent federal decennial census if that estimate is more recent.

The proposed ordinance sets out all procedures for conducting the special election in accordance with the Election Code.

FISCAL IMPACT: \$11,600 is budgeted in the Election program in the City Secretary's budget. The May 14th election will be held jointly with TISD and they will reimburse the City for their pro rata portion of expenses.

ATTACHMENTS:

[Ordinance](#)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, ORDERING AN ELECTION TO BE HELD WITHIN THE CITY TO SUBMIT TO THE VOTERS OF A PROPOSED CHARTER AMENDMENT TO CREATE A MINIMUM STAFFING LEVEL FOR THE NUMBER OF POLICE OFFICERS AUTHORIZED FOR THE CITY OF TEMPLE POLICE DEPARTMENT; MAKING PROVISION FOR THE CONDUCT OF SAID ELECTION; CONTAINING OTHER PROVISIONS INCIDENT AND RELATED TO THE PURPOSE OF THIS ORDINANCE, TO BE CONSIDERD ON AN EMERGENCY BASIS.

Whereas, the Temple Police Association filed a petition with the City of Temple on April 1, 2011 and the petition was verified by the City Secretary on April 4, 2011, as containing more than the required 1482 valid signatures of registered voters in the City of Temple and meeting the requirements of Texas Election Code Chapter 277 and Local Government Code Section 9.004 requiring the City Council to order a charter amendment election to be held on the next uniform election date, May 14, 2011;

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

Whereas, the City Council finds and determines that it is necessary and advisable to call and hold an election within the City of Temple for the issue described above and presented in the petition filed by the District and verified by the City of Temple.

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

Part 1: It is hereby ordered that a special charter amendment election be held on Saturday, May 14, 2011, for the purpose of allowing voters to consider a proposed charter amendment regarding the creation of a minimum staffing level for the number of police officers authorized for the City of Temple Police Department.

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

proposition on the ballot shall be recorded in such a manner as will permit the voters to cast one vote either for or against the proposition.

Part 3: The election shall be held at the following places in the City and the following persons are hereby appointed presiding judges and alternate judges, respectively, for the election called by this ordinance:

<i>City Council District No. 1</i>	Frank Mayborn Civic and Convention Center, 3303 North 3rd Street
---	---

Presiding Judge	Alicia Prado
Alternate Presiding Judge	Allison Medrano

<i>City Council District No. 2</i>	Meridith-Dunbar Elementary School 1717 East Avenue J
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Presiding Judge	Rachael Knighton
Alternate Presiding Judge	Twila Coley

<i>City Council District No. 3</i>	Thornton Elementary School 2900 Pin Oak Drive
---	--

Presiding Judge	Joan Howell
Alternate Presiding Judge	Lou Ann White

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

Presiding Judge	Wilma Butler
Alternate Presiding Judge	Glenda McDorman

<i>Early Voting Ballot Board</i>	Municipal Building, 2 North Main Street (between Central and Adams)
---	---

Presiding Judge	John Dempsey
Alternate Presiding Judge	J. W. Perry

In the case of death, inability or refusal of any person appointed as a presiding judge to act, the Mayor shall have the authority and he is hereby directed to appoint some suitable person or persons to act instead. The presiding judges for each city council election district are authorized to appoint not less than two or more than three election clerks to assist the judge in the conduct of an election at the polling place served by the judge. The Early Voting Ballot Board shall count the ballots cast during early voting for the election in accordance with the requirements of Chapter 87 of the Texas Election Code. Early voting ballots will in every case be treated as a separate precinct and a separate set of returns will be made for early voting ballots.

As compensation for services rendered at the precinct polling place, election judges and clerks shall receive \$10.00 per hour in accordance with provisions in §32.091 of the Election Code. The election judge or clerk who delivers the precinct election records, keys to ballot boxes or other election equipment, and unused election supplies after an election is entitled to compensation for that service in an amount not to exceed \$25.

The election judge and members of the early voting ballot board are entitled to the same compensation as presiding election judges, in accordance with provisions in §87.005 of the Election Code, however, the minimum compensation to each member of the early voting ballot board shall be \$50.

Part 4: (a) **Early voting by personal appearance.** Any registered voter is eligible to vote early by personal appearance on weekdays, beginning on May 2, 2011, and ending on May 10, 2011, outside the City Secretary's Office, Room 103 (First Floor), Municipal Building, Temple, Texas. Early Voting will be conducted from 8:00 a.m. to 5:00 p.m. May 2, 2011 through May 6, 2011. During the time period of May 9 and May 10, 2011 Early Voting will be conducted from 7:00 a.m. to 7:00 p.m.

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

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

Part 5: Clydette Entzminger, the City Secretary, is hereby appointed Clerk for early voting, and authorized to appoint by written order one or more persons to assist her as deputy early voting clerks. The early voting clerk shall maintain a roster listing each person who votes early by personal appearance and for each person to whom an early ballot to be voted by mail is sent in accordance with Section 87.121 of the Texas Election Code. The early voting clerk shall perform all other duties required by him by the Texas Election Code.

Part 6: The Mayor shall make proclamation of the May 14, 2011 election and issue, or cause to be issued, all necessary orders, writs and notices for said election and returns of said election shall be made to this the City Council immediately after the closing of the polls. The City Secretary shall cause notice of this election, in both English and Spanish, to be

published and posted in compliance with Texas Election Code Section 4.003(a)(1) and 4.003(b) Local Government Code Section 9.004.

Part 7: Immediately after said election is held, the officers holding the same shall make returns on the result thereof to the Mayor of this City as required by the Election Code of this State.

Part 8: A copy of this order shall also serve as a Writ of Election which shall be delivered to the Presiding Judges for said election along with the Election Judge's Certificate of Appointment.

Part 9: The City Secretary is hereby authorized and instructed to provide and furnish all necessary election supplies to conduct said election and to comply with Federal, State, and local law and in the conduct thereof.

Part 10: If any section or part of any section, paragraph, or clause of this resolution is declared invalid or unconstitutional for any reason, such declaration shall not be held to invalidate or impair the validity, force, or effect of any other section or sections, part of section, paragraph, or clause of this resolution.

Part 11: This resolution shall take effect immediately from and after its passage, and it is accordingly so ordained.

Part 12: 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.

Part 13: The fact that the City of Temple needs to call the election at least 30 days prior to the election date, and the fact that the timing was driven by the date the petition was filed by the submitters of the petition, creates an emergency and imperative necessity which authorize and require that all Charter provisions, ordinances, and rules commanding the reading of ordinances on two separate regular meetings of the City Council, and prohibiting the passage of an ordinance on the date of its introduction be suspended and they are hereby suspended, and this ordinance is hereby passed as an emergency ordinance on the date of its introduction and shall be in effect from and after its adoption.

PASSED AND APPROVED on FIRST AND FINAL 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

04/07/11
Item#10
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Clydette Entzminger, City Secretary

ITEM DESCRIPTION: Consider adopting a resolution appointing members to the following City boards and commissions:

- (A) Library Board – one member to fill an unexpired term through September 1, 2011; and
- (B) Planning & Zoning Commission – one member to fill an unexpired term through September 1, 2011

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Library Board – Barbara Moyles was appointed to the Library Board on March 3, 2011. Ms. Moyles has moved from the City of Temple and is no longer eligible to serve on the Library Board. Staff requests appointment of one Temple resident to fill the unexpired term through September 1, 2011.

Planning & Zoning Commission – Ashley Williams resigned from the Planning & Zoning Commission effective March 10, 2011. Staff requests appointment of one Temple resident to fill the unexpired term through September 1, 2011.

Please see the attached board summary forms and applications for those interested in serving on one of these City boards.

FISCAL IMPACT: N/A

ATTACHMENTS:

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

LIBRARY BOARD

TERM EXPIRATION: SEPTEMBER - 3 YEAR TERMS

APPOINTED BY: MAYOR/COUNCIL

MEMBER	DATE APPOINTED	EXPIRATION YEAR	ADDRESS	PHONE NUMBER
Susan Corman Finecuisine810@aol.com	02/09	2012	810 South 17 th Street Temple, TX 76504	778-3717 H 718-1056 C
Denise Karimkhani dkarimkhani@earthlink.net dkarimkhani@umhb.edu	09/06	2012	808 Woodhollow Dr. Temple, TX 76502	295-4636 W 780-9712 H
Sammy Ragsdale sammyragsdale@att.net	08/09	2012	5821 Fair Hill Dr. Temple, TX 76502	743-6601 W 771-3643 H 228-3734 C
Temekia Brown temikiabrown@aol.com	09/10	2013	P.O. Box 1702 Temple, TX 76503	778-8036 W 780-2822 H 217-5476 C
Margarita Stefano-Rios Rjose2513@aol.com	08/09	2013	2419 East Adams Ave Temple, TX 76501	742-7703 H 493-9085 C
Sammie Marshall	12/06	2013	516 W. Nugent Temple, TX 76501	778-7552 H
Barbara Moyles bmoyles@hot.rr.com cannot serve;moved out out town	03/11	2011	2415 Holly Lane Temple, TX 76502	771-2235 H 913-7788 C
Dean Mohlstrom dmohlstrom@hot.rr.com	09/05	2011	518 W. Zenith Avenue Temple, TX 76501	791-3046 H
Don Nelson nodnoslen@yahoo.com	09/05	2011	3105 Hemlock Blvd. Temple, TX 76502	778-1803 H

Created by City Charter, Section 3.25.

Purpose: The Trustees shall advise the Council on the operation and maintenance of the Library.

Membership: Odd number of members - currently 9
Each to be a resident citizen of the City

Term: To be set by Council - currently 3 year terms

Meeting Time/Place: Third Tuesday of each quarter at noon in the Board Room at the Temple Public Library



PLANNING & ZONING COMMISSION

TERM EXPIRATION: SEPTEMBER - 3 YEAR TERMS

APPOINTED BY: MAYOR/COUNCIL

MEMBER	DATE APPOINTED	EXPIRATION YEAR	ADDRESS	PHONE NUMBER
H. Allan Talley (Chair) FTalley735@aol.com	09/07	2013	5004 Wildflower Lane (h) Temple, TX 76502	770-0289 H
Barbara Brown Hbbrown76502@sbcglobal.net	01/11	2011	4402 Lonestar Temple, TX 76502	771-2832 H
Ashley Williams ashleydusek@msn.com resigned 3-10-11	09/08	2011	P.O. Box 3313 Temple, TX 76505	541-0216 W/C 774-8915 F
Mike Pilkington mpilkington@pilkington-homes.com	09/06	2012	Hm: 8352 Poison Oak Rd Temple, TX 76502 Ofc: 3082 W. Hwy. 190 Belton, TX	780-9596 W 780-3605 H 534-1472 C 939-3500 F
Bert Pope mvpbep@sbcglobal.net	09/06	2012	1206 North 3 rd Street Temple, TX 76501	773-4198 H 231-1470 C
Greg Rhoads Greg@2thetopluc.com O/OMA	01/11	2011	2506 Legend Oaks Dr Temple, TX 76502	774-8301 W 770-1844 H 931-0637 C
Will Sears willsears@hotmail.com	09/10	2013	3401 Mesquite Drive Temple, TX 76502 Mail: PO Box 4820 76505	931-2485 W/C 771-0919 H
James Staats jmmstaats@aol.com james@allcountysurveying.com	08/09	2012	2214 Fox Glen Lane Hm: Temple, TX 76502-H Ofc: 1303 S. 21 st -W	778-2272 W 773-3464 H 534-1233 C
Derek Martin (Vice-Chair) derekmartin@templeproventures.com	09/07	2013	Ofc: 3500 SW HK Dodgen, #102 P O Box 310 76503 Hm: 1903 Deerfield 76502	771-2084 W 541-9173 C 771-4120 F

Created originally by Ordinance 149, February 1961; most recently by Ordinance 2030, March 1, 1990.

Purpose: Serves in an advisory capacity to City Council by making recommendations on land use proposals including zone changes, subdivision plats, and annexations; work with City Staff, the community and the Council in the development and updating of the Comprehensive Plan and the Area Plans for the City, as well as the Capital Improvement Program for community facilities.

Membership: 9 members – all residents of City

Term: 3 years

Meeting Time/Place: 1st and 3rd Mondays of each month, 5:30 p.m., Council Chambers, Municipal Building **City Staff:** Planning Director

REVISED 03/10/11



CITY OF TEMPLE

CITY BOARD APPLICATION FORM

Handwritten marks: a checkmark and a signature.

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 Donald Gold Residence Address 1214 North 4th Street

Mailing Address Temple, TX 76501 Phone Number (Home) 254-773-8346

Cell Phone Number 760-2798 E-Mail Address golddonjoe@yahoo.com

Temple Resident: ☒ Yes ☐ No

Current Employer/Nature of Business: retired-age 62-excellent health

What City Boards have you served on before & When? _____

Little Rock, AR City Beautiful Commission 1980s

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

Parks & Leisure Services-Animal Services-Library

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

Bachelor of Arts, Marketing/Advertising 1968- Master Social Worker 1991

Retail Apparel Chain Owner/Operator 1968-1988

Social Work Counselor (Addictions) 1993-2005

Comments (Attach additional page if desired):

Published Author-Experienced Amateur Photographer-good computer skills

Amateur Graphic Artist (copywriting & layout)

Signed: *Donald Gold* Date: 6 Feb 2009



CITY OF TEMPLE

CITY BOARD APPLICATION FORM

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

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

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

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

Name 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? NA

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.

Comments (Attach additional page if desired):

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 Jean Kubala Residence Address 1111 North 3rd
Mailing Address 1111 North 3rd Phone Number(Business) — (Home) (254) 778 8034
Fax Number — Cell Phone Number — E-Mail Address sensibala@hotmail.com
Temple Resident: ☒ Yes ☐ No
Current Employer/Nature of Business: retired
What City Boards have you served on before & When? none

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

What experience and/or educational background do you have that could be applied to community service?
Masters degree in Library Science - 13 years working in the Temple
Library (retired as head of public services) - 15 years volunteering at T. P.L.
Comments (Attach additional page if desired):
My experiences with the Temple library make me aware
of the challenges facing it.

Signed: Jean Kubala Date: 7-28-09

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 PATRICK L. MARCON Residence Address 1305 So. 43 St. Temple, TX. 76504
(254)
Mailing Address SAME Phone Number (Business) _____ (Home) 771-2214
Fax Number - Cell Phone Number - E-Mail Address E. BASSEN-YAHOO.COM
Temple Resident: X Yes _____ No _____
Current Employer/Nature of Business: BELL CO. H.E.L.P. CTR.
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: AIRPORT ADVISORY Bd.
ANIMAL SERVICES ADVISORY CENTRAL TX. HOUSING CONSORTIUM. LIBRARY BOARD

What experience and/or educational background do you have that could be applied to community service?
40 YEARS CONSTRUCTION EXP. PRIVATE PILOT. VOLUNTIERED VARIOUS PROJECTS.
VOLUNTEER FIREMAN. WORKED AT U. T. AUSTIN 15 YRS - TEXAS PARKS WILDLIFE SEASONAL
Comments (Attach additional page if desired):

Signed: Patrick Marcon Date: 8-17-09

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CITY OF TEMPLE

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

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

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Name John R. Bailey Residence Address 373 Eagle Landing Dr
Belton, TX 76513
Mailing Address Same Phone Number(Business) 774 8882 (Home) 780 9114
Fax Number 774 8883 Cell Phone Number 760 1486 E-Mail Address john@johnrbaileyfinancial.com
Temple Resident: ☒ Yes ☐ No

Current Employer/Nature of Business: Self, Financial Planner

What City Boards have you served on before & When? Building + Standards, 2009-2008
Reinvestment Zone, 2008-Present

Name, in priority order, the Board or Boards on which you would prefer to serve: Parks + Leisure,
P+Z Commission, TECC

What experience and/or educational background do you have that could be applied to community service?
Business, Financial Planning, Human Resources,

Comments (Attach additional page if desired):

Signed: [Signature] Date: 1/10/2011

PLEASE NOTE: All information supplied on this form is public information. Reappt'd RZ#1 8/20/09
Appr'd Parks Bld 2/17/11



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 CHARLES BELSON Residence Address 4309 STONEHILL CT.
Mailing Address 4309 STONEHILL CT Phone Number(Business) 254 697-8516 (Home) 773-1347
Fax Number 697-8656 Cell Phone Number 760-6636 E-Mail Address cmhelson@sbcglobal.net
Temple Resident: ☒ Yes ☐ No
Current Employer/Nature of Business: EBCO GENERAL CONTRACTOR, LTD
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: _____
TEPCO PLANNING & ZONING, - WHATEVER?

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

37 YRS OF MANUFACTURING MANAGEMENT EXPERIENCE
Comments (Attach additional page if desired):

WOULD LIKE TO GIVE BACK TO COMMUNITY BY SERVING ON A BOARD
Signed: Charles M. Belson Date: 5/19/09

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

* Appointed to TEPCO 8/20/09

Ltr



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 Bill Bogucki Residence Address (See Attached)

Mailing Address _____ Phone Number (Business) _____ (Home) _____

Fax Number _____ Cell Phone Number _____ E-Mail Address _____

Temple Resident: ☒ Yes ☐ No

Current Employer/Nature of Business: CTVILKS - SUPERVISORY THERAPIST

What City Boards have you served on before & When? _____

Name, in priority order, the Board or Boards on which you would prefer to serve: 1) Temple Economic Devl;
2) PARKS & LEISURE SERVICES; 3) PLANNING & ZONING COMMISSION

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

MPRA 91 BS DO
(See Attached next page)

Comments (Attach additional page if desired): _____

Signed: Bill Bogucki Date: 8-6-09

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

BILL BOGUCKI CTRS
3105 W. AVE. T.
Temple, TX 76505
FAX: 743 0028
Cell: 598 9847
E mail: GOWL@clearwire.net

Education: BS U.W. Wis. La Crosse 1980

Employment: Department of Veterans Affairs – 7/17/81 to present
4/21/01 to present Supervisory Recreation Therapist, (Temple/Waco/Austin)
10/1/94 to 4/21/01 Chief of Residential Rehabilitation Therapy Programs
Dayton, Ohio VAMC
2/87 to 10/94 Chief of Recreation Therapy, Phoenix Arizona VAMC
5/86 to 2/87 Management Trainee, Phoenix Arizona VAMC
3/84 to 5/86 Recreation Therapist, Bath New York VAMC
7/81 to 3/84 Recreation Therapist, Danville Illinois VAMC

Additional Information:

OEI/OIF Welcome Home Planning Committee
Project Manager, Building Renovation
Standards Development/w/JCAHO for Residential Rehab. Stds. Development
Coordinate four (4) National Chief Education Conferences
Coordinate Decision Support System (DSS) Training
Satellite Education Coordinator, Phoenix VAMC
Past Chair of Patient Education Committee
Past Chair of Space Resource Committee
Instructor, Intro to TR, Arizona State Univ.
Past President Arizona State Therapeutic Recreation Association
Past Chair, National Chapter Affiliate Council, ATRA

My apologies for hand writing application form. Would not accept electronic input on your web sight, only print option.

Sincerely,


Bill Bogucki

HR

CITY OF TEMPLE

CITY BOARD APPLICATION FORM

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

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

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• If you would like further information on meeting times and/or anticipated time commitments, please contact the City Secretary at 254-298-5301 or

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

Mailing Address 1101 N 3rd St. Phone Number(Business) _____ (Home) 254-899-0310

Fax Number _____ Cell Phone Number 254-760-3607 E-Mail Address psb1101@sbcc.tx.net

Temple Resident: ☒ Yes ☐ No

Current Employer/Nature of Business: Retired

What City Boards have you served on before & When? N/A

En

Name, in priority order, the Board or Boards on which you would prefer to serve: Planning
and Zoning Commission

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

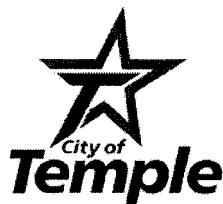
Serving on the Board of Dir. Temple Preservation League
Comments (Attach additional page if desired):

Interested in the history and growth of Temple

Signed Scott D. Branscum Date: _____

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

and also in the preservation of
Hilcrest Cemetery. After moving
to Temple in 1996 I feel that I
need to get involved in city govt. and
its outlook for the future.



CITY OF TEMPLE

CITY BOARD APPLICATION FORM

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- | | |
|-------------------------------------|---|
| * AIRPORT ADVISORY BOARD | 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. | |

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Name JEFF BYRD Residence Address 11212 INVERNESS RD

Mailing Address 11212 INVERNESS RD; Phone Number (Business) 563-6633 (Home) 780-1742
BELTON, TX 76513

Fax Number 866-537-5764 Cell Phone Number 254-563-6633 E-Mail Address jeff@bccgeneralcontractor.com

Temple Resident: Yes No : MAILING ADDRESS BELTON / TEMPLE TAXES

Current Employer/Nature of Business: SELF EMPLOYED - BCC GENERAL CONTRACTOR, LLC.
CONSTRUCTION MANAGEMENT SERV.

What City Boards have you served on before & When? N/A

Name, in priority order, the Board or Boards on which you would prefer to serve: BUILDING & STANDARDS;

PLANNING & ZONING; CIVIL SERVICE; ELECTRICAL BOARD; ECONOMIC DEVELOP CORP; OTH

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

SMALL BUSINESS OWNER; BACHELOR OF SCIENCE DEGREE IN INDUSTRIAL TECHNOLOGY

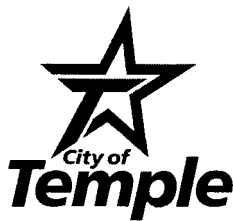
AND CONSTRUCTION MANAGEMENT; LIFE LONG CHURCH MEMBER AND ORGANIZATIONS
Comments (Attach additional page if desired): WITHIN.

Signed: [Signature] Date: 3-4-09

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

Reappr'd Elect. Bd 2/17/11

* Apprd Electrical Bd
3/05/09



CITY OF TEMPLE

CITY BOARD APPLICATION FORM

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

ANIMAL SERVICES ADVISORY BOARD
BUILDING BOARD OF APPEALS
COMMUNITY SERVICES ADVISORY BOARD
ELECTRICAL BOARD
DEVELOPMENT STANDARDS ADVISORY BOARD
PARKS & RECREATION BOARD
TRANSIT ADVISORY COMMITTEE
TEMPLE HOUSING AUTHORITY
TEMPLE PUBLIC SAFETY ADVISORY BOARD

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Name Whit COATS Residence Address 3201 Forest Tr
Mailing Address 3201 Forest Tr Phone Number(Business) _____ (Home) (254) 778-0937
Fax Number _____ Cell Phone Number _____ E-Mail Address _____
Current Employer/Nature of Business: Retired
What City Boards have you served on before & When? None

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

Planning & Zoning

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

College Degree, MASTERS Degree (Public Admin)
30 yrs Residence in City Employed 20 yrs in Army

Comments (Attach additional page if desired):
Ten years in private industry in Temple
Ten years w/ STATE OF TX in Employment
src

Signed: Whit Coats Date: 12-24-10

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CITY OF TEMPLE

CITY BOARD APPLICATION FORM



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

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

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Name Twila Coley Residence Address 714 S 13th Temple Tx
Mailing Address 714 S 13th Phone Number(Business) 931-7614 (Home) 774-8142
Fax Number NA Cell Phone Number 931-7614 E-Mail Address tcoley3@att.net
Temple Resident: X Yes No

Current Employer/Nature of Business: Convenience

What City Boards have you served on before & When? Library board 2008-2010
Animal Control 2008-2010

Name, in priority order, the Board or Boards on which you would prefer to serve: Planning and zoning, Temple Public Safety Advisory Board

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

Comments (Attach additional page if desired):

I have truly enjoyed my time used on both Boards, Library & Animal Control.

Signed: Twila Coley Date: 7-21-2010

PLEASE NOTE: All information supplied on this form is public information. * App'd PSAB 8/19/10



CITY OF TEMPLE

CITY BOARD APPLICATION FORM

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

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

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Name TONYA DEGGS Residence Address 3009 W. AVE. T, TEMPLE
 Mailing Address Same Phone Number (Business) 903-7031 (Home) 254-598-4333
 Fax Number 254-231-4897 Cell Phone Number 817-903-7031 E-Mail Address tonya-deggs@yahoo.com
 Temple Resident: ☒ Yes ☐ No

Current Employer/Nature of Business: SELF - 360 Perspective / Architecture

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

Name, in priority order, the Board or Boards on which you would prefer to serve: Building & Standards, Planning & Zoning, Building Board of Appeals, CTHC

What experience and/or educational background do you have that could be applied to community service?
2002 graduate of University of Texas @ Arlington

With a degree in architecture. Working at a firm in Ft. Worth until 2008 when I moved to Temple and started my own business.

Signed: Tonya Deggs Date: February 1, 2010

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

Appt'd Electrical Board 3/8/10
 Appt'd Bldg & Stand. (R) 2/17/11

Tonya Degges

3009 W. Avenue T
Temple, TX 76504
P: (254) 598-4333
F: (254) 231-4897
Cell: (817) 903-7031
Website: www.360-perspective.com

SUMMARY OF QUALIFICATIONS

Creative, versatile and highly-motivated designer with a combination of 8 years of experience in residential and commercial design/built fields. Especially skilled at building effective and productive working relationships with clients and other design team members with excellent analytical problem solving skills. Completed IDP and actively pursuing registration.

EXPERIENCE

360 Perspective, Temple, TX
Founder

August 2008-Present

-Owner / Designer Small Architectural Design Firm working in developing a broad range of Residential designs and Small-scale commercial projects

Quorum Architects, Inc., Fort Worth, TX
Assistant Project Manager

January 2007-August 2008

Army & Air Force Exchange Services- AAFES, North America

-Design Team / Schematic Design, Design Development, Client Meetings
Report Presentation, Code Review, Construction Documents and Administration
-Continuous production and design of National Retail & Restaurant chains
@ US Army and Naval Bases through-out the United States

Health Texas Provider Network Physicians Offices, Fort Worth, TX

-Design Team / Design Development, Client Meetings and
Presentations, Code Review, Construction Documents and Administration

G.L. Barron Company, Inc., Fort Worth, TX
Project Designer

January 2005-December 2006

Grace Fellowship Bible Church, Paradise, TX

-Co-designer / Schematic Design, Design Development, Client Meetings and
Presentations, Code Review, Construction Documents and Administration
-\$4.2 million, 30,000 sf new facility with emphasis on design development of
audio and visual features-worship space – seating 650 people

Arlington First Church of The Nazarene, Arlington, TX

-Design Team / Design Development, Client Meetings and
Presentations, Code Review, Construction Documents and Administration
-\$4.5 million, 28,000 sf new facility including worship space, fellowship
hall and classrooms

First Baptist Hillsboro, Hillsboro, TX

-Design Team / Design Development and Construction Documents,

Interior Finish Coordination through owner and project manager
-\$2.7 million, 16,500 sf addition including new education wing and gymnasium

OPTIMA Homes, Inc., Fort Worth, TX;
Design Department Manager

March 2003 - January 2005

- Design and Development of Residential Plans and Plot Plans
- Construction Documents
- Construction Administration
- City Code Reviews

Cantwell Construction, Whitney, TX;
Co-Owner

June 2000 - March 2003

- Project Management
- Project Administration
- Design Documents
- City Code Reviews

EDUCATION

UNIVERSITY OF TEXAS AT ARLINGTON, Arlington, TX June 1999 – December 2002
School of Architecture

Undergraduate Program-Bachelor of Science in Architecture [BSArch]

HILL COLLEGE, Hillsboro, TX

General studies with concentration on Science

SKILLS

Technical Drawing-Advanced
AutoCAD 2008, SoftPlan 11.2,

Technical Drawing with 3D Modeling and Rendering Capabilities-Advanced
ArchiCAD 9.0, Autodesk Architectural Desktop 2005, Revit

Graphics and Presentation- Advanced
Adobe CS – Photoshop, Illustrator, InDesign, Microsoft PowerPoint

AWARDS / ACTIVITIES

Honorable Mention
Metal in Construction Association-International Design Competition 2002

Dean's Honor List
Hill College Academic Excellence 1999

NCARB
Registered Member in IDP

American Institute of Architecture Students
Elected Member



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 Alan C. Hoew Residence Address 3502 Preston Oaks Dr. Temple 76504
Mailing Address Same Phone Number (Business) 778-4241 (Home) 771-3689
Fax Number 778-5151 Cell Phone Number 254-493-0679 E-Mail Address AHoew@mmccorps.com
Temple Resident: 16 yrs Yes ☒ No
Current Employer/Nature of Business: MW BUILDERS OF TX, INC. GENERAL CONTRACTORS
What City Boards have you served on before & When? NONE

Name, in priority order, the Board or Boards on which you would prefer to serve: TEMPLE ECONOMIC DEV. CORP
BUILDING STANDARDS COMMISSION, PLANNING & ZONING COMMISSION, BUILDING BOARD OF APPEALS
What experience and/or educational background do you have that could be applied to community service?
GENERAL CONTRACTORS, COMMERCIAL CONSTRUCTION

Comments (Attach additional page if desired):

Signed: Alan C. Hoew

Date: 7/15/09

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App'd to Bldg Board of Appeals
3-0410



CITY OF TEMPLE

CITY BOARD APPLICATION FORM

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

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

- 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 David Jones Residence Address 11704 Meredith Drive

Mailing Address 11704 Meredith Drive Phone Number(Business) 939.9404 (Home) 780.1433

Fax Number 939.9408 Cell Phone Number 718.2221 E-Mail Address david@belltec.net

Temple Resident: XX Yes No

Current Employer/Nature of Business: Belltec Industries & Prestige Solutions

What City Boards have you served on before & When? Belton Zoning Board of Adjustments
1997 & 1998

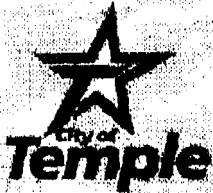
Name, in priority order, the Board or Boards on which you would prefer to serve: Temple Eco Dev Corp,
Airport Advisory Board, Planning & Zoning Commission

What experience and/or educational background do you have that could be applied to community service?
Education: BS Texas A&M, MBA Baylor. Experience: Residential construction with my home building company Prestige Solutions. Manufacturing management experience through Mohawk Eq and Belltec Industires.

Comments (Attach additional page if desired):
I am a pilot and currently fly out of Temple airport and therefore interested in the growth and development of the airport. I would also be willing to commit the time to serve on two boards.

Signed: [Signature] Date: 8-5-09

PLEASE NOTE: All information supplied on this form is public information. * App'd Airport Board 8/19/10



CITY OF TEMPLE

CITY BOARD APPLICATION FORM

Sent via fax

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

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

ANIMAL SERVICES ADVISORY BOARD
BUILDING BOARD OF APPEALS
COMMUNITY SERVICES ADVISORY BOARD
ELECTRICAL BOARD
DEVELOPMENT STANDARDS ADVISORY BOARD
PARKS & RECREATION BOARD
TRANSIT ADVISORY COMMITTEE
TEMPLE HOUSING AUTHORITY
TEMPLE PUBLIC SAFETY ADVISORY BOARD

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Name Ed Lauglin Residence Address 3114 Sleepy Hollow Lane
Temple, TX 76502
Mailing Address _____ Phone Number (Business) 254-817 (Home) 723-5230
Fax Number 723-8426 Cell Phone Number 718-3786 E-Mail Address edlauglin.com
Current Employer/Nature of Business: Law Offices of Ed Lauglin
What City Boards have you served on before & When? None

Name, in priority order, the Board or Boards on which you would prefer to serve: ① Planning & Zoning

② Zoning Board of Adjustment ③ Building & Standards ④ Tourism

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

28 years experience in legal services

26 years experience in commercial & residential real estate

Comments (Attach additional page if desired):

Signed: Ed LauglinDate: 7/9/08

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

* App'd Bldg. Standards (Att) 2-1909

* Reappr Bldg. Standards (att) 2-17-11

* App'd ZBA (R) 2-17-11



CITY OF TEMPLE

CITY BOARD APPLICATION FORM

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

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

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Name Rick Lewis Residence Address 305 BEN NEVIS LN.
Mailing Address SAME Phone Number (Business) 254-778-3199 (Home) 254-780-2669
Fax Number 254-778-7712 Cell Phone Number _____ E-Mail Address rick@sweck.org
Temple Resident: ☒ Yes ☐ No
Current Employer/Nature of Business: Scott White Employees CREDIT UNION
What City Boards have you served on before & When? NONE

Name, in priority order, the Board or Boards on which you would prefer to serve: PLANNING & ZONING

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

BANKING, FINANCE, APPRAISALS, 54 years AS A Citizen of Temple
BBA (GENERAL BUSINESS) UNIVERSITY of TEXAS
Comments (Attach additional page if desired):

Signed: _____

Date: 7/24/09

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



CITY OF TEMPLE

CITY BOARD APPLICATION FORM

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

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

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Name Cynthia Martinez Residence Address 508 W. Virginia Ave
Mailing Address same Phone Number (Business) 298-8358 (Home) 778-4180
Fax Number 298-8347 Cell Phone Number 231-6004 E-Mail Address cymartinez@templejc.edu
Current Employer/Nature of Business: Instructor of Math at Temple College
What City Boards have you served on before & When? none

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

Temple Public Safety, Zoning Board of Adj., Planning & Zoning Comm.

What experience and/or educational background do you have that could be applied to community service?
resident of Temple since 1987. Have seen a lot of change and would like to

be apart of Temple in seeing more positive changes take place.

Comments (Attach additional page if desired): _____

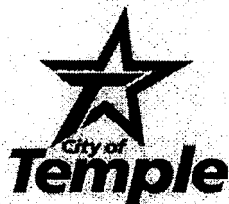
Signed: Cynthia Martinez Date: 7/18/08

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

* Appointed to PSAB 8/20/09 (forfeit term)

Apptd Zoning Board-Alt
21909
Reppt ZBA-Alt 2/17/11
✓

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.
Temple, TX 76501
Mailing Address 214 W. Houston Ave. Phone Number (Business) 254.634.4244 (Home) 254.771.0109
Temple, TX 76501
Fax Number 254.634.8809 Cell Phone Number 254.760.0331 E-Mail Address richardmorgan@hst.rr.com

Temple Resident: ☒ Yes ☐ No

Current Employer/Nature of Business: Self Employed/Sole Proprietor/Clinical Social Worker

What City Boards have you served on before & When? _____

Name, in priority order, the Board or Boards on which you would prefer to serve: (1) Planning & Zoning Commission

(2) Community Services Advisory Board (3) Temple Public Safety Advisory Board

(4) Reinvestment Zone Number One (5) Transit Advisory Board

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

Served on Numerous Committees including Bell County Resource Group
Parents Without Partners Board of Directors - Bell County Mental Health

Comments (Attach additional page if desired):

I have a Master of Science Degree
in Social Work from University of Texas
over 20 years as a Clinical Social Worker

Signed:

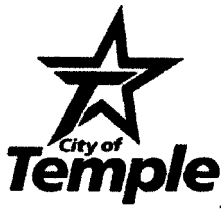
Richard E. Morgan

Date:

7/26/09

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

App'd PSAB 3/03/11



CITY OF TEMPLE

CITY BOARD APPLICATION FORM

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

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

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Name Michael Naden Residence Address 4510 Walnut Rd.
Mailing Address 4510 Walnut Rd. Temple 76502 Phone Number(Business) 773-4585 (Home) 773-1848
Fax Number _____ Cell Phone Number 214-693-4541 E-Mail Address Miken1006@aol.com
Temple Resident: ☒ Yes ☐ No
Current Employer/Nature of Business: HEB on Adams - Pharmacist
What City Boards have you served on before & When? None

Name, in priority order, the Board or Boards on which you would prefer to serve: Temple Economic Development Corporation OR Planning & Zoning Commission

What experience and/or educational background do you have that could be applied to community service?
Finished Leadership Temple this past year

Comments (Attach additional page if desired): I want to serve my city and help where and when I can.

Signed: Michael Naden Date: 7/31/09

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CITY OF TEMPLE

CITY BOARD APPLICATION FORM

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

ANIMAL SERVICES ADVISORY BOARD
BUILDING BOARD OF APPEALS
COMMUNITY SERVICES ADVISORY BOARD
TEMPLE PUBLIC SAFETY ADVISORY BOARD
DEVELOPMENT STANDARDS ADVISORY BOARD
PARKS & LEISURE SERVICES ADVISORY BOARD
TRANSIT ADVISORY COMMITTEE
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Name Jeff Norwood Residence Address 256 Eagle Landing Temple
Mailing Address 256 Eagle Landing Temple 76513 Phone Number (Business) 493 4600 (Home) 780 3402
Fax Number _____ Cell Phone Number 493 4600 E-Mail Address Jeffn@intonline.com
Temple Resident: ☒ Yes ☐ No

Current Employer/Nature of Business: Insurance Network of Texas / Insurance - risk management

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

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

Building & Standards Commission, Planning & Zoning Commission

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

Insurance & risk management 10 years, Construction

expertise, Harvard Leadership Series, Past President Rotary

Comments (Attach additional page if desired):
Vice President 100+ employee Company, Belton Leadership Program

Signed: [Signature] Date: 7-10-10

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

Appt'd Bldg Stand. 3/4/10



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
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

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Name THOMAS E REHAK Residence Address 465 Country Place Troy TX

Mailing Address 465 Country Place Phone Number(Business) 254 (Home) 718 6669

Fax Number 254 718 3323 Cell Phone Number 254 718 6669 E-Mail Address TemR@Vanguard
CONTRACTORS, COM

Current Employer/Nature of Business: VANGUARD CONTRACTORS / CONSTRUCTION

What City Boards have you served on before & When? ZONING VARIANCE

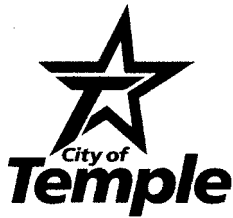
Name, in priority order, the Board or Boards on which you would prefer to serve: PLANNING & ZONING

What experience and/or educational background do you have that could be applied to community service?
30 YEARS IN CONSTRUCTION & BUSINESS FOR 15 YEARS

Comments (Attach additional page if desired):
my BUSINESS ADDRESS IS 820 N. 31ST STREET
Temple TX 76504

Signed: Thomas E Rehak Date: 2/28/11

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



CITY OF TEMPLE

CITY BOARD APPLICATION FORM

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

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

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Name Mary Ann Rojas Residence Address 1313 N. 8th, Temple TX

Mailing Address 19 N. Main #2715 Phone Number (Business) 254 298-8885 (Home) 254 774-7061

Fax Number 254 773-3579 Cell Phone Number 361 816-4157 E-Mail Address MANUANN.rojas@PhyJobSource.org

Temple Resident: ☒ Yes ☐ No

Current Employer/Nature of Business: OWNER: Job Source, Employment Service

What City Boards have you served on before & When? I have served on numerous Boards, Committees and served as Executive Director of Workforce Boards in Corpus Christi and Lubbock. I have broad experience in Community Services, economic development, workforce and policy making. I currently serve on TX Assn of Partners in Education and Medicaid Advisory Council. I am currently a 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

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: Aug. 13, 2010

PLEASE NOTE: All information supplied on this form is public information. App'd Bldg & Standards (A)
2-17-11

MARY A ROJAS

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

Career Objectives

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

Summary of Qualifications

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

Work History

Oct 01, 2009 - Dec 31, 2009

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

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

Mar 12, 2005 - Sep 30, 2009

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

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

Jan 02, 2001 - Feb 15, 2001

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

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

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

Sep 10, 1995 - Feb 01, 2001

Job Source - Wichita Falls, Texas

Owner/President

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

Education

Jun 1989 - Aug 1994

Midwestern State University - Wichita Falls, Texas

Education Level: Bachelors Degree

Major: management

GPA: 2.9

Graduated: Yes

Occupational Experience

Chief Executives (10 yrs 0 mos)

General and Operations Managers (15 yrs 0 mos)

Administrative Services Managers (10 yrs 0 mos)

Product Safety Engineers (0 yrs 0 mos)

Computer Skills

Typing Speed: 50 Words Per Minute

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

Language Skills

English - Excellent (Read Write Speak)

Spanish - Good (Read Write Speak)

Additional Skills

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

Driver's License

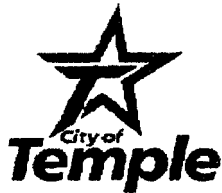
Class C - Standard Driver's License

References

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

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

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



CITY OF TEMPLE

CITY BOARD APPLICATION FORM

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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 STARKY K. WINNETT Residence Address 2009 SOUTH 53RD, TEMPLE, TX 76
Mailing Address 2009 S. 53RD, TEMPLE, TX 76798 Phone Number (Business) 760-2699 (Home) 778-5836
Fax Number 778-5836 Cell Phone Number 760-2699 E-Mail Address SKW147@aol.com
Temple Resident: ☒ Yes ☐ No

Current Employer/Nature of Business: RETIRED / SELF EMPLOYED APPRAISER

What City Boards have you served on before & When? N/A (WORKED FOR CITY
OF TEMPLE AND BELL COUNTY APPRAISAL DISTRICT FOR 33 YEARS)

Name, in priority order, the Board or Boards on which you would prefer to serve: PLANNING & ZONING
COMMISSION, BUILDING BOARD OF APPEALS, BUILDING & STANDARDS COMMISSION

What experience and/or educational background do you have that could be applied to community service?
CITY OF TEMPLE - ELECTRICAL INSPECTOR, BUILDING INSPECTOR,

MAPER, SURVEYOR, OFFICE MANAGER WATER DEPT., REVIEW APPRAISER, OFFICE MANAGER
Comments (Attach additional page if desired):
AND CHIEF APPRAISER OF CITY OF TEMPLE, MANAGER OF ALL APPRAISERS IN
BELTON CAD.

Signed: Starky K. Winnett Date: 7-24-09

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

Appra Bdng Board of Appeals 3/04/10

ET RED FROM BELL COUNTY APPRAISAL DISTRICT 1999.

EMPLOYED BY STATE OF TEXAS AS ON-SITE REVIEW APPRAISER
FROM 1974 TO 1981. (PART-TIME)

EMPLOYED BY CORYELL COUNTY APPRAISAL DISTRICT FROM 2001-2005.

I AM CURRENTLY EMPLOYED BY LISCO APPRAISAL SERVICES, WE APPRAISE
REAL ESTATE PARCELS FOR BANKS, LOAN CO., ^{THE} PUBLIC AND ETC.

WE APPRAISE WORK FOR APPRAISAL DISTRICTS ALL OVER THE
STATE OF TEXAS (LAND, RESIDENCE, COMMERCIAL, ~~RETAIL~~, INDUSTRIAL
AND PERSONAL PROPERTY).

I AM VICE-CHAIRMAN OF DEACONS AT HEIGHTS BAPTIST CHURCH
OF TEMPLE AND HAVE BEEN ON MANY MISSIONS TRIP TO MEXICO
AND TO THE GULF COAST THE LAST 3 YEARS BUILDING CHURCHES, RESIDENCE
AND OTHER PROJECTS.

HAVE BEEN A FOOTBALL OFFICIAL FOR 44 YEARS, CALLING GAMES
FOR HIGH SCHOOL, COLLEGE AND ARENA FOOTBALL (INDOOR).

I HAVE COACHED SOFTBALL, BASEBALL, SOCCER AND OTHER SPORTS
FOR MANY YEARS, WITH KIDS AND ADULTS.

I DO VOLUNTEER WORK FOR "CHURCHES TOUCHING LIVES FOR CHRIST" AND
OTHER ORGANIZATIONS.