



**MEETING OF THE
TEMPLE CITY COUNCIL**

MUNICIPAL BUILDING

2 NORTH MAIN STREET

3rd FLOOR - CONFERENCE ROOM

THURSDAY, JULY 7, 2011

2:00 P.M.

WORKSHOP AGENDA

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, July 7, 2011.
2. Discuss the proposed FY 2011-2012 budget and related issues.
3. Discuss the potential acquisition of properties on North 3rd Street.

Executive Session – Pursuant to Chapter 551, Government Code, §551.072 – Real Property – The City Council may enter into executive session to discuss the purchase, exchange, lease or value of real property relating to City projects, the public discussion of which would have a detrimental effect on negotiations with a third party

4. Executive Session: Chapter 551, Government Code, §551.074 – Personnel Matter – The City Council will meet in executive session to discuss the employment, evaluation, duties and work plans for the City Manager, City Attorney, Director of Finance, City Secretary and Municipal Court Judge. No final action will be taken.

5:00 P.M.

MUNICIPAL BUILDING

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

TEMPLE, TX

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

REGULAR MEETING AGENDA

I. CALL TO ORDER

1. Invocation
2. Pledge of Allegiance

II. PROCLAMATIONS & SPECIAL RECOGNITIONS

3. Receive presentation from Keep Temple Beautiful of the [Governor's Community Achievement Award](#) from TxDOT.

III. PUBLIC COMMENTS

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

IV. CONSENT AGENDA

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

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

Minutes

- (A) [April 21, 2011 Special Called and Regular Meeting](#)
- (B) [June 16, 2011 Special Called and Regular Meeting](#)
- (C) [June 17, 2011 Special Called Meeting](#)

Contracts, Leases & Bid

- (D) [2011-6329-R](#): Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick & Associates, LP of Temple for final design, bidding, construction administration and on-site representation of the Friars Creek Hike and Bike Trail Phase 2 in the amount of \$194,400.
- (E) [2011-6330-R](#): Consider adopting a resolution authorizing a change order to the construction contract with Dixon Paving, Inc. of Belton, for the Friars Creek Hike and Bike Trail Phase I for grading, underbrush clearing, removal of trees less than eight inches, and disposal of all items in the amount of \$62,000.
- (F) [2011-6331-R](#): Consider adopting a resolution authorizing a construction contract with K & S Backhoe Services, Inc., of Gatesville for construction activities required to relocate the water line located at US 190 and FM 3117 in an amount not to exceed \$37,091.
- (G) [2011-6332-R](#): Consider adopting a resolution authorizing the purchase of replacement membranes and associated necessary components for the Membrane Water Treatment Plant from Pall Advanced Separation Systems of Cortland, NY in the amount of \$30,098.67.
- (H) [2011-6333-R](#): Consider adopting a resolution authorizing the purchase of the second year Microsoft Software Enterprise Agreement with Dell Corporation of Round Rock in the amount of \$100,907.
- (I) [2011-6334-R](#): Consider adopting a resolution authorizing the execution of a Memorandum of Understanding between the Temple Police Department and the United States Secret Service (USSS) for joint operations related to the investigation of electronic crimes, pursuant to the Treasury Forfeiture Fund Act of 1992, 31 USC 9703, as amended.

Misc.

- (J) [2011-6335-R](#): Consider adopting a resolution setting the date, time and place of public hearings on the proposed FY 2011-2012 budget for August 4, 2011 and September 1, 2011 at 5:00 p.m. in the City Council Chambers.
- (K) [2011-6336-R](#): Consider adopting a resolution authorizing budget amendments for fiscal year 2010-2011.

V. REGULAR AGENDA

ORDINANCES

5. [2011-4450](#): FIRST READING – PUBLIC HEARING - Z-FY-11-27: Consider adopting an ordinance authorizing a zoning change from Office One District (O1) to Office Two District (O2) on Lots 1 and 2, Block 1, Mullins Southwest Addition, located at 5293 and 5297 South 31st Street.
6. [2011-4451](#): FIRST READING – PUBLIC HEARING – Z-FY-11-31: Consider adopting an ordinance authoring amendments to Article 1 and Section 3.6.4 of the Unified Development Code to establish provisions pursuant to Chapter 245 of the Texas Local Government Code allowing for the vesting of a development project under standards that are in effect on the date that the original application or a master plan for a development was filed, to change the expiration date for a Preliminary Plat from two years after it is approved to five years and to allow an Administrative Extension procedure for expired Preliminary Plats.
7. [2011-4452](#): FIRST READING – PUBLIC HEARING - Z-FY-11-29(A): Consider adopting an ordinance authorizing an amendment to the Thoroughfare Plan to realign the proposed “S” curve on Pea Ridge Road to the north side of Prairie View Road
8. [2011-4453](#): FIRST READING – PUBLIC HEARING - Z-FY-11-29(B): Consider adopting an ordinance authorizing a zoning change from Agricultural District (AG) to Single Family Two District (SF2), Commercial District (C), and Multiple Family Two District (MF2) on 210.26 ± acres, situated in the Baldwin Robertson Survey, Abstract 17, Bell County, Texas, located at the southeast corner of SH 317 and Prairie View Road.
9. [2011-4454](#): FIRST READING – PUBLIC HEARING - Consider adopting an ordinances amending the Code of Ordinances by adding a new Chapter 27, “Storm Water Management” and include a section entitled “Erosion and Sedimentation Control” per the City of Temple’s Storm Water Management Program and as required by Texas Commission on Environmental Quality (TCEQ).
10. [2011-4454](#): FIRST READING – PUBLIC HEARING - Consider amending the Code of Ordinances by adding a new section entitled “Illicit Discharge” to Chapter 27, “Storm Water Management” per the City of Temple’s Storm Water Management Program and as required by Texas Commission on Environmental Quality (TCEQ).
11. [2011-4455](#): FIRST READING – PUBLIC HEARING - Consider adopting an ordinance authorizing amendments to the Tax Increment Financing Reinvestment Zone No. 1 Financing and Project Plans to reallocate funding in the amount of \$1,200,000 from FY 2012 to FY 2011, Outer Loop (from Wendland Road to IH-35 North), Line 300; recognize additional ad valorem tax revenue in the amount of \$558,506, Line 4, and reallocate funding of \$1,300,000 to Line 505, Airport Corporate Hangar Development from reprioritizing \$741,494 of funds from Line 300 and recognizing additional revenue of \$558,506 from Line 4.
12. [2011-4456](#): FIRST READING – PUBLIC HEARING - Consider adopting an ordinance ordering a Charter Amendment election for November 8, 2011 so submit to the voters a proposed charter amendment to create a minimum staffing level for the number of police officers authorized for the City of Temple Police Department.

RESOLUTIONS

13. **2011-6337-R:** P-FY-11-31: Consider adopting a resolution authorizing the Final Plat of Alta Vista I, a 37.22± acres, 171-lot residential subdivision, with developer requested exceptions to Unified Development Code Section 8.3.1: Requirements for Park Land Dedication, located on the east side of South 5th Street, south of Echo Village Subdivision and across from Wyndham Hill Parkway.

BOARD APPOINTMENTS

14. **2011-6338-R:** Consider adopting a resolution appointing members to the following City boards and commissions:
- (A) Airport Advisory Board – one member to fill an unexpired term of the Temple Economic Development Corporation representative through September 1, 2013
 - (B) Building & Standards Commission – one regular member to fill an unexpired term through March 1, 2013
 - (C) Temple Economic Development Corporation – one member to fill an at-large position through September 1, 2012
 - (D) Temple Public Safety Advisory Board – two members to fill unexpired terms through September 1, 2011 and September 1, 2013

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

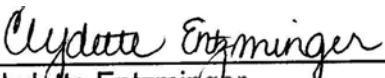
VI. AGENDA – CITY OF TEMPLE EMPLOYEE BENEFITS TRUST

15. Conduct a meeting of the **City of Temple Employee Benefits Trust** to purchase insurance policies from:
- (A) MetLife for Dental Insurance for FY2011-2012;
 - (B) MetLife for Basic Life, AD&D and Voluntary Life for FY2011-2012;
 - (C) Avesis for Voluntary Vision Insurance for FY2011-2012; and
 - (D) Blue Cross/Blue Shield of Texas for Medical and Prescription Insurance for FY2011-2012.

ADJOURN THE MEETING OF THE CITY OF TEMPLE EMPLOYEE BENEFITS TRUST MEETING

***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 11:35 A.M., on July 1, 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

07/07/11

Item #3

Regular Agenda

Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

William A. Jones, III, Mayor

ITEM DESCRIPTION: Receive presentation from Keep Temple Beautiful of the Governor's Community Achievement Award from TxDOT.

STAFF RECOMMENDATION: Accept presentation as presented in item description.

ITEM SUMMARY: Zoe Rascoe, Keep Temple Beautiful, will present the City of Temple with the Governor's Community Achievement Award from TxDOT.

FISCAL IMPACT: None

ATTACHMENTS: None



COUNCIL AGENDA ITEM MEMORANDUM

07/07/11
Item #4(A)-(C)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Clydette Entzminger, City Secretary

ITEM DESCRIPTION: Approve Minutes:

- (A) April 21, 2011 Special Called and Regular Meeting
- (B) June 16, 2011 Special Called and Regular Meeting
- (C) June 17, 2011 Special Called Meeting

STAFF RECOMMENDATION: Approve minutes as presented in item description.

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

FISCAL IMPACT: N/A

ATTACHMENTS:

April 21, 2011 Special Called and Regular Meeting
June 16, 2011 Special Called and Regular Meeting
June 17, 2011 Special Called Meeting

TEMPLE CITY COUNCIL

APRIL 21, 2011

The City Council of the City of Temple, Texas conducted a Special Meeting on Thursday, April 21, 2011, at 3:30 P.M., in the Conference Room, 3rd Floor, Municipal Building, 2 North Main Street.

Present:

Councilmember Danny Dunn
Councilmember Marty Janczak
Councilmember Russell Schneider
Mayor William A. Jones, III

Absent:

Mayor Pro Tem Patsy E. Luna

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, April 21, 2011.

Regular Agenda Item #6(B) - Panda Energy Tax Abatement Agreement: Mr. Graham asked that Council table action on this item until the next meeting.

Regular Agenda Item #12 - Zoning Change Z-FY-11-24: Councilmember Schneider asked if a conditional use permit could be approved for the beer and wine sales, leaving the base zoning Neighborhood Services.

Autumn Speer, Director of Community Services, stated the applicant was advised by the staff to seek rezoning of the property. If the zoning is not approved, the applicant could resubmit for a conditional use permit.

Councilmember Schneider also asked if a Planned Development could be approved with the requested use allowed.

Jonathan Graham, City Attorney, explained the City Council could approve the General Retail zoning and eliminate the other uses in that zoning category that are not desired. The discussion continued regarding the best way to allow the requested beer and wine sales at this location.

Consent Agenda Item #5(F): Mr. Gary Bushell, representing the Gulf Coast Strategic Highway Coalition, addressed the City Council. He requested their endorsement of the Mobility/Safety Alternative which would provide an interstate standard highway between Fort Hood and the City of Livingston; four lane divided highway westward from Fort Hood to an intersection with Interstate 10, and four lane divided highway eastward from the City of Livingston to the Louisiana-Texas border. Mr. Bushell stated this alternative best reflects the input received from communities along the route.

2. Executive Session: Chapter 551, Government Code, §551.074 - Personnel Matter - The City Council will meet in executive session to discuss the

employment, evaluation, duties and work plan of the Municipal Court Judge. No final action will be taken.

Mayor Jones stated the Council would enter into executive session at this time. No action was taken after the regular session was reconvened.

The City Council of the City of Temple, Texas conducted a Regular Meeting on Thursday, April 21, 2011 at 5:00 PM in the Council Chambers, Municipal Building, 2nd Floor, 2 North Main Street.

Present:

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

I. CALL TO ORDER

1. Invocation

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

2. Pledge of Allegiance

Fire Chief Lonzo Wallace led the Pledge of Allegiance.

II. PROCLAMATIONS & SPECIAL RECOGNITIONS

3. (A) Administrative Professionals Week April 24-30, 2011

Mayor Jones recognized the City of Temple Administrative Professionals with this proclamation. Each received a pink rose from the Councilmembers.

(B) Parkinson's Disease Awareness Month April, 2011

Mayor Jones presented Christy Herff, Scott and White Hospital Social Work Department, and other community members with a proclamation from the City of Temple.

III. PRESENTATIONS

4. Receive presentation from Dr. Robin Battershell, Temple Independent School District, regarding the upcoming bond election.

Dr. Battershell, Superintendent of Temple Independent School District, gave a brief presentation on the upcoming TISD bond election. She began with an overview of the 2007 bond program and the projects that were completed with that issue. Three challenges existed, she explained, leadership stability, academics, and transparency, and much has been accomplished in all of these areas. This proposed bond issue is just one step in TISD's long range planning

process. Dr. Battershell discussed the community exploratory committee that developed a recommendation to the TISD Board of Trustees. She also reviewed the specific projects being proposed in the bond election to address issues being experienced with capacity, projected enrollment numbers and age of existing facilities and presented concept designs. The tax impact of the bond proposal is \$105 per year for a \$55 million bond issue.

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) April 7, 2011 Special Called and Regular Meeting

(B) 2011-6278-R: Consider adopting a resolution authorizing a construction contract with Alpha Constructors of Temple for Sidewalk Improvements on Avenue G in the amount of \$196,376.50.

(C) 2011-6279-R: Consider adopting a resolution authorizing a guaranteed maximum price construction contract with American Constructors, Inc. of Austin, for package #2 renovations to the Police Headquarters facility in the amount of \$2,626,275, and declaring an official intent to reimburse associated expenditures made prior to the issuance of tax-exempt obligations for this project.

(D) 2011-6280-R: Consider adopting a resolution authorizing a construction contract with Dixon Paving, Inc. of Belton, for the construction of a concrete hike & bike trail in the amount of \$461,854.25, and waiving permit fees for this project.

(E) 2011-4437: SECOND READING - 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.

(F) 2011-6281-R: Consider adopting a resolution supporting the work being done on the US-190/I-10 Feasibility Study and urging adoption of the proposed Mobility/Safety Alternative.

(G) 2011-6282-R: Consider adopting a resolution authorizing funding from the Child Safety Fees for the 2011 Junior Fire Cadet Program in the amount of \$22,242.

(H) 2011-6283-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 Councilmember Marty Janczak.

Motion passed unanimously.

VI. REGULAR AGENDA

ORDINANCES

- 6. (A) 2011-4435: SECOND READING - Consider adopting an ordinance designating a certain area as City of Temple Tax Abatement Reinvestment Zone Number Twenty for commercial/industrial tax abatement.**

(B) 2011-6284-R: Consider adopting a resolution authorizing a tax abatement agreement with Panda Temple Power, LLC, for a portion of a 250 acre tract of land in the Southeast Industrial Park, south of Lorraine Drive.

Jonathan Graham, City Attorney, presented items 6(A) and (B). Item (A) designates Tax Abatement Reinvestment Zone Number 20 on a 238.55 acre tract located in the Southeast Industrial Park, south of Lorraine Drive. A full presentation was made on first reading of the item and the public hearing was conducted at that time.

Item (B) proposes a tax abatement agreement with Panda Temple Power, LLC. Staff and Lee Peterson, Temple Economic Development Corporation, have worked on this project for several years. The tax abatement agreement is close to being finalized but additional time is needed before Council consideration. Mr. Graham recommended that item (B) be tabled to the May 5, 2011 City Council meeting.

Motion by Councilmember Russell Schneider to adopt ordinance on second and final reading, seconded by Mayor Pro Tem Patsy E. Luna.

Motion passed unanimously.

Motion by Councilmember Marty Janczak to table resolution to the May 5, 2011 City Council meeting, seconded by Councilmember Danny Dunn.

Motion passed unanimously.

- 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.**

Autumn Speer, Director of Community Services, presented this case to the City Council. She showed the location of the other property in close proximity where the Council previously approved a Conditional Use Permit

for a package store. Mrs. Speer also displayed photos of the surrounding vacant property and the proposed site plan, noting parking, landscaping and facade improvements to be made by the applicant. The Planning and Zoning Commission recommended approval with the condition that the burglar bars be allowed to remain for 12 months from issuance of the Certificate of Occupancy. Of the notices sent to surrounding property owners, two negative responses were received and one in approval.

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

Mr. Mohammed Naveed Usman, the applicant, discussed his plans for redeveloping one of the other vacant spaces in this strip center. The Texas Alcoholic Beverage Permits have already been acquired for this location.

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

Councilmember Janczak stated he does support the establishment of package stores in Temple but is concerned with the close proximity of this proposed store with one that was previously approved. He expressed concern with clustering of this type of business in a particular area.

Councilmember Dunn stated the citizens voted to allow package stores but that does not mean multiple ones are good in one location and he agreed with Councilmember Janczak's comments about the potential to do more harm because of the close proximity to the other package store.

There was no motion made regarding this item.

- 8. 2011-4438: FIRST READING - PUBLIC HEARING - Z-FY-11-20: Consider adopting an ordinance authorizing an amendment to Unified Development Code (UDC) Article 6.3 TMED, Temple Medical and Education District, including additions to the use table concerning nursing home/assisted living, amending parking and garage requirements for special districts, designating specific trees for street tree application and addressing residential applicability.**

Autumn Speer, Director of Community Services, presented this case to the City Council. She provided background information on this item, which addresses residential applicability, general regulations, use standards, private property landscape standards, and sign standards. Mrs. Speer provided detailed information regarding the proposed changes in each of these areas. The Planning and Zoning Commission recommended approval of the UDC amendment and the staff concurred in that recommendation for approval.

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

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

Motion by Mayor Pro Tem Patsy E. Luna to adopt ordinance, with second

reading and final adoption set for May 5, 2011, seconded by Councilmember Danny Dunn.

Motion passed unanimously.

- 9. 2011-4439: FIRST READING - PUBLIC HEARING - Z-FY-11-21: Consider adopting an ordinance authorizing a zoning change from TMED (T4) to TMED (T5-c) on the south 31.31 feet of Lot 9 and Lots 10, 11 and 12, Block 6, Hollywood Addition located at 2114 South 5th Street.**

Autumn Speer, Director of Community Services, presented this case to the City Council. The original zoning map identified this area as T-4 which does not allow multi-family uses. The applicant is requesting T5-c zoning which does allow the existing use, an apartment complex, to continue.

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

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

Motion by Councilmember Marty Janczak to adopt ordinance, with second reading and final adoption set for May 5, 2011, seconded by Mayor Pro Tem Patsy E. Luna.

Motion passed unanimously.

- 10. 2011-4440: FIRST READING - PUBLIC HEARING - Z-FY-11-22: Consider adopting an ordinance authorizing an amendment to Unified Development Code (UDC) Section 3.14, Sign Permit, related to the re-facing of signs.**

Autumn Speer, Director of Community Services, presented this case to the City Council. The City's current ordinance does not address re-facing of signs. Adoption of this ordinance will result in a review of existing signs to make sure any maintenance issues are addressed. Changes in the sign panel will trigger the review process and no fee will be required.

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

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

Motion by Mayor Pro Tem Patsy E. Luna to adopt ordinance, with second reading and final adoption set for May 5, 2011, seconded by Councilmember Danny Dunn.

Motion passed unanimously.

- 11. 2011-4441: FIRST READING - PUBLIC HEARING - Z-FY-11-23:**

Consider adopting an ordinance authorizing a zoning change from Single Family Two District (SF2) to Two Family District (2F) on 30.9 ± acres of land being out of the Maximo Moreno Survey, Abstract 14, City of Temple, Bell County, Texas, located along the west of South 5th Street, between Canyon Creek Drive and Silver Stone Drive.

Autumn Speer, Director of Community Services, presented this case to the City Council. She displayed an aerial view and photos of the surrounding property uses. The request complies with the Future Land Use and Character Map. Mrs. Speer also reviewed the zoning of surrounding properties and the standards for SF2 versus 2F zoning. Two notices were received in approval of the requested rezoning and two were received in disapproval. The Planning and Zoning Commission approved the request and the staff concurred in that recommendation for approval.

Mayor Jones declared the public hearing open with regard to agenda item 11 and asked if anyone wished to address this item.

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

Motion by Councilmember Danny Dunn to adopt ordinance, with second reading and final adoption set for May 5, 2011, seconded by Councilmember Marty Janczak.

Motion passed unanimously.

12. 2011-4442: FIRST READING - PUBLIC HEARING - Z-FY-11-24: Consider adopting an ordinance authorizing a zoning change from Neighborhood Services District (NS) to General Retail District (GR) on Lot 1-A, Block 1, Canyon Creek Place II Addition, located at 1710 Canyon Creek Drive.

Autumn Speer, Director of Community Services, presented this case to the City Council. An aerial view of property was presented, as well as photos of surrounding uses and the subject property. The request for rezoning conforms to the Future Land Use and Character Map for the General Retail and Neighborhood Service zoning. Two notices were received in disapproval and two were received in approval. The Planning and Zoning Commission denied the request, expressing concern over the potential for fuel sales at this location. Four affirmative votes from the City Council will be required for approval of this item.

Councilmember Schneider asked if the zoning is changed to General Retail would fuel sales be allowed. Mrs. Speer replied yes, the allowed use stays with the property.

Councilmember Janczak asked if fuel sales are an issue with the applicant. Mrs. Speer replied no, the applicant is just seeking the right to sell beer and wine.

Councilmember Schneider asked if there was a way to keep the zoning as Neighborhood Service and amend that to allow the beer sales. This

would keep the property from having General Retail uses, including fuel sales.

Mayor Jones declared the public hearing open with regard to agenda item 12 and asked if anyone wished to address this item.

Rodney Deyoe, representing the applicant, addressed the City Council. He stated he felt this is a good project and the applicant would operate a nice establishment. He explained the history concerning this project and provided some photos of the type of structure the applicant is proposing to construct at this location. Mr. Deyoe also showed the site plan for this location, which will not sell gasoline. He also discussed some of the benefits to rezoning this property and the neighborhood support received.

Councilmember Schneider asked if grocery stores are allowed in the Neighborhood Service zoning district. Mrs. Speer replied yes, small grocery stores are allowed. There are two options, either approval of the Neighborhood Service zoning with beer and wine sales allowed or approval of General Retail zoning with all uses not allowed except beer and wine sales.

Steve Wright, owner of the property next to this location, addressed the City Council. The notice sent to property owners contained very little information about the proposed project and he thought there would be fuel sales at that time. Both he and his tenant agreed on denial of the requested rezoning and he expressed concern with screening for the residential properties to the back. Mr. Wright also expressed concern with approving General Retail zoning and the possibility this business could be sold or not constructed. He stated he does not support alcohol sales in this location. However, if the City Council approves the request he would recommend it be through a planned development district.

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

Motion by Councilmember Russell Schneider to adopt ordinance authorizing a Planned Development Neighborhood Service zoning with beer and wine sales allowed, with second reading and final adoption set for May 5, 2011, seconded by Councilmember Marty Janczak.

Motion passed unanimously.

13. 2011-4443: FIRST READING - PUBLIC HEARING - Z-FY-11-25: Consider adopting an ordinance authorizing a zoning change from Light Industrial District (LI) to Central Area District (CA) on Lot One, Block 1, Original Town Plat, located at 201 South Main Street.

Autumn Speer, Director of Community Services, presented this case to the City Council. The owner would like to establish a bar/lounge and is proposing Central Area zoning to keep from providing the parking required in the current Light Industrial zoning. The rezoning is requested only to address the parking issue. The Planning and Zoning Commission recommended approval and staff concurred with that recommendation for

approval.

Councilmember Janczak commented that he thought this location was a bar previously.

Mrs. Speer stated that is correct but it has been vacant for more than six months so it is no longer a legal non-conforming use.

Jonathan Graham, City Attorney, stated he disagreed with that interpretation as there was no clear intent to abandon the use by the property owner.

Mayor Jones stated he would prefer not to rezone property to just deal with the parking. If it is the desire to rezone the property to Central Area because it is more appropriate for this area, then it should be done more broadly within the area.

Mayor Jones declared the public hearing open with regard to agenda item 13 and asked if anyone wished to address this item.

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

Motion by Councilmember Marty Janczak to table ordinance on first reading, seconded by Mayor Pro Tem Patsy E. Luna.

Motion passed unanimously.

RESOLUTIONS

- 14. 2011-6285-R: Consider adopting a resolution granting a street use license for a proposed shed with an encroachment of 4.5 feet into the 7.5 feet wide utility easement along the rear property line of Lot 1, Block 2, Steeplechase Phase 1, located at 1505 Sturbridge Drive.**

Autumn Speer, Director of Community Services, presented this item to the City Council. The request is to locate a 8' x 10' shed in a utility easement. She showed a site plan of the property. Oncor has objected to the location of the shed. Staff recommended denial of the request.

Councilmember Janczak stated the property owner is simply guilty of trying to do the right thing. This is only a temporary structure and he asked the Council to consider approving the request.

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

Motion passed unanimously.

William A. Jones, III, Mayor

ATTEST:

Clydette Entzminger
City Secretary

TEMPLE CITY COUNCIL

JUNE 16, 2011

The City Council of the City of Temple, Texas conducted a Special Meeting on Thursday, June 16, 2011, at 3:00 P.M., in the Conference Room, 3rd Floor, Municipal Building, 2 North Main Street.

Present:

Councilmember Perry Cloud
Councilmember Danny Dunn
Mayor Pro Tem Russell T. Schneider
Councilmember Judy Morales
Mayor William A. Jones, III

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, June 16, 2011.

Consent Agenda Item 4(G) - Final Plat of Biggs Subdivision: This item was tabled at the June 2nd City Council meeting. The issue regarding the relationship of this property to the Airport has been resolved.

Consent Agenda Item 4(E) - Interlocal Agreement with Bell County: Councilmember Morales indicated she would abstain from voting on this item.

Regular Agenda Item 3 - Voluntary Annexation Public Hearing: Mr. Blackburn reminded the Council that a special meeting will be held Friday, June 17th, 8:00 a.m. to conduct the second public hearing on this voluntary annexation. A brief budget work session will also be conducted at the special meeting.

Regular Agenda Item 7 - Redistricting Committee members: Mayor Jones stated each of the Councilmembers have submitted their recommendations for appointment to this committee. A chair will also need to be selected at the meeting.

Regular Agenda Item 8 - Board Appointments: Mayor Jones recommended the Airport Advisory Board and Temple Economic Development Corporation board appointments be tabled until the next meeting. It was suggested that Sonny Jaramillo be appointed to serve on the Public Safety Advisory Board and that Thomas Baird be appointed to the Reinvestment Zone Number One Board of Directors.

3. Discuss proposed amendments to the Code of Ordinances regarding erosion and sedimentation control.

Michael Newman, Assistant Director of Public Works, presented this item to the City Council. He stated this is one of three required ordinances that will be presented to the City Council for adoption. The illicit discharge ordinance will be reviewed following this item. The remaining ordinance, post construction, will be addressed next summer. All of these are unfunded mandates from the Texas Commission on Environmental Quality.

Mr. Newman began by displaying photos of various erosion and sedimentation

control measures, such as silt fences, revegetation, rock berms, curb inlet protection, rock riprap, and temporary sedimentation ponds. Mr. Newman stated when this item was presented to the Council previously it was uncertain what role TCEQ would continue to have in this process. It has been determined that TCEQ will retain control of the permitting process and the applicant will only provide the City a copy of what they submit to TCEQ.

Mr. Newman reviewed the key elements of the ordinance. Two inspections will be done by City engineering staff, one when the erosion control measure is installed and one when it is removed. The ordinance also includes an appeal process and penalties for non-compliance. The ordinance will be presented to Council for consideration at its July 7th meeting, along with the illicit discharge ordinance.

2. Discuss proposed amendments to the Code of Ordinances regarding storm water management and illicit discharge.

Sarah Gardner-Cox, Deputy City Attorney, presented this item to the City Council. She began by explaining that illicit discharge is any discharge to the municipal separate storm sewer system that is not composed entirely of storm water. This occurs when there are illegal connections to the storm drain system from commercial or business establishments, which can occur both intentionally and unintentionally. Other causes are failing septic systems, illegal dumping and improper disposal of sewage from recreational practices.

The ordinance being proposed will protect the City by creating a mechanism to detect, monitor, eliminate and hopefully prevent these discharges. Mrs. Gardner-Cox reviewed the key elements of the proposed ordinance. There are a number of exceptions within the ordinance. She also explained how the ordinance will be enforced.

4. Discuss the possible acquisition of land related to the expansion of the City of Temple landfill.

Executive Session - Pursuant to Chapter 551, Government Code, §551.072- Real Property - The City Council may enter into executive session to discuss the purchase, exchange, lease or value of real property relating to City projects, the public discussion of which would have a detrimental effect on negotiations with a third party.

The City Council entered into executive session at 3:35 p.m. for the discussion of this item.

The regular session was reconvened at 5:00 p.m., with no action being taken.

The City Council of the City of Temple, Texas conducted a Regular Meeting on Thursday, June 16, 2011 at 5:00 PM in the Council Chambers, Municipal Building, 2nd Floor, 2 North Main Street.

Present:

Councilmember Perry Cloud
Councilmember Danny Dunn
Mayor Pro Tem Russell Schneider
Councilmember Judy Morales
Mayor William A. Jones, III

I. CALL TO ORDER

1. Invocation

Tom Zintgraff, Pastor of Harvest Church, voiced Invocation.

2. Pledge of Allegiance

Brian Mabry, Planning Director, led the Pledge of Allegiance.

II. PUBLIC HEARINGS

3. PUBLIC HEARING - Receive Municipal Service Plan and conduct a public hearing to receive comments on the possible annexation, known as the Lawson Voluntary Annexation, for a 3+ acre tract of land located on the east side of State Highway 36, north of Moffat Road, part of Outblock 10790-A, more commonly known as 10740 West State Highway 36.

Brian Mabry, Planning Director, presented this item to the City Council. On June 2nd, the City Council adopted a resolution accepting the petition for voluntary annexation submitted by Mr. Frank Lawson and directing staff to prepare a municipal services plan for that property. Mr. Mabry showed photos of the subject property and reviewed the elements in the municipal service plan. The second public hearing will be held at a special meeting, 8:00 a.m., June 17th, followed by Planning and Zoning consideration of the rezoning and consideration of the annexation and rezoning ordinances by the City Council.

Mayor Jones declared the public hearing open with regard to item 3 and asked if anyone wished to address this item.

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

III. PUBLIC COMMENTS

There were no public comments made at this meeting.

IV. CONSENT AGENDA

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

(A) June 2, 2011 Special Called and Regular Meeting

(B) 2011-6317-R: Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick & Associates, LP of Temple for on-site representation and contract administration of the Friars Creek Hike and Bike Trail Phase I in the amount of \$54,500.

(C) 2011-6318-R: Consider adopting a resolution authorizing a construction contract with J.S. Haren Company of Athens, TN, to construct the Pea Ridge

Lift Station Improvements in an amount not to exceed \$537,000.

(D) 2011-6319-R: Consider adopting a resolution authorizing a contract amendment to a professional services agreement with Bury+Partners, Inc. (Bury), for onsite representation services required to implement the Pea Ridge Lift Station Improvements in southwest Temple in an amount not to exceed \$25,250

(E) 2011-6320-R: Consider adopting a resolution authorizing an interlocal agreement with Bell County for use of the County's software and fiber optic network to process and maintain election records, in the amount of \$1200.

(F) 2011-6321-R: Consider adopting a resolution authorizing the purchase of Toro utility carts from Professional Turf Products utilizing the BuyBoard in the amount of \$31,175.03.

(G) 2011-6322-R: P-FY-11-26: Consider adopting a resolution authorizing the Final Plat of Biggs Subdivision, a 2.32± acre, three-lot nonresidential subdivision located on the north side of Whitehall Road, west of FM 317, in Temple's northern ETJ with developer's requested exception to Section 8.2.7.E of the Unified Development Code requiring fire hydrants to comply with the City's Fire Code.

(H) 2011-4447: SECOND READING - Consider adopting an ordinance approving a negotiated resolution between the Steering Committee of Cities Served by Oncor and Oncor Electric Delivery Company regarding the company's application to increase electric rates in all cities exercising original jurisdiction.

(I) 2011-4448: SECOND READING - Z-FY-11-26: Consider adopting an ordinance amending Planned Development Ordinance No. 2010-4382, to allow construction of duplexes on a 6.76 ± acre tract of land being part of the Maximo Moreno Survey, Abstract No. 14, City of Temple, Bell County Texas, located at 1000 South Knob Street.

(J) 1. 2011-4449: SECOND READING - A-FY-10-02: Consider adopting an Ordinance abandoning the 0.433-acre unnamed county road, located along the north edge of Coughran Subdivision, between the east right-of-way of South Pea Ridge Road and the north right-of-way of West Adams Avenue, and retaining a 15-foot wide utility easement along the north line of the abandoned road.

2. 2011-6323-R: Consider adopting a resolution authorizing conveyance of 0.433 acres of abandoned ROW along the north side of Coughran Subdivision and the execution of a Chapter 380 agreement between the City and Mr. George Coughran.

(K) 2011-6324-R: Consider adopting a resolution authorizing budget amendments for fiscal year 2010-2011.

Motion by Councilmember Perry Cloud to adopt resolution approving Consent Agenda, with the exception of item 4(E), seconded by Mayor Pro Tem Russell

Schneider.

Motion passed unanimously.

(E) 2011-6320-R: Consider adopting a resolution authorizing an interlocal agreement with Bell County for use of the County's software and fiber optic network to process and maintain election records, in the amount of \$1200.

Motion by Councilmember Perry Cloud to adopt resolution, seconded by Mayor Pro Tem Russell Schneider.

Motion passed unanimously.

V. REGULAR AGENDA

RESOLUTIONS

- 5. 2011-6325-R: P-FY-11-24: Consider adopting a resolution authorizing the Final Plat of Westwood Estates, 10.31± acre seven-lot residential subdivision located along the east side of South Pea Ridge Road as it connects to Hogan Road with developer requested exception to Sec. 8.5.1 of the Unified Development Code requiring payment of perimeter street fees.**

Brian Mabry, Planning Director, presented this case to the City Council. He displayed the plat of the subject property. The zoning is SF3 but the subdivision is comprised of larger lots than required. Park fees for this development total \$1575. The developer is requesting an exception to the perimeter street fee requirement since he is proposing to dedicate more right of way than required in order to bring a portion of South Pea Ridge right of way width to collector street standards. The staff supports the requested exception because it will more difficult to obtain this right of way in the future. The Planning and Zoning Commission approved the final plat with the requested exception to the perimeter street fees.

Motion by Councilmember Perry Cloud to adopt resolution, seconded by Councilmember Danny Dunn.

Motion passed unanimously.

- 6. 2011-6326-R: P-FY-11-32(A): Consider adopting a resolution authorizing the appeal of Sec. 6.7.8.D.3 of the Unified Development Code related to exterior building material requirements in the I-35 Corridor Overlay Zoning District for a proposed 35,100+ square-foot building located at 6910 N. General Bruce Drive.**

Brian Mabry, Planning Director, presented this case the City Council. This is the current location of the Mueller office and warehouse which must be demolished due to the I-35 expansion project. Reconstruction triggers the I-35 Corridor standards, all of which Mueller will comply with except for

those relating to building materials. Mr. Mabry showed the location of the building and surrounding uses.

The ordinance requires a minimum 80% of various masonry materials. Mueller is proposing 20% masonry materials on all side of the office area and 80% flat profile metal panels on the remainder of the office area. The warehouse will be 100% 26-gauge R panel. Mr. Mabry reviewed the criteria and mitigation requirements of the ordinance. The Planning and Zoning Commission recommended approval of the requested appeal regarding exterior building material requirements in the I-35 Corridor Overlay Zoning District.

Motion by Councilmember Danny Dunn to adopt resolution, seconded by Councilmember Perry Cloud.

Motion passed unanimously.

BOARD APPOINTMENTS

- 7. 2011-6327-R: Consider adopting a resolution appointing members to the Citizen Advisory Committee on Redistricting and appointing one member to serve as Chair of the Committee.**

Mayor Jones read the names submitted by the Council for appointment to this committee. It was recommended that these citizens be appointed and that Gail Peek serve as Chair of the committee.

Motion by Councilmember Danny Dunn to adopt resolution with appointments as recommended, seconded by Councilmember Judy Morales.

Motion passed unanimously.

- 8. 2011-6328-R: Consider adopting a resolution appointing members to the following City boards and commissions:**

(A) Airport Advisory Board - one member to fill an unexpired term of the Temple Economic Development Corporation representative through September 1, 2013

(B) Reinvestment Zone Number One Board of Directors - one member to fill an unexpired term through September 1, 2011

(C) Temple Economic Development Corporation - one member to fill an at-large position through September 1, 2012

(D) Temple Public Safety Advisory Board - one member to fill an unexpired term through September 1, 2012.

Mayor Jones recommended that items (A), the appointment to the Airport

Advisory Board, and (C), the appointment to the Temple Economic Development Corporation, be tabled until a future meeting. It was recommended that Thomas Baird be appointed to the Reinvestment Zone Number One Board of Directors and that Sonny Jaramillo be appointed to the Temple Public Safety Advisory Board.

Motion by Councilmember Danny Dunn to adopt resolution with appointments as recommended, seconded by Councilmember Judy Morales.

Motion passed unanimously.

Motion by Councilmember Perry Cloud to table items (A) and (C), seconded by Mayor Pro Tem Russell Schneider.

Motion passed unanimously.

William A. Jones, III, Mayor

ATTEST:

Clydette Entzminger
City Secretary

SPECIAL MEETING OF THE TEMPLE CITY COUNCIL

JUNE 17, 2011

The City Council of the City of Temple, Texas conducted a Special Meeting on Friday, June 17, 2011, at 8:00 AM at the Municipal Building, 2 North Main Street, City Council Chambers, Temple, TX 7650.

Present:

Councilmember Perry Cloud
Councilmember Danny Dunn
Mayor Pro Tem Russell Schneider
Councilmember Judy Morales
Mayor William A. Jones, III

I. CALL TO ORDER

1. Invocation

Mayor Pro Tem Russell Schneider voiced the Invocation.

2. Pledge of Allegiance

Councilmember Danny Dunn led the Pledge of Allegiance.

II. PUBLIC HEARINGS

3. PUBLIC HEARING - Receive Municipal Service Plan and conduct a public hearing to receive comments on the possible annexation, known as the Lawson Voluntary Annexation, for a 3+ acre tract of land located on the east side of State Highway 36, north of Moffat Road, part of Outblock 10790-A, more commonly known as 10740 W. State Highway 36.

Brian Mabry, Planning Director, presented this item to the City Council. The first public hearing and presentation of service plan occurred at the June 16th regular Council meeting. On June 2, 2011 the City Council adopted a resolution accepting the petition for voluntary annexation and directing staff to develop a municipal service plan for this property. The property includes a boat storage business with a non-annexation agreement. The property owner, Mr. Lawson, plans to expand the existing business so this voluntary request for annexation is required.

Mr. Mabry showed the location of the property and reviewed the services to be provided under the Municipal Service Plan. The Planning and Zoning Commission will consider the rezoning of the property at its June 20th meeting, followed by final Council consideration of the annexation and rezoning ordinances on August 4th.

Mayor Jones declared the public hearing open with regard to agenda item 3 and asked if anyone wished to address this item.

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

III. BUDGET WORK SESSION

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

David Blackburn, City Manager, presented this item to the City Council. He began with an overview of the documents provided relating to the Comprehensive Plan and actions plans associated with that plan. He also reviewed the budget calendar for the remaining of the FY 2012 budget process. Regarding Choices '08, the City's Comprehensive Plan, Mr. Blackburn stated this document was adopted in 2008 and he reviewed the purposes of this plan and what it is supposed to be used for. He focused on several of the building blocks in the plan, including transportation, economic development, and urban design. He discussed with the Council his draft recommendations for the immediate action list in each of these areas for FY 2012 and 2013. Mr. Blackburn encouraged the Council to review the entire action agenda to note which items need to come off, be added or revised. He also recommended the Council adopt a new immediate action item list no later than September 1, 2011.

William A. Jones, III, Mayor

ATTEST:

Clydette Entzminger
City Secretary



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DEPT./DIVISION SUBMISSION & REVIEW:

Ken Cicora, Director of Parks and Leisure Services

ITEM DESCRIPTION: Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick & Associates, LP of Temple for final design, bidding, construction administration and on-site representation of the Friars Creek Hike and Bike Trail Phase 2 in the amount of \$194,400.

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

ITEM SUMMARY: Staff is requesting approval to enter into an agreement with Kasberg, Patrick & Associates, LP (KPA) of Temple for \$194,400 to provide final design, bidding, construction administration, and on-site representation of this project for the City.

The project will design and construct elements of the pedestrian hike and bike trail connection from South 5th to Scott & White Boulevard. Included in this project will be vegetation, surveying, drainage analysis and design, elevation and grading design, utility design, lighting and electrical design, trail signage design, trail node design, landscaping and irrigation design, water feature design, bidding, construction administration and on-site representation.

The specific scope of services to be provided by KPA include:

• Survey Services		\$ 4,300
• Design Services		
○ Schematic design (civil)	\$ 16,000	
○ Electrical design	\$ 8,700	
○ Final design/project docs (civil)	\$ 37,300	
○ Final design/project docs (landscape)	\$ 29,000	
	Total	\$ 114,100
• Bidding Services		\$ 6,000
• Construction Administration Services		\$ 28,000
• On-site Representation Services		\$ 42,000
	Total Services	\$ 194,400

We have worked with KPA on many projects and find them to provide excellent service. Staff recommended approval of the agreement to the Reinvestment Zone No. 1 Board at the June 29 meeting and the board, recommended the City Council approve the agreement.

FISCAL IMPACT: Funds are available in the Reinvestment Zone No. 1 Project Plan, Line 455, to fund this agreement in the amount of \$194,400.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF TEMPLE, TEXAS, AND KASBERG, PATRICK & ASSOCIATES, L.P., FOR FINAL DESIGN, BIDDING, CONSTRUCTION ADMINISTRATION AND ON-SITE REPRESENTATION OF THE FRIAR'S CREEK HIKE & BIKE TRAIL PHASE 2, IN AN AMOUNT NOT TO EXCEED \$194,400; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Phase 2 of the Friars Creek Hike and Bike Trail will consist of a connection from South 5th Street to Scott & White Boulevard;

Whereas, the Staff recommends entering into a professional services agreement with Kasberg, Patrick & Associates, L.P., in the amount of \$194,400, for final design, bidding, construction administration and on-site representation for this project;

Whereas, funds are available for this project in the Reinvestment Zone No. 1 Project Plan, Line 455, to fund this agreement; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute a professional services agreement, not to exceed \$194,400, between the City of Temple, Texas, and Kasberg, Patrick & Associates, L.P., after approval as to form by the City Attorney, for final design, bidding, construction administration and on-site representation of the Friar's Creek Hike and Bike Trail Phase 2.

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 **July**, 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 change order to the construction contract with Dixon Paving, Inc. of Belton, for the Friars Creek Hike and Bike Trail Phase I for grading, underbrush clearing, removal of trees less than eight inches, and disposal of all items in the amount of \$62,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On April 21, 2011, the City Council approved a construction contract with Dixon Paving, Inc. of Belton, Texas in the amount of \$461,854.25 to construct Phase 1 one of the Friars Creek Hike and Bike Trail. Additional works needs to be done to clear an area thirty feet of the centerline of the trail along with an area that is proposed in the trail Master Plan to have an amphitheatre in the future. While Dixon Paving is on-site, it is advantageous to have them do this work since as they already have the staff and equipment at the project location.

We have worked with Dixon Paving on many projects and find them to provide excellent service.

This item was presented to the Reinvestment Zone No. 1 Board at the June 29 meeting. The Board approved the item and recommended the City Council approve the change order.

FISCAL IMPACT: Funds are available in the Reinvestment Zone No. 1 Project Plan, Line 455, in account 795-9600-531-6552, project # 100585, to fund this change order in the amount of \$62,000.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CHANGE ORDER TO THE CONSTRUCTION CONTRACT WITH DIXON PAVING, INC., OF BELTON, TEXAS, FOR THE FRIARS CREEK HIKE & BIKE TRAIL, FOR GRADING, UNDERBRUSH CLEARING, REMOVAL OF TREES LESS THAN EIGHT INCHES, AND DISPOSAL OF ALL ITEMS, IN AN AMOUNT NOT TO EXCEED \$62,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on April 21, 2011, the City Council approved a construction contract with Dixon Paving, Inc., of Belton, Texas, to construct Phase 1 of the Friars Creek Hike & Bike Trail, in the amount of \$461,854.25;

Whereas, Staff recommends a change order to the contract providing for grading, underbrush clearing, removal of trees less than eight inches, and disposal of all items, in the amount of \$62,000;

Whereas, funds are available in Account No. 795-9600-531-6552, Project #100585, to fund this change order; 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, for an amount not to exceed \$62,000, between the City of Temple and Dixon Paving, Inc., of Belton, Texas, after approval as to form by the City Attorney, for grading, underbrush clearing, removal of trees less than eight inches, and disposal of all items for the Friars Creek Hike & Bike Trail project.

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 **July**, 2011.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

Clydette Entzminger
City Secretary

APPROVED AS TO FORM:

Jonathan Graham
City Attorney



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DEPT./DIVISION SUBMISSION & REVIEW:

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

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing a construction contract with K & S Backhoe Services, Inc., of Gatesville for construction activities required to relocate the water line located at US 190 and FM 3117 in an amount not to exceed \$37,091.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: TxDOT is currently in the process of completing state highway improvements to US 190. Late in the State's construction project, an existing City of Temple waterline was found to be in conflict with a drainage channel associated with proposed highway improvements. This project will relocate that direct waterline conflict at the intersection of US 190 and FM 3117.

On June 21, 2011, seven bids were received for construction of the work. Per the attached bid tabulation, K & S Backhoe Services, Inc. submitted the low bid in the amount of \$37,091. The engineer's opinion of probable cost for this project was \$67,000. Clark and Fuller recommends awarding the contract to the low bidder, K & S Backhoe Services, Inc. (see attached recommendation). Construction time allotted for this project is 45 days.

K&S Backhoe Services will be required to apply for the relevant City permits applicable for this project. However, the fees associated with these permits will be waived.

FISCAL IMPACT: Funding in the amount of \$85,395 was appropriated in account # 520-5200-535-6357, project # 100722 for this project.. After funding the professional services agreement in the amount of \$8,424 and \$177 for advertising a balance of \$76,794 is available to fund this construction contract. .

ATTACHMENTS:

[Bid Tabulation](#)

[Project Area Map](#)

[Engineer's Letter of Recommendation](#)

[Resolution](#)

Tabulation of Bids Received
on June 21, 2011 at 2:00 p.m.
2011 Hwy 190 & FM 3117 New Water Meter Main Relocation Project

	Bidders			
	Travis Hobbs Construction LLC Elgin	McLean Cosntruction Killeen	M&C Fonseca Construction Granite Shoals	RockinQ Construction San Marcos
Description				
Total Bid	\$79,550.00	\$66,999.00	\$80,808.00	\$59,330.00
Bid Bond (required at bid opening)	5%	5%	5%	5%

Acknowledge Addendum	Yes	Yes	Yes	Yes
Local Preference	No	No	No	No
Insurance Affidavit	Yes	Yes	Yes	Yes
Bond Affidavit	Yes	Yes	Yes	Yes
Credit Check Authorization	Yes	Yes	Yes	Yes

	Bidders			
	TTG Utilities Gatesville	K&S Backhoe Services Inc Gatesville	Bell Contractors Inc Belton	
Description				
Total Bid	\$46,704.50	\$37,090.44	\$60,516.00	
Bid Bond (required at bid opening)	5%	5%	5%	

Acknowledge Addendum	Yes	Yes	Yes	
Local Preference	No	No	No	
Insurance Affidavit	Yes	Yes	Yes	
Bond Affidavit	Yes	Yes	Yes	
Credit Check Authorization	Yes	Yes	Yes	

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

Belinda Mattke

21-Jun-11

Belinda Mattke, Director of Purchasing

Date





2010 SW HK Dodgen Loop, Suite 105
Temple, Texas 76504
(254) 899-0899
Fax (254) 899-0901
www.clark-fuller.com
Firm Registration No: F-10384

June 23, 2011

City of Temple
Sam Hoefert, E.I.T.
3210 E. Ave. H, Bldg. A
Temple, Texas 76501

Re: City of Temple, 2011 HWY 190 & FM 3117 New Water Main Relocation Project

Dear Mr. Hoefert,

We have reviewed the bids for the above referenced project. K&S Backhoe Services, Inc. submitted a total Bid of \$37,090.44. *Please see the enclosed Bids for detailed information.*

We are recommending that you award the contract to K&S Backhoe Services, Inc. We believe, through personal experience, that K&S Backhoe Services, Inc. is qualified and is capable of providing the new utility improvements as required in this project.

K&S Backhoe Services, Inc. is a proven company with many successfully completed projects and we look forward to working with them on this project.

Please advise us as to which contractor you select.

Sincerely,

Monty Clark, P.E., CPESC

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH K&S BACKHOE SERVICES, INC., OF GATESVILLE, TEXAS, FOR CONSTRUCTION ACTIVITIES REQUIRED TO RELOCATE THE WATER LINE LOCATED AT US 190 AND FM 3117, IN AN AMOUNT NOT TO EXCEED \$37,091; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on June 21, 2011, the City received 7 bids for construction activities required to relocate the water line located at US 190 and FM 3117;

Whereas, Staff recommends accepting the bid (\$37,091) from K&S Backhoe Services, Inc., of Gatesville, Texas;

Whereas, funds are available for this project in Account No. 520-5200-535-6357, project # 100722; 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 between the City of Temple and K&S Backhoe Services, Inc., of Gatesville, Texas, after approval as to form by the City Attorney, for construction activities required to relocate the water line located at US 190 and FM 3117, in an amount not to exceed \$37,091.

Part 2: K&S Backhoe Services will be required to apply for the relevant City permits applicable for this project; however, the fees associated with these permits will be waived.

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 **July**, 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
Johnnie Reisner, Superintendent of Water Production Services

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of replacement membranes and associated necessary components for the Membrane Water Treatment Plant from Pall Advanced Separation Systems of Cortland, NY in the amount of \$30,098.67.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Over the past few months, membranes at the City's Membrane Water Treatment Plant have begun to fail. These are the first modules in the plant to be replaced, having been in service at the facility since the plant began operations in 2004. Anticipated life span on membrane modules is between 7 and 10 years. As these units became in-operable, spare membranes kept on hand in inventory were utilized to replace the failed units.

Current inventory is now expended, and new modules are needed to keep all racks functioning. Due to the urgent nature of this purchase, and associated health and safety implications, staff authorized this purchase as an emergency purchase and has placed the order for materials to ensure prompt delivery. Spare components are expected to be on site in mid-July.

FISCAL IMPACT: Funding in the amount of \$21,136.26 is available in account 520-5100-535-23-13 for this purchase. Previous purchases related to this item in the amount of \$8,962.41 have already been expended.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF REPLACEMENT MEMBRANES AND ASSOCIATED NECESSARY COMPONENTS FOR THE MEMBRANE WATER TREATMENT PLANT FROM PALL ADVANCED SEPARATION SYSTEMS OF CORTLAND, NY, IN THE AMOUNT OF \$30,098.67; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the membranes at the City's Membrane Water Treatment Plant have begun to fail and need to be replaced;

Whereas, the Staff recommends purchasing the replacement membranes and associated necessary components from Pall Advanced Separation Systems of Cortland, NY, in the amount of \$30,098.67;

Whereas, funds are available in Account No. 520-5100-535-2313 for this purchase; and

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

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

Part 1: The City Council authorizes the purchase of replacement membranes and associated necessary components for the Membrane Water Treatment Plant from Pall Advanced Separation Systems of Cortland, NY, in the amount of \$30,098.67.

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 **July**, 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

07/07/11
Item #4(H)
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DEPT./DIVISION SUBMISSION & REVIEW:

Alan DeLoera, Information Technology Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of the second year Microsoft Software Enterprise Agreement with Dell Corporation of Round Rock in the amount of \$100,907.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The City of Temple currently uses Microsoft for all of our office applications as well as database servers throughout the City. The software we currently use include Microsoft Word, Powerpoint, Excel, Sharepoint, Outlook, and Publisher as well as Enterprise solutions for SQL Server, Exchange Server, Operating systems and enterprise server software.

After reviewing some of the Volume Licensing programs that were presented, we decided to request a Microsoft Enterprise Agreement that covers Microsoft Office Professional and the Microsoft Core Client Access License (CAL) Suite—including the Windows Server® 2008 operating system, Microsoft Exchange Server, Microsoft Systems Management Server, and Microsoft Office SharePoint® Portal Server—for over 650 computers. The agreement also covers a wide variety of additional technologies including Windows Server, Exchange Server, Internet Security and Acceleration Server, SQL Server™, and Microsoft Operations Manager licenses for 25 servers.

This is the second year of the City's Enterprise Agreement and through the Enterprise Agreement, we are able to more effectively standardize software across all desktops and take advantage of many of the included Software Assurance benefits, including New Version Rights, Desktop Deployment Planning Services, Training Vouchers, Microsoft eLearning, Home Use Program, 24x7 Problem Resolution Support, a TechNet Plus subscription, and Extended Hotfix's.

In the past we have always had the practice of purchasing new licenses every 4 years through a select agreement program because we felt the Enterprise Agreement was more expensive over the 4 year period but the pricing now has reversed in the sense that it is less costly to go through a yearly

Enterprise Agreement. We also felt that the cycle for software upgrades by Microsoft was about every 3 to 4 years but that has changed in the past 3 years in that software upgrades are on a more frequent basis. This also helps solve a problem in that we would be on the same Enterprise Agreement with many other State and local agencies that currently upgrade their software on a more frequent basis.

If we were to purchase based on the select agreement today we would have to spend about \$350,000 for all of our licensing needs on servers and the desktops and in another 4 years we would spend another \$350,000 to upgrade again. With the Enterprise Agreement we would spend \$100,907 per year for the next three years and then years four through six would cost \$60,727 per year for a six year total of \$484,902 under the Enterprise Agreement versus \$700,000 for the same six year period under the select agreement

This recommended purchase is being made by piggybacking off a DIR contract that the State has executed with Dell Corporation.

FISCAL IMPACT: A budget adjustment is presented for Council's approval to appropriate \$100,907 of General Fund Technology funds to account 351-1900-519-6221, project #100809, for the purchase of software with Dell Corporation. This is the second year of a six year Enterprise Agreement.

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	
351-1900-519-62-21	100809	Computer Software	100,907			
351-0000-490-25-82		Transfer In - Desg Capital Proj Fund	100,907			
110-0000-351-09-43		Designated Capital - Technology Funds			100,907	
110-9100-591-81-51		Transfer Out - Desg Capital Proj Fund	100,907			
		Do not post				
TOTAL.....			\$ 302,721		\$ 100,907	

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

This is to pay for yearly Microsoft Enterprise Agreement for the City. a Microsoft Enterprise Agreement covers Microsoft Office Professional and the Microsoft Core Client Access License (CAL) Suite—including the Windows Server® 2008 operating system, Microsoft Exchange Server, Microsoft Systems Management Server, and Microsoft Office SharePoint® Portal Server—for over 650 computers. The agreement also covers a wide variety of additional technologies including Windows Server, Exchange Server, Internet Security and Acceleration Server, SQL Server™, and Microsoft Operations Manager licenses for 25 servers.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒

Yes

☐

No

DATE OF COUNCIL MEETING

7/7/2011

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 THE PURCHASE OF THE SECOND YEAR MICROSOFT SOFTWARE ENTERPRISE AGREEMENT WITH DELL CORPORATION OF ROUND ROCK, TEXAS (DIR CONTRACT DIR-SDD-1014), IN THE NOT TO EXCEED AMOUNT OF \$100,907; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City currently uses Microsoft for all office applications as well as database servers throughout the City;

Whereas, on March 18, 2010, the City Council approved a Microsoft Software Enterprise Agreement with Dell Corporation – through the enterprise agreement, it was found that the City could more effectively standardize software across all desktops and take advantage of many of the Software Assistance benefits at a much lower price;

Whereas, the Staff recommends that the City purchase the second year Microsoft Software Enterprise Agreement with Dell Corporation for a cost not to exceed \$100,907;

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

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to purchase the second year Microsoft Software Enterprise Agreement with Dell Corporation of Round Rock, Texas (DIR Contract DIR-SDD-1014), in an amount not to exceed \$100,907.

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

Part 3: 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 **July**, 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

07/07/11
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Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Gary O. Smith, Chief of Police

ITEM DESCRIPTION: Consider adopting a resolution authorizing the execution of a Memorandum of Understanding between the Temple Police Department and the United States Secret Service (USSS) for joint operations related to the investigation of electronic crimes, pursuant to the Treasury Forfeiture Fund Act of 1992, 31 USC 9703, as amended.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The intent of this agreement is to allow the police department and the USSS to work cooperatively on investigations involving electronic crimes, or cybercrimes. This cooperation entails training a Temple Police Officer at the National Computer Forensics Institute, receiving equipment from the USSS, and accepting funds from the USSS of up to \$15,000 per fiscal year for equipment purchased in furtherance of criminal investigations.

FISCAL IMPACT: No additional personnel or funds are required to execute or maintain this agreement. The equipment provided by the USSS remains the property of the United States Government. The Police Department will submit requests for reimbursement to the USSS to recover expenses for equipment and supplies related to the investigations noted above. Requests for reimbursement are limited to \$15,000 per fiscal year, and this amount is sufficient to sustain the operational needs of the investigator.

ATTACHMENTS:

[Memorandum of Understanding
Resolution](#)

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE TEMPLE POLICE DEPARTMENT
AND
THE UNITED STATES SECRET SERVICE**

The Temple Police Department and the United States Secret Service (USSS) enter into this Memorandum of Understanding (MOU), which becomes effective with the signatures of both parties and remains in effect until terminated by the mutual agreement of the Temple Police Department and the USSS or upon 30 day written notice by either party to this agreement.

I. AUTHORITY

This MOU is established pursuant to provisions of the Treasury Forfeiture Fund Act of 1992, 31 USC 9703, as amended. This act established the Department of the Treasury Forfeiture Fund and authorized the payment of certain overtime expenditures, travel, fuel, training, equipment and other similar costs of state and local law enforcement officers, that are involved in joint operations, with a Department of the Treasury law enforcement organization, as prescribed in 31 USC 9703 (a) (1) (I) (hereinafter "overtime costs and other expenses").

II. PURPOSE

This MOU establishes the procedures and responsibilities of both the Temple Police Department and the USSS for the reimbursement of certain overtime costs and other expenses pursuant to 31 USC 9703.

III. CONDITIONS AND PROCEDURES

The parties agree to the following conditions:

- (a) The Temple Police Department may request reimbursement of payment of overtime costs and other expenses directly related to work performed by its officer(s) assigned to assist the U.S. Secret Service's North Texas Electronic Crimes Task Force in conducting official investigations. The Temple Police Department will submit all requests for reimbursement payments, together with appropriate documentation, to the U.S. Secret Service's North Texas Electronic Crimes Task Force Supervisor. Request for reimbursement will be based solely upon overtime worked and other expenses performed on behalf of the U.S. Secret Service's North Texas Electronic Crimes Task Force.

- (b) All reimbursement hours of overtime costs and all other expenses covered under this MOU must be approved and certified by the U.S. Secret Service Task Force Supervisor.
- (c) The reimbursable overtime payments will be based upon the actual hourly overtime rate, exclusive of matching employer contributions for any taxes or benefits.
- (d) The U.S. Secret Service Task Force Supervisor will forward all approved reimbursement requests through the Special Agent in Charge (SAIC) Criminal Investigative Division, Office of Investigations, to the Treasury Forfeiture Fund's payment agent, the U.S. Customs National Finance Center (NFC).
- (e) During the period of assignment to the North Texas Electronic Crimes Task Force, the Temple Police Department will remain responsible for establishing the salary and benefits, including overtime of the officer(s) assigned to the Task Force and making all payments due them. Reimbursement under this MOU is contingent upon the availability of mandatory funds allocated to the U.S. Secret Service through the Department of the Treasury Forfeiture fund.
- (f) The Temple Police Department shall permit and have readily available for examination and auditing by the U.S. Secret Service, the Department of Treasury, the Comptroller of the United States, and any of their duly authorized agents and representatives, any and all records, documents, accounts, invoices, receipts or expenditures relating to this agreement. They shall maintain all such records and reports until all audits and examinations are completed and resolved, or for a period of three (3) years, whichever is sooner.
- (g) Payments may be made to the extent they are included in the U.S. Secret Service Fiscal Year Plan and the monies are available within the Department of Treasury Forfeiture Fund to satisfy the request(s) for reimbursable expenses. It should also be understood that the total amount(s) made available to the U.S. Secret Service through the Department of the Treasury Forfeiture Fund, for reimbursement to the Temple Police Department, could change at any time.
- (h) Pursuant to the Treasury Executive Office for Asset Forfeiture (TEOAF) Directive Number 18, the maximum reimbursement entitlement for overtime costs to any one law enforcement official cannot exceed fifteen-thousand (\$15,000.00) dollars during the fiscal year.
- (i) This document does not obligate funds. Funding authority will be provided through other documents.
- (j) The Temple Police Department shall provide the U.S. Secret Service within 10 days of the signing of this MOU, with their agency's mailing address, contact name, telephone number and tax identification number.

Further, this agency must provide the name, account number and ABA routing number of the financial institution where the Temple Police Department wants the Electronic Funds Transfer (EFT) payment deposited for the reimbursement of overtime salary costs. Failure to provide this information within the prescribed period of time will nullify this MOU agreement.

IV. REVISIONS

The terms of this MOU may be amended upon the written approval of both the Temple Police Department and the U.S. Secret Service. Such amendment is effective upon the date of approval.

U.S. Secret Service

Temple Police Department

SAIC Edna J. Perry/Dallas Field Office

Chief Gary Smith

Date: _____

Date: _____

SAIC Kenneth Jenkins
U.S. Secret Service, Office of Investigations
Criminal Investigative Division

Date: _____

MEMORANDUM OF AGREEMENT
BETWEEN
THE UNITED STATES SECRET SERVICE
AND
THE TEMPLE POLICE DEPARTMENT

I. PURPOSE

This memorandum of agreement constitutes a three (3) year agreement between the United States Secret Service (USSS), Waco Resident Office, Dallas Division and the Temple Police Department concerning the use of property issued while in attendance of training at the National Computer Forensics Institute (NCFI).

II. SCOPE/RESPONSIBILITIES

The Temple Police Department can utilize the equipment issued by the USSS at the NCFI for a period of three years. If the participating law enforcement officer is transferred, retires, resigns, or is no longer utilizing the equipment for its intended purposes before the three year commitment is fulfilled, the used equipment must be returned to the Waco Resident Office, Dallas Division of the Secret Service for reallocation. At the conclusion of the three years, the participating law enforcement officer and/or his agency must contact the Waco Resident Office, Dallas Division to determine disposition of issued equipment. The Temple Police Department agrees to assist the Secret Service using the equipment issued. All parties to this memorandum agree to provide collaborative assistance on cybercrime investigations in their respective districts. The USSS maintains ownership and control of any issued equipment and can request the return of the property at any time.

Approved:

Approved:

Brian S. Orange
Police Officer
Temple Police Department

Date : _____

Chief Gary Smith
Temple Police Department

SAIC Edna J. Perry/Dallas Field Office
United States Secret Service

Date: _____

Date: _____

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE TEMPLE POLICE DEPARTMENT AND THE UNITED STATES SECRET SERVICE (USSS) FOR JOINT OPERATIONS RELATED TO THE INVESTIGATION OF ELECTRONIC CRIMES, PURSUANT TO THE TREASURY FORFEITURE FUND ACT OF 1992, 31 USC 9703, AS AMENDED; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Staff recommends entering into an agreement with the United States Secret Service (USSS) to work cooperatively on investigations involving electronic crimes, or cybercrimes;

Whereas, this cooperation entails training a Temple Police officer at the National Computer Forensics Institute, receiving equipment from the USSS, and accepting funds from the USSS up to \$15,000 per fiscal year for equipment purchased in furtherance of criminal investigation;

Whereas, no additional personnel or funds are required to maintain this agreement – the Police Department will submit requests for reimbursement to the USSS to recover expenses for equipment and supplies related to the investigations noted above; 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 Memorandum of Understanding between the Temple Police Department and the United States Secret Service (USSS), after approval as to form by the City Attorney, for joint operations related to the investigation of electronic crimes, pursuant to the Treasury Forfeiture Fund Act of 1992, 31 USC 9703, as amended.

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 **July**, 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
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

David Blackburn, City Manager
Traci Barnard, Director of Finance

ITEM DESCRIPTION: Consider adopting a resolution setting the date, time and place of public hearings on the proposed FY 2011-2012 budget for August 4, 2011 and September 1, 2011 at 5:00 p.m. in the City Council Chambers.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: This proposed resolution will comply with the City Charter requirement that the date, time and place of the public hearing on the proposed budget be set at the first regular Council meeting after the budget is filed. The public hearing is scheduled for the August 4, 2011 Regular Council meeting, to be held at 5:00 p.m. in the Council Chambers, to receive citizen comments on the operating budget. The resolution will also indicate that a supplemental public hearing on the proposed budget will be conducted at the September 1, 2011 Regular Council meeting, just prior to the scheduled adoption of the budget.

Additional public hearings for the FY 2011-2012 Proposed Budget may be scheduled relating to statutory requirements for adoption of a tax rate.

FISCAL IMPACT: N/A

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, SETTING THE DATE, TIME, AND PLACE OF THE PUBLIC HEARINGS ON THE PROPOSED FY2011-2012 BUDGET FOR AUGUST 4, 2011, AND SEPTEMBER 1, 2011, AT 5:00 P.M. IN THE CITY COUNCIL CHAMBERS; DIRECTING THE CITY SECRETARY TO PUBLISH NOTICE SETTING FORTH THE TIME AND PLACE THEREOF; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Part 1: The City Council directs that public hearings on the budget for the City of Temple Fiscal Year 2011-2012 shall be held at meetings of the City Council at 5:00 p.m. on **August 4, 2011**, and **September 1, 2011**, in the City Council Chambers located in the Municipal Building at 2 North Main Street, Temple, Bell County, Texas.

Part 2: The City Council directs the City Secretary to cause the publication of notice of said hearings setting forth the time and place thereof in a newspaper of general circulation within the City.

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 **July**, 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

07/07/11
Item #4(K)
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 \$1,827.

ATTACHMENTS:

Budget amendments
Resolution

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

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
110-2041-521-2538		Crime Victim's Expenditures (Police Dept.)	\$ 107	
110-0000-442-0720		Police Revenue		\$ 107
Check received from GRC Wireless, Inc. dated 5-9-2011 for Crime Victim Services only.				
110-2360-540-2516		Judgments & Damages (Solid Waste - Sideload)	\$ 720	
110-1500-515-6531		Contingency - Judgments & Damages		\$ 720
Settlement of claim filed against the City seeking reimbursement for fence repair at 2703 Airport Road when a Solid Waste truck clipped a gate post, pushing it over and damaging the wood fence facing and frame on April 13, 2011.				
110-4000-555-2522		Microfilm/Audio Visual (Library)	\$ 1,000	
110-0000-461-0841		Donations/Gifts		\$ 1,000
Use donated funds as specified to purchase microfilm for genealogical research				
TOTAL AMENDMENTS			\$ 1,827	\$ 1,827

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	\$ (70,289)
Net Balance of Judgments & Damages Contingency Account	\$ 9,711
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	\$ 65,552
Beginning Balance Budget Sweep Contingency	\$ -
Added to Budget Sweep Contingency	\$ -
Taken From Budget Sweep	\$ -
Net Balance of Budget Sweep Contingency Account	\$ -

WATER & SEWER FUND

Beginning Contingency Balance	\$ 50,000
Added to Contingency Sweep Account	\$ -
Taken From Contingency	\$ (24,000)
Net Balance of Contingency Account	\$ 26,000

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

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
		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		\$ 26,000
		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		\$ (27,513)
		Net Balance of Contingency Account		\$ -

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 **July**, 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

07/07/11
Item #5
Regular Agenda
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DEPT. / DIVISION SUBMISSION & REVIEW:

Brian Mabry, Planning Director

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING - Z-FY-11-27 Consider adopting an ordinance authorizing a zoning change from Office One District (O1) to Office Two District (O2) on Lots 1 and 2, Block 1, Mullins Southwest Addition, located at 5293 and 5297 South 31st Street.

PLANNING & ZONING COMMISSION RECOMMENDATION: At its June 6, 2011 meeting, the Planning and Zoning Commission voted 7/0 to recommend approval of a rezoning from O1 to PD-O1 with the following stipulations:

1. At any one time in the development, limit the amount of restaurants to one, the amount of salons and spas to two, and the amount of dry cleaners to one.
2. Install 8' wooden stockade fencing at rear of the subject property adjacent to the neighboring residential uses.
3. Enclose the cooking/grilling area in accordance with city masonry ordinance requirements.
4. Comply with any other code requirements found to be necessary.

Vice-Chair Martin and Commissioner Brown 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 July 21, 2011.

1. In addition to the uses allowed in the O1 zoning district, the following uses are permitted by right within the Planned Development with no limit on the number of these uses allowed:
 - a. Barber or beauty shop,
 - b. Restaurant (without drive- through),
 - c. Cleaning, pressing and pick up shop, and
 - d. Retail shop, gift, apparel, accessory and similar items.
2. The applicant must install an eight-foot high cedar fence with steel posts on the rear property line or on the rear retaining wall, where applicable, as mutually acceptable by homeowners, within 60 days of the effective date of this ordinance. The finished side of the fence must face the residential properties.
3. No additional outdoor cooking areas are permitted other than the outdoor cooking area in existence on the effective date of this ordinance.

Staff recommends approval of Z-FY-11-27, a rezoning from O1 to PD-O1, with the stipulations listed above, 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-11-27, from the Planning and Zoning meeting June 6 and May 16, 2011.

The applicant originally requested a “straight” rezoning from O1 to O2. Due to public input, the applicant has modified his request to match the current Staff Recommendation described above.

The reason for this rezoning request is to allow existing uses in the shopping center that have been recently established but that are not allowed in the Office 1 zoning district. The request allows the base zoning district to remain in place, but also permits four additional uses not normally allowed in the O1 zoning district. In addition, the Planned Development (PD) for this property requires that the applicant construct a screening fence along the rear property line which would exist in conjunction with landscaping screening already in place along the rear property line. Finally, this PD prohibits future outdoor cooking areas other than the one that is already established at the rear of the development.

The differences between the P&Z recommendation and the Staff recommendation are as follows:

- The Staff recommendation does not limit the number of barber or beauty shops, restaurants, cleaning, pressing and pick up shops and retail shops while the P&Z recommendation does.
- The Staff recommendation is more specific about the location of the fence and the timing of construction.
- The Staff recommendation does not require the enclosure of the outdoor cooking area since the grill being used is simply a residential-grade grill.
- The Staff recommendation does not mention “Comply with any other code requirements found to be necessary.” This requirement applies to any project in the City.

Please see the Public Input Timeline below and the attached table for a summary of previous staff recommendations, neighbor requests and applicant responses.

PUBLIC INPUT TIMELINE:

There have been many opportunities for the public, including owners of the residences to the rear of the subject property, to weigh in on this request via public hearings and more informal meetings between the residences, City staff and the applicant. The table below describes the timing of these meetings, who attended and the meeting outcomes.

Date	Attendees	Outcome
5/16/11 P&Z Meeting	<u>Commissioners and Staff</u> (owner absent) <u>Residents:</u> Bobby & Loretta Marks, Marquita Darland, Fred & Karen Huebner, and Cynthia Bayley,	Staff Recommendation: O1 to O2 . Public Comment about this case revealed that residents were not happy with solution of straight O2 zoning district. P&Z tabled the item to the next regular meeting in order for residents and owners to meet and make an agreement to bring back to next regular meeting.
5/24/11 Meeting at Red Door Cafe - Tuscan Square	<u>Owner:</u> Bobby Arnold, A&D Properties. <u>Residents:</u> Bobby & Loretta Marks, Larry & Marquita Darland, Fred & Karen Huebner, and Cynthia Bayley <u>Staff:</u> Brian Mabry and Leslie Matlock	Discussion resulted in agreement: O1 to PD-O2 with the following stipulations: <ol style="list-style-type: none"> 1. Take down residents' fences along first three lots' property line and replace with 6 foot wooden stockade fence with metal posts, finished side to residents property and be installed within 30 days of approval of the zoning. Place rest of continuous fence placed on masonry wall along remaining two property lines. 2. Enclose the barbeque and vent the smoke. 3. Remove the possible uses on the siting of an On-Premise Consumption of alcoholic beverages establishment and of siting of a Hotel/Motel.
5/25/11 Informal Evening Meeting at Residents Homes	<u>Residents:</u> Loretta Marks, Jerry & Cynthia Taft, Clayton & Dawn Pick	Discussion resulted in email with following request from the residents: O1 to PD-O1 with the following stipulations: <ol style="list-style-type: none"> 1. Make the uses now in existence (beauty shops, cleaner, restaurant without drive-through, and retail sales of accessories items, etc.) to be allowed by right until each specific business currently there closes down, then not allow any further uses to open of this kind.

Date	Attendees	Outcome
		<ol style="list-style-type: none"> 2. Take down residents fences along first three lots' property line and replace with 8 foot wooden stockade fence with metal posts, finished side to residents property and be installed within 30 days of approval of the zoning. 3. Enclose the barbeque and vent the smoke. 4. Pick and Taft families would like to think about the fence issues.
<p>6/6/11</p> <p>P&Z Meeting</p>	<p><u>Commissioners and Staff</u> (owner absent)</p> <p><u>Owner:</u> Bobby Arnold, A&D Properties.</p> <p><u>Residents:</u> Bobby & Loretta Marks, Larry & Marquita Darland, Fred & Karen Huebner, and Cynthia Bayley,</p>	<p>During Public Hearing, residents felt that the staff proposal should have tracked their 5/25/11 requests (above) instead of 5/24/11 meeting requests.</p> <p>P&Z Motion: O1 to PD-O1 with the following stipulations:</p> <ol style="list-style-type: none"> 1. At any one time in the development, limit the amount of restaurants to one, the amount of salons and spas to two, and the amount of dry cleaners to one. 2. Install 8' wooden stockade fencing at rear of the subject property adjacent to the neighboring residential uses. 3. Enclose the cooking/grilling area in accordance with city masonry ordinance requirements. 4. Comply with any other code requirements found to be necessary.

Date	Attendees	Outcome
6/10/11 Meeting at Red Door Cafe	<u>Owner:</u> Bobby Arnold, A&D Properties. <u>Lessee:</u> Ron Carroll, Red Door Café <u>Staff:</u> Autumn Speer	<p>Applicant's request and current Staff Recommendation: O1 to PD-O1 with the following stipulations:</p> <ol style="list-style-type: none"> 1. In addition to the uses allowed in the O1 zoning district, the following uses are permitted by right within the Planned Development with no limit on the number of these uses allowed: <ol style="list-style-type: none"> a. Barber or beauty shop, b. Restaurant (without drive- through), c. Cleaning, pressing and pick up shop, and d. Retail shop, gift, apparel, accessory and similar items. 2. The applicant must install an eight-foot high cedar fence with steel posts on the rear property line or on the rear retaining wall, where applicable, as mutually acceptable by homeowners, within 60 days of the effective date of this ordinance. The finished side of the fence must face the residential properties. 3. No additional outdoor cooking areas are permitted other than the outdoor cooking area in existence on the effective date of this ordinance.

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

Thoroughfare Plan (CP Map 5.2)

The Thoroughfare Plan designates S. 31st Street as a major arterial. This road has 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 and already serve the property.

Temple Trails Master Plan Map

The Sidewalk and Trails Plan designates property to the east for numerous trails, but none directly at this property. This rezoning will not trigger dedication for the Trails Master Plan. Sidewalks have already been installed along this arterial.

PUBLIC NOTICE:

Sixty-five notices of the Planning and Zoning Commission public hearing were sent out. As of Tuesday, June 28 at 12 PM, six notices were returned in favor of and four notices were returned in opposition to the request. The newspaper printed notice of the Planning and Zoning Commission public hearing on May 5, 2011, in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Decision Chart from Multiple Meetings
Aerial Map
Owners Site Plan Exhibit
Land Use and Character Map
Zoning Map
Thoroughfare Plan Map
Utility Map
Notice Map
Response Letters
P&Z Staff Report (Z-FY-11-27)
P&Z Minutes (May 16 and June 6, 2011)
Ordinance

Discussion Topic	Staff Presentation at P&Z Meeting on June 6	Residents Initial Request at P&Z Meeting	P&Z Recommendation	Applicant Response
Base Zoning	PD - O-2	O-1	PD - O-1	PD - O-1
Use Additions	NA	Limit to existing salons(2), limit to existing restaurant, limit to existing dry cleaners; if/when those businesses close, the zoning reverts back to straight O-1	Limit to no more than current number in future at any given time; -2 barber or beauty salons -1 restaurant (without drive-through) -1 cleaning, pressing and pick up shop -1 retail shop, gift apparel, accessory and similar items	No limit, but add the following uses: -2 barber or beauty shops -1 restaurant (without drive-through) -1 cleaning, pressing and pick up shop -1 retail shop, gift apparel, accessory and similar items
Use Removals	Remove Uses: On-premise consumption of alcoholic beverages and Hotel / Motel uses	NA	NA	NA
Fence Provisions	6' and 8' wood fence with steel posts on applicants property (6' on top of existing masonry wall)	8' wood fence with steel posts on applicants property	8' wood fence with steel posts on applicants property	Up to 8' wood fence with steel posts on homeowners property or retaining wall – Must be mutually acceptable by homeowners within 60 days
Outdoor Grill Screening	Enclosure	Enclosure	Enclosure meeting building code specifications	No enclosure, but limit entire site to no additional outdoor cooking areas (fence will serve as partial enclosure) Enclosing will not address the smell from the grill



Z-FY-11-27

Lot 1 and 2, Block 1
Mullins Southwest Addition

5293 and 5297
South 31st Street



 ZFY 1127

Streets 

Feet 0 100 200 300 400

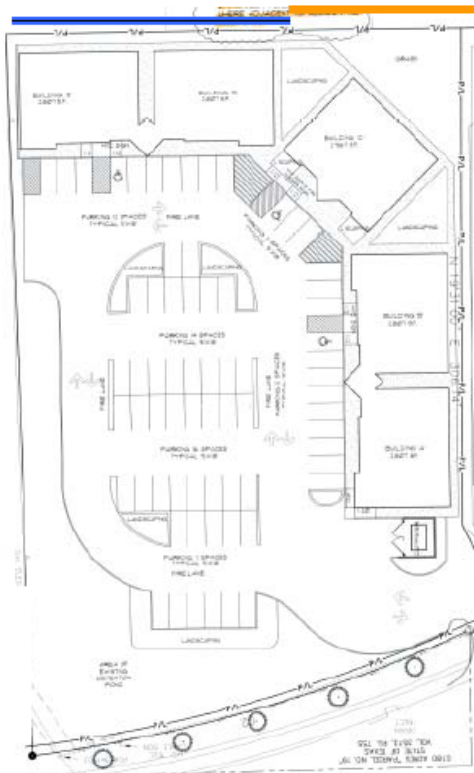
LMatlock Planning 4.28.11

Tuscan Square Site Plan

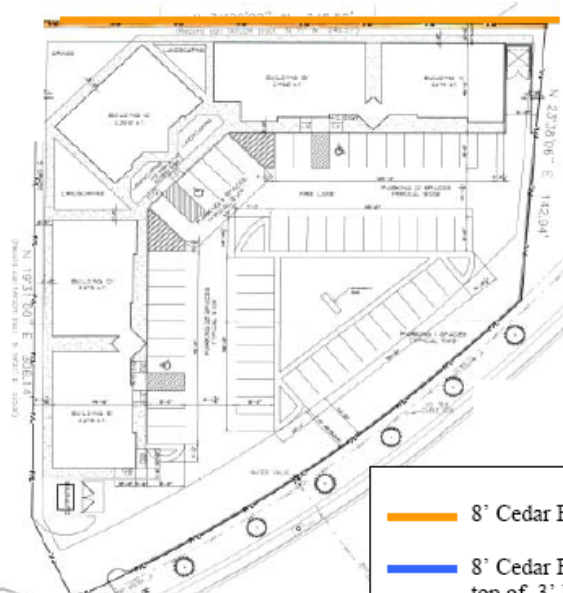
A&J Properties, Owner

Owners Proposal of June 8, 2011:

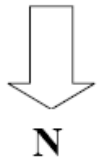
- 8-ft Cedar Stockade Fence with metal posts installed on top of retaining wall— finished side to the residential adjacency installed within 60 days of zoning approval by City Council
- Replace existing wood fences with 8-ft Cedar Stockade Panels on properties not adjacent to retaining wall.
- Agree to PD-O1 with following additional uses permitted:
 - *barber or beauty salons*
 - *restaurant (without drive-through)*
 - *cleaning, pressing and pick up shop*
 - *retail shop, gift, apparel, accessory and similar items*



Tuscan Square Phase II



Tuscan Square Phase I

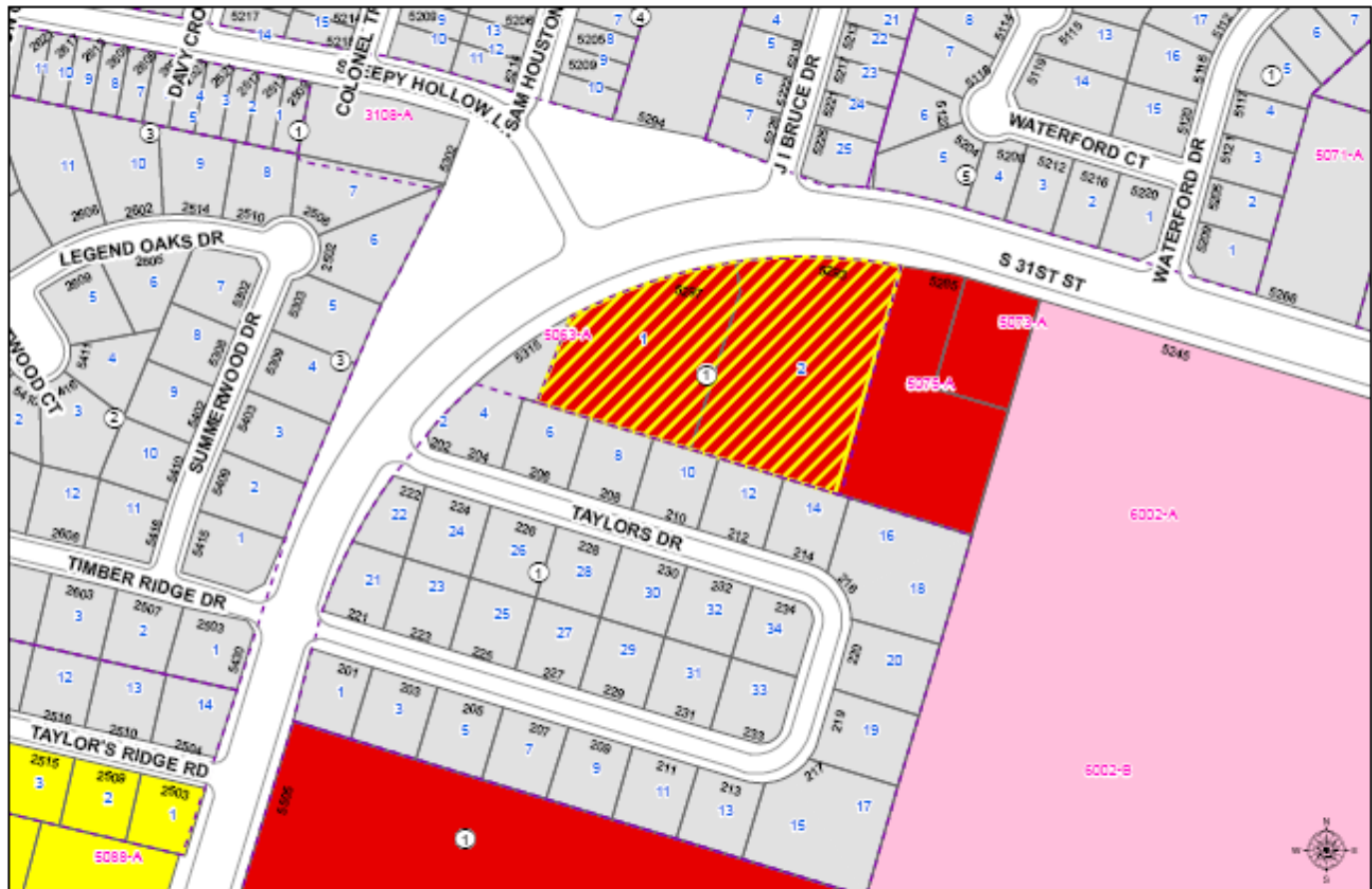




Z-FY-11-27

Lot 1 and 2, Block 1
Mullins Southwest Addition

5293 and 5297
South 31st Street



- | | | | | | |
|-----------------------|-------------------------|--------------------|---------------------------|-----------------------------------|--------------|
| 2FY 1127 | 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 | |

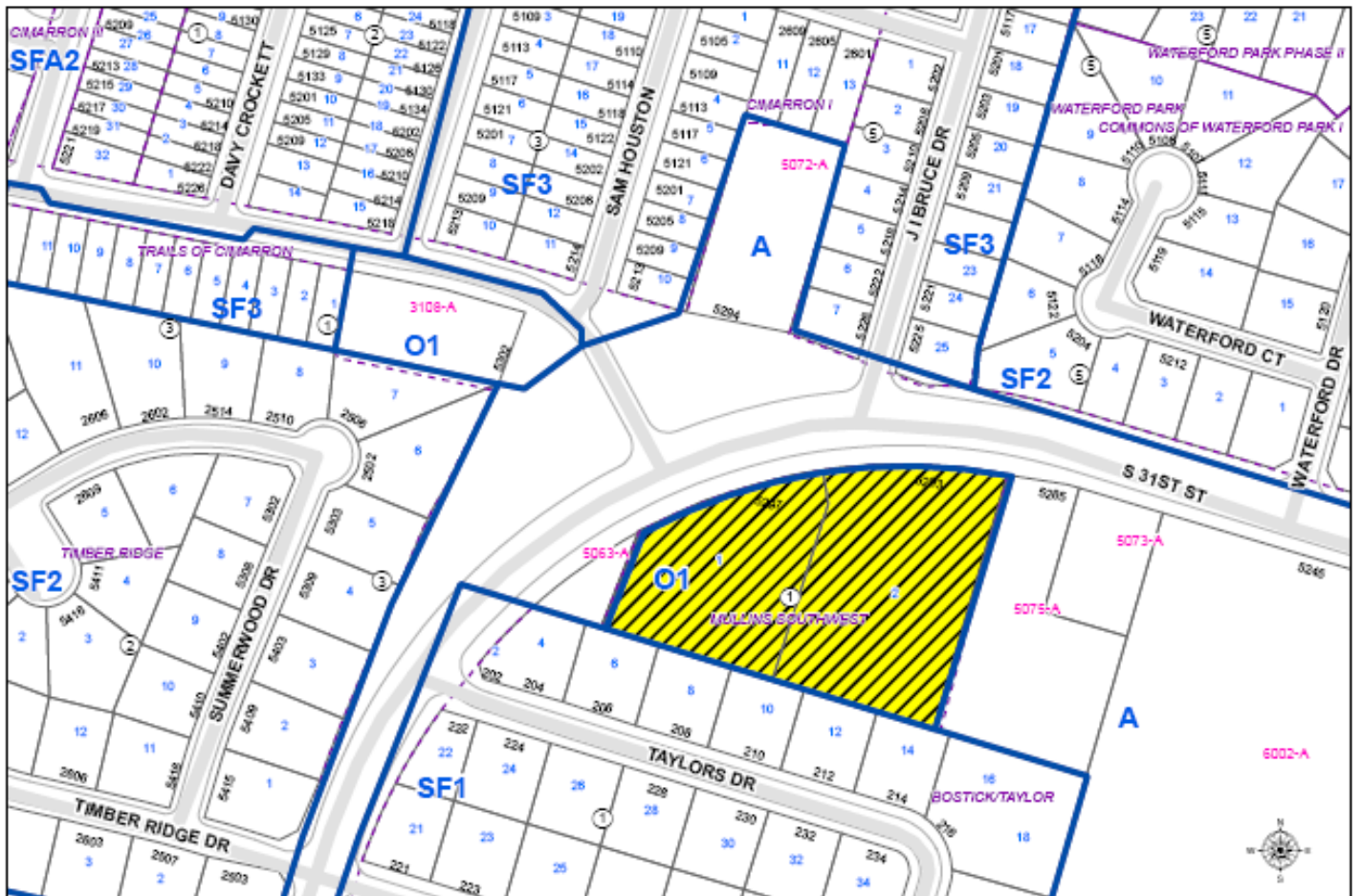
1 inch = 204 feet
LMatlock Planning 4.28.11




Z-FY-11-27

Lot 1 and 2, Block 1
Mullins Southwest Addition

5293 and 5297
South 31st Street



 ZFY 1127

Feet 0 100 200 300 400

LMatlock Planning 4.28.11



Z-FY-11-27

Lot 1 and 2, Block 1
Mullins Southwest Addition

5293 and 5297
South 31st Street





Z-FY-11-27

Lot 1 and 2, Block 1
Mullins Southwest Addition

5293 and 5297
South 31st Street



- ZFY 1127
- WATER LINE
- FIRE HYDRANT
- SEWER LINE

Feet 0 100 200 300 400

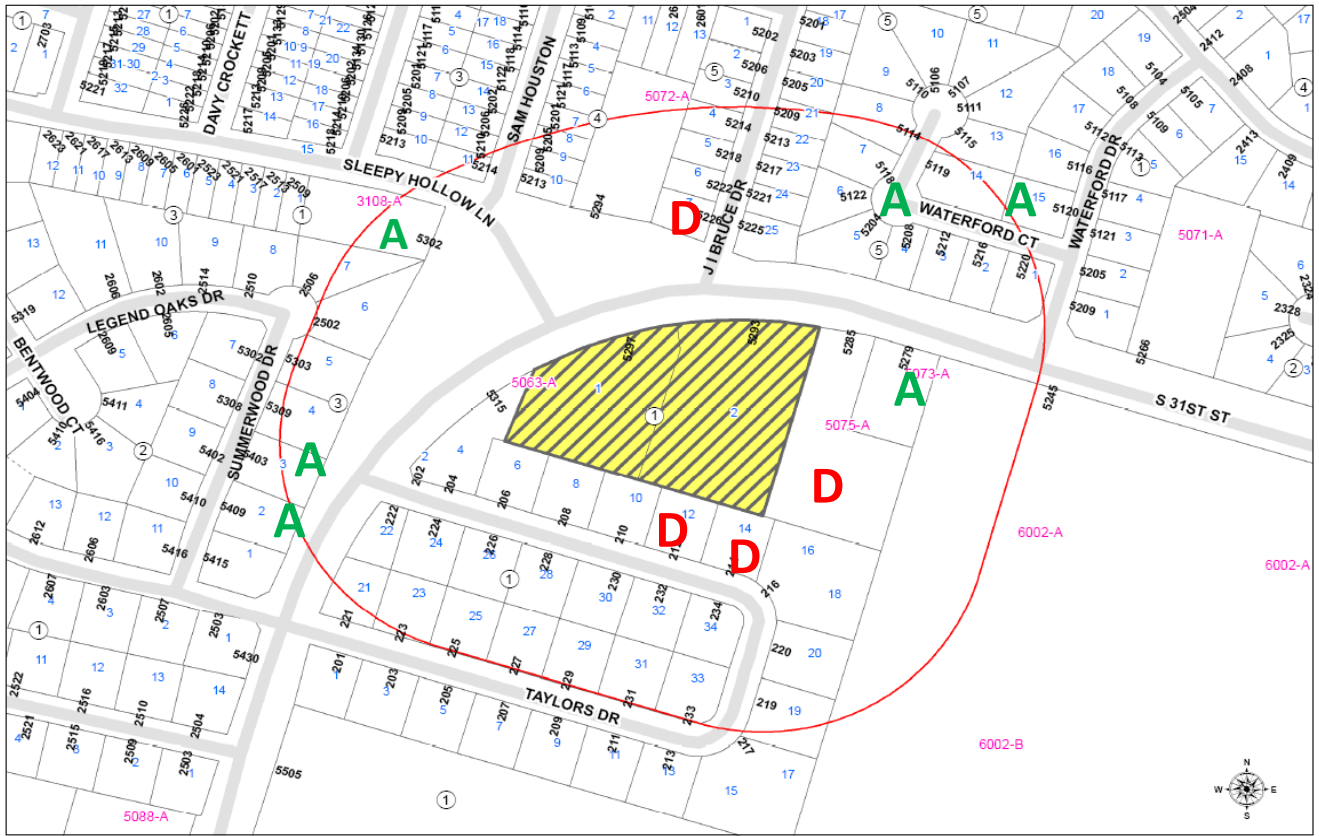
LMatlock Planning 4.28.11



Z-FY-11-27

Lot 1 and 2, Block 1
Mullins Southwest Addition

5293 and 5297
South 31st Street



ZFY 1127

Streets

200-ft Buffer

Feet 0 100 200 300 400

LMatlock Planning 4.28.11



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

Clayton Etux Dawn Pick
214 Taylors Drive
Temple, Texas 76502

Zoning Application Number: Z-FY-11-27

Project Manager: Leslie Matlock

The proposed rezoning will allow an existing restaurant 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:

WE AS HOMEOWNERS ON TAYLORS DRIVE OPPOSED THE REQUEST
FOR OFFICE 1 ZONING BACK IN 2001. WE WERE IGNORED THEN AND
APPARENTLY SO WERE THE ZONING RESTRICTIONS,

AS THIS REQUEST STATES: THE CHANGE WOULD ALLOW AN
EXISTING RESTAURANT. HOW WAS THE RESTAURANT ALLOWED TO
OPEN WITHOUT THE PROPER ZONING TO BEGIN WITH?

AS OFFICE 1 WAS IGNORED, WE FEAR WHAT OFFICE 2 COULD
BRING, AND SO WE OPPOSE THIS REZONING REQUEST.

Dawn Pick

Signature

CLAYTON + DAWN PICK

Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than May 16, 2011

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



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

Henry Etux Daisy Kay
5225 J I Bruce Drive
Temple, Texas 76502

Zoning Application Number: Z-FY-11-27

Project Manager: Leslie Matlock

The proposed rezoning will allow an existing restaurant 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 (X) denial of this request.

Comments:

Daisy Kay
Signature

DAISY KAY
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than May 16, 2011

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

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MAY 16 2011

Number of Notices Mailed: 62

Date Mailed: May 5, 2011

City of Temple
Planning & Development



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

H. J. Daude, Jr.
1902 West Adams Ave, Apt 136
Temple, Texas 76504

Zoning Application Number: Z-FY-11-27

Project Manager: Leslie Matlock

The proposed rezoning will allow an existing restaurant 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:

I do not feel this was the original intent
of the developer and this is not an appropriate
type of business for a residential area.

Florida E. Daude
Signature

FLORA DAUDE
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than May 16, 2011

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

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MAY 13 2011

City of Temple
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Number of Notices Mailed: 62

Date Mailed: May 5, 2011



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

Jerry Etux Cynthaia Taft
212 Taylors Drive
Temple, Texas 76502

Zoning Application Number: Z-FY-11-27

Project Manager: Leslie Matlock

The proposed rezoning will allow an existing restaurant 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 (X) denial of this request.

Comments:

We strongly oppose any change to the zoning of the referenced property. Changes in zoning open the door for businesses which may not be compatible with the surrounding residential areas. There is currently a restaurant on this property which should not be allowed so close to family homes. It is right at my fence. The City Council has never sided with our wishes in the past and I don't expect them to this time.

Jerry & Cyntha

Cynthaia Taft
Signature

Jerry & Taft

Cynthia Taft
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than May 16, 2011

City of Temple
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Room 201
Municipal Building
Temple, Texas 76501

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MAY 13 2011

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RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

Temple Southwest Development Ltd
5640 South Kegley Road
Temple, Texas 76502

Zoning Application Number: Z-FY-11-27

Project Manager: Leslie Matlock

The proposed rezoning will allow an existing restaurant 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:

It's a nice addition to the office complex.

Steve Wright
Signature

Steve Wright
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than May 16, 2011

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

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MAY 13 2011

City of Temple
Planning & Development



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

William Etux Virginia Leak
5120 Waterford Court
Temple, Texas 76502

Zoning Application Number: Z-FY-11-27

Project Manager: Leslie Matlock

The proposed rezoning will allow an existing restaurant 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

William Leak
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than May 16, 2011

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

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MAY 16 2011
City of Temple
Planning & Development



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

Theodore Etux Alice Garcia
5403 Summerwood Drive
Temple, Texas 76502

Zoning Application Number: Z-FY-11-27

Project Manager: Leslie Matlock

The proposed rezoning will allow an existing restaurant 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:

Ted Garcia
Signature

Ted Garcia
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than May 16, 2011

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

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MAY 13 2011

City of Temple
Planning & Development

Number of Notices Mailed: 62

Date Mailed: May 5, 2011



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

Fax: 298-5624

Todd Etux Roxanne Farrell
6740 Paddy Hamilton Road
Belton, Texas 76513

Zoning Application Number: Z-FY-11-27

Project Manager: Leslie Matlock

The proposed rezoning will allow an existing restaurant 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:

Roxanne R. Farrell
Signature

Roxanne Farrell
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than May 16, 2011

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

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City of Temple
Planning & Development

Number of Notices Mailed: 62

Date Mailed: May 5, 2011



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

Ronald Etux Barbara Carroll
5302 South 31st Street
Temple, Texas 76502

Zoning Application Number: Z-FY-11-27

Project Manager: Leslie Matlock

The proposed rezoning will allow an existing restaurant 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:

Totally in favor

Signature

Ronald Carroll

Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than May 16, 2011

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

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MAY 13 2011

City of Temple
Planning & Development

Number of Notices Mailed: 62

Date Mailed: May 5, 2011



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

Waterford Homeowners' Association
P.O. Box 4051
Temple, Texas 76505

Zoning Application Number: Z-FY-11-27

Project Manager: Leslie Matlock

The proposed rezoning will allow an existing restaurant 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:

Tony L. Talley
Signature

Tony L. Talley
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than May 16, 2011

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

RECEIVED

JUN 02 2011

City of Temple
Planning & Development

Number of Notices Mailed: 62

Date Mailed: May 5, 2011



PLANNING AND ZONING COMMISSION AGENDA ITEM

6/6/11
Item #5
Regular Agenda
Page 1 of 6

APPLICANT / DEVELOPMENT: Bobby Arnold on behalf of A and D Partners, Owners

CASE MANAGER: Leslie Matlock, Senior Planner

ITEM DESCRIPTION: Z-FY-11-27 Hold a public hearing to discuss and recommend action on a rezoning from Office One District (O1) to Office Two District (O2) on Lots 1 and 2, Block 1, Mullins Southwest Addition, located at 5293 and 5297 South 31st Street.

BACKGROUND: At the last regular meeting on May 16th, Planning and Zoning Commission tabled this case, leaving the public hearing open, in order to have a stakeholders meeting and to allow staff to come back to report to the Commission at the following regular meeting.

On May 24th, the applicant and the interested residential property owners came together with staff and discussed the issues that were of concern to the residents. The outline of the meeting is attached and the excerpted agreements are listed below.

Discussion and Conclusion

1. *The application should be processed as a Planned Development.*
2. *The Tuscan Square property owner must install a 6-ft. wooden stockade fence with metal posts, finished side to houses installed within 30 days of the approval of the zoning*
3. *Enclose the barbeque and vent the smoke.*
4. *Remove the possible uses on this site of On-premise consumption of alcoholic beverages and siting of a Hotel Motel.*

There may be need of one additional discussion between Owner and Mr. and Mrs. Pick and Taft. (homeowners directly behind Red Door restaurant)

Mrs. Loretta Marks agreed to contact the Picks and Tafts and Mr. Bobby Marks will contact the Fishers. These are the remaining homeowners that were not able to attend the meetings. The Marks' will inform those who missed these discussions about the content of the negotiations and the continuation of this P&Z meeting on 6/6/11. Meeting summary was agreed to by Mr. Arnold and Mrs. Marks with the addition that an 8-ft fence along the rear of the business park was promised, not a 6-ft as was reported in the May 24th meeting minutes.

Mrs. Marks contacted the absent homeowners and met. After the meeting with the Picks and Tafts, Ms. Marks reported that all participants, including herself, the Hubners and the Darlands, agreed that they wished to have a change to PD-O1 instead of the PD-O2 previously agreed upon, with the business uses now present to be the only additional lessees allowed. That email is attached to this packet. There was no contact made with Mr. and Mrs. Fisher, the property owners in the center of the block, that staff was made aware.

Two additional responses have come in to this office on May 26 and June 2, 2011, from the Waterford Homeowners Association, one for and one against. They are also attached to this report.

REVISED STAFF RECOMMENDATION: Staff recommends approval of the rezoning for case Z-FY-11-27 from O-1 to PD-O2 with the following stipulations:

1. Within 30 days of the effective date of the rezoning:
 - A. The applicant must remove the existing rear residential fences and install a wood stockade fence with metal posts and with the finished side facing the adjacent residences.
 - B. The applicant must enclose and vent the existing grilling area at the rear of the building.
2. All uses allowed in the O-2 zoning district area allowed except that alcoholic beverage sales for on-premise consumption and hotel or motel are prohibited.

Staff recommends approval of the rezoning for case Z-FY-11-27 from O-1 to PD-O2 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 already serve the property.

ORIGINAL REPORT Z- FY-11-27



Dated May 16th



BACKGROUND: The applicant requests the rezoning to O2 in order to allow additional uses that are not available in the O1 District. This case was necessitated by a restaurant opening in this shopping center and several calls to the City about the use being allowed. Since the City does not have a business registration process at the moment, a lease space could be rented out in an approved shopping center without the City being aware of what type of business is moving into the space. City staff from various departments is working to fill in this loophole.

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	O1 (O2 proposed)	Fully - developed office park	

Direction	Zoning	Current Land Use	Photo
Subject Property	O1 (O2 proposed)	Fully - developed office park	
North (across S. 31 st St.)	SF3 and SF2	Single-Family Residential Uses	
South	SF1	Single-Family Residential Uses	

Direction	Zoning	Current Land Use	Photo
East	AG	Large lot Single-Family Residential Uses	
West (across S. 31 st St.)	SF2 and O1	Single-Family Residential and Office	

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

Thoroughfare Plan (CP Map 5.2)

The Thoroughfare Plan designates S. 31st Street as a major arterial. This road has 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 and already serve the property.

Temple Trails Master Plan Map

The Sidewalk and Trails Plan designates property to the east for numerous trails, but none directly at this property. This rezoning will not trigger dedication for the Trails Master Plan. Sidewalks have already been installed along this arterial.

DEVELOPMENT REGULATIONS:

Office One district is typified by low-rise garden type developments of providing professional financial medical and other office type services to residents in nearby neighborhoods that are not high major traffic generators.

Office Two district allows low-, mid- and high-rise office buildings. This district allows the same uses as in the O1, such as professional, financial, medical and other office type services as well as more intensive uses. These include corporate offices and smaller retail and service businesses which are higher traffic generators, but are not meant to be for uses that require high visibility for conducting business.

This complex is already fully built, as in the case of Lot 1, and almost fully built as on Lot 2, with low density campus-style one-story offices. If the lots are redeveloped, there are no building setback differences in O1 and O2 district. Building heights are the only difference, with no limits on the O2 district. There is no minimum lot area, width or depth for commercial uses for either O1 or O2. Residential uses, which are allowed in the O1 and O2 districts, have various minimum lot and setback dimensions, but are the same for each different type of home in both districts.

With regard to land uses permitted in the Unified Development Code (UDC), the O2 zoning district is the more intense office district of the two. In the O2 district, restaurants, hotel/motels, various kinds of small retail and service stores, and all kinds of offices are allowed. All residential uses are allowed except zero lot line houses. Apartments are allowed with limitations. See the attachment with the compared district uses.

This non-residential subdivision is not adequately buffered from the adjacent established residential neighborhood to the south on particularly the eastern side. A screening device of a wood or masonry fence to comply with the Unified Development Code should be built across the southern boundary if the zoning change is approved.

PUBLIC NOTICE:

Sixty-five notices of the Planning and Zoning Commission public hearing were sent out. As of Wednesday, May 11, at 12 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 May 5, 2011, in accordance with state law and local ordinance

STAFF RECOMMENDATION: Staff recommends approval of the rezoning for case Z-FY-11-27 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 already serve the property.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Comparison of Land Uses Allowed Table

Aerial

Land Use and Character Map

Zoning Map

Thoroughfare Plan Map

Utility Map

Notice Map

Additional June 6th Meeting Attachments:

May 24th Summary of Meeting between Staff, Bobby Arnold, and Taylors Dr. Residents

May 25th Email from Mrs. Marks about Residents Meeting

June 1st Site Plan from Bobby Arnold

Additional Response Letters from Waterford Homeowners Association

**EXCERPTS FROM THE
PLANNING & ZONING COMMISSION MEETING
MONDAY, MAY 16, 2011**

ACTION ITEMS

Item 3: Z-FY-11-27 – Hold a public hearing to discuss and recommend action on a rezoning from Office One District (O1) to Office Two District (O2) on Lots 1 and 2, Block 1, Mullins Southwest Addition, located at 5293 and 5297 South 31st Street.

Ms. Leslie Matlock, Senior Planner, stated the shopping center Tuscan Square is asking for a zone change from Office One (O1) to Office Two (O2). City Council will have the first reading on June 16th and second reading and final action on July 7th.

Ms. Matlock stated this addition contains two non-residential developed lots adjacent to 31st and the intersection of Sleepy Hollow Drive. The subject property is surrounded by single family residential uses to the north and south, two large single family residences to the east, and single family residences and one office located to the west.

The Future Land Use and Character Map designates this area as Auto-Urban Commercial which is appropriate for office uses, including retail uses. The Thoroughfare Plan shows 31st Street as an arterial and Sleepy Hollow as a collector.

The O1 zoning designation permits professional, financial, medical and other office type services and allows all residential uses except for apartments. It is the most restrictive office district and is intended for day-to-day office service needs which are not usually high visibility or traffic generators. The O2 zoning district allows the same uses as O1 plus additional retail and service type uses and includes apartments. It is intended to serve a larger area and have more traffic and higher visibility. Some of the uses allowed in O2 are, but not inclusive of, hotels/motels, eat-in restaurants, commercial auto park, mortuaries, retail shops, etc. More intense residential uses could be a boarding house or home for the aged.

65 notices were mailed out: five notices were received in favor and four notices were received denying the request. Additionally, there were four other phone calls with concerns about the possibility of detrimental uses in the O2 district.

Staff recommends approval from O1 to O2 as the Future Land Use and Character Map designates the area as Auto-Urban Commercial, the request complies with the Thoroughfare Plan, and water and sewer services are in place and already serving the applicant. Commissioner Sears asked if it were possible to have the identity of the response letter included in their packet along with the zoning for same. Ms. Matlock stated the names were Todd and Roxanne Farrell and the zoning was Agricultural (AG).

Chair Talley opened the public hearing.

Ms. Loretta Marks, 208 Taylors Drive, Temple, Texas stated her residence was located directly behind the dental office in Tuscan Square. Ms. Marks stated some new businesses could have alcoholic beverage consumption. The neighborhood has been there since the 1970's but

she worries about property values once more businesses are allowed in. Ms. Marks asked the Commission that once it was discovered the restaurant was not in compliance with the zoning, why wasn't the restaurant shut down until this matter was resolved. Ms. Leslie Matlock stated if the zoning did not pass, several stores would have to be closed. Ms. Marks asked if those businesses were there now in non-compliance to the current zoning, why weren't they shut down until this is resolved.

Commissioner Staats explained that this is a leased space, meaning that a company comes in and leases a particular portion of a building. The landowner is not responsible or required by the lease to say what business will go there. The people who open the restaurant (leasees) should know the zoning designation and what is allowed. If there is an oversight it goes through the P&Z process to be resolved.

Ms. Marks stated this information tells her that it does not make any difference what is said, but it was developed and will continue to be what it wants to be. Ms. Marks stated she does not know why she is wasting her time being at the meeting. Commissioner Staats responded that they are reviewing and hearing the information available and public comments, and it does make a difference or the entire process would not be occurring. If this request is denied, there are several businesses located there that would have to make alterations in their business or location in order to continue doing business. It is not just the restaurant at issue.

Commissioner Rhoads asked Mr. Mabry to answer the question as done in the work session. Mr. Mabry stated one of the question asked was "Why weren't they shut down until the rezoning was approved, if approved?" Mr. Mabry stated the City has proactively shut down projects and/or businesses when there are usually more life threatening issues involved (i.e., building safety issues) and take steps to resolve the matter. For this case there does not appear to be a life or death matter, so the businesses were allowed to continue until a final decision was made by City Council.

Chair Talley asked Ms. Marks if this answered the question. She responded "Yes and no." What it amounts to is what is there now is a sandwich shop which does not seem like a big deal. But as time goes on, what is to prevent something like a 'honky tonk' or something similar being put in.

Ms. Marks stated when Tuscan Square was being built and she purchased her home, the Marks could not sit out on their patio without the dental patients looking directly at them so the Marks extended their fence two feet more to block the area.

Chair Talley asked if, at the present time, there was any disturbing noises and Ms. Marks stated at 2:00 a.m. when a big truck comes in, picks up a dumpster, shakes it, and slams it down on the ground and you jump out of bed, yes, there's noise. Commissioner Staats stated this was not a function of the restaurant but the entire complex. Ms. Marks agreed and stated it could possibly be moved so it doesn't back up to their home.

Commissioner Pope stated in order for a business to sell alcoholic beverages in the O2 district, in Tuscan Square, they would have to come back for a Conditional Use Permit (CUP) before they could sell alcohol. Mr. Mabry confirmed and stated for on-premise consumption of alcohol, a CUP permit would be required. Commissioner Rhoads stated that would be an extra permitting step required for alcohol, dance, etc., and is a separate issue. Mr. Mabry stated the P&Z Commission would have to do the same thing now for a specific request to serve alcohol.

Also, the City Council would have to make a final decision. Ms. Marks asked under O2, some of the places there could possibly ask for alcoholic beverages. Mr. Mabry stated yes, but under O1 zoning, it had no chance of alcohol at all even with a CUP. O2 allows it to be considered for P&Z and City Council consideration.

Ms. Marks stated she was also concerned about a 'Gentlemen's Club' or something similar and was there a possibility of having something like that under O2? Mr. Mabry stated that would be considered a sexually oriented business and are allowed in a Light and Heavy Industrial zoning and this is not proposed to be zoned for that.

Vice-Chair Martin asked if there were any statistics available for the P&Z's granting CUPs for selling alcoholic beverages when adjacent to residential properties versus someone requesting a CUP for commercial? Vice-Chair Martin stated he thought for the most part whenever a CUP was requested and the property was located right next door to a residential development, the request was denied. Mr. Mabry stated there was no readily available data to present but Vice-Chair Martin's comment was correct.

Commissioner Pope asked Ms. Marks if there were other problems, such as odors, since it is wide open to the houses and a fence could be required on the subject property to block it. Ms. Marks stated the only fences were residential fences. Commissioner Pope asked if P&Z fence could require a fence to be installed along the south property line and Ms. Matlock stated the owner was amenable to doing a fence is requested.

Ms. Marks stated no, there were no problems with the people there now with the exception of the dumpster. Commissioner Pope stated he was curious if a fence would in fact fix the situation.

Commissioner Rhoads asked if Ms. Marks' main concern was what type of business would be there in the future and she replied yes. Commissioner Rhoads stated again that the CUP would be an additional process and sometimes tough to get. Ms. Marks stated she was concerned about what this would do to the neighborhood and the taxes.

Mr. Ron Carroll, of Ronald Carroll Surveyors, 5302 S. 31st Street, Temple, Texas stated he has the office across the street from Tuscan Square and asked the Commission to vote in favor of this because he enjoys having lunch there. It has been good for his employees, clients and everyone else.

Mr. Bobby Arnold, 5297 S. 31st Street, Temple, Texas stated he was one of the owners of the subject property and was married so there would definitely be no Gentlemen's Club on the property. Mr. Arnold's office is located within the complex as well as Dr. Davis, another partner, and both are concerned about what goes in the area. Mr. Arnold stated he thought a hedge of red tipped photinia was planted behind Ms. Marks' home and may be about 15 feet tall now. Red tips have also been planted on the second phase. Mr. Arnold stated they were agreeable to put a fence up if that would help the situation. Mr. Arnold asked the Commission to approve the request.

Commissioner Staats asked how many other businesses in the Square would be affected by a failure to pass the request and Ms. Matlock stated at least three: the restaurant, day spa, and hair salon, and there could be more.

Commissioner Jones asked Mr. Arnold what the plan was when the red tips started to die off in a few years and Mr. Arnold stated he thought red tips lasted a long time and was not a landscaper. The red tips located at Timber Ridge Subdivision have been there for at least 10 years and still look solid and sturdy. Commissioner Staats asked if that part of the property was irrigated and Mr. Arnold stated yes, the entire property was irrigated. Commissioner Staats stated red tips can grow very large and need maintenance.

Commissioner Rhoads asked Mr. Arnold what would happen with the other property and Mr. Arnold stated it would be something that coincides with the other existing businesses. Mr. Arnold stated discussions are currently going on with a possible dentist and chiropractic office(s) but nothing has been confirmed to date.

Commissioner Pope asked Mr. Arnold if he was aware of the O1 zoning when the restaurant was developed and Mr. Arnold stated they did not know, the information came to their attention later on. Commissioner Pope stated someone was not watching because now there are three then asked, since the City does not have the business registration process at the moment was this matter being worked on due to the number of cases coming forward. Commissioner Pope stated The City should be aware of what businesses are going in. Commissioner Pope stated a fence might be the answer to resolve the issue between Mr. Arnold and the property owners and he would like to see the restaurant stay but also wants the residents to be satisfied. Commissioner Pope asked what it would take to do the job. Mr. Arnold stated as a new commercial developer he is also going through a learning curve. Regarding the property in question behind the houses, that land naturally slopes from 31st Street back towards the homes so the water on the property has been gathered and sloped out to 31st Street which also necessitated a 6 foot retaining wall which could be built upon.

Mr. Mabry confirmed Commissioner Pope's concern about lease space and new businesses moving in and stated Staff is currently working on a process, such as not turning on certain utilities until confirmation is made for zoning, etc.

Chair Talley suggested this matter be tabled in order for all parties to work out a solution and all parties were agreeable to this comment.

Commissioner Pope made a motion to table **Z-FY-11-27** until the June 6th meeting and Commissioner Sears made a second.

Motion passed: (9:0)

**EXCERPTS FROM THE
PLANNING & ZONING COMMISSION MEETING
MONDAY, JUNE 6, 2011**

ACTION ITEMS

Item 5: Z-FY-11-27 - Hold a public hearing to discuss and recommend action on a rezoning from Office One District (O1) to Office Two District (O2) on Lots 1 and 2, Block 1, Mullins Southwest Addition, located at 5293 and 5297 South 31st Street. (Bobby Arnold)

Ms. Leslie Matlock, Senior Planner, stated Staff, property owners, and neighboring residents met to discuss this matter on May 16th at the Red Door Restaurant. If approve, City Council would have the first reading on July 7th and second and final action on July 21st.

The result of that May 16th meeting was there would be an 8 foot stockade fence with metal posts and a 6 foot stockade fence with metal posts on top of the masonry wall with the finished side towards the residential section. It would be installed within 30 days of City Council approval. Additional discussion regarding removal of residential fences and installation of the non-residential fence would be maintained by the property owner of Tuscan Square. It was agreed at that time that a Planned Development Office Two (PD-O2) District would be agreeable with ordinance restrictions against on-premise alcohol consumption and hotels/motels. Ms. Matlock showed a submitted site plan of proposed suggestions.

Ms. Matlock received an email regarding an informally held meeting in the evening with the Tafts and Picks, 212 and 214 Taylors Drive. It was decided at that time they wanted to change PD-O2 to PD-O1 with only those uses allowed currently in place.

Staff recommends approval change from PD-O1 to PD-O2 as agreed in the first meeting held since the Future Land Use and Character Map characterizes this area as Auto Urban Commercial and does not restrict a higher intensity of non-residential, it complies with the Thoroughfare Plan, water and sewer are currently in place and serving the area, and to amend the original change of zoning request with the following stipulations:

1. Within 30 days of the effective date of the rezoning:
 - A. The applicant must remove the existing rear residential fences and install a 6-8-foot wood stockade fence with metal posts and with the finished side facing the adjacent residences; and
 - B. The applicant must enclose and vent the existing grilling area at the rear of the building.

2. All uses allowed in the O-2 zoning district area allowed except that alcoholic beverage sales for on-premise consumption and hotel or motel uses are prohibited.

Commissioner Staats asked about the size of the gap with removal of the old fences and installation of the new fences and who would maintain it. Ms. Matlock stated she was told the gap would be approximately two to three feet and the property would be located within the property owners private property.

Commissioner Rhoads asked about the permitting process. Ms. Autumn Speer, Director of Community Services, stated this reference was in regards to the business registration process, and Construction Safety and other departments are currently working on improving the process and, hopefully, situations similar to this matter would unlikely happen again in the future.

With the public hearing remaining opened, Chair Talley asked for any speakers.

Mr. Jerry Taft, 212 Taylors Drive, Temple, Texas stated his property backs up to the subject property. Mr. Taft stated the area was already zoned O1 and the applicant came in after the fact and allowed things to go against the existing zoning and wanted to know if there was anything in place to keep that from happening. It was stated Ms. Speer just addressed that issue with permitting and the process involved and how to intervene before situations occur.

Mr. Taft suggested keeping the O1 zoning intact and let the existing businesses stay, then when they (the businesses) move, the area remains zoned as O1. Commissioner Staats asked Mr. Taft if he was saying, if the current restaurant were to close and leave, another restaurant would not be allowed to move in and open up and Mr. Taft agreed and said O2 would open it up.

Mr. Clayton Pick, 214 Taylors Drive, Temple, Texas asked if his chain link fence would be torn down and the restaurant would install another type of fence. Ms. Matlock stated that was what the applicant is proposing. Mr. Pick shows the Commission a picture of his home/back yard.

Mr. Pick explains they have a chain link fence and retaining wall. It was his understanding when the restaurant went up, an 8 foot fence would be installed on the Tuscan Square side and that has never happened. Mr. Pick did not agree with the restaurant tearing down his fence and putting up their fence on his property line. Ms. Matlock stated the applicant offered this to the first three residents on the block so there would not be a situation of back-to-back fences with a space in between. However, Mr. Pick nor anyone else had to take down their fence but the space between the fence and the masonry wall would need to be maintained.

Mr. Pick asked about enclosing the back area where the grill is located and how it would look. Ms. Matlock stated it was her understanding it would be vented since the odor was an issue, but did not have any submitted plans from the applicant. Commissioner Staats asked if Mr. Pick was concerned about the enclosure or the exhaust and Mr. Pick

replied yes to both. Ms. Matlock stated the applicant would also have to meet the masonry standards.

Commissioner Jones asked if Mr. Pick had been contacted for the meeting. Mr. Pick responded he had to work at the time it was held and could not attend. He has never met nor talked to Mr. Arnold.

Ms. Dawn Pick, 214 Taylors Drive, Temple, Texas, stated she was in attendance in 2001 opposing the O1 zoning and at that time was told residential/commercial, there would be a fence which never happened. Ms. Pick is opposed to the O2 zoning. Commissioner Pope asked if it was a fence or screening and Ms. Pick replied a fence.

Ms. Loretta Marks, 208 Taylors Drive, Temple, Texas, stated Mr. Mabry gave the following options at the meeting held with residents: 1) O1 with a PD allowing the day spa, hair salon, cleaners, and restaurant as permitted use; 2) make the O2 a PD by prohibiting on-site alcoholic beverage sales and any other use not agreed to by the residents; 3) O2 with a personal agreement by the owner in the adjacent residence; or 4) offer Neighborhood Services (NS) zoning but more alcoholic beverages are allowed under NS. Ms. Marks stated what was agreed at the meeting was the O1 zoning but allow the exceptions of the businesses currently there, however, this is not what was being presented to the Commission. Ms. Marks felt this matter was being presented to the Commission in the same manner as originally presented which was in opposition. She feels the only thing that has been agreed upon is the owner would install the fence within 30 days of approval.

Mr. Mabry stated the on-site meeting started with the four options previously mentioned, and PD-O1 and/or PD-O2 seemed to be the most viable choices. Mr. Mabry and Ms. Matlock both believed the meeting resulted with the PD-O2 recommendation from the attending residents along with the fence aspects.

Ms. Cindy Taft, 212 Taylors Drive, Temple, Texas, stated the area between the fence and the wall could be maintained by them since they already do so as long as she can still access the area when the new fence is installed. Ms. Taft bought her home in 1983 and knew the property behind her will eventually be developed. When the development occurred, O1 was the zoning designation requested and everyone was happy with it. Now Mr. Arnold has allowed businesses to move in that should not be there and he should know the zoning laws. She stated that the restaurant is literally cooking at her back fence but perhaps the new fence would help alleviate this problem. Ms. Taft feels the residents should have some privacy in their own back yards. Ms. Taft would like to see a fence done in a nice fashion, have privacy and peace of mind returned to the residents, enclosed the cooking area so residents do not have to deal with flies, trash, noise, odors, etc. and would encourage the Commission to keep the zoning at O1 and not open the door to more problems.

Chair Talley closed the public hearing.

More discussion ensued regarding possible options and motion language.

Commissioner Rhoads made a motion to approve Z-FY-11-27 with Planned Development for Office One (PD-O1), limit the amount of restaurants to one, the amount of salons and spas to two, and the dry cleaner to one, with the agreed upon fencing between all property owners, enclosure of the cooking/grilling area to be in accordance with City Masonry Ordinance requirements and any other Code requirements necessary and Commissioner Staats made a second.

Motion passed: (7:0)

Vice-Chair Martin and Commissioner Brown absent

ORDINANCE NO. _____

[PLANNING NO. Z-FY-11-27]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A REZONING FROM OFFICE ONE DISTRICT (O1) TO PLANNED DEVELOPMENT OFFICE ONE DISTRICT (PD-O1) ON LOTS 1 AND 2, BLOCK 1, MULLINS SOUTHWEST ADDITION, LOCATED AT 5293 AND 5297 SOUTH 31ST STREET; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Part 1: The City Council approves a zoning change from Office One District (O1) to Planned Development Office One District (PD-O1) on Lots 1 and 2, Block 1, Mullins Southwest Addition, located at 5293 and 5297 South 31st Street, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

Part 2: In accordance with Section 3.4 of the Unified Development Code (UDC) of the City of Temple, the City Zoning Map is amended by changing the zoning classification of the property described in Part 1 above, to Planned Development Office One District. The planned development shall comply with all applicable sections of the Code of Ordinances of the City of Temple, Texas, and all local, State and Federal laws and regulations as they may now read or hereafter be amended, including but not limited to the following conditions:

- a. In addition to the uses allowed in the O1 zoning district, the following uses are permitted by right within the Planned Development with no limit on the number of these uses allowed:
 1. Barber or beauty shop,
 2. Restaurant (without drive- through),
 3. Cleaning, pressing and pick up shop, and
 4. Retail shop, gift, apparel, accessory and similar items.
- b. The applicant must install an eight-foot high cedar fence with steel posts on the rear property line or on the rear retaining wall, where applicable, as mutually acceptable by homeowners, within 60 days of the effective date of this ordinance. The finished side of the fence must face the residential properties.
- c. No additional outdoor cooking areas are permitted other than the outdoor cooking area in existence on the effective date of this ordinance.

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

Part 3: The City Council directs the Director of Planning to make the necessary changes to the City Zoning Map accordingly.

Part 4: It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such phrase, clause, sentence, paragraph or section.

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

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

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

PASSED AND APPROVED on Second Reading on the **21st** day of **July**, 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

07/07/11
Item #6
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Brian Mabry, Planning Director

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING – Z-FY-11-31: Consider adopting an ordinance authoring amendments to Article 1 and Section 3.6.4 of the Unified Development Code to establish provisions pursuant to Chapter 245 of the Texas Local Government Code allowing for the vesting of a development project under standards that are in effect on the date that the original application or a master plan for a development was filed, to change the expiration date for a Preliminary Plat from two years after it is approved to five years and to allow an Administrative Extension procedure for expired Preliminary Plats.

PLANNING & ZONING COMMISSION RECOMMENDATION: At its June 6, 2011 meeting, the Planning and Zoning Commission voted 7/0 in accordance with staff recommendation to recommend approval of the UDC amendment as stated in the item description.

Commissioners Martin and Brown were absent.

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

ITEM SUMMARY: Please refer to the Staff Report and draft minutes of case Z-FY-11-31, from the Planning and Zoning meeting, June 6, 2011. Local developers have requested City Staff, including the City Attorney, to pursue these UDC amendments and are in agreement with the proposed changes.

VESTING (ATTACHMENT 1): This proposed amendment modifies UDC Article 1, General Provisions. It says that the City adopts Chapter 245 of the Texas Local Government Code (TLGC), which deals with vesting of land development “projects”, and will apply standards to the project that were in effect when the project was initiated. With some exceptions, standards that were in effect at the time of submittal apply to each permit in the series of required permits that makes up the project.

PRELIMINARY PLAT EXPIRATION AND ADMINISTRATIVE EXTENSION (ATTACHMENT 2): This proposed amendment modifies Section 3.6.4 of the UDC to say that a Preliminary Plat expires in five years rather than the current two-year period.

The proposed amendment also allows the Planning Director to grant an extension of two years to a Preliminary Plat that is about to expire. The amendment provides criteria for the Planning Director to consider when determining whether or not to grant the extension. These criteria are related to the national, regional and local economy; the inventory of unsold homes and lots in Temple; and the applicant's track record in completing multi-phase developments.

PUBLIC NOTICE:

The newspaper printed notice of the Planning and Zoning Commission public hearing on May 26, 2011, in accordance with state law and local ordinance. As of Tuesday, June 28, Staff has received one letter in favor of this proposal from the Temple Area Builders Association.

FISCAL IMPACT: NA

ATTACHMENTS:

Proposed Article 1 UDC Amendment for Vesting (Attachment 1)
Proposed Sec. 3.6.4 UDC Amendment for Preliminary Plat Expiration and Administrative Extension
(Attachment 2)
Letter of Support from the Temple Area Builders Association
P&Z Staff Report (Z-FY-11-31)
P&Z Minutes (June 6, 2011)
Ordinance

Article 1: General Provisions

Sec. 1.8. Vested Rights

Sec. 1.8. Vested Rights

1.8.1 Adoption of Chapter 245

Note: The proposed amendment adopts Chapter 245 of the Texas Local Government Code as fully as if the whole Chapter were written out word for word in the UDC. If Chapter 245 were repealed by the State, then this Section would remain in effect for one year. Note to be removed upon adoption.

The City adopts Chapter 245 of the Texas Local Government Code by reference, including any future amendments to Chapter 245 that the Texas Legislature adopts, and declares Chapter 245 a part of this UDC as fully as if the Chapter was incorporated into this UDC in its entirety. Should Chapter 245 be repealed by the Texas Legislature, this Section remains in effect for one year from the date of such repeal. During such time, the City Council may take action it deems appropriate to provide vested rights protection of ongoing projects.

1.8.2 Purpose

Note: The purpose is to allow land development projects to be vested under the rules that were in effect at the time that the property first received preliminary plat approval or approval of a master plan. An applicant may use new rules that are favorable to his or her development without losing vesting under old rules. Note to be removed upon adoption.

- A.** It is the intent of the City to consider approval of all development permits, except as provided in this UDC or by State law, on the basis of those standards and regulations that are in effect on the date that original application or a master plan for a development was filed. This Section applies to projects that were in progress on, or commenced after, September 1, 1997. As provided in this Section, those “vested rights” accrue on the date of the original application for a development permit for a developmental project or a master plan for real property that gives the City reasonable notice of the project and the nature of the permit being sought. When a particular developmental project requires a series of permits, the City will regard each permit in that project as part of a single series of permits, and subject to the standards and regulations in effect when the first development permit application or a master plan for real property was filed.
- B.** While the City provides for the expiration of development permits under certain terms and conditions as provided in Sec. 1.8.3, the City will not shorten the normal life of any permit in the series of permits needed for a developmental project, after the application for the initial permit for that project is accepted as administratively complete by the City, except for those permits specifically excluded from the application of this Section by State law. Regardless of the granting of any vested rights to an applicant as provided in this Section, an applicant may still take advantage of subsequently adopted changes in standards and regulations that benefit the applicant’s project without forfeiting the applicant’s vested rights.

1.8.3 Expiration of Permit Applications

Note: This proposed amendment says that an incomplete application is not able to make a vesting claim if the application is not made complete within 45 days after submittal, provided that the City notifies the applicant in writing of what is

missing from the submittal. Note to be removed upon adoption.

- A. The intent of this Section is to provide an expiration date for applications for development permits which otherwise lack an expiration date, in accordance with Local Government Code Section 245.002(e).
- B. Whenever the City requires the filing of an application for a development permit, no rights shall accrue to the applicant until an administratively complete application, in terms of form and content, is filed with the City. An application for a development permit expires 45 calendar days after filed with the City, if:
 - 1. The applicant fails to provide documents or other information necessary to comply with the City's technical standards related to the form and content of the permit application;
 - 2. The City provides written notice to the applicant within 10 business days after the application is filed that specifies what documents or information is missing from the application, and provides the date that the application will expire; and
 - 3. The applicant fails to provide the document or additional information by the date specified in the City's written notice to the applicant.

1.8.4 **Dormant Projects**

Note: *This proposed amendment automatically expires old approvals that have been inactive for 2 years after their initial approval. This proposed amendment clears out any backlog of old, inactive permits so that years later an applicant cannot use them to claim vesting. Note to be removed upon adoption.*

- A. In accordance with Section 245.005, "Dormant Projects," of Chapter 245 of the Local Government Code, the City adopts an expiration date of two years from the date of issue of any development permit issued by the City if no progress has been made towards completion of the project, provided that the expiration date of any permit, including the first permit and the preliminary plat for a project, in a series of permits required for a project shall not be earlier than the fifth anniversary date of the date that the first permit application for the project. Nothing in this Section may be deemed to affect the timing or expiration of a permit that the Texas Commission on Environment Quality or its authorized agents have issued solely under the authority of Chapter 366 of the Texas Health and Safety Code.
- B. For purposes of this Section, "progress towards completion of the project," includes any one of the following:
 - 1. The applicant submits an application for a Final Plat to the Planning & Zoning Commission;
 - 2. The applicant makes a good faith attempt to file with the Planning & Zoning Commission an administratively complete application for a permit necessary to begin or continue towards completion of the applicant's project,
 - 3. The applicant has incurred costs towards developing the infrastructure needed for the development including but not limited to roadways, utilities or other infrastructure needed to serve, in whole or part, the project;

Article 1: General Provisions

Sec. 1.9. Severability

4. The applicant posts fiscal security with the City to ensure the applicant's performance of an obligation required by the City; or
5. The applicant has paid utility connection fees to the City.

1.8.5 Process for Certifying Vested Rights Associated with a Project

Note: *This proposed amendment allows the an applicant to request confirmation in writing from the Planning Director that a project is vested under a certain set of regulations. Note to be removed upon adoption.*

An applicant may request a letter certifying that a project is subject to vested rights, and the Director of Planning must issue such a letter, if the applicant has demonstrated compliance with the following criteria for vested rights under this Section or Chapter 245:

- A. The applicant used its property or filed an application as provided in Texas Local Government Code Section 43.002 prior to annexation of that property, and that the regulations against which vested rights are claimed are not subject to an exemption as provided in Texas Local Government Code Section 43.002(c); or
- B. The applicant filed an application as provided in Texas Local Government Code Chapter 245 prior to adoption of the regulations against which vested rights are claimed, that regulations against which vested rights are claimed are not subject to an exemption as provided in Texas Local Government Code Section 245.004, and that the project has not become dormant as defined in Texas Local Government Code Section 245.005 or Sec. 1.8.4 of this ordinance.

(Ord. 2011-xxx)

Sec. 1.9. Severability

If any provision or application of this UDC is judged invalid, such judgment does not affect the validity of other provisions or applications of this UDC not related to the provision or application judged invalid.

Article 3: Development Review Procedures

Sec. 3.6. Subdivision Plat Review

number. Block numbers must run consecutively and names must be consistent throughout the entire subdivision, even though such subdivision may be finally approved in sections.

3.6.4 Preliminary Plat

A. Review Process

1. Development Review Committee Review and Determination of Completeness

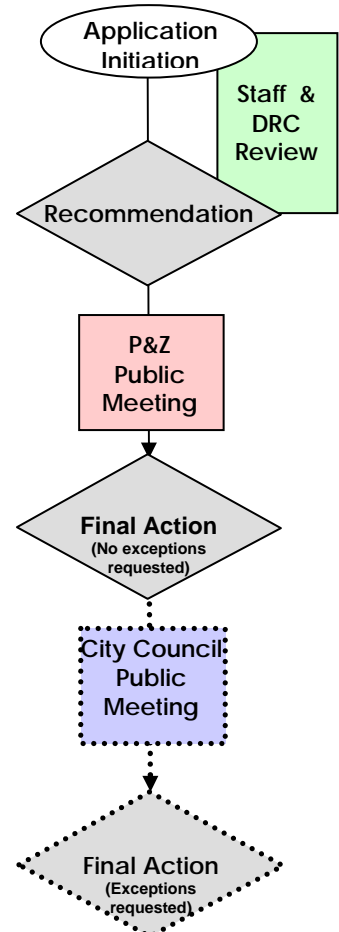
The Development Review Committee must review the submitted application and determine whether the application is administratively complete or not. Such determination should include comments relative to the proposed Preliminary Plat's compliance with Article 8 of this UDC, the Comprehensive Plan, the Design and Development Service Manual, other master plans and applicable State Laws.

2. Planning Director Review

The Planning Director must review the submitted application and make a recommendation to the Planning and Zoning Commission. Such recommendation should include comments relative to the proposed Preliminary Plat's compliance with the Comprehensive Plan, the Design and Development Standards Manual, other master plans and applicable state laws.

3. Planning and Zoning Commission Final Action

- a. If no exceptions to the subdivision design and improvements standards found in Article 8 have been requested as set forth in Sec. 3.6.6 below, the Planning and Zoning Commission must hold a public meeting and approve, approve with conditions or deny the Preliminary Plat. A conditional approval can include the requirements and specific changes the Planning and Zoning Commission determines necessary for the Preliminary Plat to comply with this UDC, or the conditional approval can be specifically given by the Commission as an expression of approval of the layout submitted on the preliminary plat as a guide to the installation of streets, water, sewer and other required improvements and utilities and to the preparation of the final or recorded plat.
- b. If exceptions to the subdivision design and improvements standards found in Article 8 have been requested as set forth in Sec. 3.6.6 below, the Planning and Zoning Commission must hold a public meeting and make a recommendation to the City Council.
- c. Approval of a Preliminary Plat does not constitute automatic approval of the Final Plat.



4. City Council Final Action

If exceptions to the subdivision design and improvements standards found in Article 8 have been requested as set forth in Sec. 3.6.6 below, or if the applicant wishes to appeal the decision of the Planning and Zoning Commission, then the City Council must hold a public meeting and approve, approve with conditions or deny the Preliminary Plat.

B. Expiration

Note: This proposed amendment changes the life of a preliminary plat from two to five years. This note to be removed upon adoption.

Notwithstanding the provisions of Sec. 3.6.7, a Preliminary Plat for a subdivision that is not phased or not to be developed sequentially expires and is deemed null and void ~~two~~ five years from the date of approval unless a Final Plat is filed and approved for all of the Preliminary Plat within that time or unless the term is extended as provided in paragraph C below. A new application must be filed to request approval for subdivision of land for which a Preliminary Plat has expired.

(Ord. 2011-~~xxx~~)

C. Extension of Plat Term

Note: This proposed amendment creates 2 ways of extending the life of an existing, unexpired Preliminary Plat: by final platting a phase of the Preliminary Plat (this ability already exists in the current regulations) or by receiving administrative approval of an extension. This note to be removed upon adoption.

The term of a Preliminary Plat ~~may must~~ be extended by one of the following procedures if, before the initial term or an extension of the initial term expires.:

1. Final Platting and Construction

- a. The Planning and Zoning Commission or City Council, as appropriate, must approves a Final Plat for a phase of the subdivision that is reasonable in size and layout and must finds that the Final Plat substantially conforms to the Preliminary Plat. ~~and~~
- b. The developer must begins construction of the required subdivision improvements.
- c. Each Final Plat phase extends the term of the Preliminary Plat for two additional years from the date the last Final Plat phase was approved ~~by the City Council~~.

2. Administrative Extension

- a. The owner or the developer of property for which an unexpired Preliminary Plat has been approved may apply for, and the Planning Director may approve, a two-year extension of the life of the Preliminary Plat. In making a decision as to whether to approve or deny an application for extension of the life of a Preliminary Plat, the Planning Director may consider, among other factors, evidence that the owner, developer or City produces that shows for the prior two year period:

- i. The state of the national and regional economy and housing market;
 - ii. The state of the local economy and housing market, including:
 - (A) The number of new lots platted within the City limits;
 - (B) The number of building permits for single-family residences issued within the City limits; and
 - (C) The inventory of platted single family lots within the City limits.
 - iii. The availability (or lack thereof) of financing for construction of subdivision improvements, home construction, or for end-purchasers of single-family residences during the previous two years;
 - iv. The inventory of unsold homes and lots in Temple; and
 - v. The owner's or developer's prior experience in completing multiphase subdivisions.
- b. An applicant denied a request for an extension of the life of a Preliminary Plat may appeal the Planning Director's decision to the City Manager whose decision is final.

(Ord. 2011-xxx)

3.6.5 Final Plat

A. Review Process

1. Development Review Committee Review

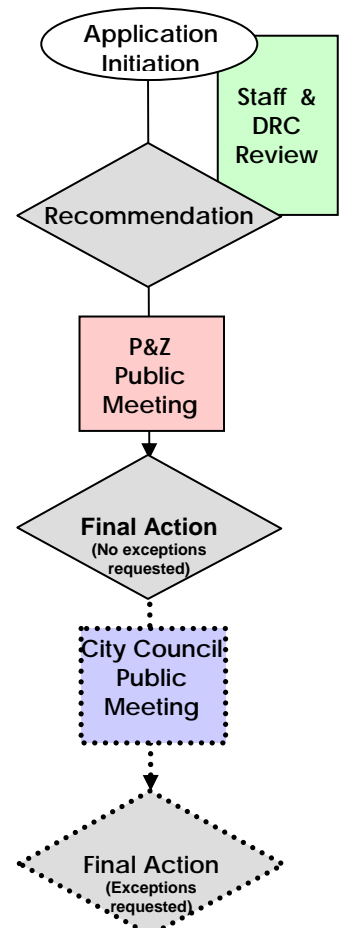
The Development Review Committee must review the submitted application and determine whether the application is administratively complete or not. Such determination should include comments relative to the proposed Final Plat's compliance with the Comprehensive Plan, the Design and Development Standards Manual, other master plans and applicable state laws.

2. Planning Director Review

The Planning Director must review the submitted application and make a recommendation to the Planning and Zoning Commission. Such recommendation should include comments relative to the proposed Final Plat's compliance with the Comprehensive Plan and other master plans.

3. Planning and Zoning Commission Final Action

- a. If no exceptions to the subdivision design and improvements standards found in Article 8 have been requested as set forth in Sec. 3.6.6 below, the Planning and Zoning Commission must hold a public meeting and approve or deny the Final Plat.





June 3, 2011

Temple City Council
2 N Main St
Temple, TX 76501

RE: Vested Rights Ordinance

Honorable Mayor Jones and Temple City Council Members:

On behalf of the 250+ members of the Temple Area Builders Association and their employees, thank you for the opportunity to comment on the vested rights ordinance which is on your upcoming agenda.

We are fully supportive of this ordinance and greatly appreciate the efforts of your City Attorney in bringing forth an ordinance that both respects individual property rights, as well as offers adequate protections to the City of Temple. Our team has been working on this ordinance for approximately 2 years, and we are excited that this ordinance will be moving forward for final consideration. We have previously given positive comments on the vested rights ordinance to the Planning and Zoning Commission, which will be considering moving this ordinance forward.

All initial concerns that we may have had with this ordinance have been thoroughly resolved. We are certain that the ordinance before you addresses the concerns that the city initially had regarding vested rights, as well as those concerns of the Temple Area Builders Association.

If you have any further questions, please do not hesitate to contact me directly. Once again, we appreciate the time and efforts of your City Attorney and his team, and are fully supportive of these ordinances.

Sincerely,

Robbie Johnson
President, Temple Area Builders Association

CC: Jonathan Graham, City of Temple



PLANNING AND ZONING COMMISSION AGENDA ITEM

06/06/11
Item #10
Regular Agenda
Page 1 of 2

APPLICANT / DEVELOPMENT: City of Temple

CASE MANAGER: Jonathan Graham, City Attorney
Brian Mabry, Planning Director

ITEM DESCRIPTION: Z-FY-11-31 Hold a public hearing to discuss and recommend action on amendments to Article 1 and Section 3.6.4 of the Unified Development Code to establish provisions pursuant to Chapter 245 of the Texas Local Government Code allowing for the vesting of a development project under standards that are in effect on the date the original application or a master plan for a development was filed, to change the expiration date for a Preliminary Plat from two years after it is approved to five years and to allow an Administrative Extension procedure for expired Preliminary Plats. (City of Temple).

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

1. Bring the UDC more fully into agreement with Chapter 245 of the Texas Local Government Code related to the vesting of projects under rules in place at the time of the original development approval;
2. Change the expiration date of a Preliminary Plat from two years to five years if no final platting has occurred on the property; and
3. Allow the Planning Director to extend the life of a Preliminary Plat past five years under certain conditions.

Local developers have requested City Staff, including the City Attorney, to pursue these UDC amendments and are in agreement with the proposed changes.

VESTING (ATTACHMENT 1): This proposed amendment modifies UDC Article 1, General Provisions. It says that the City adopts Chapter 245 of the Texas Local Government Code (TLGC), which deals with vesting of land development “projects”, and will apply standards to the project that were in effect when the project was initiated. With some exceptions, standards that were in effect apply to each permit in the series of required permits that makes up the project. Chapter 245 says that the following land development-related standards are not eligible for vesting:

- Uniform building codes (Building, Fire, Plumbing, etc.)
- Most zoning requirements, but not landscaping, open space, lot size, spacing
- Sexually oriented businesses
- Fees
- Construction standards for public improvements (water lines, sewer lines, sidewalks)
- Regulations to prevent imminent harm (unsafe buildings)

Individual permits can still expire, and a project can also become dormant. When a permit expires, it has to be applied for again. When a project becomes dormant, the project loses its vesting, and if restarted has to meet new standards.

The proposed amendment also states that, as part of TLGC Chapter 245, if a City's standards change that are beneficial to the project or that lower previously adopted standards, then the applicant may apply those newer standards to the project without losing the vested status of the project.

In order to prevent an applicant from claiming vesting on an inadequate application submittal, the proposed amendment contains provisions that say in order to be able to claim vesting, an applicant must submit an application that the City deems administratively complete. If an application is deemed incomplete, City Staff must notify the applicant and provide a chance for correction. This process is already taking place through the Development Review Committee. An applicant cannot claim vested rights on an incomplete application.

The proposed amendment also provides a process and criteria for a developer to receive a confirmation letter that a project is subject to vested rights.

PRELIMINARY PLAT EXPIRATION AND ADMINISTRATIVE EXTENSION (ATTACHMENT 2): This proposed amendment modifies Section 3.6.4 of the UDC to say that a Preliminary Plat expires in five years rather than the current two-year period. Except for the administrative extension option described below, if in five years the Preliminary Plat does not receive approval of a final plat, then the plat expires and is considered null and void. Approval of a final plat for a phase of the Preliminary Plat extends the life of the Preliminary Plat for another two years.

The proposed amendment allows the Planning Director to grant an extension of two year to a Preliminary Plat that is about to expire. The amendment provides criteria for the Planning Director to consider when determining whether or not to grant the extension. These criteria are related to the national, regional and local economy; the inventory of unsold homes and lots in Temple; and the applicant's track record in completing multi-phase developments.

PUBLIC NOTICE:

The newspaper printed notice of the Planning and Zoning Commission public hearing on May 26, 2011, in accordance with state law and local ordinance. As of Wednesday, June 1, Staff has received no comments on this case.

STAFF RECOMMENDATION: Staff recommends approval of the proposed amendments to Article 1 and Section 3.6.4 of the Unified Development Code for the purposes described in the item description.

FISCAL IMPACT: NA

ATTACHMENTS:

[Proposed Article 1 UDC Amendment for Vesting \(Attachment 1\)](#)

[Proposed Sec. 3.6.4 UDC Amendment for Preliminary Plat Expiration and Administrative Extension \(Attachment 2\)](#)

**EXCERPTS FROM THE
PLANNING & ZONING COMMISSION MEETING
MONDAY, JUNE 6, 2011**

ACTION ITEMS

Item 10: Z-FY-11-31 – Hold a public hearing to discuss and recommend action on amendments to Article 1 and Section 3.6.4 of the Unified Development Code to establish provisions pursuant to Chapter 245 of the Texas Local Government Code allowing for the vesting of a development project under standards that are in effect on the date the original application or a master plan for a development was filed, to change the expiration date for a Preliminary Plat from two years after it is approved to five years and to allow an Administrative Extension procedure for expired Preliminary Plats. (City of Temple)

Mr. Jonathan Graham, City Attorney, stated several meetings have occurred for approximately 18 months to discuss this matter which arose due to City Council passing an Ordinance resetting the clock on standards due to numerous plats ready to expire. This Ordinance is implementing some state laws (unless adopted) and updating some provisions. Some protections are also being included such as dormant projects and making sure completed applications are received.

What is vesting? It is a commitment by the City to implement the standards in place at the time of the application by the developer, with some exceptions. Also, if projects are dormant, they need to expire if not acted upon. Some of these items are being considered due to state law and some applies to individual cities and require action.

Mr. Graham stated this was a win-win situation since the City and development both get something out of this situation and it is fair and reasonable to all.

Mr. Graham stated getting an application in starts the vesting process. With a submitted completed application one becomes vested to the standards in effect at the time. What is complete? Making sure all the information the City requires is on the application, in accordance to state law. If the application is deemed incomplete, within 10 days the applicant would receive a letter stating why the application is incomplete and then have 45 days in which to complete and submit an entire completed package. Once that occurs, vested starts back to the first day.

To stay vested under the Ordinance, a developer needs to make some type of progress toward completion. Initially, a project is given a five year life span, thereafter, once progress is made, two year increments keep resetting the clock. Progress towards completion include, but is not limited to, submitting a final plat on any one phase, good faith intent to file appropriate applications for permits, incurring costs for development (infrastructures, streets, etc.).

Some exceptions include, but are not limited to, uniform building codes that are health and safety related, many zoning requirements, sexually oriented businesses, fees, constructions standards for sidewalk improvements, regulations to prevent imminent harm, etc. Mr. Graham also stated another section would be included (in UDC) allowing administrative approval by the Planning Director to extend the life of preliminary plats for certain situations/reasons.

Staff recommends approval of this item as well as TABA (Temple Area Builders Association) who have written a letter in support of this proposal. If approved, City Council would have first reading on June 16th and second and final reading July 7th.

Chair Talley opened the public hearing.

Mr. Blair Anderson, representative and Director of Government Affairs for TABA, 12 N. 5th Street, Temple, stated they approved and strongly supported this item since it affects many of their members. Mr. Anderson thanked everyone for all their efforts in bringing this matter forward.

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

Commissioner Sears made a motion to approve **Z-FY-11-31** as presented and Commissioner Pilkington made a second.

Motion passed: (7:0)

Vice-Chair Martin and Commissioner Brown absent.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING ORDINANCE NO. 2010-4413, THE “UNIFIED DEVELOPMENT CODE,” ARTICLE 1 AND SECTION 3.6.4 TO ESTABLISH PROVISIONS PURSUANT TO CHAPTER 245 OF THE TEXAS LOCAL GOVERNMENT CODE ALLOWING FOR THE VESTING OF A DEVELOPMENT PROJECT UNDER STANDARDS THAT ARE IN EFFECT ON THE DATE THAT THE ORIGINAL APPLICATION OR A MASTER PLAN FOR A DEVELOPMENT WAS FILED, TO CHANGE THE EXPIRATION DATE FOR A PRELIMINARY PLAT FROM TWO YEARS AFTER IT WAS APPROVED TO FIVE YEARS AND TO ALLOW AN ADMINISTRATIVE EXTENSION PROCEDURE FOR EXPIRED PRELIMINARY PLATS; EXTENDING THE LIFE OF PRELIMINARY PLATS FOR SINGLE FAMILY RESIDENTIAL SUBDIVISIONS THAT WERE (1) APPROVED IN THE PAST TWO YEARS; (2) EXTENDED BY THE APPROVAL OF A FINAL PLAT FOR A PHASE OF THE SUBDIVISION IN THE PAST TWO YEARS; OR (3) THAT WOULD HAVE EXPIRED IN THE PAST TWO YEARS, BY GIVING THEM AN ADDITIONAL LIFE OF TWO YEARS FROM THE EFFECTIVE DATE OF THIS ORDINANCE; 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 June 6, 2011, meeting the Planning and Zoning Commission voted to amend Article 1 and Section 3.6.4 of the Unified Development Code providing for vested rights of a development and changing the expiration date for a preliminary plat from 2 years after it was approved to 5 years, 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 Article 1 and Section 3.6.4 to establish provisions pursuant to Chapter 245 of the Texas Local Government Code allowing for the vesting of a development project under standards that are in effect on the date that the original application or a master plan for a development was filed, and to change the expiration date for a preliminary plat from two years after it is approved to five years and to allow an Administrative Extension procedure for expired preliminary plats, copies of said amendments are attached hereto and made a part hereof for all purposes as Exhibits A and B, respectively.

Part 2: The City Council extends the life of preliminary plats for single family residential subdivisions that were: (a) approved in the past two years; (b) extended by the approval of a final plat for a phase of the subdivision in the past two years; and (3) that would have expired in the past two years, by giving them an additional life of two years from the effective date of this ordinance.

Part 3: The Director of Planning shall give written notice to the developers of single family residential subdivisions that have a preliminary plat described in Section 2 above notifying them that they may request an extension of the term of their plat for a term of two years, or in the case of a preliminary plat that expired in the past two years, of their right to request renewal of their preliminary plat for a term of two years. The Planning Director shall approve requests for an extension or renewal of a preliminary plat that satisfies the requirements of this ordinance if such requests are received within ninety days of the receipt of the written notice provided under this subsection, and his approval shall cause such preliminary plat to have a two year term running from the effective date of this ordinance.

Part 4: All ordinances or parts of ordinances in conflict with the provisions of this ordinance are to the extent of such conflict hereby repealed.

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 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 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 **July**, 2011.

PASSED AND APPROVED on Second Reading on the **21st** day of **July**, 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

07/07/11

Item #7

Regular Agenda

Page 1 of 3

DEPT. / DIVISION SUBMISSION & REVIEW:

Brian Mabry, Planning Director

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING - Z-FY-11-29(A): Consider adopting an ordinance authorizing an amendment to the Thoroughfare Plan to realign the proposed “S” curve on Pea Ridge Road to the north side of Prairie View Road

PLANNING & ZONING COMMISSION RECOMMENDATION: The Planning and Zoning Commission is scheduled to hold a public hearing and make a recommendation on this case at its regular meeting on July 5, 2011. City Staff will present this recommendation to the City Council at its regular meeting on July 7, 2011.

STAFF RECOMMENDATION: Staff recommends denial of the applicant’s requested Thoroughfare Plan amendment to realign the proposed “S” curve in Pea Ridge Road to the north side of Prairie View Road for the following reasons:

1. The third-party Traffic Engineer recommends retaining the current realignment shown on the Thoroughfare Plan.
2. The future middle school at the intersection of Pea Ridge Road and Prairie View Road would only have frontage on Arterials if the requested realignment is approved.
3. Passing the re-alignment on to another property owner increases the likelihood that the realignment will never take place.
4. The two existing 90-degree jogs will remain in place if the re-alignment is approved, until the Novak Property develops.

ITEM SUMMARY: Please refer to the Staff Report and draft minutes of case Z-FY-11-29(A), from the Planning and Zoning meeting, July 5th, 2011. This request is related to Rezoning case Z-FY-11-29(B), for which City Council will have a public hearing and first reading on the same evening as this request.

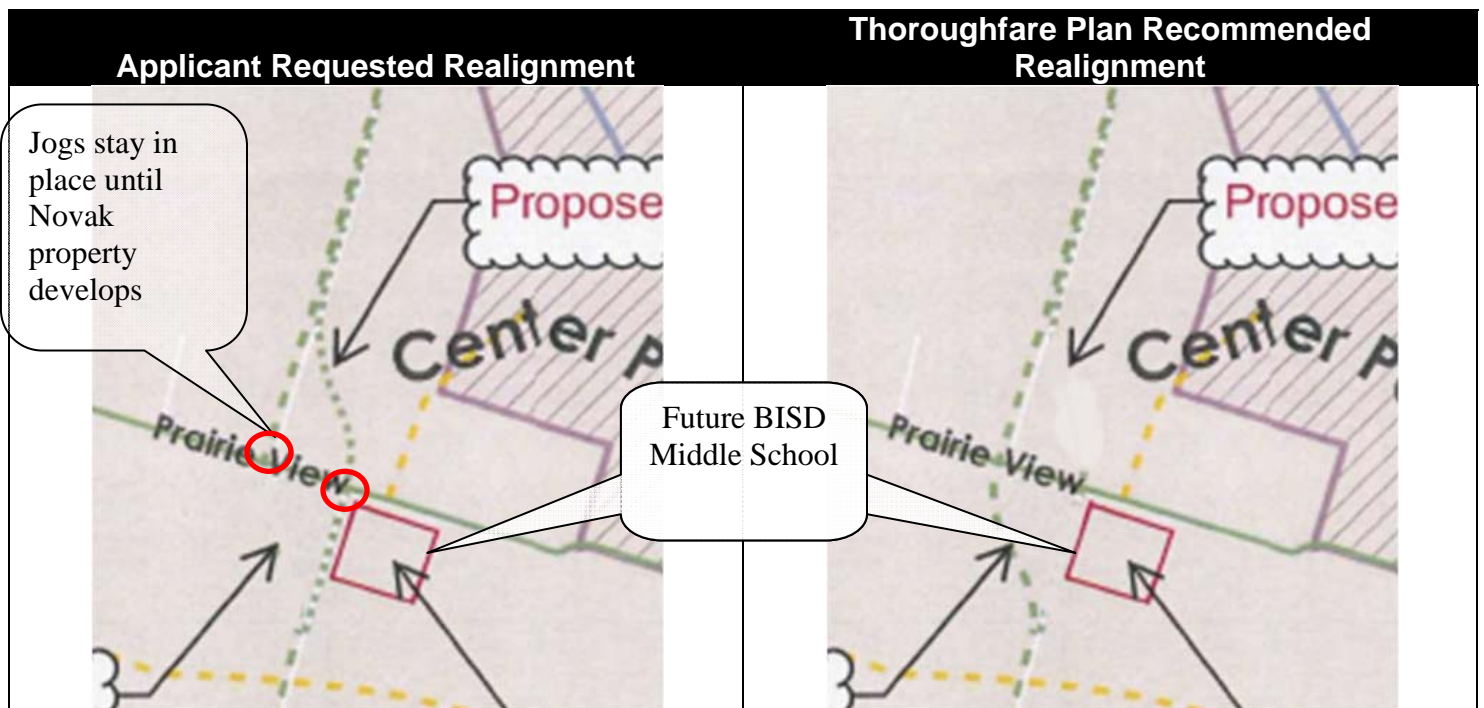
The City of Temple Thoroughfare Plan reflects a future “S” curve alignment of Pea Ridge Road south of its intersection with Prairie View Road. This future alignment passes through the proposed Single-Family 2 portion of the applicant’s property at the southwest corner of the intersection. The purpose of the alignment shown on the current Thoroughfare Plan is to smooth out the two 90-degree jogs that Pea Ridge takes as it crosses Prairie View. The developer proposes an amendment realigning the proposed “S” curve of Pea Ridge Road, shifting it to the north side of Prairie View Road.

Taking into consideration the negative recommendation from the third-party Traffic Engineer, Staff does not support the requested realignment for the following additional reasons.

Allowing the dedication and construction responsibilities to pass on to another land owner sets a precedent that may increase the likelihood that the next land owner will be approved to pass the responsibilities on to yet another land owner. The likelihood of the road ever being built would diminish with each change in responsibility.

In addition, if the realignment is approved, there would still be two 90-degree jogs where Pea Ridge and Prairie View intersect until the Novak property (to which the S curve is proposed to be shifted) is developed. If the realignment request is not approved, and Pea Ridge, as it runs through the proposed Lake Pointe Addition is improved, the two 90-degree jogs would be eliminated.

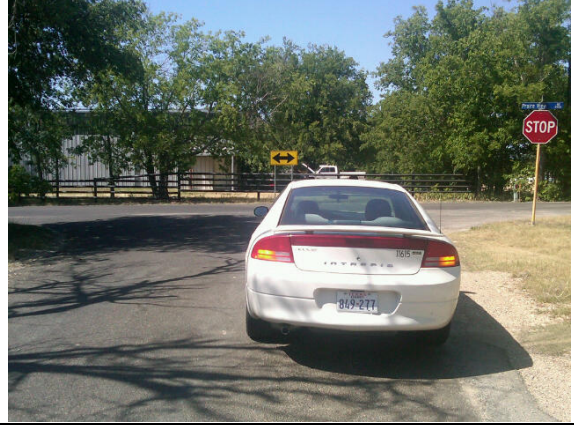
As further explained in the third-party Engineer's report, if this proposed realignment were approved, the proposed Belton ISD middle school site would have frontage on two arterial streets, which may have negative public safety impacts in the future.



**Intersection of Pea Ridge and Prairie View
Looking North**



**Intersection of Pea Ridge and Prairie View
Looking South**



PUBLIC NOTICE:

The newspaper printed notice of the Planning and Zoning Commission public hearing on June 24, 2011 in accordance with state law and local ordinance. William and Joyce Novak, the property owners onto whose property the S curve would shift, if approved, were also notified of the date of the Planning and Zoning Commission public hearing. The property owners have notified Staff in writing that they oppose the proposed realignment.

The other property owner most directly impacted by this request, the Belton Independent School District, has no official position on this request.

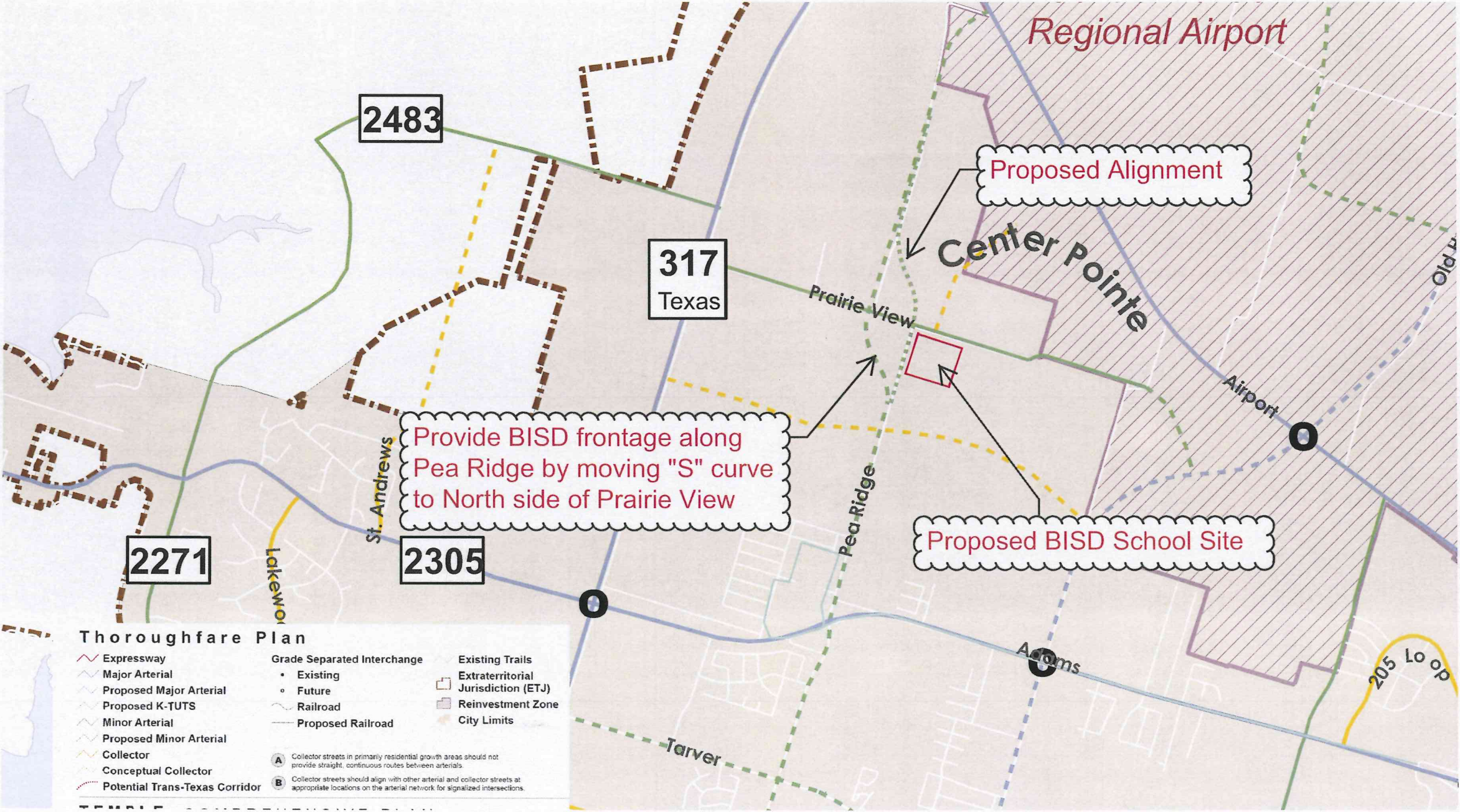
FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Aerial with Thoroughfare Plan Overlaid
Applicant's Realignment Exhibit
Letter from Adjacent Property Owners
Third-Party Engineer's Recommendation
P&Z Staff Report (Z-FY-11-29A)
P&Z Minutes (July 5, 2011)
Ordinance



Applicant's Realignment Exhibit



Brian Mabry

From: Joyce Novak [jbillnovak3@hotmail.com]
Sent: Friday, June 17, 2011 3:04 PM
To: Brian Mabry
Subject: Rezoning Novak Property

Brian:

I am opposed to the rezoning of the "S" curve north of Prairie View intersection onto my property.

William J. and Joyce Novak



Memo

To: Brian Mabry, AICP, City of Temple
From: James Harvey, AICP, Alliance Transportation Group, Inc.
CC: Scott Feldman, PE, PTOE
Date: 7/1/2011
Re: N. Pea Ridge Road at Prairie View Road - Assessment of Realignment Options

This memorandum, developed by Alliance Transportation Group, Inc. at the request of the City of Temple Planning Department, provides a planning assessment of two alternative realignment options for N. Pea Ridge Road at Prairie View Road. The two alternatives are described as follows:

1. **Realignment South of Prairie View Road** – This alternative is the alignment contained in the adopted City of Temple Thoroughfare Plan. It consists of an upgrade and realignment of N. Pea Ridge Rd. beginning approximately 1600 feet south of Prairie View and connecting at Prairie View at a point directly aligned with the segment of existing N. Pea Ridge Road that is north of Prairie View Rd.
2. **Realignment north of Prairie View Road** – This alternative, proposes connecting to Prairie View Road at a point directly aligned with the segment of existing N. Pea Ridge Road that is south of Prairie View Rd. The realignment would continue north and west for approximately 1600 feet to merge into the current segment of N. Pea Ridge Road located north of Prairie View Rd.

During the preparation of this memorandum, Alliance senior staff reviewed the following available reports and other resources:

- City of Temple Thoroughfare Map
- City of Temple Comprehensive Plan
- City of Temple Geographic Information System (GIS) exhibits related to the subject roadways
- Available aerial photography of the subject roadways and properties

Among the other inferences drawn from these materials, review of the documents revealed guidance on planning considerations that were used in formulating the findings of this assessment. At the beginning of Chapter 5 Transportation, the City of Temple Comprehensive Plan identifies a set of key planning considerations related to transportation infrastructure that are relevant to the current analysis. These planning considerations include:

Goal 5.1 Planning Consideration 6 - Preserving environmental features and the character of corridors through "Context Sensitive Solutions." (City of Temple Comprehensive Plan, p. 5-3)

Goal 5.2 Planning Consideration 2 - Maximizing flow and reducing traffic conflicts on existing facilities through access management and other Transportation System Management (TSM) strategies. (City of Temple Comprehensive Plan, p. 5-4)

Using the identified planning considerations, combined with Alliance staff knowledge of the local area and conditions, the comparison of the previously planned Alternative 1 and the newly proposed Alternative 2 leads to the following observations:

1. A primary objective of the realignment appears to be to address the intersection offset presented by the existing segments of N. Pea Ridge Rd. north and south of Prairie View Rd. In general, although they may be adequate in a rural environment, as traffic increases in suburban or urban settings, operational issues related to offsets of this type contribute to traffic conflicts, congestion delays and safety issues. Removing the offset is highly consistent with access management objectives referenced in the Comprehensive Plan.
2. Existing visible structures or improvements are apparently not significantly impacted by either alternative. All structures that might have been impacted by Alternative 1 are proposed for removal during property redevelopment.
3. The current planned realignment (Alternative 1) was considered and evaluated during Thoroughfare Plan development and was adopted as part of the plan. The realignment appears to have been designed to address traffic safety and traffic operational concerns typically associated with offset intersections. It also appears to be designed to avoid impacts on the visible Creek bed / drainage features on the north side of Prairie View Rd. This alternative appears to be consistent with both of the identified planning considerations.
4. Although the proposed change in the realignment strategy (Alternative 2) theoretically addresses the offset issue, installing the realignment north of Prairie View Road has the potential to directly or indirectly impact visible water / drainage features that exist in or adjacent to the proposed Alternative 2 realignment. It therefore appears that Alternative 2 is not fully consistent with the comprehensive plan environmental objectives.
5. Furthermore, the existence of these water / drainage features could potentially delay or permanently preclude the development of the realignment north of Prairie View Rd due to drainage or 404 permitting requirements. These issues, at the very least, would delay the elimination of the offset or make the solution more expensive, which makes Alternative 2 inferior to the currently planned solution in meeting the traffic operations objectives of the comprehensive plan.
6. There is a proposed school site in the southeast quadrant of the intersection of Prairie View Rd. and existing N. Pea Ridge Rd. Under Alternative 1, this site would be contiguous to one future arterial (Prairie View Rd) on the northern edge of the property and a collector roadway (existing N. Pea Ridge Rd) on the western edge of the property. Under Alternative 2, the future arterial cross section of N. Pea Ridge would continue along the western edge of this property to the intersection with Prairie View Road. Bordering a school site with two arterial roadways would not be consistent with the comprehensive plan objective of implementing 'context sensitive' design. Future arterial traffic could complicate access to and egress from the school site and could potentially present an impediment to pedestrian access to the school.

The overall assessment of the two alternatives leads to the following conclusions and recommendations:

1. It is recommended that the City of Temple retain the realignment of N. Pea Ridge Road at Prairie View Rd contained in the adopted Thoroughfare Plan (Alternative 1 above). This realignment alternative appears to be the one that is most consistent with the City of Temple Comprehensive Plan goals and objectives on traffic safety and operations, reduction of environmental impacts and implementation of context sensitive design.
2. Given that the apparent impacts of the two alternatives are significantly different, with Alternative 2 having potential impacts on water / drainage features and properties that were not affected by the adopted Thoroughfare Plan, If the city chose to proceed with implementation of Alternative 2, such action would appear to require a formal amendment to the Thoroughfare Plan with the attendant notice and public comment period.



PLANNING AND ZONING COMMISSION AGENDA ITEM

7/05/11
Item #3
Regular Agenda
Page 1 of 3

APPLICANT / DEVELOPMENT: WBW Development

CASE MANAGER: Brian Mabry, Planning Director

ITEM DESCRIPTION: Z-FY-11-29 (A) Hold a public hearing and consider an amendment to the Thoroughfare Plan to realign the proposed “S” curve on Pea Ridge Road to the north side of Prairie View Road (Applicant: WBW Development)

BACKGROUND: This request is related to Rezoning case Z-FY-11-29(B) and Preliminary Plat case P-FY-11-36.

Rezoning and Preliminary Plat

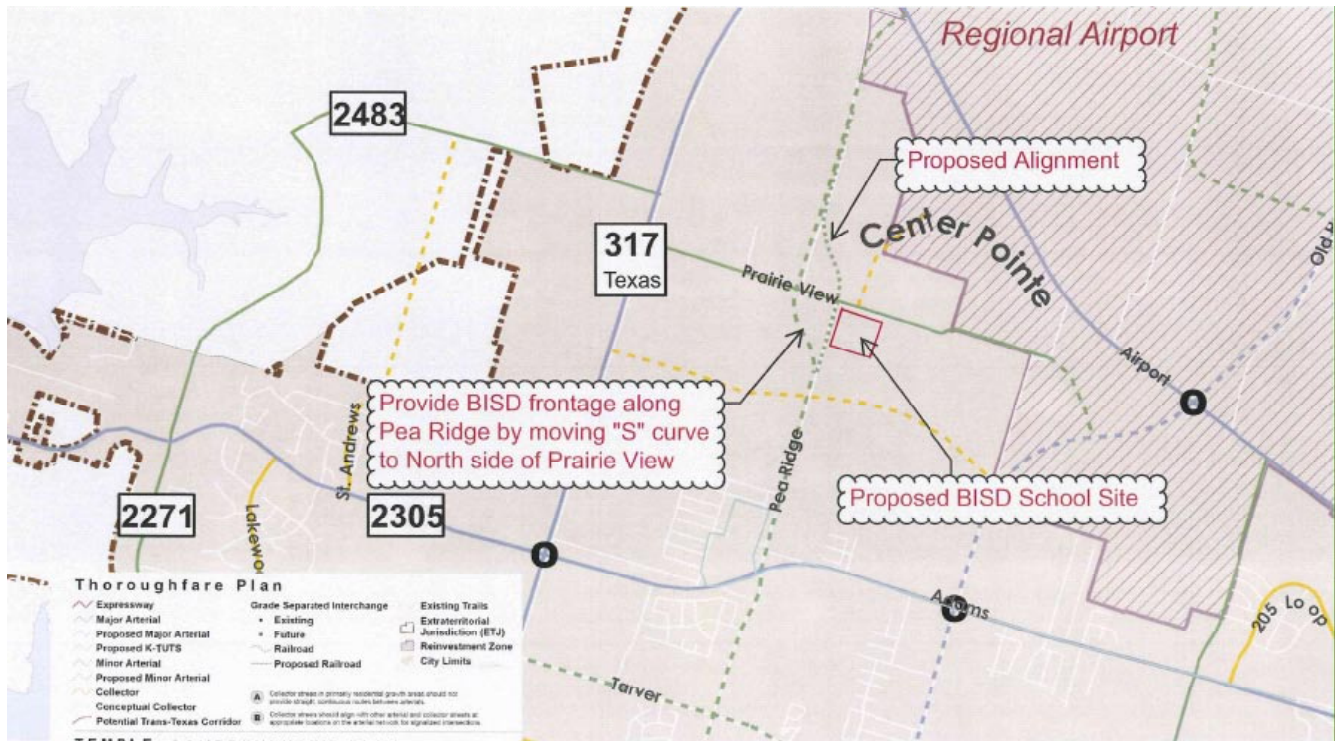
On June 6, 2011, the Planning and Zoning Commission recommended approval of the rezoning from the Agricultural zoning district to the Single-Family 2, Multiple-Family 2 and General Retail zoning districts. On June 20, 2011, the Planning and Zoning Commission approved the phase one Preliminary Plat for Lake Pointe Addition, which proposes: 387 single-family lots with a minimum lot area of 5,000 square feet; an apartment lot which could contain roughly 400 units based on the requested zoning; and a nonresidential lot that is 27.8 acres in size.

Currently, phase two of this subdivision proposes 351 single-family lots in addition to those described above. This lot count may change depending on the decision of the City Council for this developer-requested amendment to the alignment of N. Pea Ridge Road on the Thoroughfare Plan.

Current Thoroughfare Plan

The City of Temple Thoroughfare Plan reflects a future “S” curve alignment of Pea Ridge Road south of its intersection with Prairie View Road. This future alignment passes through the proposed Single-Family 2 portion of the applicant’s property at the southwest corner of the intersection. The purpose of the alignment shown on the current Thoroughfare Plan is to smooth out the two 90-degree jogs that Pea Ridge takes as it crosses Prairie View. The developer proposes an amendment realigning the proposed “S” curve of Pea Ridge Road, shifting it to the north side of Prairie View Road.

The proposed realignment shown below would place the future minor arterial directly along the west property line of a proposed Belton Independent School District middle school site at the southeast corner of Prairie View Road and Pea Ridge Road. The school district is in favor of the proposed realignment because they anticipate buses being the primary users of the minor arterial while parent traffic would be directed toward Prairie View.



Consultant Analysis

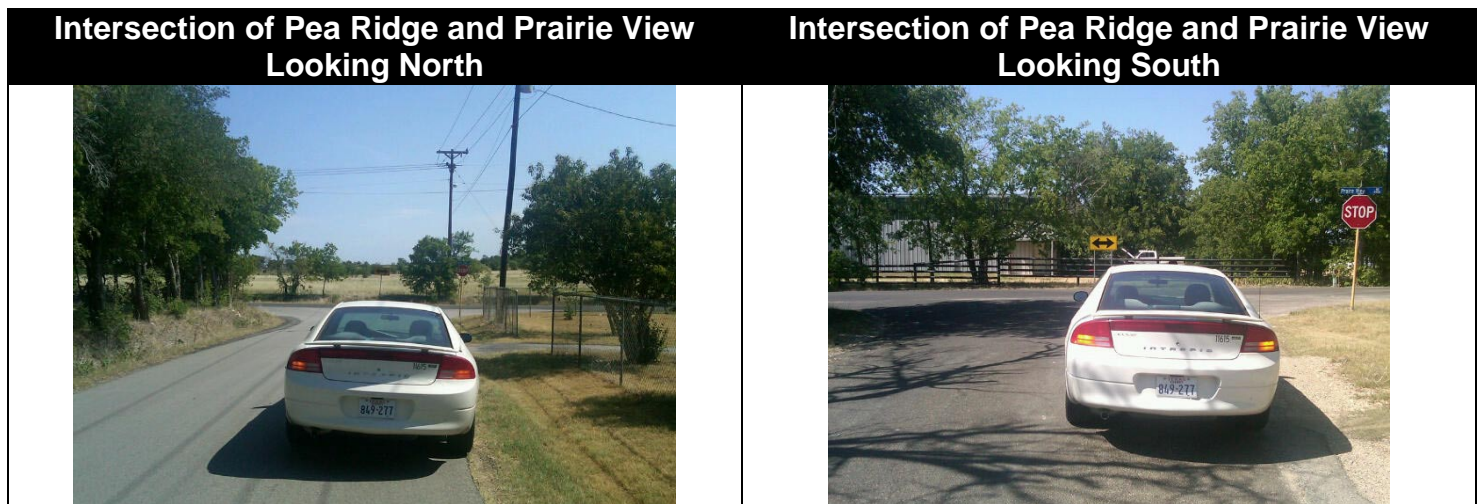
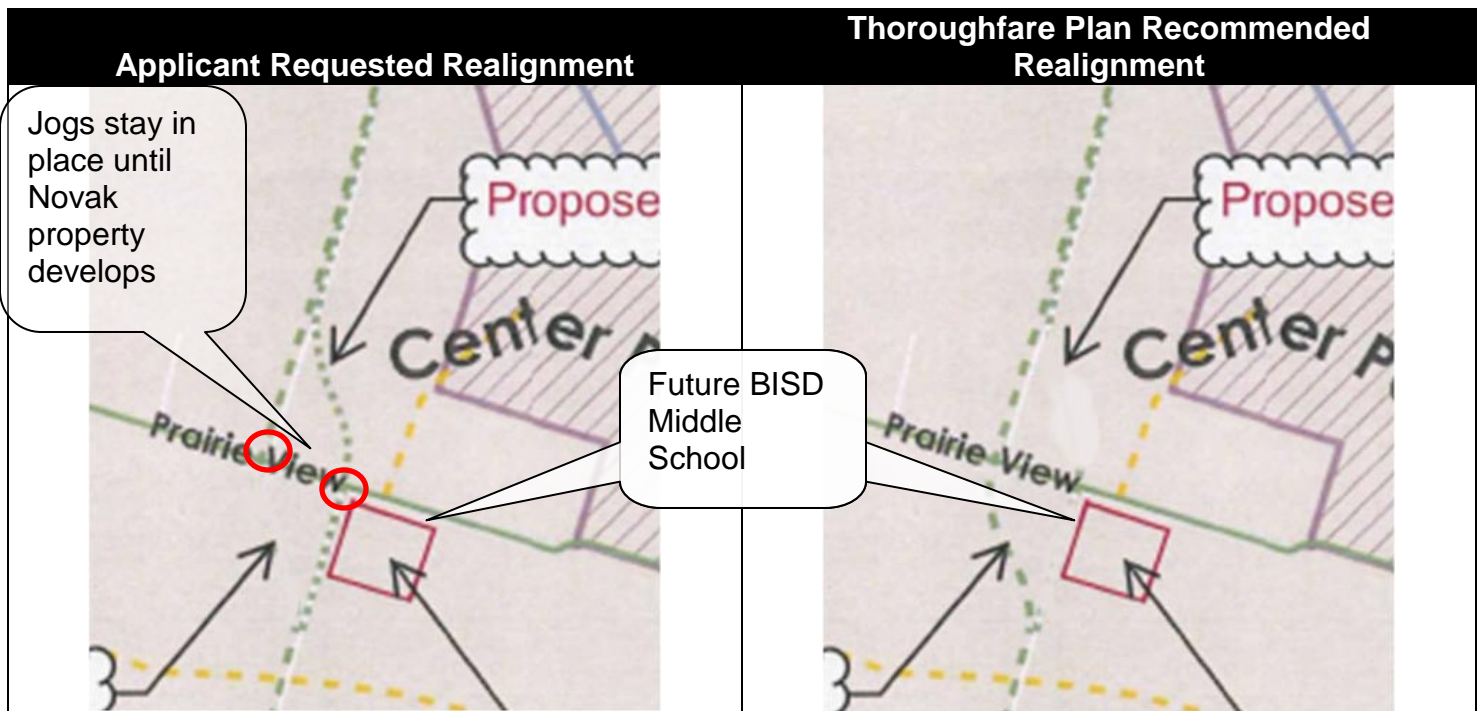
City Staff has retained a third-party traffic engineer to provide a recommendation for which alignment of Pea Ridge Road is most beneficial to the public and, at the developer's request per State law, to conduct a study on the proportional amount of right-of-way dedication and perimeter street fee payment that the City should require when the property is submitted for Final Plat review. The engineer's report is attached to this staff report.

City Staff Analysis

Apart from the traffic engineer's opinion described above, City Staff has two concerns with the developer-requested realignment of Pea Ridge Road.

The first concern is that the City may be faced with attempts from future land developers in the area to pass the alignment shown on the Thoroughfare Plan off to other land owners. As the City experienced with "Arterial A" several years ago, dedication and construction responsibilities for this road, which was to run east-west and connect S. 31st street with Hartrick Bluff Road, were passed along from one property owner to the next so that eventually there was no place for the road to go because new subdivisions were in the way. Allowing the dedication and construction responsibilities to pass on to another land owner sets a precedent that may increase the likelihood that the next land owner will be approved to pass the responsibilities on to yet another land owner. The likelihood of the road ever being built would diminish with each change in responsibility.

The second concern is that if the realignment is approved, there would still be two 90-degree jogs where Pea Ridge and Prairie View intersect until the Novak property (to which the S curve is proposed to be shifted) is developed. If the realignment request is not approved, and Pea Ridge, as it runs through the proposed Lake Pointe Addition is improved, the two 90-degree jogs would be eliminated.



PUBLIC NOTICE:

The newspaper printed notice of the Planning and Zoning Commission public hearing on June 24, 2011 in accordance with state law and local ordinance. William and Joyce Novak, the property owners onto whose property the S curve would shift, if approved, were also notified of the date of the Planning and Zoning Commission public hearing. The property owners have notified Staff in writing that they oppose the proposed realignment.

STAFF RECOMMENDATION:

Staff recommends denial of the applicant's requested Thoroughfare Plan amendment to realign the proposed "S" curve in Pea Ridge Road to the north side of Prairie View Road for the following reasons:

1. The third-party Traffic Engineer recommends retaining the current realignment shown on the Thoroughfare Plan.

2. The future middle school at the intersection of Pea Ridge Road and Prairie View Road would only have frontage on Arterials if the requested realignment is approved.
3. Passing the re-alignment on to another property owner increases the likelihood that the realignment will never take place.
4. The two existing 90-degree jogs will remain in place if the re-alignment is approved, until the Novak Property develops.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Aerial with Thoroughfare Plan Overlaid
Applicant's Realignment Exhibit
Letter from Adjacent Property Owners
Third-Party Engineer's Recommendation

**EXCERPTS FROM THE
PLANNING & ZONING COMMISSION MEETING
TUESDAY, JULY 5, 2011**

ACTION ITEMS

Item 3: **Z-FY-11-29(A)** – Hold a public hearing to discuss and recommend action on an amendment to the Thoroughfare Plan to realign the proposed “S” curve on Pea Ridge Road to the north side of Prairie View Road. (WBW Development)

Mr. Brian Mabry, Planning Director, stated this item would go to City Council on July 7th for first reading and second reading on July 21, 2011.

The Thoroughfare Plan is part of the Comprehensive Plan that shows what type of roads should be extended and/or widened within the future growth within the City of Temple, shows major and minor arterials and collector roads and recommended locations. Roads on the Thoroughfare Plan are built either through the platting process when a developer is building a subdivision and builds the roads or if the City builds them through Capital Improvement Programs.

Mr. Mabry showed a map of the road requests being made which indicate the current route of Pea Ridge Road as it goes north and south with a jog on Prairie View Road and continues north of Prairie View Road. The recommended Thoroughfare Plan is also shown, referred to as the “S” curve, which would smooth out the two 90 degree turns on Pea Ridge.

The developer of Lake Pointe Addition, which a preliminary plat was recently approved, is making this realignment request. The property is bordered by SH 317 (a major arterial) to the west, Prairie View Road (minor arterial) to the north, Pea Ridge which currently goes through the northeast corner (minor arterial), and a collector road on the south side of the property.

The future alignment would pass through a planned single family portion of the applicant's property. The zoning request for this property will go to City Council on July 7th for first reading. The purpose of the “S” curve is to smooth out two 90 degree intersections on Pea Ridge where it hits Prairie View. Pea Ridge is eventually recommended to be a minor arterial which has a 70 foot right-of-way and 49 feet of paved surface.

The developer proposes an amendment to the Thoroughfare Plan which would move the “S” curve from its current location (south of Prairie View Road) to the north of Prairie View Road onto the Novak property. Belton I.S.D. has a potential middle school site at the intersection of Pea Ridge and Prairie View.

Public notices were made according to state law and the Novaks were notified of this request. The Novaks oppose this request.

Mr. Mabry stated that currently from discussions with the City Manager and Superintendent, Belton I.S.D. has no official position on this request

The City contracted with a transportation firm, Alliance from Austin, Texas, to do a proportionality study for the entire subdivision and to give a recommendation for the amount of right-of-way and pavement that should be dedicated for Lake Pointe as it goes through the platting process. Alliance was also asked to do a recommendation for which alignment would best serve the public. Their recommendation was denial for the following reasons:

- Realignment recommendation already in place adequately addresses offset issues;

- Requested realignment may impact drainage features that exist on the Novak property;

- Drainage or 404 permitting requirements could prevent requested realignment from ever taking place; and

- Future arterial traffic could complicate access to and egress from the school site and could impede pedestrian access to the school.

Staff recommends denial of this Thoroughfare Plan amendment request for the following reasons:

- Passing the realignment on to another property owner increases the likelihood that the realignment will never take place;

- The two existing 90-degree jogs will remain in place if the realignment is approved, until the Novak Property develops; and

- Third party Traffic Engineer recommends denial of the request.

Commissioner Sears asked about the 'dead space' in front of the proposed middle school and who would acquire that area. Mr. Mabry stated that area would stay there and be similar to a local street. Commissioner Sears asked if the property owner would maintain the space and Mr. Mabry stated that area was currently part of the developer's property.

Commissioner Staats asked if there was a third option other than north or south of Prairie View. Mr. Michael Newman, City Engineer, stated that idea was considered but the "S" curve would come at an angle if split between the two property owners then, instead of a preferred 90 degree angle, it would be at an angle and more of a 90 on one side and 45 on the other and a piece of the road in between on Prairie View and would be complicated with that type of configuration.

Chair Talley asked if Staff considered tabling this issue since the Belton I.S.D. has not had any input since their land is included. Mr. Mabry stated no, the Belton I.S.D. has

not made a decision and may still be weighing the possibilities. Commissioner Sears stated in the letter included in the packet that Belton I.S.D. did not fully understand the issues. Mr. Mabry stated between now and City Council on July 7th, the Superintendent and the City Manager would be having discussions to clarify anything. Commissioner Sears stated it did not look like the school would be affected either way and Chair Talley stated it would due to the distance of the road. Mr. Mabry stated the road in front of the proposed school would be enlarged rather than stay a small road.

Commissioner Staats asked if WB Development had an alternate plan for the property if the "S" curve stays put. Mr. Mabry stated the developer would need to answer that.

Chair Talley opened the public hearing.

Mr. John Keilla, 11122 White Rock Drive, Temple, Texas, stated he currently owned land along Pea Ridge. Mr. Kiella sold the land to Belton I.S.D. and stated B.I.S.D. did have a position and they were against the plan until they knew all the facts. Mr. Kiella stated he had been in discussions with the Superintendent and B.I.S.D. would need the arterial due to the amount of students that would be going to the school.

Mr. Kiella stated he had some difficulty with the Alliance study provided since it was not an in-depth study for a major conflict area.

Mr. Kiella did not want to discuss the alternative because those are other peoples' property; everyone has been affected by the four corners of the conflict area. The drainage issue is dealt with all the time and the Alliance report did not cover this.

Mr. Kiella stated if a road were to be kept there he was alright because his subdivision would still pour out on the road like it should. Mr. Kiella wanted to know if they were keeping the current Pea Ridge they bought on to and have development plans on, which plans had been given to the City in 2006. If they were not losing Pea Ridge and all that were added were two arterials there, he was good with that because he would not lose something.

Mr. Kiella asked why they are talking about a conflict issue when in reality a conflict issue still remains. Why not just keep the conflict area and not do an "S" curve at all if the conflict is not being eliminated. Mr. Newman stated the City was not saying keep the conflict, but if the "S" curve is moved to one side or the other, there is now an "S" curve that no longer has an offset at an intersection. The question is which side of the road will it fall on, will the offset turn into an "S" curve, and where will that occur.

Brief discussion regarding all the involved roads.

Commissioner Sears asked for clarification on what properties Mr. Kiella owned and Mr. Kiella showed a map and indicated same. More discussion about roads, CPAC, incorrect data, and hike and bike trail locations.

Ms. Joyce Novak, 3305 Oakridge, Temple, Texas, stated she and her husband, Bill, have been residents and owned their property for 40 years and opposed this request for

an amendment since it would impact their property. It would place a heavy financial burden on the land. Currently the land is zoned Agricultural (AG) but when it is sold it will be sold for development. There is a drainage issue on the property and if a road were placed on that property, the road would have to be constructed in a certain way which would not be cost effective and would cause even more drainage problems. The Novaks have a plat of the property and had previously considered development of the area. If a major 85 foot road were put through their property, it would take a large portion of the 35 acres. Currently the curve is placed on the other 210 acres and is a perfect "S" curve.

Ms. Novak stated she has been teaching for 33 years and has spoken with both the school Superintendent and Assistant Superintendent and this school site is planned for the future, in 8 to 10 years. The school has frontage on both sides, north Pea Ridge and Prairie View Road, and access in and out of the property. Ms. Novak stated a school does not need to be on a main thoroughfare, schools create their own traffic. Ms. Novak stated this would impact more than just the major road and would be much better if the road curved off and did not run in front of the school.

Mr. Bruce Whittis, WB Development, 3000 Illinois, Killeen, Texas, stated they laid in the proposed alignment on a topo map (map shown). The drainage way is to the east of the proposed alignment and goes through flat land. This proposal would also eliminate two or three structures and children would end up crossing two thoroughfares.

Commissioner Sears asked about the structures Mr. Whittis referred to and Mr. Whittis stated there were three houses, barns, and a good metal shop building which he owned. Mr. Whittis stated if he had to tear down the buildings and build a road, the numbers would not work for him. The end result would be he could not plat the property, would tear down buildings, build a road, and end up with an odd shaped piece of undevelopable property. Mr. Whittis felt it would make pedestrian access worse with moving the alignment making it two roads to cross. Mr. Whittis stated in discussions with Mr. Kiella and the school, they discussed moving the road and he was in agreement with that suggestion.

Mr. Whittis talked about the land use map, the planning of the land use map, and road measurements. He mentioned the third option would be there is no need for an arterial. Leave the road offset and use the roads to serve the area.

Ms. Novak asked Mr. Whittis if the buildings he mentioned would be staying if he developed the land. Mr. Whittis said he was not sure and had not made a final decision, that it was all based on where the streets lay and how the buildings sit, etc. Mr. Whittis said if it is moved over, we will take them all out. Ms. Novak asked if running the road with an "S" curve really would not impact those buildings and Mr. Whittis stated it would because when the "S" curve is run out he ends up with property on the other side that is undevelopable land. He was better off to not develop it. If he could tear all of it down and do a layout pattern that yields a good development it would be more feasible. Ms. Novak stated this would not be feasible for her development, 35 acres versus 210 acres.

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

Commissioner Jones asked about not putting an "S" curve in at all and Mr. Mabry stated Staff believed that one way or the other an "S" curve was needed.

Chair Talley stated he felt the Belton School District had not had fair input and the matter should be tabled until they have had their say. Vice-Chair Martin agreed. Commissioner Pilkington stated by the letter the school indicated they are not in favor of any changes to existing roads but he would like to hear from the school as well.

Mr. Mabry stated there would be a meeting held with the City Manager and Superintendent in the morning to discuss thos proposal.

Commissioner Jones asked if this item needed to be decided tonight since Belton I.S.D. needs to have input and Mr. Mabry stated it would be more in the developer's interest to have closure and know if he can continue or needed to change things. Commissioner Rhoads stated Staff recommendation is denial at this point anyway and felt all parties involved needed to come to common ground on this. This issue should be decided before P&Z gets involved. Commissioner Sears stated he would like to see an impact study done on leaving the roads as they are or improving them.

Commissioner Rhoads made a motion to table item Z-FY-11-29(A) based on discussion between City Manager and Belton I.S.D. and to further discuss it with developers and the Novaks and Vice-Chair Martin made a second.

Motion passed: (7:1)

Commissioner Staats voted nay; Commissioner Pope absent

ORDINANCE NO. _____

[PLANNING NO. Z-FY-11-29(A)]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING THE CITY'S THOROUGHFARE PLAN TO REALIGN THE PROPOSED "S" CURVE ON PEA RIDGE ROAD TO THE NORTH SIDE OF PRAIRIE VIEW ROAD; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETING CLAUSE.

Whereas, on July 5, 2011, the Planning and Zoning Commission considered a request to amend the City's Thoroughfare Plan to realign the proposed "S" curve on Pea Ridge Road to the north side of Prairie View Road;

Whereas, the Staff recommends denial of the applicant's requested Thoroughfare Plan amendment since the third-party traffic engineer recommends retaining the current realignment shown on the Thoroughfare Plan; the future middle school at the intersection of Pea Ridge Road and Prairie View Road would only have frontage on Arterials if the requested alignment is approved; passing the realignment on to another property owner increases the likelihood that the realignment will never take place; and the 2 existing 90-degree jogs will remain in place if the realignment is approved, until the Novak property develops; 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: The City Council approves an amendment to the City's Thoroughfare Plan to realign the proposed "S" curve on Pea Ridge Road to the north side of Prairie View Road, more fully shown on the drawing attached as Exhibit A.

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

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

Part 4: It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time,

place, and purpose of said meeting was given as required by the Open Meetings Act.

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

PASSED AND APPROVED on Second Reading and Public Hearing on the **21st** day of **July**, 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

07/07/11

Item #8

Regular Agenda

Page 1 of 4

DEPT./DIVISION SUBMISSION & REVIEW:

Brian Mabry, Planning Director

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING - Z-FY-11-29(B): Consider adopting an ordinance authorizing a zoning change from Agricultural District (AG) to Single Family Two District (SF2), Commercial District (C), and Multiple Family Two District (MF2) on 210.26 ± acres, situated in the Baldwin Robertson Survey, Abstract 17, Bell County, Texas, located at the southeast corner of SH 317 and Prairie View Road.

PLNNGING & ZONING COMMISSION RECOMMENDATION: At its June 6, 2011 meeting, the Planning and Zoning Commission voted 7/0 in accordance with staff recommendation to recommend approval of a zone change from AG to SF2, MF2, and GR.

Vice-Chair Martin and Commissioner Brown 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 July 21, 2011.

Staff recommends approval of Z-FY-11-29 (B), a rezoning from **AG to SF2 and MF2** 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.

Additionally, Staff recommends approval of a rezoning **from AG to GR** instead of the applicant's originally requested Commercial District for the following reasons:

1. The Future Land Use and Character Map designates the subject property as Suburban Commercial, which corresponds to the General Retail zoning district.
2. Although residential uses are allowed in the Commercial zoning district, UDC Section 4.3.18 recommends the district be located away from low and medium density residential development such as the proposed development in the requested SF2 zoning district; and

3. The Commercial zoning district allows light manufacturing and heavy machinery sales and storage with any legal height not prohibited by other laws, which would not be compatible with the proposed SF2 zoning district; and
4. The General Retail zoning district (GR) would allow most retail uses including restaurants and offices, which would be more compatible with the proposed residential uses.

ITEM SUMMARY: Please refer to the Staff Report and draft minutes of case Z-FY-11-29 (B), from the Planning and Zoning Commission meeting, June 6, 2011. WBW Development requests this rezoning to allow multiple uses on 210.26± acres of land bordering the east right-of-way of SH 317, the west right-of-way of Pea Ridge Road, and the south right-of-way of Prairie View Road. The developer proposes commercial and multiple-family two developments along the west end of the subject property along SH 317, south of Prairie View Road. He proposes single-family development, with a minimum lot size of 5,000 square feet, for roughly 3/4ths of the subject property fronting the south right-of way of Prairie View Road and the west right-of way of Pea Ridge Road. The MF-2 district could roughly allow a maximum of 400 apartment units on the 27 acres for which it is requested. See the attached maps for further clarification on the proposed location of each zoning district.

At the Planning and Zoning Commission meeting, Garrett Nordyke represented the developer and spoke in favor of the requested zoning change. Property owners at 9244 Prairie View Road and 3212 Prairie View Road asked questions regarding the zone change and its affect on their properties. The applicant does not object to the GR recommendation.

COMPREHENSIVE PLAN COMPLIANCE:

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

Document	Policy, Goal, Objective or Map	Compliance?
CP	Map 3.1 - Future Land Use and Character	Yes
	Map 5.2 - Thoroughfare Plan	Yes
	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities.	Yes
	Land Use Policy 9 – New development or redevelopment on infill parcels in developed areas should maintain compatibility with existing uses and the prevailing land use pattern in the area.	Yes
STP	Page F5- Community-Wide Connector Trail passes through this property and along the south right-of-way of Prairie View Road.	Yes

CP = Comprehensive Plan STP = Sidewalk and Trails Plan

Thoroughfare Plan (CP Map 5.2)

The Thoroughfare Plan classifies SH 317 as a major arterial, Prairie View Road as a minor arterial, and parts of Pea Ridge Road as a minor arterial in this area. Pea Ridge Road is divided with an offset at its intersection with Prairie View Road. The Thoroughfare Plan recommends an “S” curve realignment connecting both segments of Pea Ridge Road on the subject property at the southwest corner of the intersection. The developer is pursuing a Thoroughfare Plan amendment to move the proposed Pea Ridge Road “S” curve to the north side of Prairie View Road with zoning case Z-FY-11-29(B). The Thoroughfare Plan also shows a proposed collector along the south property line of the subject property.

Availability of Public Facilities (CP Goal 4.1)

Water and sewer lines are available in the area to serve this property. A 6-inch and 12-inch water lines are in the Prairie View Road right-of-way. A 6-inch and 16-inch water lines are in the SH 317 right-of-way. An 8-inch, 2-inch, and 1.5-inch water lines are in the Pea Ridge Road right-of-way. A 10-inch sewer line runs through the subject property and along the SH 317 right-of-way.

DEVELOPMENT REGULATIONS:

The **SF-2 zoning district** permits single-family detached residences and related accessory structures and provides for smaller single-family lots. This district may also be used as a transition from the SF1 district to less restrictive or denser residential zoning districts. Typical prohibited uses include single-family attached dwellings, duplexes, patio homes, townhouses, and apartments. The SF-2 zoning district has a minimum lot area of 5,000 square feet and a maximum height limitation of 2 ½ stories.

The **MF-2 zoning district** permits more modest sized dwelling units and an increased number of units within the multiple family complex, allowing approximately 20 units per acre in buildings up to four stories in height. Other uses permitted are single-family attached and detached dwellings, duplexes, triplexes, townhouses with some limitations, and homes for the aged. Typical prohibited uses include patio homes, HUD-Code manufactured homes or land lease communities, and non-residential uses.

This district should be designed for a higher density use of the land with amenities and facilities such as major thoroughfares, parks, transit and utilities close by and adequate for the volume of use. The MF-2 zoning district has a minimum lot area of 2,800 square feet per dwelling unit for apartments up to two stories in height. A minimum lot area of 2,500 square feet per dwelling unit is required for apartments up to four stories.

The applicant's requested **Commercial zoning district** permits all retail and most commercial land uses, including auto dealerships with complete servicing facilities, building material sales, light manufacturing and heavy machinery sales and storage. Residential uses are allowed, except apartments. This district is intended to serve citywide or regional service areas.

The Commercial zoning district should be located at the intersection of major thoroughfares or highways. **This district should be located away from low and medium density residential development and may be used as a buffer between retail and industrial uses.** Adjoining zoning

districts should be carefully selected to reduce environmental conflicts. The Commercial zoning district does not have a minimum lot area requirement and allows any legal height not prohibited by other laws.

PUBLIC NOTICE:

Staff mailed notices of the Planning and Zoning Commission's public hearing to the twenty-five property owners within the 200-foot radius surrounding the zone change site. Staff mailed courtesy notices of the Planning and Zoning Commission's public hearing to the two property owners within a 300-foot radius surrounding the zone change site. As of Friday, June 17, 2011 at 4:00 PM, two notices were returned in favor of the request and two were returned in opposition to the request. The newspaper printed notice of the Planning and Zoning Commission public hearing on May 26, 2011 in accordance with state law and local ordinance.

FISCAL IMPACT: NA

ATTACHMENTS:

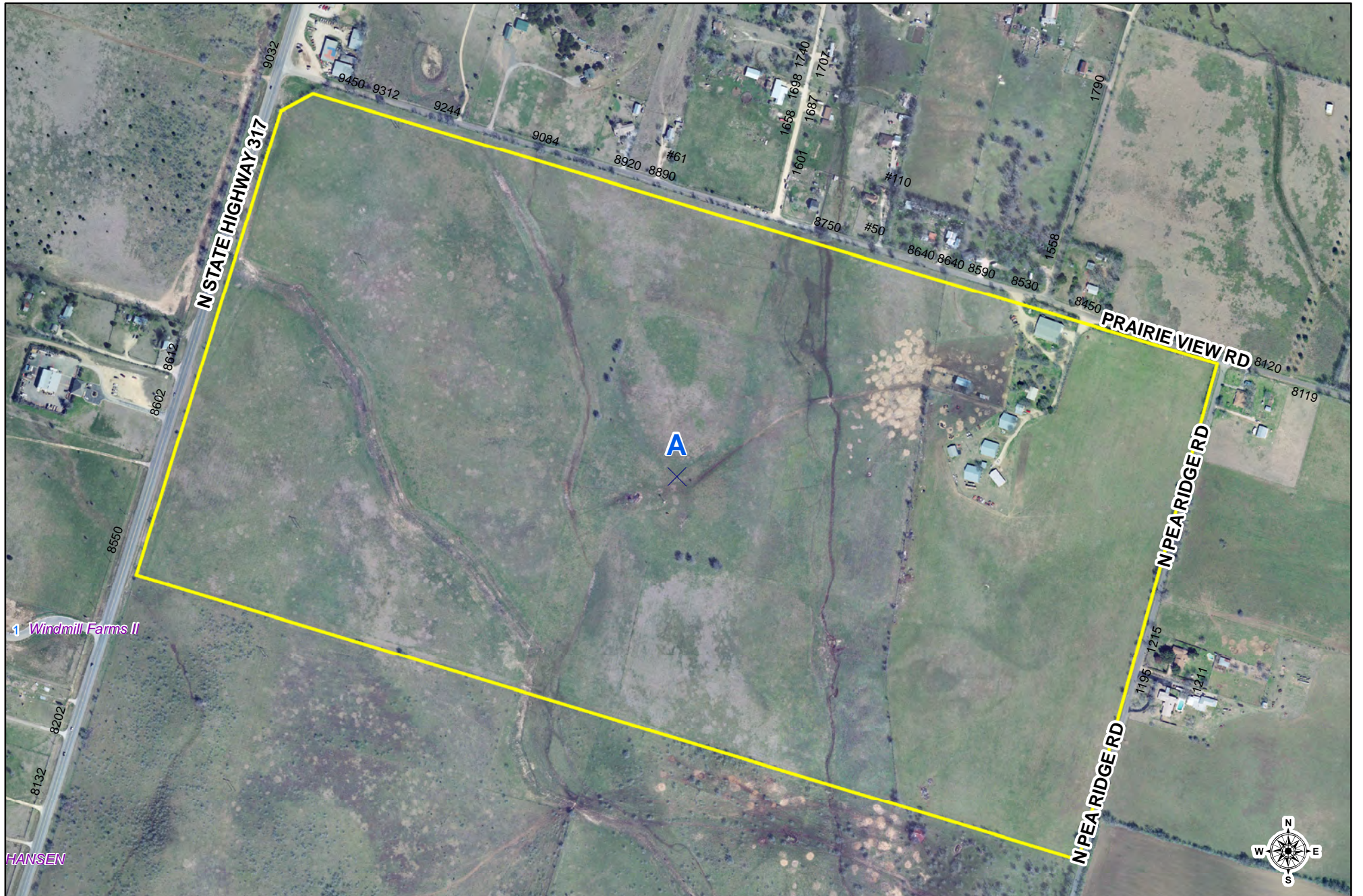
Aerial
Land Use and Character Map
Zoning Map
Utility Map
Thoroughfare Plan Map
Notice Map
P&Z Staff Report (Z-FY-11-29B)
P&Z Minutes (6/06/11)
Ordinance



Z-FY-11-29B

Outblock 2018-A
Between SH 317 & Prairie View Rd.

8857 Prairie View Rd



 Z FY 11-29

Feet 0 400 800 1,200 1,600

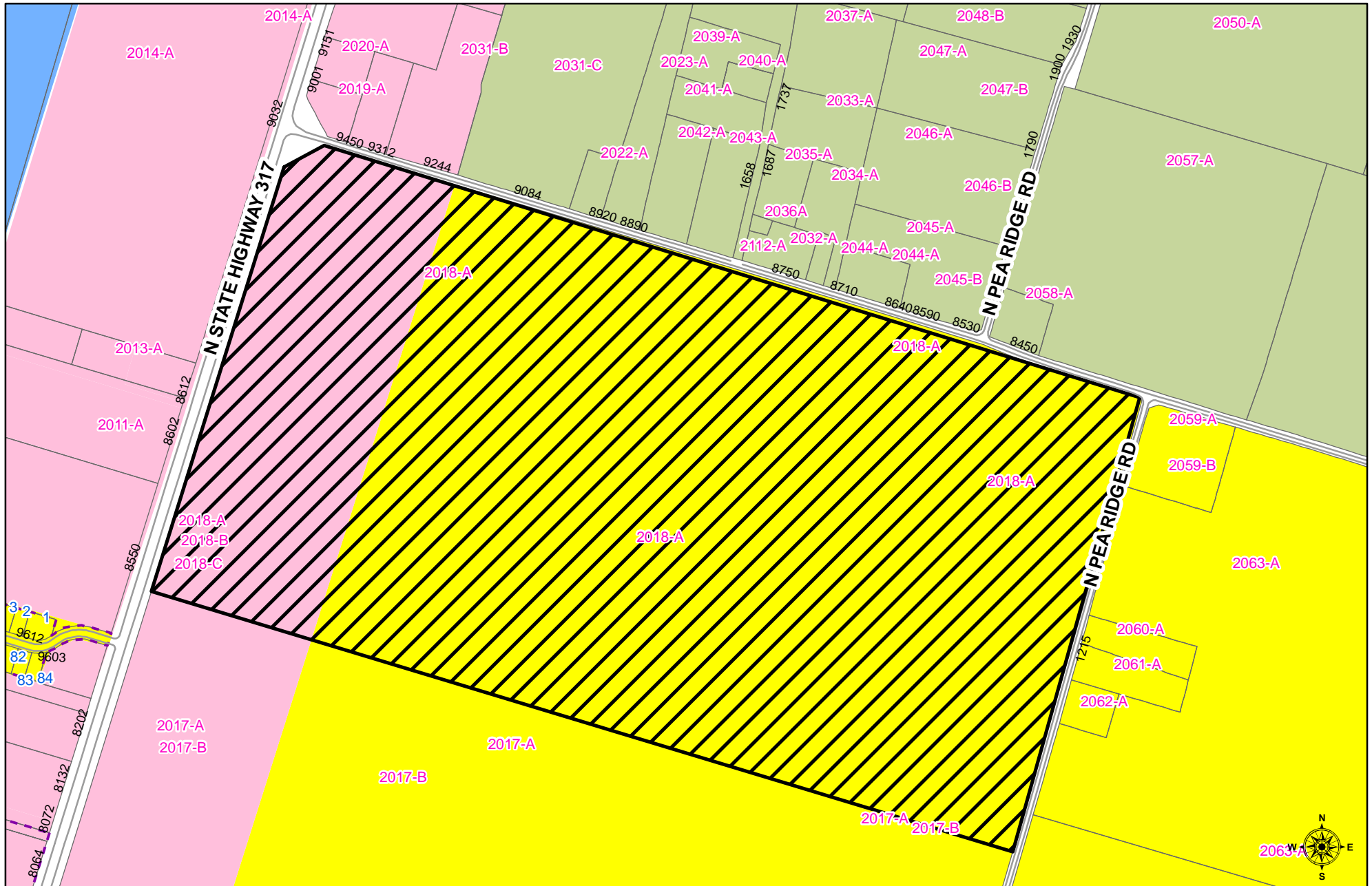


LMatlock 05.10.11



Outblock 2018-A Z-FY-11-29B Between SH 317 & Prairie View Rd.

8857 Prairie View Rd.



- | | | | | | |
|-----------------------|-------------------------|--------------------|---------------------------|-----------------------------------|--------------|
| ZFY 11-29 | 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 = 614 feet

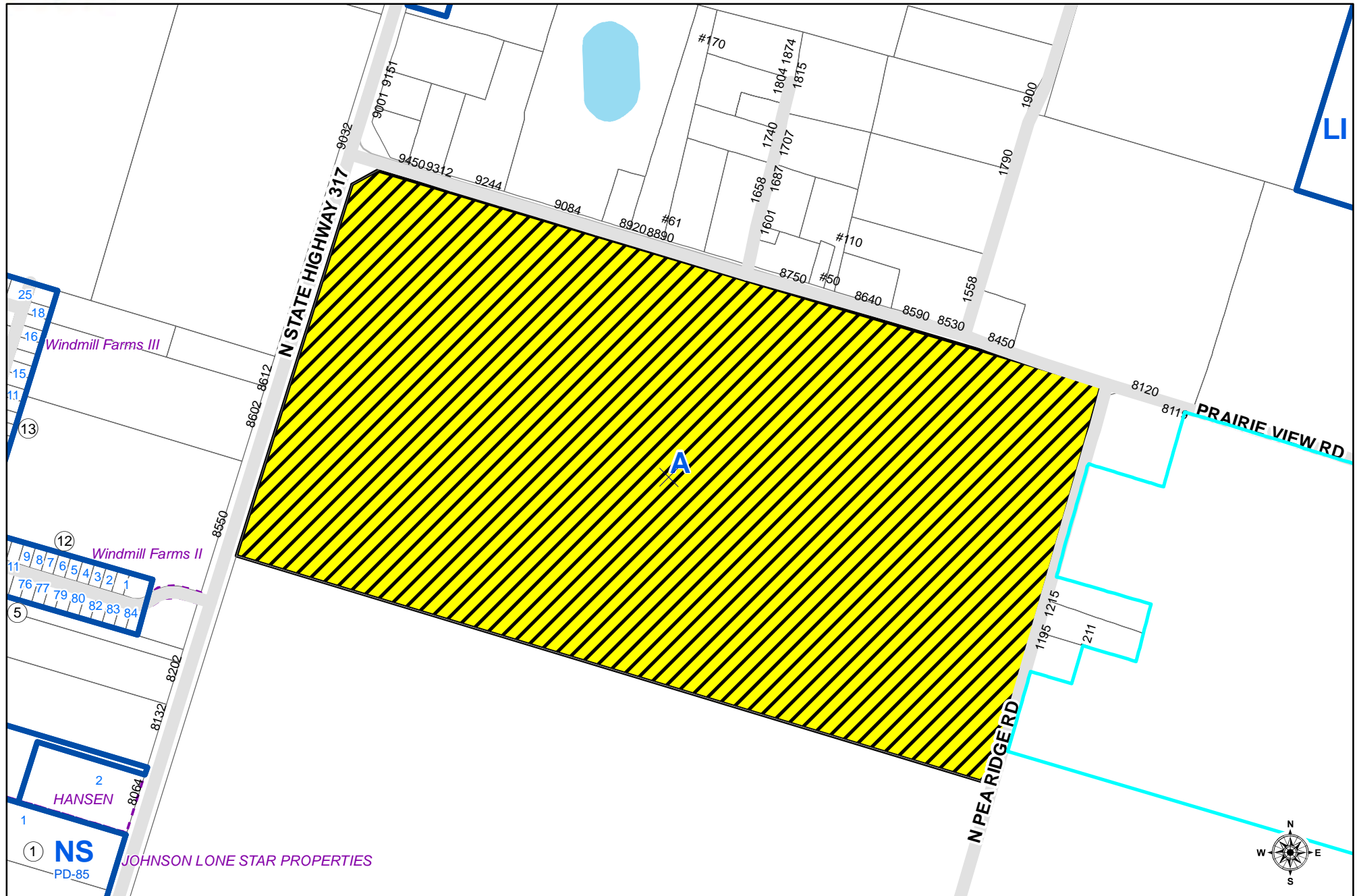
TLyerly Planning 5.26.11



Z-FY-11-29B

Outblock 2018-A, South of Prairie View Rd.
Between SH 317 & N. Pea Ridge Rd.

8857 Prairie View Rd



Feet 0 400 800 1,200 1,600

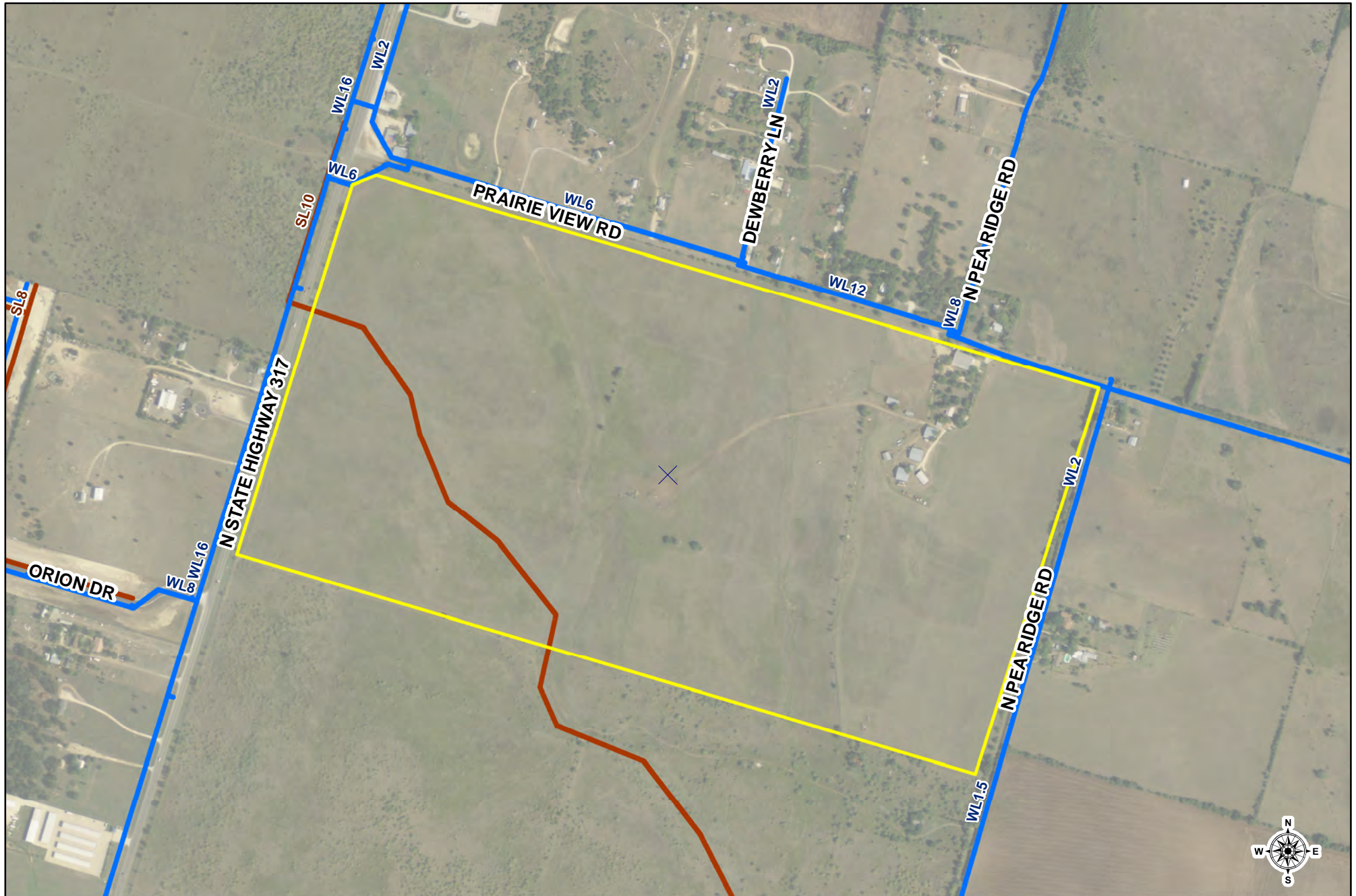


LMatlock 05.10.11



Z-FY-11-29B

8857 Prairie View Rd



 ZFY 11-29  SEWER LINE
 WATER LINE

Feet 0 400 800 1,200 1,600



LMatlock 05.10.11



Z-FY-11-29B

Outblock 2018-A
Between SH 317 & Prairie View Rd.

8857 Prairie View Rd



- Z FY 11-29
- Proposed Major Arterial
- Proposed Minor Arterial
- Expressway
- Proposed K-TUTS
- Collector
- Major Arterial
- Minor Arterial
- Conceptual Collector

Feet 0 400 800 1,200 1,600

LMatlock 05.10.11



PLANNING AND ZONING COMMISSION AGENDA ITEM

6/06/11
Item #8
Regular Agenda
Page 1 of 9

APPLICANT / DEVELOPMENT: WBW Development

CASE MANAGER: Tammy Lyerly, Planner





ITEM DESCRIPTION: Z-FY-11-29(B) Hold a public hearing to discuss and recommend action on a rezoning from Agricultural District (AG) to Single Family Two District (SF2), Commercial District (C), and Multiple Family Two District (MF2) on 210.26 ± acres, situated in the Baldwin Robertson Survey, Abstract 17, Bell County, Texas, located at the southeast corner of SH 317 and Prairie View Road.




BACKGROUND: WBW Development requests this rezoning to allow multiple uses on 210.26± acres of land bordering the east right-of-way of SH 317, the west right-of-way of Pea Ridge Road, and the south right-of-way of Prairie View Road. The developer proposes commercial and multiple-family two developments along the west end of the subject property along SH 317, south of Prairie View Road. He proposes single-family two development, with a minimum lot size of 5,000 square feet, for roughly 3/4ths of the subject property fronting the south right-of way of Prairie View Road and the west right-of way of Pea Ridge Road.

If developed to the single-family two portion's fullest capacity, the property could yield approximately 1,100 single-family lots. However, staff is currently reviewing a Preliminary Plat for the property that proposes 738 single-family lots. If the requested multiple-family 2 property were developed to its fullest capacity, based on maximum number of units allowed per square foot of land, the property could yield approximately 400 units. See the attached maps for further clarification on the proposed location of each zoning district.

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	Agricultural Land	
North	AG	Agricultural, Rural Residential, and Commercial	  

Direction	Zoning	Current Land Use	Photo
South	AG	Agricultural	
East	AG	Agricultural and Rural Residential	
West	AG	Agricultural and Rural Residential	

Direction	Zoning	Current Land Use	Photo
			

COMPREHENSIVE PLAN COMPLIANCE:

The proposed Planned Development amendment 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	Yes
	Map 5.2 - Thoroughfare Plan	Yes
	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities.	Yes
	Land Use Policy 9 – New development or redevelopment on infill parcels in developed areas should maintain compatibility with existing uses and the prevailing land use pattern in the area.	Yes
STP	Page F5- Community-Wide Connector Trail passes through this property and along the south right-of-way of Prairie View Road.	Yes

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 west end of the subject property as Suburban Commercial and the remaining property as Suburban Residential. The proposal conforms to the Future Land Use and Character Plan.

Sidewalk and Trails Plan (STP pg. F5)

The Citywide Trails Master Plan shows a Community-Wide Connector Trail through the subject property and along a portion of the south right-of-way of Prairie View Road. An easement for this trail will be addressed when the property goes through the platting process.



Citywide Trails Master Plan



Thoroughfare Plan (CP Map 5.2)

The Thoroughfare Plan classifies SH 317 as a major arterial, Prairie View Road as a minor arterial, and parts of Pea Ridge Road as a minor arterial in this area. Pea Ridge Road is divided with an offset at its intersection with Prairie View Road. The Thoroughfare Plan recommends an “S” curve realignment connecting both segments of Pea Ridge Road on the subject property at the southwest corner of the intersection. The developer is pursuing a Thoroughfare Plan amendment to move the proposed Pea Ridge Road “S” curve to the north side of Prairie View Road with zoning case Z-FY-11-29(B). The Thoroughfare Plan also shows a proposed collector along the south property line of the subject property.

Availability of Public Facilities (CP Goal 4.1)

Water and sewer lines are available in the area to serve this property. A 6-inch and 12-inch water lines are in the Prairie View Road right-of-way. A 6-inch and 16-inch water lines are in the SH 317 right-of-way. An 8-inch, 2-inch, and 1.5-inch water lines are in the Pea Ridge Road right-of-way. A 10-inch sewer line runs through the subject property and along the SH 317 right-of-way.

DEVELOPMENT REGULATIONS:

The **SF-2 zoning district** permits single-family detached residences and related accessory structures and provides for smaller single-family lots. This district may also be used as a transition from the SF1 district to less restrictive or denser residential zoning districts. Typical prohibited uses include single-family attached dwellings, duplexes, patio homes, townhouses, and apartments. See the UDC charts below for minimum lot area and setback requirements for the SF-2 zoning district.

The **MF-2 zoning district** permits more modest sized dwelling units and an increased number of units within the multiple family complex, allowing approximately 20 units per acre in buildings up to four stories in height. Other uses permitted are single-family attached and detached dwellings, duplexes, triplexes, townhouses with some limitations, and homes for the aged. Typical prohibited uses include patio homes, HUD-Code manufactured homes or land lease communities, and non-residential uses.

This district should be designed for a higher density use of the land with amenities and facilities such as major thoroughfares, parks, transit and utilities close by and adequate for the volume of use. See the UDC charts below for minimum lot area and setback requirements for the MF-2 zoning district.

The **Commercial zoning district** permits all retail and most commercial land uses, including auto dealerships with complete servicing facilities, building material sales, light manufacturing and heavy machinery sales and storage. Residential uses are allowed, except apartments. This district is intended to serve citywide or regional service areas.

The Commercial zoning district should be located at the intersection of major thoroughfares or highways. This district should be located away from low and medium density residential development and may be used as a buffer between retail and industrial uses. Adjoining zoning districts should be carefully selected to reduce environmental conflicts. See the UDC charts below for minimum lot area and setback requirements for the MF-2 zoning district.

4.5.1 Single-Family Detached Dwelling

Type of Use	AG	UE	SF-1	SF-2	SF-3	SFA-1	SFA-2	SFA-3	TH	2F	MF-1	MF-2	MF-3	O-1	O-2	NS	GR	CA	C	LI	HI
Min. Lot Area (sq. ft.)	1 ac.	22,500	7,500	5,000	4,000	5,000	3,000	2,300	4,000	6,000	6,000	5,000	--	6,000	6,000	6,000	5,000	5,000	5,000	--	--
Min. Lot Width (ft.)	100	80	60	50	40	50	30	20	40	50	50	50	--	50	50	50	50	50	50	--	--
Min. Lot Depth (ft.)	150	125	100	100	100	100	100	100	100	100	100	100	--	100	100	100	100	100	100	--	--
Min. Front Yard Setback (ft.)	50	30	25	25	15	25	15	15	15	25	25	25	--	25	25*	15	15	See 4.4.F.1.d*		--	--
Min. Side Yard Setback (ft.)	15	15	10% of lot width 6 min 7.5 max	5	5	5	5	5	10% width of lot 5 min	5	10% of lot width 5 min		--	10% of lot width 5 min	10% of lot width 5 min*	10% of lot width 5 min				--	--
Min. Side (Corner) Yard Setback (ft.)	15	15	15	15	15	15	15	15	15	15	15	15	--	15	15*	15	15	15	15	--	--
Min. Rear Yard Setback (ft.)	10	10	10	10	10	10	10	10	10	10	10	10	--	10	10	10	10	10	10	--	--
Max. Building Coverage (%) for Rear Half of Lot	50	50	50	50	50	50	50	50	50	50	50	50	--	50	50	50	50	50	50	--	--
Max. Height (stories)	3	3	2	2 ½	2 ½	2 ½	2 ½	2 ½	2 ½	2 ½	3	4	--	3	ALH	2 ½	3	ALH	ALH	--	--

ALH = Any Legal Height not prohibited by other laws -- = Use not permitted NA = Use permitted but standard does not apply * = See Sec. 4.4, Measurements and Special Cases

4.5.5 Multiple-Family Dwelling, 1-2 Stories

Type of Use	AG	UE	SF-1	SF-2	SF-3	SFA-1	SFA-2	SFA-3	TH	2F	MF-1	MF-2	MF-3	O-1	O-2	NS	GR	CA	C	LI	HI
Min. Lot Area (sq. ft.)	--	--	--	--	--	--	--	--	--	--	3,000	2,800	2,200	--	3,000	--	--	1,800	--	--	--
Min. Lot Width (ft.)	--	--	--	--	--	--	--	--	--	--	60	60	60	--	60	--	--	60	--	--	--
Min. Lot Depth (ft.)	--	--	--	--	--	--	--	--	--	--	120	120	120	--	120	--	--	120	--	--	--
Min. Front Yard Setback (ft.)	--	--	--	--	--	--	--	--	--	--	25	25	25*	--	25*	--	--	See 4.4.F.1.d*			--
Min. Side Yard Setback (ft.)	--	--	--	--	--	--	--	--	--	--	See 5.3.3			--	See 5.3.3	--	--	See 5.3.3	--	--	--
Min. Side (Corner) Yard Setback (ft.)	--	--	--	--	--	--	--	--	--	--	15	15	15	--	15*	--	--	15	--	--	--
Min. Rear Yard Setback (ft.)	--	--	--	--	--	--	--	--	--	--	10	10	10	--	10	--	--	10	--	--	--
Max. Building Coverage (%) for Rear Half of Lot	--	--	--	--	--	--	--	--	--	--	See 5.3.3			--	See 5.3.3	--	--	See 5.3.3	--	--	--
Max. Height (stories)	--	--	--	--	--	--	--	--	--	--	2	2	2*	--	2*	--	--	2	--	--	--

ALH = Any Legal Height not prohibited by other laws -- = Use not permitted NA = Use permitted but standard does not apply * = See Sec. 4.4, Measurements and Special Case

4.5.6 Multiple-Family Dwelling, 3-4 Stories

Type of Use	AG	UE	SF-1	SF-2	SF-3	SFA-1	SFA-2	SFA-3	TH	2F	MF-1	MF-2	MF-3	O-1	O-2	NS	GR	CA	C	LI	HI
Min. Lot Area (sq. ft.)	1	1	1	1	1	1	1	1	1	1	1	2,500	2,000	1	2,000	1	1	600	1	1	1
Min. Lot Width (ft.)	1	1	1	1	1	1	1	1	1	1	1	60	60	1	60	1	1	60	1	1	1
Min. Lot Depth (ft.)	1	1	1	1	1	1	1	1	1	1	1	120	120	1	120	1	1	120	1	1	1
Min. Front Yard Setback(ft.)	1	1	1	1	1	1	1	1	1	1	1	25	25*	1	25*	1	1	See 4.4.4F.1.d*	1	1	1
Min. Side Yard Setback(ft.)	1	1	1	1	1	1	1	1	1	1	1	See 5.3.3		1	See 5.3.3	1	1	See 5.3.3	1	1	1
Min. Side (Corner) Yard Setback(ft.)	1	1	1	1	1	1	1	1	1	1	1	15	15	1	15*	1	1	15	1	1	1
Min. Rear Yard Setback(ft.)	1	1	1	1	1	1	1	1	1	1	1	10	10	1	10	1	1	10	1	1	1
Max. Building Coverage (%) for Rear Half of Lot	1	1	1	1	1	1	1	1	1	1	1	See 5.3.3		1	See 5.3.3	1	1	See 5.3.3	1	1	1
Max. Height (stories)	1	1	1	1	1	1	1	1	1	1	1	4	4*	1	4*	1	1	4	1	1	1

ALH = Any Legal Height not prohibited by other laws -- = Use not permitted NA = Use permitted but standard does not apply * = See Sec. 4.4, Measurements and Special Case

Sec. 4.6. Nonresidential Dimensional Standards

Unless otherwise specified in Sec. 4.4 or Sec. 5.3, nonresidential uses must be developed in accordance with the tables below.

Type of Use	AG	UE	SF-1	SF-2	SF-3	SFA-1	SFA-2	SFA-3	TH	2F	MF-1	MF-2	MF-3	O-1	O-2	NS	GR	CA	C	LI	HI
Min. Lot Area (sq. ft.)	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Min. Lot Width (ft.)	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Min. Lot Depth (ft.)	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Min. Front Yard Setback(ft.)	50	50	25	25	15	25	15	15	15	25	25	25	25	25	25*	15	15	See 4.4.4F.1.d*			
Min. Side Yard Setback(ft.)	20	20	20	20	20	20	20	20	20	20	20	20	20	5	5*	10	10	0*	0*	0*	0*
Min. Side (Corner) Yard Setback(ft.)	15	15	15	15	15	15	15	15	15	15	15	15	15	15	10*	10	10	0*	10	10	10
Min. Rear Yard Setback(ft.)	10	10	10	10	10	10	10	10	10	10	10	10	10	0*	0*	0*	0*	0*	0*	0*	0*
Max. Building Coverage (%)	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Max. Height (stories)	3	3	2	2 ½	2 ½	2 ½	2 ½	2 ½	2 ½	2 ½	3	4	10	45	ALH	2 ½	3	ALH	ALH	ALH	ALH

ALH = Any Legal Height not prohibited by other laws -- = Use not permitted NA = Use permitted but standard does not apply * = See Sec. 4.4, Measurements and Special Case

PUBLIC NOTICE:

Staff mailed notices of the Planning and Zoning Commission's public hearing to the twenty-five property owners within the 200-foot radius surrounding the zone change site. Staff mailed courtesy notices of the Planning and Zoning Commission's public hearing to the two property owners within a 300-foot radius surrounding the zone change site. As of Wednesday, June 1, 2011 at 1:00 PM, no notices were returned in favor of the request and one was returned in opposition to the request. The newspaper printed notice of the Planning and Zoning Commission public hearing on May 26, 2011 in accordance with state law and local ordinance

STAFF RECOMMENDATION:

Staff recommends approval of the applicant's requested zone change from AG to SF2 and MF-2 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.

Staff recommends approval of a zone change from AG to GR instead of the applicant's requested zone change from AG to C for the following reasons:

1. Although residential uses are allowed in the Commercial zoning district, UDC Section 4.3.18 recommends the district be located away from low and medium density residential development such as the proposed development in the requested SF2 zoning district; and
2. The Commercial zoning district allows light manufacturing and heavy machinery sales and storage with any legal height not prohibited by other laws, which would not be compatible with the proposed SF2 zoning district; and
3. The General Retail zoning district (GR) would allow most retail uses including restaurants and offices, which would be more compatible with the proposed residential uses.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Aerial
Land Use and Character Map
Zoning Map
Utility Map
Thoroughfare Map
Citywide Trails Map
Notice Map
Response Letter

EXCERPTS FROM THE
PLANNING & ZONING COMMISSION MEETING
MONDAY, JUNE 6, 2011

ACTION ITEMS

Item 8: Z-FY-11-29B - Hold a public hearing to discuss and recommend action on a rezoning from Agricultural District (AG) to Single Family Two District (SF2), Commercial District (C), and Multiple Family Two District (MF2) on 210.26 ± acres, situated in the Baldwin Robertson Survey, Abstract 17, Bell County, Texas, located at the southeast corner of FM 317 and Prairie View Road. (WBW Development)

Ms. Tammy Lyerly stated this was a zone change from Agricultural (AG) to multiple zoning districts. If approved, first reading would be July 7th and second and final action would be on July 21st.

The applicants are proposing that the zoning for the corner at Prairie View Road and SH 317 be changed to Commercial (C) zoning, at the southwest corner it be changed to Multi-Family Two (MF2), and the remaining property would be changed to Single Family Two (SF2) zoning. All of the surrounding zoning is AG.

Properties surrounding the subject area include a combination of rural residential and AG to the east, at SH 317 and Prairie View Road to the west is undeveloped land with a combination of AG and residential, further south is Windmill Farms Subdivision, and to the north is a residential home across the street from the buildings currently on the applicant's land.

The Future Land Use and Character Map designates the area as Suburban Commercial and Suburban Residential. The applicant's request complies with the Future Land Use and Character Map recommendations. The Citywide Trails Master Plan applies to this property and shows a community wide connector trail going through the property around the Hog Pen Creek area along Prairie View Road to 317 subject to the trail system during the platting process.

Several collector roads are involved with this subject property. Pea Ridge Road is projected to cut through this development (see previous item). Sewer and water lines are available for the area.

Dimensions are given for the various zonings.

Twenty-five notices were mailed out, one was received in favor of the request and two were in opposition.

Staff recommends approval of the zone change from AG to SF2 and MF2 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; and
3. Public facilities are available to serve the property.

Staff recommends approval of a zone change from AG to GR instead of the applicant's requested zone change from AG to C for the following reasons:

1. Although residential uses are allowed in the Commercial (C) zoning district, UDC Section 4.3.18 recommends the district be located away from low and medium density residential development such as the proposed development in the requested SF2 zoning district;
2. The Commercial (C) zoning district allows light manufacturing and heavy machinery sales and storage with any legal height not prohibited by other laws, which would not be compatible with the proposed SF2 zoning district; and
3. The General Retail (GR) zoning district would allow most retail uses including restaurants and offices, which would be more compatible with the proposed residential uses.

Chair Talley opened the public hearing.

Mr. Ronnie Cox, 1443 Goates Road, Troy, Texas, stated he owned acreage near the subject property and wanted to know what would happen to his property taxes if Commercial zoning were approved and Ms. Lyerly stated the Tax Appraisal District could help him with that. Mr. Cox asked about specifics of the potential trail on 317 and Ms. Lyerly cited trail dimensions.

Mr. Garrett Nordyke, WB Development, represents the applicant and asked for support on the project. Commissioner Staats asked if provisions were made for a hike and bike trail and Mr. Nordyke stated it worked out as a tributary as proposed in the Master Plan.

Commissioner Sears asked if tenants have already been signed for the Commercial area or was it just a request and Mr. Nordyke stated it was a zone change request; no one has inquired about it to date.

Mr. Kenneth Newman, 9244 Prairie View Road, Temple, Texas, stated he came to the meeting to find out what the plan was for the area. Mr. Newman asked about the buffer zone and Ms. Lyerly stated by state law requirements Staff is to notify property owners within 200 feet of a zone change request which Mr. Newman's property fell into. Ms. Lyerly told Mr. Newman his property zoning would not change and no road was planned to go through his property.

Chair Talley closed the public hearing.

Commissioner Rhoads made a motion to approve Z-FY-11-29B as presented including recommendation of AG to GR and Commissioner Sears made a second.

Motion passed: (7:0)

Vice-Chair Martin and Commissioner Brown absent

ORDINANCE NO. _____

[PLANNING NO. Z-FY-11-29(B)]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A REZONING FROM AGRICULTURAL DISTRICT (AG) TO SINGLE FAMILY TWO DISTRICT (SF2), GENERAL RETAIL DISTRICT (GR), AND MULTIPLE FAMILY TWO DISTRICT (MF2) ON APPROXIMATELY 210.26 ACRES, SITUATED IN THE BALDWIN ROBERTSON SURVEY, ABSTRACT 17, BELL COUNTY, TEXAS, LOCATED AT THE SOUTHEAST CORNER OF SH 317 AND PRAIRIE VIEW ROAD; 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 Agricultural District (AG) to Single Family Two District (SF2), General Retail District (GR), and Multiple Family Two District (MF2) on approximately 210.26 acres, situated in the Baldwin Robertson Survey, Abstract 17, Bell County, Texas, located at the southeast corner of SH 317 and Prairie View Road, 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 **7th** day of **July**, 2011.

PASSED AND APPROVED on Second Reading on the **21st** day of **July**, 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

07/07/11

Item #9

Regular Agenda

Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Nicole Torralva, PE, Director of Public Works

Michael C. Newman, PE, CFM, Assistant Director of Public Works/City Engineer

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING - Consider adopting an ordinances amending the Code of Ordinances by adding a new Chapter 27, “Storm Water Management” and include a section entitled “Erosion and Sedimentation Control” per the City of Temple’s Storm Water Management Program and as required by Texas Commission on Environmental Quality (TCEQ).

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

ITEM SUMMARY: Staff recommends approval of language to create a new Chapter 27, “Storm Water Management” and to include a section entitled “Erosion and Sedimentation Control” as described above. The EPA has implemented a body of regulations (“Phase II Storm Water Rules”) involving storm water that applied to cities under 100,000 (prior regulations had just applied to cities greater than 100,000). In the State of Texas, TCEQ has implemented the Phase II regulation by requiring cities with a population of less than 100,000 to adopt several new ordinances as a part of the best management practices (BMP) mandated in the City of Temple’s Storm Water Management Program. These ordinances include erosion and sedimentation during construction, after construction, and illicit discharge to streams and illegal dumping. The ordinance being proposed in this item is the erosion and sedimentation control ordinance intended to improve water quality during land disturbances of an area of one or more acres inside of the city limits. The proposed ordinance language mirrors current state law minimum requirements.

City staff discussed proposed ordinance language with Temple Area Builders Association (TABA) review committee on March 25, 2010 and provided a presentation to the governmental affairs committee on April 28, 2010. City staff provided a workshop presentation to City Council on August 19, 2010. On October 18, 2010 the Planning and Zoning Commission held a public hearing. There were no speakers present. No Planning and Zoning Commission action was taken or required as this ordinance is not amending either the Subdivision or Zoning ordinances. The City Council was presented with an earlier version of the proposed ordinance on November 4, 2010. This ordinance streamlines the previous version by eliminating duplicate processes between the State and the city.

This ordinance requires a copy of what is submitted to the state be also sent to the city for record keeping.

FISCAL IMPACT: No fiscal impact to City funds. Requirements for review, inspection and enforcement activities will increase city staff work load to some extent. Such workload increases are to be absorbed within existing positions' duties at this time. However, as development increases, and as future state unfunded mandates are implemented, the need for additional city staff may need to be revisited in future budgets.

ATTACHMENTS:

Temple Area Builders Association – Governmental Affairs Committee Letter of Support
Chapter 27 Storm Water Management – Erosion & Sedimentation (See item 10 for ordinance)



June 3, 2011

Temple City Council
2 N Main St
Temple, TX 76501

RE: Storm water Ordinances before the City Council

Honorable Mayor Jones and Temple City Council members:

On behalf of the 250+ members of the Temple Area Builders Association and their employees, thank you for the opportunity to comment on the erosion/sedimentation control and the illicit discharge ordinances which are on your upcoming agenda.

We are fully supportive of these ordinances and greatly appreciate the efforts and outreach that your staff has completed in this regard. Michael Newman, Sarah Gardner-Cox and their entire teams are especially to be commended for their work in insuring these ordinances were completed prior to the state deadline. They have kept our association apprised throughout the process and worked with us to resolve any issues or concerns that we may have initially encountered.

The issue of balancing private property rights and protecting the environment can often become a contentious issue, however, these ordinances have been thoroughly vetted throughout the process, and we are certain they will create a positive outcome for both the city and our members. Our entire community can be proud with the passage of these ordinances.

If you have any further questions, please do not hesitate to contact me directly. Once again, we appreciate your efforts and are fully supportive of these ordinances.

Sincerely,

Robbie Johnson
President, Temple Area Builders Association

CC: Michael Newman, Sarah Gardner-Cox, City of Temple



COUNCIL AGENDA ITEM MEMORANDUM

07/07/11
Item #10
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING - Consider amending the Code of Ordinances by adding a new section entitled “Illicit Discharge” to Chapter 27, “Storm Water Management” per the City of Temple’s Storm Water Management Program and as required by Texas Commission on Environmental Quality (TCEQ).

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

ITEM SUMMARY: Staff recommends approval of language to create a section entitled “Illicit Discharge” in Chapter 27, “Storm Water Management” as described above. The EPA has implemented a body of regulations (“Phase II Storm Water Rules”) involving storm water that applied to cities under 100,000 (prior regulations had just applied to cities greater than 100,000). In the State of Texas, TCEQ has implemented the Phase II regulation by requiring cities with a population of less than 100,000 to adopt several new ordinances as a part of the best management practices (BMP) mandated in the City of Temple’s Storm Water Management Program. These ordinances include erosion and sedimentation during construction, after construction, and illicit discharge to streams and illegal dumping.

The ordinance being proposed in this item is the illicit discharge ordinance intended to prevent non-storm water discharges to the City’s storm sewer system. The proposed ordinance language establishes methods for controlling the introduction of pollutants into the City’s storm sewer system, as well as methods for inspections and enforcement proceedings for illegal discharges. This ordinance applies to all citizens and business located within the city limits.

City staff discussed proposed ordinance language with Temple Area Builders Association (TABA) and provided a presentation to the governmental affairs committee on April 21, 2011.

FISCAL IMPACT: No fiscal impact to City funds. Requirements for review, inspection and enforcement activities will increase city staff work load to some extent. Such workload increases are believed to be absorbed within existing positions' duties at this time. However, as development increases, and as future state unfunded mandates are implemented, the need for additional city staff may need to be revisited in future budgets.

ATTACHMENTS:

[Temple Area Builders Association – Governmental Affairs Committee Letter of Support](#)
[Illicit Discharge Ordinance - Excerpt](#)
[Chapter 27 Ordinance](#)



June 3, 2011

Temple City Council
2 N Main St
Temple, TX 76501

RE: Storm water Ordinances before the City Council

Honorable Mayor Jones and Temple City Council members:

On behalf of the 250+ members of the Temple Area Builders Association and their employees, thank you for the opportunity to comment on the erosion/sedimentation control and the illicit discharge ordinances which are on your upcoming agenda.

We are fully supportive of these ordinances and greatly appreciate the efforts and outreach that your staff has completed in this regard. Michael Newman, Sarah Gardner-Cox and their entire teams are especially to be commended for their work in insuring these ordinances were completed prior to the state deadline. They have kept our association apprised throughout the process and worked with us to resolve any issues or concerns that we may have initially encountered.

The issue of balancing private property rights and protecting the environment can often become a contentious issue, however, these ordinances have been thoroughly vetted throughout the process, and we are certain they will create a positive outcome for both the city and our members. Our entire community can be proud with the passage of these ordinances.

If you have any further questions, please do not hesitate to contact me directly. Once again, we appreciate your efforts and are fully supportive of these ordinances.

Sincerely,

Robbie Johnson
President, Temple Area Builders Association

CC: Michael Newman, Sarah Gardner-Cox, City of Temple

ARTICLE III. ILLICIT DISCHARGE PREVENTION

Subchapter A. General Provisions.

Section 27-X. Purpose.

The purpose of this Article is to protect the public health, safety, environment and general welfare through the regulation of non-storm water discharges to City's municipal separate storm sewer system (MS4) to the maximum extent practicable as required by Federal and State law. This Article establishes methods for controlling the introduction of pollutants into the City's MS4 in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit and the Texas Pollutant Discharge Elimination System (TPDES) permit processes. The objectives of this ordinance are to:

- (a) Regulate the contribution of pollutants or contaminants to the City's MS4 or the waters in the State or U.S. by any person;
- (b) Prohibit illicit discharges and illegal connections to City's MS4;
- (c) Prevent non-storm water discharges, generated as a result of spills, releases, inappropriate dumping or disposal, to City's MS4;
- (d) Protect and preserve the functionality of water courses and ways located within the City; and,
- (e) To establish legal authority to carry out all inspection, surveillance, monitoring and enforcement procedures necessary to ensure compliance with this Article.

Section 27-X. Applicability.

The provisions of this Article shall apply to all water or substances entering the MS4 generated on any developed or undeveloped lands throughout the corporate limits of the City unless specifically exempted by this Article.

Section 27-X. Definitions.

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this Article, shall have the meanings hereinafter designated. Additionally, all references to any Federal or State regulation or act shall refer to the current regulation or act and any amendments thereto.

Agricultural storm water runoff. Any storm water or tail water runoff from orchards, cultivated crops, pastures, range lands, forest lands, and other non-point source agricultural activities, but not discharges from concentrated animal feeding operations as defined in 40 Code of Federal Regulations (C.F.R.) § 122.23 or discharges from concentrated aquatic animal production facilities as defined in 40 C.F.R. § 122.24.

Best management practices (BMPs). Best management practices include schedules of activities, prohibitions of practices, maintenance or monitoring procedures, structural controls, and other management practices to prevent or reduce the discharge of pollutants or contaminants into the City's MS4, the waters in the State or U.S. BMPs also include treatment requirements, operating procedures, and practices to control site runoff, discharge or release, spillage or leaks, sludge or waste disposal, or drainage from raw material storage areas.

Contamination. The presence of, or entry into a public water supply system, the MS4 or waters in the State or U.S. of any substance, including pollutants, which may be deleterious to the public health and/or the quality of the water.

Contaminant. Any substance deleterious to the public health and/or the quality of the water.

Conveyance. Curbs, gutters, natural and human-made or altered drainage channels or ditches, drains, pipes, and other constructed features designed or used for flood control or to otherwise transport storm water runoff.

Director. The Director of Public Works or his/her duly authorized representative or designee.

Domestic sewage. Waste and wastewater from humans or household operations that is discharged to a wastewater collection system or otherwise enters a treatment works.

Extremely hazardous substance. Any substance listed in the Appendices to 40 C.F.R. Part 355, Emergency Planning and Notification.

Fire protection water. Any water, and any substances or materials contained therein, used by any person other than the Fire Department to control or extinguish a fire.

Garbage. Waste consisting of putrescible animal and vegetable waste materials resulting from the handling, preparation, cooking, and consumption of food, including waste materials from markets, storage facilities, handling, and sale of produce and other food products.

Harmful quantity. The amount of hazardous substance the discharge or spill of which is determined to be harmful to the environment or public health or welfare or may reasonably be anticipated to present an imminent and substantial danger to the public health or welfare by federal law and by the state law.

Hazardous household waste (HHW). Any waste generated in a household (including single and multiple residences, hotels and motels, bunk houses, ranger stations, crew quarters, campgrounds, picnic grounds, and day use recreational areas) by a consumer which, except for the exclusion provided in 40 C.F.R. § 261.4(b)(1), would be classified as a hazardous waste under 40 C.F.R. Part 261.

Hazardous substance. A material where either of the following conditions are met:

- (a) the elements, compounds, and hazardous wastes are listed in Table 302.4 of 40 C.F.R. Part 302; or
- (b) a solid waste, as defined in 40 C.F.R. § 261.2, which is not excluded from regulation as a hazardous waste under 40 C.F.R. § 261.4(b), if it exhibits any of the characteristics identified in 40 C.F.R. § 261.20 through § 261.24 (e.g., ignitability, corrosivity, reactivity, or toxicity).

Hazardous waste. Any waste identified or listed as a hazardous waste by the EPA under the Federal Solid Waste Disposal Act, as amended by Resource Conservation and Recovery Act (RCRA), 40 U.S.C. §§ 6901 et seq., or the Texas Solid Waste Disposal Act, Texas Health and Safety Code, Article 361 et seq.

Hazardous waste treatment, disposal, and recovery facility. All land, and structures, other appurtenances and improvements on the land, used for the treatment, disposal, or recovery of hazardous waste.

Illegal connection. Any drain or conveyance, whether on the surface or subsurface, which allows an illicit discharge to enter the MS4 including, without limitation, any conveyances which allow any non-storm water discharge including sewage, processed wastewater or wash water to enter the MS4.

Illicit discharge. Any discharge to the MS4 that is not entirely composed of storm water, except discharges pursuant to this Article, State or Federal law and discharges resulting from emergency fire fighting activities.

Industrial. Activities including manufacturing, processing, material storage, and waste material disposal (and similar activities where storm water can contact industrial waste) at an industrial facility described by the TPDES Multi Sector General Permit, TXR050000, or by another TCEQ or TPDES permit.

Industrial waste. Any waterborne liquid or solid waste or substance that results from any process of industry, manufacturing, mining, production, trade or business as more specifically defined in 40 C.F.R. 122.26 (b)(14).

Maximum extent practicable (MEP). The technology-based discharge standard for municipal separate storm sewer systems to reduce pollutants in storm water discharges that was established by the Federal Clean Water Act § 402(p). A discussion of MEP as it applies to the MS4 is found at 40 C.F.R. § 122.34.

Municipal separate storm sewer system (MS4). A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, inlets, gutters, ditches, natural and human-made or altered drainage channels, or storm drains) owned or operated by the City and designed or used for collecting or conveying storm water, and which is not used for collecting or conveying sewage and which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 C.F.R § 122.2.

NPDES Permit. A permit issued by EPA that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable to an individual, group or generally on an area-wide basis.

Non-point source. Any source of any discharge of a pollutant that is not a point source.

Notice of Intent (NOI). A written submission to the Executive Director of the TCEQ from an applicant requesting coverage under a general permit issued by the TCEQ. Each NOI shall also be submitted to the appropriate MS4 operator receiving the permitted discharge.

Notice of Change (NOC). A written notification to the Executive Director of the TCEQ from a permittee authorized under a general permit issued by the TCEQ providing changes to information that was previously provided in a notice of intent. Each NOC shall also be submitted to the appropriate MS4 operator receiving the permitted discharge.

Notice of Termination (NOT). A written submission to the Executive Director of the TCEQ from a permittee authorized under a general permit issued by the TCEQ seeking to terminate such permit coverage. Each NOT shall also be submitted to the appropriate MS4 operator receiving the permitted discharge.

Oil. Oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, crude oil or any fraction thereof which is liquid at standard conditions of temperature and pressure, sludge, oil refuse, and oil mixed with wastes other than dredged spoil. Oil does not include used oil, petroleum product, or oil designated as a hazardous substance in 40 C.F.R. § 302.4.

Operator. An entity or individual who meets one of the following conditions:

- (a) the person or persons associated with a large or small construction activity that meets either of the following two criteria: (1) the person or entity having operational control over construction plans and specifications to the extent necessary to meet the requirements and conditions of a NPDES or TPDES permit; or (2) the person or entity having day-to-day operational control of those activities

at a construction site that are necessary to ensure compliance with a Storm Water Pollution Prevention Plan (SWPPP) for the site or other permit conditions (e.g., they are authorized to direct workers at a site to carry out activities required by the SWPPP or comply with other NPDES or TPDES permit conditions); or

- (b) the owner, person or entity that is responsible for the management of an industrial facility subject to the provisions of a NPDES or TPDES permit.

Petroleum product. A petroleum substance obtained from distilling and processing crude oil and that is liquid at standard conditions of temperature and pressure, and that is capable of being used as a fuel for the propulsion of a motor vehicle or aircraft, including but not limited to motor gasoline, gasohol, other alcohol blended fuels, aviation gasoline, kerosene, distillate fuel oil, and #1 and #2 diesel. The term does not include naphtha-type jet fuel, kerosene-type jet fuel, or a petroleum product destined for use in chemical manufacturing or feedstock of that manufacturing.

Petroleum storage tank (PST). Any one or combination of aboveground or underground storage tanks that contain petroleum products and any connecting underground pipes.

Point source. Any discernable, confined, and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff (40 CFR 122.22).

Pollutant. Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; motor oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; noxious or offensive matter of any kind; biochemical oxygen demand (BOD); sediment or a parameter that addresses sediment (such as total suspended solids, turbidity, or siltation); oil and grease; and any pollutant that has been identified as a cause of impairment of any water body that will receive a discharge from the MS4 (40 CFR 122.32(e)(3)). The term “pollutant” does not include tail water or rainwater runoff from cultivated or uncultivated rangeland, pastureland and farmland.

Pollution. The alteration of the physical, thermal, chemical, or biological quality of, or the contamination of, any water in the State or U.S. that renders the water harmful, detrimental, or injurious to humans, animal life, vegetation, or property, or to public health, safety, or welfare, or impairs the usefulness of the public enjoyment of the water for any lawful or reasonable purpose.

Premises. Any site and/or facility, as defined under this Article, or building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips, owned or operated by a person from which there has been, is or may be a discharge.

Release. Any spilling, leaking, pumping, pouring, emitting, emptying, injecting, escaping, leaching, dumping, or disposing of a pollutant or contaminant into the MS4 or water in the State or U.S.

Reportable quantity (RQ). For any “hazardous substance,” the quantity established and listed in Table 302.4 of 40 C.F.R. Part 302 (except for any discharge into water in the State where the Final RQ threshold is greater than 100 pounds, in this case the RQ threshold shall be 100 pounds); for any “extremely hazardous substance,” the quantity established in 40 C.F.R. Part 355 and listed in Appendix A thereto.

Rubbish. Non-putrescible solid waste, excluding ashes, that consists of both (a) combustible waste materials, including paper, rags, cartons, wood, excelsior, furniture, rubber, plastics, yard trimmings, leaves, and similar materials; and (b) noncombustible waste materials, including glass, crockery, tin cans, aluminum cans, metal furniture, and similar materials that will not burn at ordinary incinerator temperatures (1,600 to 1,800 degrees Fahrenheit).

Sewage (or sanitary sewage). The domestic sewage and/or industrial waste that is discharged into the City sanitary sewer system and passes through the sanitary sewer system to a publicly-owned treatment works.

Storm water discharge associated with industrial activity. Storm water runoff that exits any system that is used for collecting and conveying storm water that originates from manufacturing, processing, material storage, and waste material disposal areas (and similar areas where storm water can contact industrial pollutants related to the industrial activity) at an industrial facility described by the applicable TPDES.

Storm water pollution prevention plan (SWPPP). A plan required by a NPDES or TPDES permit that describes and ensures the implementation of BMPs that are to be used to

reduce the pollutants in storm water discharges associated with construction or other industrial activity at the regulated facility to water in the State and U.S.

Tail water. The runoff of irrigation water from the lower end of an irrigated field.

TPDES permit. A permit issued by the State through the TCEQ, predecessor or any successor agency, under the authority delegated by EPA pursuant to 33 U.S.C § 1342(b) (Federal Clean Water Act) and pursuant to the Texas Water Code that authorizes the discharge of pollutants to water in the State or U.S., whether the permit is applicable to a person, group, or generally on an area-wide basis.

Used oil (or used motor oil). Any oil that has been refined with crude oil, or any synthetic oil, that has been used, and, as a result of use, is contaminated by physical or chemical impurities.

Vehicle. For purposes of this Article vehicle includes any vehicle held for personal use including automobiles, trucks, recreational vehicles, motorcycles of any type and boats or personal watercrafts.

Water in the State. Groundwater, percolating or otherwise, lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, wetlands, marshes, inlets, canals, the Gulf of Mexico inside the territorial limits of the state (from the mean high water mark out 10.36 miles into the Gulf), and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, navigable or non-navigable, and including the beds and banks of all watercourses and bodies of surface water, that are wholly or partially inside or bordering the state or inside the jurisdiction of the state, except that water in treatment systems which are authorized by State or Federal law, regulation or permit, and which are created for the purpose of waste treatment are not considered to be water in the State.

Waters of the United States (or waters in the U.S.). Any water characterized as:

- (a) All waters that are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
- (b) All interstate waters, including interstate wetlands;
- (c) All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sand flats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds that the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters:
 - (1) that are or could be used by interstate or foreign travelers for recreational or other purposes;

- (2) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
- (3) that are used or could be used for industrial purposes by industries in interstate commerce;
- (d) All impoundments of waters otherwise defined as waters of the United States under this definition;
- (e) Tributaries of waters identified in paragraphs (a) through (d) of this definition;
- (f) The territorial sea; and
- (g) Wetlands adjacent to waters (others than waters that are themselves wetlands) identified in paragraphs (a) through (f) of this definition.

Waste treatment systems including treatment ponds or lagoons designed to meet the requirements of the Federal Clean Water Act are not waters of the United States. This exclusion applies only to manmade bodies of water that neither were originally created in waters of the United States (such as disposal area in wetlands) nor resulted from the impoundment of waters of the United States. Waters of the United States do not include prior converted cropland. Notwithstanding the determination of an area's status as prior converted cropland by any other federal agency, for the purposes of the Clean Water Act, the final authority regarding Clean Water Act jurisdiction remains with EPA.

Water quality standards. Provisions that consist of a designated use or uses for the water in the State and water quality criteria for such waters based upon such uses. Water quality criteria consist of narrative provisions and numerical criteria deemed by the State to be necessary to protect those uses, as specified in 30 Texas Administrative Code (TAC) Article 307.

Watercourse. A watercourse includes a drainage path or way or the channel of a stream, to include, without limitation, waters in the State or U.S., in which water flows within a defined bed and banks, even though the same may be slight, imperceptible or even absent in places, and originates from a definite source or sources. The water need not always be present and may be intermittent if the latter occurs with some degree of regularity, depending on the characteristics of the sources (i.e.: water is present or flowing during and/or after a rainfall event).

Wetlands. Those areas that are inundated or saturated by surface water or groundwater at a frequency and duration to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Yard waste. Leaves, grass, grass clippings, bushes, shrubs, yard and garden debris, and brush that results from landscaping maintenance and land-clearing operations.

Section 27-X. General Prohibition and Requirements.

(a) No person shall introduce or cause to be introduced into the MS4 any discharge that is not composed entirely of storm water.

(b) It is an affirmative defense to any enforcement action for violation of Subsection (a) of this section that the discharge was composed entirely of one or more of the following categories of discharges:

- (1) A discharge or flow from water line flushing, but not including a discharge from water line disinfection by hyperchlorination or other means unless the total residual chlorine (TRC) has been reduced to less than 0.10 milligrams per liter (mg/l) and it contains no harmful quantity of chlorine or any other chemical used in line disinfection;
- (2) Runoff or return flow from lawn watering, landscape irrigation and other irrigation utilizing potable water, groundwater, or surface water sources;
- (3) A discharge from a potable water source;
- (4) A discharge or flow from a diverted stream flow or natural spring;
- (5) A discharge or flow from rising ground waters and springs;
- (6) Uncontaminated groundwater infiltration (as defined as 40 C.F.R. § 35.2005(20)) to the MS4;
- (7) A discharge or flow from uncontaminated pumped ground water;
- (8) Uncontaminated discharge or flow from a foundation drain or footing drain;
- (9) A discharge or flow from air conditioning condensation that is unmixed with water from a cooling tower, emissions scrubber, emissions filter, or any other source of pollutant or contaminant;
- (10) Uncontaminated discharge or flow from a crawl space pump, or sump pump;
- (11) A discharge or flow from individual residential vehicle washing;
- (12) A discharge or flow from a riparian habitat or wetland;
- (13) Swimming pool water that has been de-chlorinated so that TRC is less than 0.10 mg/l and that contains no harmful quantity of chlorine, muriatic acid or other chemical used in the treatment or disinfection of the swimming pool water or in pool cleaning;
- (14) A discharge or flow from water used in street washing;
- (15) A discharge or flow resulting from fire fighting activities by the Fire Department (fire fighting activities do not include washing of trucks, run-off water from training activities, test water from fire suppression systems, and similar activities);
- (16) Other allowable non-storm water discharges listed in 40 CFR 122.23(d)(2)(iv)(B)(1).
- (17) A discharge authorized by, and in full compliance with, a NPDES or TPDES permit. Such TPDES permit includes the TPDES Multi Sector General Permit and the TPDES Construction General Permit;

- (18) Other similar occasional incidental non-storm water discharges, unless the TCEQ develops permits or regulations addressing these discharges;
 - (19) Agricultural storm water runoff;
 - (20) A discharge or flow from a potable water source not containing any pollutant, contaminant or a harmful quantity of a substance or material from the cleaning or draining of a storage tank or other container;
 - (21) Storm water runoff from a roof that is not contaminated by any runoff or discharge from an emissions scrubber or filter or any other source of pollutant and
 - (22) A discharge or flow from water used in vehicle, exterior building, and pavement wash water where detergents and soaps are not used and where spills or leaks of hazardous substances or hazardous waste have not occurred (unless all spilled material is removed).
- (c) The use of BMPs or the presence of pervious cover that filters pollutants or contaminants from a discharge before the discharge reaches the MS4 will be considered an additional affirmative defense if no pollutant or contaminant is present upon the discharges release into the MS4.
- (d) No affirmative defense shall be available under Subsection (b) of this section if the discharge, release or flow in question has been determined by the Director to be a source of a pollutant or contaminant to water in the State or U.S. or the MS4, written notice of such determination has been provided to the discharger and the discharge has continued to occur seven (7) calendar days following receipt of such notice.
- (e) *Illegal Connections.* The construction, connection, use, maintenance or continued existence of any illegal connection to the MS4 is prohibited.
- (1) This prohibition expressly includes, without limitation, illegal connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
 - (2) A person violates this Article if the person connects a line conveying domestic or industrial sewage to the MS4, or allows such a connection to continue.
 - (3) Illegal connections in violation of this Article shall be disconnected and redirected, if necessary, by the owner or operator to an approved onsite wastewater management system or the sanitary sewer system upon approval of the Director.
 - (4) Any drain or conveyance that has not been documented in plans, maps or an equivalent, and which may be connected to the MS4, shall be located by the owner, occupant or operator of that property within three (3) calendar days following receipt of a written notice of violation (NOV) from the Director. Such notice may grant a longer time period, not to exceed sixty (60) calendar days but

shall require that the drain or conveyance be identified as a storm sewer, sanitary sewer or other type of conveyance, and that the outfall location or point of connection to the MS4, sanitary sewer system or other discharge point be identified. Results of these investigations shall be documented and provided to the Director to confirm compliance with this Article.

(f) *NPDES/TPDES Required.* A person violates this Article if the person discharges, or causes to be discharged, storm water without first having obtained a NPDES or TPDES permit to do so (if applicable) or fails to comply with paragraph (h) of this section.

(g) *Submission of SWPPP/NOI/NOC/NOT Required.* The operator or owner of a premises, required to have a NPDES or TPDES permit to discharge storm water shall submit a copy of the SWPPP to the Director within two (2) business days of the time that the operator or owner submits notification to the TCEQ that a SWPPP is available, if applicable. The operator or owner shall also submit a copy of the applicable NOI, NOC and NOT to the Director in accordance with the time frame provided for under the applicable TPDES or NPDES permit.

(h) *Compliance with NPDES/TPDES.* A premises shall be operated in strict compliance with the requirements of any applicable and required NPDES or TPDES permit. A person violates this Article if the person operates a premises in violation of a requirement of any such permit.

(i) *Modification of SWPPP.* The Director may request that any operator or owner of a premises to consider modifying the applicable SWPPP if, in the best professional judgment of the Director, the SWPPP does not comply with the requirements of the applicable NPDES or TPDES to discharge storm water. Any deficiencies so noted shall be provided to the operator or owner in writing and the Director shall give the operator or owner a reasonable amount of time, not to exceed thirty (30) days, to consider and implement such changes to the SWPPP. If the operator or owner disagrees with the Director, the operator or owner shall submit, in writing, the basis for such disagreement and non-implementation.

(j) *Notice of Release Required.* Notwithstanding any other requirements of local, State or Federal law, as soon as any person responsible for a premises or operation, or responsible for emergency response for a premises or operation has information of any known or suspected release of materials which are resulting or may result in illicit discharges of contaminants or pollutants into the MS4, the waters in the State or U.S. in any reportable or harmful quantity said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of household hazardous waste, hazardous substance(s) or hazardous waste said person shall immediately notify the Director by telephone and other State or Federal emergency response agencies, if required. In the event of a release of non-hazardous materials, said person shall notify the Director by phone or facsimile no later than the next

business day. Notifications in person or by telephone shall be confirmed by written notice within three (3) business days of the personal notification.

(k) *Watercourse Protection.* Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, and other obstacles that may pollute, contaminate, or adversely retard the flow of water through the watercourse.

(l) *Best Management Practices (BMPs) Required.* The owner or operator of a commercial or industrial premises or any premises where a SWPPP is required by the TCEQ, shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the MS4, waters in the State or U.S. or watercourses through the use of structural and non-structural BMPs. Further, any person responsible for a premises, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants or contaminants to the MS4. Compliance with all terms and conditions of a valid NPDES or TPDES permit authorizing the discharge of storm water associated with industrial activity, to the maximum extent practicable, shall be deemed compliance with the provisions of this paragraph. These BMPs shall be part of a SWPPP as necessary for compliance with the requirements of the NPDES or TPDES permit.

Subchapter B. Specific Prohibitions and Requirements

Section 27-X. Specific Prohibitions and Requirements.

(a) The specific prohibitions and requirements in this section are not inclusive of all the discharges prohibited by the general prohibitions in Subchapter A of this Article.

(b) No person shall introduce, release or cause to be introduced any discharge into the MS4 that causes or contributes to causing the City to violate a water quality standard, the City's storm water permit coverage for discharges from its MS4, any applicable EPA or TCEQ regulation or State or Federal law.

(c) No person shall discharge, release, or otherwise introduce or cause, allow, or permit to be introduced any of the following substances into the MS4:

- (1) Any used motor oil, antifreeze, or any other motor vehicle fluids;
- (2) Any industrial waste;
- (3) Any hazardous substance or hazardous waste, including HHW;
- (4) Any domestic sewage or septic tank waste, grease trap waste, or grit trap waste;

- (5) Any garbage, rubbish, or yard waste;
- (6) Any discharge from: a commercial carwash facility, vehicle dealership, rental agency, body shop, repair shop, maintenance facility, or commercial or public facility that contains any soap, detergent, degreaser, solvent, or any other harmful cleaning substance from any vehicle washing, cleaning, or maintenance;
- (7) Any discharge from the washing, cleaning, de-icing, or other maintenance of aircraft;
- (8) Any discharge from a commercial mobile power washer including, without limitation, discharges from mobile vehicle detailing or cleaning equipment, or from the washing or other cleaning of a building exterior that contains any soap, detergent, degreaser, solvent, or any other harmful cleaning substance;
- (9) Any discharge from commercial or professional floor, rug, or carpet cleaning containing a harmful quantity of any pollutant or contaminant;
- (10) Any discharge from the wash down or other cleaning of pavement or the exterior of buildings that contains any soap, detergent, solvent, degreaser, emulsifier, dispersant, or any other harmful cleaning substance; or any wastewater from the wash down or other cleaning of any pavement where any spill, leak, or other release of oil, motor fuel, or other petroleum or hazardous substance has occurred, unless all harmful quantities of such released material have been previously removed;
- (11) Any effluent from a cooling tower, condenser, compressor, emissions scrubber, emissions filter, or the blow down from a boiler;
- (12) Any ready-mixed concrete, mortar, ceramic, or asphalt base material, or material from the cleaning of vehicles or equipment containing, or used in transporting or applying, such material;
- (13) Any discharge or wash down water from any commercial animal pen, kennel, or fowl or livestock containment area, to include a livestock management facility as defined in Chapter 6 of this Code, containing more than five (5) animals;
- (14) Any filter backwash from a swimming pool, fountain or spa;
- (15) Any swimming pool water containing TRC of 0.10 mg/l or more or containing any harmful quantity of chlorine, muriatic acid or other chemical used in the treatment or disinfection of the swimming pool water or in pool cleaning;
- (16) Any fire protection water containing oil or hazardous substances or materials, unless treatment adequate to remove pollutants and contaminants occurs before discharge. (This prohibition does not apply to discharges or flow from fire fighting by the Fire Department.);
- (17) Any water from a water curtain in a spray room used for painting vehicles or equipment;
- (18) Any substance or material that will damage, block, or clog the MS4;

- (19) Any release from a petroleum storage tank (PST) or any leachate or runoff from soil contaminated by a leaking PST, or any discharge of pumped, confined, or treated wastewater from the remediation of any such PST release, unless the discharge satisfies all of the following criteria;
 - (a) Compliance with all State and Federal standards and requirements;
 - (b) No discharge containing a harmful quantity of any pollutant; and
 - (c) No discharge containing more than 50 parts per billion of benzene; 500 parts per billion combined total quantities of benzene, toluene, ethylbenzene, and xylene (BTEX); or 15 mg/l of total petroleum hydrocarbons (TPH).
 - (20) Any amount of herbicides or pesticides that constitute a harmful quantity.
- (d) No person shall introduce or cause to be introduced into the MS4 any sediment, silt, earth, soil, or other material associated with clearing, grading, excavation or other construction activities, or associated with any land filling or other placement or disposal of soil, rock, or other earth materials, in excess of what could be retained on site or captured by employing sediment and erosion control measures or other BMPs to the maximum extent practicable.
- (e) *Motor vehicle fluids, Oil, Petroleum product and Used Oil Regulation.* No person shall:
- (1) Discharge motor vehicle fluids, oil, petroleum products or used oil into the MS4 or a sewer drainage system, septic tank, surface water, groundwater, or watercourse;
 - (2) Knowingly mix or commingle motor vehicle fluids, oil, petroleum products or used oil with any type of waste that is to be disposed of in a landfill or knowingly directly dispose of motor vehicle fluids, oil, petroleum products or used oil on land or in a landfill; or
 - (3) Apply motor vehicle fluids, oil, petroleum products or used oil to a road or land for dust suppression, weed abatement, or other similar use that introduces motor vehicle fluids, oil, petroleum products or used oil into the environment.

Subchapter C. Compliance and Enforcement.

Section 27-X. Compliance Monitoring.

- (a) *Right of Entry; Inspection and Sampling.* The Director shall have the right to enter the premises of any person discharging into the MS4 or to waters in the State or U.S. to determine if the person is complying with all requirements of this Article. A person shall allow the Director ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and for the performance of any additional duties necessary to ensure compliance with this Article. A person shall make available to the Director, upon request, any NOIs, NOCs, NOTs, SWPPPs and any modifications thereto, self-inspection reports, monitoring

records, compliance evaluations, and any other records, reports, or other documents related to compliance with this Article or compliance with any State or Federal storm water discharge permit. (State law reference: Texas Water Code § 26.173.)

- (1) Where a person has security measures in force that require proper identification and clearance before entry into its premises, the person shall make necessary arrangements with its security personnel or employees so that, upon presentation of suitable City issued identification, the Director shall be permitted to enter without unreasonable delay. Unreasonable delays, which shall be defined as delays in excess of forty-eight (48) hours of the initial request, shall be considered a violation of this Article.
- (2) The Director shall have the right to set up on the person's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the person's operations related to all discharges regulated by this Article.
- (3) If the Director has reason to believe that there is an actual or potential illicit discharge associated with a premises, the Director may require any person to conduct specified sampling, testing, analysis, and other monitoring of such premises' discharges, and may specify the frequency and parameters of any such activities necessary to ensure compliance with this Article. All required sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition. All such activities shall be at the person's sole expense.
- (4) Any temporary or permanent obstruction that obstructs safe and easy access to the premises to be inspected and/or sampled shall be promptly removed by the person at the written or verbal request of the Director and shall not be thereafter replaced. The costs of providing such access shall be borne by the person.

(b) *Search Warrants.* If the City is able to demonstrate probable cause to believe that there may be a violation of this Article or that there is a need to inspect and/or sample a premises as part of a routine inspection and sampling program established by the City and designed to verify compliance with this Article or any order issued hereunder, or to protect the public health, safety, and welfare of the community, then the City may seek issuance of a search warrant to gain entry from any court of competent jurisdiction.

Section 27-X. Administrative Enforcement Remedies.

(a) *Generally.* Nothing in this section shall limit the authority of the Director to take any action, including emergency action or any other enforcement action, without first issuing any other type of notice or order provided under this section. Compliance with any notice or order issued hereunder in no way relieves the alleged violator of liability for any violations occurring before or after receipt of any notice or order.

(b) *Warning Notice.* When the Director finds that any person has violated, or continues to violate, any provision of this Article, or any order issued hereunder, the Director may serve upon that person a written warning notice, specifying the particular violation believed to have occurred and requesting that the person immediately comply with this Article or any order so issued.

(c) *Notification of Violation (NOV).* When the Director finds that any person has violated, or continues to violate, any provision of this Article, or any order issued hereunder, the Director may serve upon that person a written NOV. Within ten (10) calendar days of the receipt of the NOV the person shall submit an explanation of the violation and a plan for the satisfactory correction and prevention of reoccurrence thereof, to include specific required actions and time lines for completion, to the Director. If the alleged violator denies that any violation occurred and/or contends that no corrective action is necessary, an explanation of the basis of any such denial or contention shall be submitted to the Director within the same time period. Receipt of the NOV is presumed to occur five (5) calendar days following the date the NOV is mailed..

(f) *Stop Work Orders.* When the Director finds that any owner or operator of a premises under construction has violated, continues to violate or threatens to violate any provision of this Article, or any order issued hereunder, the City may issue a stop work order which shall suspend or revoke the building or construction (for public infrastructure) permit.

Section 27-X. Right to Reconsideration and Appeal.

(a) *Appeals.* In the event the developer or builder does not agree with a decision of the city engineer, they may appeal to the director of public works. Appeals from the director's decision shall be automatically referred to the city manager for final decision, with due regard for the city engineer and public works directors recommendations. The city manager's decision shall be rendered as soon as possible and shall be final.

Part 2: *Criminal penalty.* Any person or persons, firm or corporation which violates any of the provisions of this chapter may be deemed guilty of a misdemeanor and, upon conviction shall be fined not less than fifty (\$50.00) dollars nor more than two thousand (\$2000.00) dollars for each offense and each violation hereof shall be deemed a separate and distinct offense for each of said days and shall be punishable as such.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF TEMPLE BY ADDING A NEW CHAPTER 27, ENTITLED, "STORM WATER MANAGEMENT," PROVIDING REGULATIONS FOR THE DESIGN, CONSTRUCTION, USE, AND MAINTENANCE OF ANY RESIDENTIAL AND NON-RESIDENTIAL SUBDIVISION DEVELOPMENT AND APPLICABLE CITY PROJECTS OR OTHER ACTIVITY THAT DISTURBS OR BREAKS THE TOPSOIL OR RESULTS IN THE MOVEMENT OF EARTH ON LAND IN THE CITY OF TEMPLE; PROVIDING A REPEALER; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the construction process causes an increased likelihood of soil erosion;

Whereas, soil erosion threatens water quality, animal habitats, and can require repair of drainage ways, waterways and watercourses;

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

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

Part 1: The Code of Ordinances of the City of Temple, Texas, is amended by adding a new Chapter 27, entitled, "Storm Water Management," to read as follows:

Chapter 27

STORM WATER MANAGEMENT

ARTICLE I. EROSION AND SEDIMENTATION CONTROL

Sec. 27 -1. Intent.

During the construction process, soil is highly vulnerable to erosion by wind and water. Eroded soil endangers water resources by reducing water quality and causing the siltation of aquatic habitat for fish and other desirable species. Eroded soil also necessitates repair of drainage ways, waterways, and watercourses. In addition, clearing

and grading during construction cause the loss of native vegetation necessary for terrestrial and aquatic habitat.

As a result, the purpose of this local regulation is to safeguard persons, protect property, and prevent damage to the environment in the city. This ordinance will also promote the public welfare by guiding, regulating, and controlling the design, construction, use, and maintenance of any residential and non-residential subdivision development and applicable city projects or other activity that disturbs or breaks the topsoil or results in the movement of earth on land in the city.

Sec. 27-2. Lands to which this Article applies.

- (a) A person engaging in any development activity one acre or larger, within the city limits, shall prepare a storm water pollution prevention plan and submit information in conformance with this article, the Drainage Criteria Design Manual (DCDM) and Storm Water Best Management Practice Manual (SWBMPM), and applicable TCEQ requirements to the city engineer for approval. This article applies regardless of whether an owner is required to obtain a permit from the city to conduct such land disturbing or construction activity.
- (b) In determining if a project is five acre or larger, the City will consider whether or not the development is a part of a common plan. A construction activity is a part of a common plan if it is completed in separate stage, phases or in combination with other construction activities. Common plans are often, but not solely identified by plats, blueprints, contracts, zoning requests and building permits. Additionally, common plans may exist and erosion and sedimentation control may be required when there is more than one operator operating in one area which is larger than five acres, even though no single individual project is larger than five acres individually.
- (c) Lands under active agricultural use, as defined in the Use Table found in section 5.1.3 of the Temple Unified Development Code, are exempted from the requirements of this section until such time that construction or modification to the exempted land begins so that the use of the land in whole or in part will change from agriculture to any other use. At that time, the land shall lose its exemption and become subject to the provisions of this article.
- (d) The owner of the property on which the activity occurs, in addition to the person engaging in development activity, is responsible for violations of this article. Both the owner and the person engaging in the development activity shall be accountable for any erosion of the property or construction site which results in accumulation of sediment in streets, alleys, any waterway or other private properties from construction activity. Any accumulation or deposit of soil material beyond the limits of the property or in city streets, alleys or drainage facilities in an amount sufficient to constitute a threat to public safety and comfort or adversely impacts storm water quality as determined by the city is declared a public nuisance and shall constitute a violation of this article.

- (e) The storm water pollution prevention requirements of this article shall apply to all land areas considered to be part of the development activity. Additionally, when land disturbing activity occurs on a development, all disturbed land areas related to the development shall have 70% vegetation established before final occupancy of structures located thereon or final acceptance of the subdivision may be obtained.
- (f) This article applies whether or not a building permit is required.

Sec. 27 -3. Definitions.

Best Management Practices (BMPs) are schedules of activities, prohibitions of practices, maintenance procedures, structural controls, local ordinances, and other management practices to prevent or reduce the discharge of pollutants. BMPs also include treatment requirements, operating procedures, and practices to control construction site runoff, spills or leaks, waste disposal, or drainage from raw material storage areas. [Reference: TPDES General Permit TXR150000].

Clearing is any activity that removes the vegetative surface cover. Vegetative cutting and mulching is exempted from this definition

City Engineer means the city engineer or his/her designee.

Drainage way is any creek, stream, channel, swale, or low lying area that conveys surface runoff throughout the site.

Erosion control is a measure that prevents erosion.

Grading is the excavation or fill of material, including the resulting conditions thereof.

Land disturbing activity means any activity, including but not limited to excavation, clearing, and grading, which disturbs the natural or improved vegetative ground cover so as to expose soil to the erosive forces of rain, storm water runoff or wind for residential and non-residential subdivisions and applicable city projects. Land disturbing activity does not include any vegetative cutting and mulching. All installations and maintenance of franchise utilities such as telephone, gas, electric, etc., shall be considered land disturbing activities.

Phasing is clearing a parcel of land in distinct phases, with the stabilization of each phase completed before the clearing of the next.

Sediment control is any measure that prevents eroded sediment from leaving the site.

Site is a parcel of land or a contiguous combination thereof, where grading work is performed as a single unified operation.

Stabilization is the use of practices that prevent exposed soil from eroding.

Start of construction is the first land-disturbing activity associated with a development, including land preparation such as clearing, grading, and filling; installation of streets and walkways; excavation for basements, footings, piers, or foundations; erection of temporary forms; and installation of accessory buildings such as garages.

Watercourse is any body of water, including, but not limited to lakes, ponds, rivers, streams, and bodies of water delineated by the city

Waterway is a channel that directs surface runoff to a watercourse or to the public storm drain.

Sec. 27-4. City of Temple Drainage Criteria and Design Manual.

This article is cumulative of the regulations found in the City's DCDM and SWBMPM which describes in detail the technical procedures to be used to comply with the provisions contained in this article. Although the intention of the manuals are to establish uniform design practices, it neither replaces the need for engineering judgment nor precludes the use of information not presented. Other accepted engineering procedures may be used to conduct hydrologic and hydraulic studies if approved by the city engineer.

Sec. 27-5. Storm water pollution prevention measures required.

The Texas Commission on Environmental Quality (TCEQ) regulates storm water discharges from construction sites. Prior to initiating any development activity, a person shall review the state requirements to determine the current requirements. All TCEQ requirements for storm water protection from construction activity must be followed.

Sec. 27-6. Submittals to City Engineer.

- (a) Sites one acre or greater but less than five acres. For storm water discharges from construction activities one acre or greater but less than five acres into the city's storm drainage system, one copy of the Storm Water Pollution Prevention Plan (SWPPP) and one copy of the construction site notice must be submitted to the city engineer.

- (b) Sites five acres or greater. For storm water discharges from construction activities which disturb five acres or more into the city's storm drainage system, one copy of each: the NOI, the SWPPP and Construction Site Notice must be submitted to the city engineer.

Sec. 27-7. Storm Water Pollution Prevention Plan.

- (a) A SWPPP must be developed in accordance with the requirements of the general permit for all construction activity which disturbs one acre or more. The SWPPP must be prepared by or under the direction of a licensed professional engineer or a certified professional in erosion and sedimentation control (CPESC) indicating the specific measures and sequencing to be used to control sediment and erosion on a development site during and after construction.
- (b) Each person, including an owner, engaging in land disturbing or development activity shall implement and maintain the storm water pollution prevention measures shown on its approved storm water pollution prevention plan in order to minimize the erosion and the transport of silt, earth, topsoil, and other storm water pollutants by water runoff or construction activities, beyond the limits of the owner's site onto city streets, drainage easements, drainage facilities, storm drains of other city property prior to beginning any development activity.
- (c) A SWPPP required by this article shall clearly identify the property where land disturbing activity will take place, and the location of all storm water pollution prevention measures to be installed and maintained throughout the duration of the development for which that plan is submitted.
- (d) An erosion and sediment control plan is not required for the following:
 - 1. Areas under active agriculture use, as defined in the Use Table found in section 5.1.3 of the Temple Unified Development Code;
 - 2. Any emergency activity that is immediately necessary for the protection of life, property, or natural resources; or
 - 3. Existing nursery and agricultural operations conducted as a main or accessory use;
 - 4. A legally permitted land fill operation; or
 - 5. Vegetative cutting and mulching.

Sec. 27-8. Development Compliance.

- (a) To obtain coverage under the general permit for storm water discharges from construction activities between one and five acres into the city's storm drainage system the following are required:
 - a. Prepare and implement the SWPPP;
 - b. Post Site Notice; and
 - c. Submit required copies to City Engineer, including Notice of

Termination (NOT).

- (b) To obtain coverage under the general permit for storm water discharges from construction activities five acres or more into the city's storm drainage system, the following is required:
 - a. Prepare and implement the SWPPP;
 - b. Submit NOI to TCEQ;
 - c. Post NOI and Site Notice; and
 - d. Submit required copies to City Engineer, including Notice of Termination (NOT).
- (c) Phasing. When phasing is requested, the erosion plan in each phase must be established, reviewed and approved by city engineer prior to the start of any subsequent phase, and shall be allowed only when there are no outstanding storm water pollution prevention violations for the development for which the request is made.
- (d) Erosion Control Devices. In addition to the other requirements of this article, when construction or land disturbing activities are conducted as part of a development, the developer for such subdivision shall continue to maintain all temporary storm water pollution prevention devices until permanent erosion control has been established on all those lots within the subdivision for which a building permit has not been issued and at least 70 percent of the native background vegetative cover in unpaved areas, as determined by the city engineer, has been achieved.
- (e) Transfer of Property by Developer. If the developer sells all of the lots in a subdivision to one purchaser, that purchaser:
 - 1. Becomes the developer for the subdivision; and
 - 2. Is liable for a violation of this article.

Sec. 27-9. Inspection.

- (a) The city engineer or designated agent shall make inspections as hereinafter required and either shall approve that portion of the work completed or shall notify the owner or developer wherein the work fails to comply with the SWPPP. To obtain inspections, the owner or developer shall notify the city engineer at least two working days before each of the following:
 - 1. Installation of sediment and erosion measures; and
 - 2. Final acceptance of public infrastructure, or prior to issuance of certificate of occupancy dependent upon respective development stage.

- (b) The owner or developer shall make regular inspections of all control measures. The purpose of such inspections will be to determine the overall effectiveness of the control plan and the need for additional control measures. All inspections shall be documented in written form and kept on file available for viewing upon request.
- (c) The city engineer or its designated agent may enter the property of the applicant as deemed necessary to make regular inspections to ensure the validity of the reports filed under section (b). The filing of a SWPPP under this article shall be deemed consent by the property owner for such entry.

Sec. 27-10. Appeals and Enforcement.

- (a) *Stop-Work Order; Revocation of Permit* In the event that any person holding an approved SWPPP pursuant to this ordinance violates the terms of the permit or implements site development in such a manner as to materially adversely affect the health, welfare, or safety of persons residing or working in the neighborhood or development site so as to be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, the city may suspend or revoke the building or construction (for public infrastructure) permit.
- (b) *Appeals.* In the event the developer or builder does not agree with a decision of the city engineer, they may appeal to the director of public works. Appeals from the director's decision shall be automatically referred to the city manager for final decision, with due regard for the city engineer and public works directors recommendations. The city manager's decision shall be rendered as soon as possible and shall be final.
- (c) *Violations.* No person shall construct, enlarge, alter, repair, or maintain any grading, excavation, or fill, or cause the same to be done, contrary to or in violation of any terms of this ordinance. A person performing work on a development commits an offense if the person conducts a land-disturbing or construction activity, and:
 - 1. Has not developed and implemented a SWPPP in accordance with TCEQ requirements for the location of the development;
 - 2. Fails to install storm water pollution prevention devices or to maintain storm water pollution prevention devices throughout the duration of land disturbing activities, in compliance with the SWPPP for the location where the violation occurred;
 - 3. Fails to remove off-site sedimentation that is a direct result of land disturbing activities where such off-site sedimentation results from the failure to implement or maintain storm water pollution prevention devices as specified in an approved SWPPP for the location where the violation occurred;
 - 4. Allows sediment laden water to flow from a site without being treated through an storm water pollution prevention device;

5. Fails to maintain existing storm water pollution prevention devices, including replacement of existing grass or sod; or
6. Violates any provision of this section.

(d) *Penalties.* In addition to any other penalty authorized by this section, any person, partnership, or corporation convicted of violating any of the provisions of this ordinance shall be required to bear the expense of such restoration.

ARTICLE II. Sec. 27-11 – Sec. 27- 25. Reserved.

ARTICLE III. ELICIT DISCHARGE PREVENTION

Subchapter A. General Provisions.

Sec. 27-26. Purpose.

The purpose of this Article is to protect the public health, safety, environment and general welfare through the regulation of non-storm water discharges to City's municipal separate storm sewer system (MS4) to the maximum extent practicable as required by Federal and State law. This Article establishes methods for controlling the introduction of pollutants into the City's MS4 in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit and the Texas Pollutant Discharge Elimination System (TPDES) permit processes. The objectives of this ordinance are to:

- (a) Regulate the contribution of pollutants or contaminants to the City's MS4 or the waters in the State or U.S. by any person;
- (b) Prohibit illicit discharges and illegal connections to City's MS4;
- (c) Prevent non-storm water discharges, generated as a result of spills, releases, inappropriate dumping or disposal, to City's MS4;
- (d) Protect and preserve the functionality of water courses and ways located within the City; and,
- (e) To establish legal authority to carry out all inspection, surveillance, monitoring and enforcement procedures necessary to ensure compliance with this Article.

Sec. 27-27. Applicability.

The provisions of this Article shall apply to all water or substances entering the MS4 generated on any developed or undeveloped lands throughout the corporate limits of the City unless specifically exempted by this Article.

Sec. 27-28. Definitions.

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this Article, shall have the meanings hereinafter designated. Additionally, all references to any Federal or State regulation or act shall refer to the current regulation or act and any amendments thereto.

Agricultural storm water runoff. Any storm water or tail water runoff from orchards, cultivated crops, pastures, range lands, forest lands, and other non-point source agricultural activities, but not discharges from concentrated animal feeding operations as defined in 40 Code of Federal Regulations (C.F.R.) § 122.23 or discharges from concentrated aquatic animal production facilities as defined in 40 C.F.R. § 122.24.

Best management practices (BMPs). Best management practices include schedules of activities, prohibitions of practices, maintenance or monitoring procedures, structural controls, and other management practices to prevent or reduce the discharge of pollutants or contaminants into the City's MS4, the waters in the State or U.S. BMPs also include treatment requirements, operating procedures, and practices to control site runoff, discharge or release, spillage or leaks, sludge or waste disposal, or drainage from raw material storage areas.

Contamination. The presence of, or entry into a public water supply system, the MS4 or waters in the State or U.S. of any substance, including pollutants, which may be deleterious to the public health and/or the quality of the water.

Contaminant. Any substance deleterious to the public health and/or the quality of the water.

Conveyance. Curbs, gutters, natural and human-made or altered drainage channels or ditches, drains, pipes, and other constructed features designed or used for flood control or to otherwise transport storm water runoff.

Director. The Director of Public Works or his/her duly authorized representative or designee.

Domestic sewage. Waste and wastewater from humans or household operations that is discharged to a wastewater collection system or otherwise enters a treatment works.

Extremely hazardous substance. Any substance listed in the Appendices to 40 C.F.R. Part 355, Emergency Planning and Notification.

Fire protection water. Any water, and any substances or materials contained therein, bused by any person other than the Fire Department to control or extinguish a fire.

Garbage. Waste consisting of putrescible animal and vegetable waste materials resulting from the handling, preparation, cooking, and consumption of food, including waste materials from markets, storage facilities, handling, and sale of produce and other food products.

Harmful quantity. The amount of hazardous substance the discharge or spill of which is determined to be harmful to the environment or public health or welfare or may reasonably be anticipated to present an imminent and substantial danger to the public health or welfare by federal law and by the state law.

Hazardous household waste (HHW). Any waste generated in a household (including single and multiple residences, hotels and motels, bunk houses, ranger stations, crew quarters, campgrounds, picnic grounds, and day use recreational areas) by a consumer which, except for the exclusion provided in 40 C.F.R. § 261.4(b)(1), would be classified as a hazardous waste under 40 C.F.R. Part 261.

Hazardous substance. A material where either of the following conditions are met:

- (a) the elements, compounds, and hazardous wastes are listed in Table 302.4 of 40 C.F.R. Part 302; or
- (b) a solid waste, as defined in 40 C.F.R. § 261.2, which is not excluded from regulation as a hazardous waste under 40 C.F.R. § 261.4(b), if it exhibits any of the characteristics identified in 40 C.F.R. § 261.20 through § 261.24 (e.g., ignitability, corrosivity, reactivity, or toxicity).

Hazardous waste. Any waste identified or listed as a hazardous waste by the EPA under the Federal Solid Waste Disposal Act, as amended by Resource Conservation and Recovery Act (RCRA), 40 U.S.C. §§ 6901 et seq., or the Texas Solid Waste Disposal Act, Texas Health and Safety Code, Article 361 et seq.

Hazardous waste treatment, disposal, and recovery facility. All land, and structures, other appurtenances and improvements on the land, used for the treatment, disposal, or recovery of hazardous waste.

Illegal connection. Any drain or conveyance, whether on the surface or subsurface, which allows an illicit discharge to enter the MS4 including, without limitation, any conveyances which allow any non-storm water discharge including sewage, processed wastewater or wash water to enter the MS4.

Illicit discharge. Any discharge to the MS4 that is not entirely composed of storm water, except discharges pursuant to this Article, State or Federal law and discharges resulting from emergency fire fighting activities.

Industrial. Activities including manufacturing, processing, material storage, and waste material disposal (and similar activities where storm water can contact industrial waste) at an industrial facility described by the TPDES Multi Sector General Permit, TXR050000, or by another TCEQ or TPDES permit.

Industrial waste. Any waterborne liquid or solid waste or substance that results from any process of industry, manufacturing, mining, production, trade or business as more specifically defined in 40 C.F.R. 122.26 (b)(14).

Maximum extent practicable (MEP). The technology-based discharge standard for municipal separate storm sewer systems to reduce pollutants in storm water discharges that was established by the Federal Clean Water Act § 402(p). A discussion of MEP as it applies to the MS4 is found at 40 C.F.R. § 122.34.

Municipal separate storm sewer system (MS4). A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, inlets, gutters, ditches, natural and human-made or altered drainage channels, or storm drains) owned or operated by the City and designed or used for collecting or conveying storm water, and which is not used for collecting or conveying sewage and which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 C.F.R. § 122.2.

NPDES Permit. A permit issued by EPA that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable to an individual, group or generally on an area-wide basis.

Non-point source. Any source of any discharge of a pollutant that is not a point source.

Notice of Intent (NOI). A written submission to the Executive Director of the TCEQ from an applicant requesting coverage under a general permit issued by the TCEQ. Each NOI shall also be submitted to the appropriate MS4 operator receiving the permitted discharge.

Notice of Change (NOC). A written notification to the Executive Director of the TCEQ from a permittee authorized under a general permit issued by the TCEQ providing changes to information that was previously provided in a notice of intent. Each NOC shall also be submitted to the appropriate MS4 operator receiving the permitted discharge.

Notice of Termination (NOT). A written submission to the Executive Director of the TCEQ from a permittee authorized under a general permit issued by the TCEQ seeking to terminate such permit coverage. Each NOT shall also be submitted to the appropriate MS4 operator receiving the permitted discharge.

Oil. Oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, crude oil or any fraction thereof which is liquid at standard conditions of temperature

and pressure, sludge, oil refuse, and oil mixed with wastes other than dredged spoil. Oil does not include used oil, petroleum product, or oil designated as a hazardous substance in 40 C.F.R. § 302.4.

Operator. An entity or individual who meets one of the following conditions:

- (a) the person or persons associated with a large or small construction activity that meets either of the following two criteria: (1) the person or entity having operational control over construction plans and specifications to the extent necessary to meet the requirements and conditions of a NPDES or TPDES permit; or (2) the person or entity having day-to-day operational control of those activities at a construction site that are necessary to ensure compliance with a Storm Water Pollution Prevention Plan (SWPPP) for the site or other permit conditions (e.g., they are authorized to direct workers at a site to carry out activities required by the SWPPP or comply with other NPDES or TPDES permit conditions); or
- (b) the owner, person or entity that is responsible for the management of an industrial facility subject to the provisions of a NPDES or TPDES permit.

Petroleum product. A petroleum substance obtained from distilling and processing crude oil and that is liquid at standard conditions of temperature and pressure, and that is capable of being used as a fuel for the propulsion of a motor vehicle or aircraft, including but not limited to motor gasoline, gasohol, other alcohol blended fuels, aviation gasoline, kerosene, distillate fuel oil, and #1 and #2 diesel. The term does not include naphtha-type jet fuel, kerosene-type jet fuel, or a petroleum product destined for use in chemical manufacturing or feedstock of that manufacturing.

Petroleum storage tank (PST). Any one or combination of aboveground or underground storage tanks that contain petroleum products and any connecting underground pipes.

Point source. Any discernable, confined, and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff (40 CFR 122.22).

Pollutant. Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; motor oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that

result from constructing a building or structure; noxious or offensive matter of any kind; biochemical oxygen demand (BOD); sediment or a parameter that addresses sediment (such as total suspended solids, turbidity, or siltation); oil and grease; and any pollutant that has been identified as a cause of impairment of any water body that will receive a discharge from the MS4 (40 CFR 122.32(e)(3)). The term “pollutant” does not include tail water or rainwater runoff from cultivated or uncultivated rangeland, pastureland and farmland.

Pollution. The alteration of the physical, thermal, chemical, or biological quality of, or the contamination of, any water in the State or U.S. that renders the water harmful, detrimental, or injurious to humans, animal life, vegetation, or property, or to public health, safety, or welfare, or impairs the usefulness of the public enjoyment of the water for any lawful or reasonable purpose.

Premises. Any site and/or facility, as defined under this Article, or building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips, owned or operated by a person from which there has been, is or may be a discharge.

Release. Any spilling, leaking, pumping, pouring, emitting, emptying, injecting, escaping, leaching, dumping, or disposing of a pollutant or contaminant into the MS4 or water in the State or U.S.

Reportable quantity (RQ). For any “hazardous substance,” the quantity established and listed in Table 302.4 of 40 C.F.R. Part 302 (except for any discharge into water in the State where the Final RQ threshold is greater than 100 pounds, in this case the RQ threshold shall be 100 pounds); for any “extremely hazardous substance,” the quantity established in 40 C.F.R. Part 355 and listed in Appendix A thereto.

Rubbish. Non-putrescible solid waste, excluding ashes, that consists of both (a) combustible waste materials, including paper, rags, cartons, wood, excelsior, furniture, rubber, plastics, yard trimmings, leaves, and similar materials; and (b) noncombustible waste materials, including glass, crockery, tin cans, aluminum cans, metal furniture, and similar materials that will not burn at ordinary incinerator temperatures (1,600 to 1,800 degrees Fahrenheit).

Sewage (or sanitary sewage). The domestic sewage and/or industrial waste that is discharged into the City sanitary sewer system and passes through the sanitary sewer system to a publicly-owned treatment works.

Storm water discharge associated with industrial activity. Storm water runoff that exits any system that is used for collecting and conveying storm water that originates from manufacturing, processing, material storage, and waste material disposal areas (and similar areas where storm water can contact industrial pollutants related to the industrial activity) at an industrial facility described by the applicable TPDES.

Storm water pollution prevention plan (SWPPP). A plan required by a NPDES or TPDES permit that describes and ensures the implementation of BMPs that are to be used to reduce the pollutants in storm water discharges associated with construction or other industrial activity at the regulated facility to water in the State and U.S.

Tail water. The runoff of irrigation water from the lower end of an irrigated field.

TPDES permit. A permit issued by the State through the TCEQ, predecessor or any successor agency, under the authority delegated by EPA pursuant to 33 U.S.C § 1342(b) (Federal Clean Water Act) and pursuant to the Texas Water Code that authorizes the discharge of pollutants to water in the State or U.S., whether the permit is applicable to a person, group, or generally on an area-wide basis.

Used oil (or used motor oil). Any oil that has been refined with crude oil, or any synthetic oil, that has been used, and, as a result of use, is contaminated by physical or chemical impurities.

Vehicle. For purposes of this Article vehicle includes any vehicle held for personal use including automobiles, trucks, recreational vehicles, motorcycles of any type and boats or personal watercrafts.

Water in the State. Groundwater, percolating or otherwise, lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, wetlands, marshes, inlets, canals, the Gulf of Mexico inside the territorial limits of the state (from the mean high water mark out 10.36 miles into the Gulf), and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, navigable or non-navigable, and including the beds and banks of all watercourses and bodies of surface water, that are wholly or partially inside or bordering the state or inside the jurisdiction of the state, except that water in treatment systems which are authorized by State or Federal law, regulation or permit, and which are created for the purpose of waste treatment are not considered to be water in the State.

Waters of the United States (or waters in the U.S.). Any water characterized as:

- (a) All waters that are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
- (b) All interstate waters, including interstate wetlands;
- (c) All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sand flats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds that the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters:
 - (1) that are or could be used by interstate or foreign travelers for recreational or other purposes;
 - (2) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or

- (3) that are used or could be used for industrial purposes by industries in interstate commerce;
- (d) All impoundments of waters otherwise defined as waters of the United States under this definition;
- (e) Tributaries of waters identified in paragraphs (a) through (d) of this definition;
- (f) The territorial sea; and
- (g) Wetlands adjacent to waters (others than waters that are themselves wetlands) identified in paragraphs (a) through (f) of this definition.

Waste treatment systems including treatment ponds or lagoons designed to meet the requirements of the Federal Clean Water Act are not waters of the United States. This exclusion applies only to manmade bodies of water that neither were originally created in waters of the United States (such as disposal area in wetlands) nor resulted from the impoundment of waters of the United States. Waters of the United States do not include prior converted cropland. Notwithstanding the determination of an area's status as prior converted cropland by any other federal agency, for the purposes of the Clean Water Act, the final authority regarding Clean Water Act jurisdiction remains with EPA.

Water quality standards. Provisions that consist of a designated use or uses for the water in the State and water quality criteria for such waters based upon such uses. Water quality criteria consist of narrative provisions and numerical criteria deemed by the State to be necessary to protect those uses, as specified in 30 Texas Administrative Code (TAC) Article 307.

Watercourse. A watercourse includes a drainage path or way or the channel of a stream, to include, without limitation, waters in the State or U.S., in which water flows within a defined bed and banks, even though the same may be slight, imperceptible or even absent in places, and originates from a definite source or sources. The water need not always be present and may be intermittent if the latter occurs with some degree of regularity, depending on the characteristics of the sources (i.e.: water is present or flowing during and/or after a rainfall event).

Wetlands. Those areas that are inundated or saturated by surface water or groundwater at a frequency and duration to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Yard waste. Leaves, grass, grass clippings, bushes, shrubs, yard and garden debris, and brush that results from landscaping maintenance and land-clearing operations.

Sec. 27-29. General Prohibition and Requirements.

- (a) No person shall introduce or cause to be introduced into the MS4 any discharge that is not composed entirely of storm water.

(b) It is an affirmative defense to any enforcement action for violation of Subsection (a) of this section that the discharge was composed entirely of one or more of the following categories of discharges:

- (1) A discharge or flow from water line flushing, but not including a discharge from water line disinfection by hyperchlorination or other means unless the total residual chlorine (TRC) has been reduced to less than 0.10 milligrams per liter (mg/l) and it contains no harmful quantity of chlorine or any other chemical used in line disinfection;
- (2) Runoff or return flow from lawn watering, landscape irrigation and other irrigation utilizing potable water, groundwater, or surface water sources;
- (3) A discharge from a potable water source;
- (4) A discharge or flow from a diverted stream flow or natural spring;
- (5) A discharge or flow from rising ground waters and springs;
- (6) Uncontaminated groundwater infiltration (as defined as 40 C.F.R. § 35.2005(20)) to the MS4;
- (7) A discharge or flow from uncontaminated pumped ground water;
- (8) Uncontaminated discharge or flow from a foundation drain or footing drain;
- (9) A discharge or flow from air conditioning condensation that is unmixed with water from a cooling tower, emissions scrubber, emissions filter, or any other source of pollutant or contaminant;
- (10) Uncontaminated discharge or flow from a crawl space pump, or sump pump;
- (11) A discharge or flow from individual residential vehicle washing;
- (12) A discharge or flow from a riparian habitat or wetland;
- (13) Swimming pool water that has been de-chlorinated so that TRC is less than 0.10 mg/l and that contains no harmful quantity of chlorine, muriatic acid or other chemical used in the treatment or disinfection of the swimming pool water or in pool cleaning;
- (14) A discharge or flow from water used in street washing;
- (15) A discharge or flow resulting from fire fighting activities by the Fire Department (fire fighting activities do not include washing of trucks, runoff water from training activities, test water from fire suppression systems, and similar activities);
- (16) Other allowable non-storm water discharges listed in 40 CFR 122.23(d)(2)(iv)(B)(1).
- (17) A discharge authorized by, and in full compliance with, a NPDES or TPDES permit. Such TPDES permit includes the TPDES Multi Sector General Permit and the TPDES Construction General Permit;
- (18) Other similar occasional incidental non-storm water discharges, unless the TCEQ develops permits or regulations addressing these discharges;
- (19) Agricultural storm water runoff;
- (20) A discharge or flow from a potable water source not containing any pollutant, contaminant or a harmful quantity of a substance or material from the cleaning or draining of a storage tank or other container;

- (21) Storm water runoff from a roof that is not contaminated by any runoff or discharge from an emissions scrubber or filter or any other source of pollutant and
 - (22) A discharge or flow from water used in vehicle, exterior building, and pavement wash water where detergents and soaps are not used and where spills or leaks of hazardous substances or hazardous waste have not occurred (unless all spilled material is removed).
- (c) The use of BMPs or the presence of pervious cover that filters pollutants or contaminants from a discharge before the discharge reaches the MS4 will be considered an additional affirmative defense if no pollutant or contaminant is present upon the discharges release into the MS4.
- (d) No affirmative defense shall be available under Subsection (b) of this section if the discharge, release or flow in question has been determined by the Director to be a source of a pollutant or contaminant to water in the State or U.S. or the MS4, written notice of such determination has been provided to the discharger and the discharge has continued to occur seven (7) calendar days following receipt of such notice.
- (e) *Illegal Connections.* The construction, connection, use, maintenance or continued existence of any illegal connection to the MS4 is prohibited.
- (1) This prohibition expressly includes, without limitation, illegal connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
 - (2) A person violates this Article if the person connects a line conveying domestic or industrial sewage to the MS4, or allows such a connection to continue.
 - (3) Illegal connections in violation of this Article shall be disconnected and redirected, if necessary, by the owner or operator to an approved onsite wastewater management system or the sanitary sewer system upon approval of the Director.
 - (4) Any drain or conveyance that has not been documented in plans, maps or an equivalent, and which may be connected to the MS4, shall be located by the owner, occupant or operator of that property within three (3) calendar days following receipt of a written notice of violation (NOV) from the Director. Such notice may grant a longer time period, not to exceed sixty (60) calendar days but shall require that the drain or conveyance be identified as a storm sewer, sanitary sewer or other type of conveyance, and that the outfall location or point of connection to the MS4, sanitary sewer system or other discharge point be identified. Results of these investigations shall be documented and provided to the Director to confirm compliance with this Article.
- (f) *NPDES/TPDES Required.* A person violates this Article if the person discharges, or causes to be discharged, storm water without first having obtained a NPDES or TPDES permit to do so (if applicable) or fails to comply with paragraph (h) of this section.

(g) *Submission of SWPPP/NOI/NOC/NOT Required.* The operator or owner of a premises, required to have a NPDES or TPDES permit to discharge storm water shall submit a copy of the SWPPP to the Director within two (2) business days of the time that the operator or owner submits notification to the TCEQ that a SWPPP is available, if applicable. The operator or owner shall also submit a copy of the applicable NOI, NOC and NOT to the Director in accordance with the time frame provided for under the applicable TPDES or NPDES permit.

(h) *Compliance with NPDES/TPDES.* A premises shall be operated in strict compliance with the requirements of any applicable and required NPDES or TPDES permit. A person violates this Article if the person operates a premises in violation of a requirement of any such permit.

(i) *Modification of SWPPP.* The Director may request that any operator or owner of a premises to consider modifying the applicable SWPPP if, in the best professional judgment of the Director, the SWPPP does not comply with the requirements of the applicable NPDES or TPDES to discharge storm water. Any deficiencies so noted shall be provided to the operator or owner in writing and the Director shall give the operator or owner a reasonable amount of time, not to exceed thirty (30) days, to consider and implement such changes to the SWPPP. If the operator or owner disagrees with the Director, the operator or owner shall submit, in writing, the basis for such disagreement and non-implementation.

(j) *Notice of Release Required.* Notwithstanding any other requirements of local, State or Federal law, as soon as any person responsible for a premises or operation, or responsible for emergency response for a premises or operation has information of any known or suspected release of materials which are resulting or may result in illicit discharges of contaminants or pollutants into the MS4, the waters in the State or U.S. in any reportable or harmful quantity said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of household hazardous waste, hazardous substance(s) or hazardous waste said person shall immediately notify the Director by telephone and other State or Federal emergency response agencies, if required. In the event of a release of non-hazardous materials, said person shall notify the Director by phone or facsimile no later than the next business day. Notifications in person or by telephone shall be confirmed by written notice within three (3) business days of the personal notification.

(k) *Watercourse Protection.* Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, and other obstacles that may pollute, contaminate, or adversely retard the flow of water through the watercourse.

(l) *Best Management Practices (BMPs) Required.* The owner or operator of a commercial or industrial premises or any premises where a SWPPP is required by the TCEQ, shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the MS4, waters in the State or U.S.

or watercourses through the use of structural and non-structural BMPs. Further, any person responsible for a premises, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants or contaminants to the MS4. Compliance with all terms and conditions of a valid NPDES or TPDES permit authorizing the discharge of storm water associated with industrial activity, to the maximum extent practicable, shall be deemed compliance with the provisions of this paragraph. These BMPs shall be part of a SWPPP as necessary for compliance with the requirements of the NPDES or TPDES permit.

Subchapter B. Specific Prohibitions and Requirements

Sec. 27-30. Specific Prohibitions and Requirements.

- (a) The specific prohibitions and requirements in this section are not inclusive of all the discharges prohibited by the general prohibitions in Subchapter A of this Article.
- (b) No person shall introduce, release or cause to be introduced any discharge into the MS4 that causes or contributes to causing the City to violate a water quality standard, the City's storm water permit coverage for discharges from its MS4, any applicable EPA or TCEQ regulation or State or Federal law.
- (c) No person shall discharge, release, or otherwise introduce or cause, allow, or permit to be introduced any of the following substances into the MS4:
 - (1) Any used motor oil, antifreeze, or any other motor vehicle fluids;
 - (2) Any industrial waste;
 - (3) Any hazardous substance or hazardous waste, including HHW;
 - (4) Any domestic sewage or septic tank waste, grease trap waste, or grit trap waste;
 - (5) Any garbage, rubbish, or yard waste;
 - (6) Any discharge from: a commercial carwash facility, vehicle dealership, rental agency, body shop, repair shop, maintenance facility, or commercial or public facility that contains any soap, detergent, degreaser, solvent, or any other harmful cleaning substance from any vehicle washing, cleaning, or maintenance;
 - (7) Any discharge from the washing, cleaning, de-icing, or other maintenance of aircraft;
 - (8) Any discharge from a commercial mobile power washer including, without limitation, discharges from mobile vehicle detailing or cleaning equipment, or from the washing or other cleaning of a building exterior that contains any soap, detergent, degreaser, solvent, or any other harmful cleaning substance;
 - (9) Any discharge from commercial or professional floor, rug, or carpet cleaning containing a harmful quantity of any pollutant or contaminant;

- (10) Any discharge from the wash down or other cleaning of pavement or the exterior of buildings that contains any soap, detergent, solvent, degreaser, emulsifier, dispersant, or any other harmful cleaning substance; or any wastewater from the wash down or other cleaning of any pavement where any spill, leak, or other release of oil, motor fuel, or other petroleum or hazardous substance has occurred, unless all harmful quantities of such released material have been previously removed;
- (11) Any effluent from a cooling tower, condenser, compressor, emissions scrubber, emissions filter, or the blow down from a boiler;
- (12) Any ready-mixed concrete, mortar, ceramic, or asphalt base material, or material from the cleaning of vehicles or equipment containing, or used in transporting or applying, such material;
- (13) Any discharge or wash down water from any commercial animal pen, kennel, or fowl or livestock containment area, to include a livestock management facility as defined in Chapter 6 of this Code, containing more than five (5) animals;
- (14) Any filter backwash from a swimming pool, fountain or spa;
- (15) Any swimming pool water containing TRC of 0.10 mg/l or more or containing any harmful quantity of chlorine, muriatic acid or other chemical used in the treatment or disinfection of the swimming pool water or in pool cleaning;
- (16) Any fire protection water containing oil or hazardous substances or materials, unless treatment adequate to remove pollutants and contaminants occurs before discharge. (This prohibition does not apply to discharges or flow from fire fighting by the Fire Department.);
- (17) Any water from a water curtain in a spray room used for painting vehicles or equipment;
- (18) Any substance or material that will damage, block, or clog the MS4;
- (19) Any release from a petroleum storage tank (PST) or any leachate or runoff from soil contaminated by a leaking PST, or any discharge of pumped, confined, or treated wastewater from the remediation of any such PST release, unless the discharge satisfies all of the following criteria;
 - (a) Compliance with all State and Federal standards and requirements;
 - (b) No discharge containing a harmful quantity of any pollutant; and
 - (c) No discharge containing more than 50 parts per billion of benzene; 500 parts per billion combined total quantities of benzene, toluene, ethylbenzene, and xylene (BTEX); or 15 mg/l of total petroleum hydrocarbons (TPH).
- (20) Any amount of herbicides or pesticides that constitute a harmful quantity.

(d) No person shall introduce or cause to be introduced into the MS4 any sediment, silt, earth, soil, or other material associated with clearing, grading, excavation or other construction activities, or associated with any land filling or other placement or disposal of soil, rock, or other earth materials, in excess of what could be retained on site or captured by employing sediment and erosion control measures or other BMPs to the maximum extent practicable.

(e) *Motor vehicle fluids, Oil, Petroleum product and Used Oil Regulation.* No person shall:

- (1) Discharge motor vehicle fluids, oil, petroleum products or used oil into the MS4 or a sewer drainage system, septic tank, surface water, groundwater, or watercourse;
- (2) Knowingly mix or commingle motor vehicle fluids, oil, petroleum products or used oil with any type of waste that is to be disposed of in a landfill or knowingly directly dispose of motor vehicle fluids, oil, petroleum products or used oil on land or in a landfill; or
- (3) Apply motor vehicle fluids, oil, petroleum products or used oil to a road or land for dust suppression, weed abatement, or other similar use that introduces motor vehicle fluids, oil, petroleum products or used oil into the environment.

Subchapter C. Compliance and Enforcement.

Sec. 27-31. Compliance Monitoring.

(a) *Right of Entry; Inspection and Sampling.* The Director shall have the right to enter the premises of any person discharging into the MS4 or to waters in the State or U.S. to determine if the person is complying with all requirements of this Article. A person shall allow the Director ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and for the performance of any additional duties necessary to ensure compliance with this Article. A person shall make available to the Director, upon request, any NOIs, NOCs, NOTs, SWPPPs and any modifications thereto, self-inspection reports, monitoring records, compliance evaluations, and any other records, reports, or other documents related to compliance with this Article or compliance with any State or Federal storm water discharge permit. (State law reference: Texas Water Code § 26.173.)

- (1) Where a person has security measures in force that require proper identification and clearance before entry into its premises, the person shall make necessary arrangements with its security personnel or employees so that, upon presentation of suitable City issued identification, the Director shall be permitted to enter without unreasonable delay. Unreasonable delays, which shall be defined as delays in excess of forty-eight (48) hours of the initial request, shall be considered a violation of this Article.
- (2) The Director shall have the right to set up on the person's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the person's operations related to all discharges regulated by this Article.
- (3) If the Director has reason to believe that there is an actual or potential illicit discharge associated with a premises, the Director may require any person to conduct specified sampling, testing, analysis, and other monitoring of such premises' discharges, and may specify the frequency and parameters of any such activities necessary to ensure compliance with this Article. All required sampling and monitoring equipment shall be maintained at all

times in a safe and proper operating condition. All such activities shall be at the person's sole expense.

- (4) Any temporary or permanent obstruction that obstructs safe and easy access to the premises to be inspected and/or sampled shall be promptly removed by the person at the written or verbal request of the Director and shall not be thereafter replaced. The costs of providing such access shall be borne by the person.

(b) *Search Warrants.* If the City is able to demonstrate probable cause to believe that there may be a violation of this Article or that there is a need to inspect and/or sample a premises as part of a routine inspection and sampling program established by the City and designed to verify compliance with this Article or any order issued hereunder, or to protect the public health, safety, and welfare of the community, then the City may seek issuance of a search warrant to gain entry from any court of competent jurisdiction.

Sec. 27-32. Administrative Enforcement Remedies.

(a) *Generally.* Nothing in this section shall limit the authority of the Director to take any action, including emergency action or any other enforcement action, without first issuing any other type of notice or order provided under this section. Compliance with any notice or order issued hereunder in no way relieves the alleged violator of liability for any violations occurring before or after receipt of any notice or order.

(b) *Warning Notice.* When the Director finds that any person has violated, or continues to violate, any provision of this Article, or any order issued hereunder, the Director may serve upon that person a written warning notice, specifying the particular violation believed to have occurred and requesting that the person immediately comply with this Article or any order so issued.

(c) *Notification of Violation (NOV).* When the Director finds that any person has violated, or continues to violate, any provision of this Article, or any order issued hereunder, the Director may serve upon that person a written NOV. Within ten (10) calendar days of the receipt of the NOV the person shall submit an explanation of the violation and a plan for the satisfactory correction and prevention of reoccurrence thereof, to include specific required actions and time lines for completion, to the Director. If the alleged violator denies that any violation occurred and/or contends that no corrective action is necessary, an explanation of the basis of any such denial or contention shall be submitted to the Director within the same time period. Receipt of the NOV is presumed to occur five (5) calendar days following the date the NOV is mailed..

(f) *Stop Work Orders.* When the Director finds that any owner or operator of a premises under construction has violated, continues to violate or threatens to violate any provision of this Article, or any order issued hereunder, the City may issue a stop work order which shall suspend or revoke the building or construction (for public infrastructure) permit.

Sec. 27-33. Right to Reconsideration and Appeal.

Appeals. In the event the developer or builder does not agree with a decision of the city engineer, they may appeal to the director of public works. Appeals from the director's decision shall be automatically referred to the city manager for final decision, with due regard for the city engineer and public works directors recommendations. The city manager's decision shall be rendered as soon as possible and shall be final.

Sec. 27-34. Severability.

The provisions and sections of this ordinance shall be deemed to be severable, and the invalidity of any portion of this ordinance shall not affect the validity of the remainder.

Part 2: *Criminal penalty.* Any person or persons, firm or corporation which violates any of the provisions of this chapter may be deemed guilty of a misdemeanor and, upon conviction shall be fined not less than fifty (\$50.00) dollars nor more than two thousand (\$2000.00) dollars for each offense and each violation hereof shall be deemed a separate and distinct offense for each of said days and shall be punishable as such.

Part 3: All ordinances or parts of ordinances in conflict with the provisions of this ordinance are to the extent of such conflict hereby repealed.

Part 4: It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs 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 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 **July**, 2011.

PASSED AND APPROVED on Second Reading on the 21st day of **July**, 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

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

DEPT./DIVISION SUBMISSION & REVIEW:

Traci L. Barnard, Director of Finance

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING - Consider adopting and ordinance authorizing amendments to the Tax Increment Financing Reinvestment Zone No. 1 Financing and Project Plans to reallocate funding in the amount of \$1,200,000 from FY 2012 to FY 2011, Outer Loop (from Wendland Road to IH-35 North), Line 300; recognize additional ad valorem tax revenue in the amount of \$558,506, Line 4, and reallocate funding of \$1,300,000 to Line 505, Airport Corporate Hangar Development from reprioritizing \$741,494 of funds from Line 300 and recognizing additional revenue of \$558,506 from Line 4.

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

The Reinvestment Zone No. 1 Board approved the amendments to the plan at its June 29, 2011, meeting.

ITEM SUMMARY: The Reinvestment Zone No. Board has approved the need to reprioritize funding within the Financing and Project Plans to fund a Corporate Hangar Development area at the Airport. The estimated cost for the Corporate Hangar Development area is \$1,300,000. Funding for the project will be from two sources. Additional ad valorem taxes in the amount of \$558,506 have been recognized in FY 2011 above the amount budgeted and are available to be allocated to this project. The remaining amount of \$741,494 needed to fund the project will come from reallocated funds from Line 300, Outer Loop (from Wendland Road to IH-35 North).

The current adopted Financing and Project Plans provides funding for Loop (from Wendland Road to IH-35 North) of \$1,200,000 for design in FY 2012, Line 300. The proposed amendments to the Financing and Project Plans reallocate funding from FY 2012 to FY 2011. After the amendment to the Plans reallocates funding to the Airport Corporate Hangar Development Area in FY 2011, \$458,506 will remain in Line 300 in FY 2011 to fund preliminary design for the Outer Loop project.

The amendment is summarized below:

Amendment Summary:
Sources:

Line in
Financing Plan

Additional ad valorem tax revenue - FY 2011	Line 4	\$ 558,506
Outer Loop - FY 2012	Line 300	1,200,000
Total Sources		<u>\$ 1,758,506</u>

Uses/Reallocation:

Airport Corporate Hangar Development- FY 2011	Line 505	\$ 1,300,000
Outer Loop - FY 2011	Line 300	458,506
Total Uses/Reallocation		<u>\$ 1,758,506</u>

FISCAL IMPACT: The proposed amendments reallocate funding within the FY 2011 and FY 2012 Financing Plan on Lines 4, 300 and 505 as described above. Funding is available in FY 2011 from Unreserved Fund Balance to cover the reprioritization of projects from FY 2012 to FY 2011.

Funding in the amount of \$1,200,000 in FY 2011 will be allocated from unreserved fund balance reducing the projected balance from \$2,632,152 to \$1,432,152. The net decrease to unreserved fund balance at the end of FY 2012 remains the same as previously projected which is \$694,162.

ATTACHMENTS:

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

FINANCING PLAN

DESCRIPTION		Y/E 9/30/11 Year 29	Y/E 9/30/12 Year 30	Y/E 9/30/13 Year 31	Y/E 9/30/14 Year 32	Y/E 9/30/15 Year 33	Y/E 9/30/16 Year 34	Y/E 9/30/17 Year 35	Y/E 9/30/18 Year 36	Y/E 9/30/19 Year 37	Y/E 9/30/20 Year 38	Y/E 9/30/21 Year 39	Y/E 9/30/22 Year 40
1	"Taxable Increment"	\$ 132,020,000	\$ 132,020,000	\$ 139,995,945	\$ 143,080,007	\$ 145,017,763	\$ 202,529,247	\$ 220,811,496	\$ 224,519,611	\$ 228,264,807	\$ 231,297,455	\$ 234,360,430	\$ 236,704,034
1	FUND BALANCE, Begin	\$ 6,901,796	\$ 1,432,152	\$ 694,162	\$ 628,743	\$ 1,725,059	\$ 1,063,666	\$ 568,103	\$ 539,052	\$ 587,232	\$ 684,529	\$ 733,083	\$ 817,104
2	Adjustments to Debt Service Reserve	(1,300,000)	462,707	1,761,865	1,765,643	-	-	-	-	-	-	-	-
3	Fund Balance Available for Appropriation	\$ 5,601,796	\$ 1,894,859	\$ 2,456,027	\$ 2,394,386	\$ 1,725,059	\$ 1,063,666	\$ 568,103	\$ 539,052	\$ 587,232	\$ 684,529	\$ 733,083	\$ 817,104
SOURCES OF FUNDS:													
4	Tax Revenues	4,300,968	4,135,611	4,337,625	4,400,312	4,449,698	6,049,648	6,531,300	6,602,434	6,674,282	6,737,970	6,802,296	6,858,393
6	Allowance for Uncollected Taxes	(114,517)	(115,655)	(116,801)	(117,961)	(119,132)	(120,314)	(121,509)	(122,715)	(123,934)	(125,165)	(126,408)	(127,663)
8	Interest Income-Other	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	40,000	40,000	30,000	10,000
10	Grant Funds	-	-	-	-	-	-	-	-	-	-	-	-
12	License Fee - Central Texas Railway	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000
14	Other Revenues	-	-	-	-	-	-	-	-	-	-	-	-
16	P.I.L.O.T.	1,300,000	1,300,000	-	-	-	-	-	-	-	-	-	-
20	Total Sources of Funds	\$ 5,572,451	\$ 5,405,956	\$ 4,306,824	\$ 4,368,351	\$ 4,416,566	\$ 6,015,334	\$ 6,495,791	\$ 6,565,719	\$ 6,626,348	\$ 6,688,805	\$ 6,741,888	\$ 6,776,730
25	TOTAL AVAILABLE FOR APPROPRIATION	\$ 11,174,247	\$ 7,300,815	\$ 6,762,851	\$ 6,762,737	\$ 6,141,625	\$ 7,079,000	\$ 7,063,894	\$ 7,104,771	\$ 7,213,580	\$ 7,373,334	\$ 7,474,971	\$ 7,593,834
USE OF FUNDS:													
DEBT SERVICE													
26	2003 Bond Issue (\$11.740)	868,420	867,035	869,055	869,855	868,930	866,530	867,440	866,753	869,240	869,640	868,070	870,070
27	2008 Bond Issue (\$16.010 mil)	201,960	201,960	201,960	201,960	201,960	201,960	201,960	201,960	201,960	1,786,960	1,787,292	1,784,972
28	2009 Bond Refunding	370,669	1,473,669	1,474,569	1,479,969	1,499,769	1,508,775	1,510,150	1,488,750	1,485,000	-	-	-
29	2008 Bond Issue-Taxable (\$10.365 mil)	536,935	1,241,935	1,239,641	1,240,495	1,239,233	1,240,854	1,240,096	1,241,957	1,241,173	1,237,744	1,241,670	1,242,422
30	Issuance Costs	-	-	-	-	-	-	-	-	-	-	-	-
31	Refunding Bonds Proceeds	-	-	-	-	-	-	-	-	-	-	-	-
32	Payment to Refunding Bond Agent	-	-	-	-	-	-	-	-	-	-	-	-
33	Paying Agent Services	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200
40	Subtotal-Debt Service	1,979,184	3,785,799	3,786,425	3,793,479	3,811,092	3,819,319	3,820,846	3,800,620	3,798,573	3,895,544	3,898,232	3,898,664
OPERATING EXPENDITURES													
50	Prof Svcs/Proj Mgmt	261,865	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000
52	Legal/Audit	1,200	1,200	1,200	1,200	1,200	1,200	1,300	1,300	1,300	1,300	1,300	1,400
54	Zone Park Maintenance [mowing, utilities, botanical supplies]	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000
54	Zone Park Maintenance [maintenance]	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000
56	Rail Maintenance	177,446	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000
58	Road/Signage Maintenance	108,574	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000
60	Contractual Payments [TEDC - Marketing]	150,000	165,000	181,500	199,650	219,615	241,577	253,655	266,338	279,655	293,638	308,320	323,736
62	TISD-Joint Use facilities	174,779	22,873	23,102	23,333	23,567	23,802	24,040	24,281	24,523	24,769	25,016	25,267
65	Subtotal-Operating Expenditures	1,048,864	739,073	755,802	774,183	794,382	816,579	828,995	841,919	855,478	869,707	884,636	900,403
70	TOTAL DEBT & OPERATING EXPENDITURES	\$ 3,028,048	\$ 4,524,872	\$ 4,542,227	\$ 4,567,662	\$ 4,605,474	\$ 4,635,898	\$ 4,649,841	\$ 4,642,539	\$ 4,654,051	\$ 4,765,251	\$ 4,782,868	\$ 4,799,067
80	Funds Available for Projects	\$ 8,146,199	\$ 2,775,943	\$ 2,220,624	\$ 2,195,075	\$ 1,536,151	\$ 2,443,103	\$ 2,414,052	\$ 2,462,232	\$ 2,559,529	\$ 2,608,083	\$ 2,692,104	\$ 2,794,767
PROJECTS													
150	North Zone/Rail Park	264,800	250,000	250,000	250,000	250,000	-	-	-	-	-	-	-
200	Airport Park	-	125,000	625,000	-	-	-	-	-	-	-	-	-
250	Bio-Science Park	284,449	-	-	-	-	-	-	-	-	-	-	-
300	Outer Loop [from Wendland Rd to IH-35 North]	458,506	-	-	-	-	-	-	-	-	-	-	-
350	Northwest Loop 363 Improvements (TxDOT commitment)	930,000	-	-	-	-	-	-	-	-	-	-	-
400	Synergy Park	126,200	-	-	-	-	-	-	-	-	-	-	-
450	Downtown	570,092	206,781	216,881	220,016	222,485	-	-	-	-	-	-	-
500	TMED	2,780,000	1,500,000	500,000	-	-	-	-	-	-	-	-	-
501	Major Gateway Entrances	-	-	-	-	-	-	-	-	-	-	-	-
505	Airport Corporate Hangar Development	1,300,000	-	-	-	-	-	-	-	-	-	-	-
600	Bond Contingency	-	-	-	-	-	-	-	-	-	-	-	-
610	Public Improvements	-	-	-	-	-	1,875,000	1,875,000	1,875,000	1,875,000	1,875,000	1,875,000	2,746,995
	Subtotal-Projects	6,714,047	2,081,781	1,591,881	470,016	472,485	1,875,000	1,875,000	1,875,000	1,875,000	1,875,000	1,875,000	2,746,995
TOTAL USE OF FUNDS		\$ 9,742,095	\$ 6,606,653	\$ 6,134,108	\$ 5,037,678	\$ 5,077,959	\$ 6,510,898	\$ 6,524,841	\$ 6,517,539	\$ 6,529,051	\$ 6,640,251	\$ 6,657,868	\$ 7,546,062
700	FUND BALANCE, End	\$ 1,432,152	\$ 694,162	\$ 628,743	\$ 1,725,059	\$ 1,063,666	\$ 568,103	\$ 539,052	\$ 587,232	\$ 684,529	\$ 733,083	\$ 817,104	\$ 47,772

Project Plan - 06/29/2011 - to Zone Board

SUMMARY FINANCING PLAN					
	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
1Beginning Available Fund Balance, Oct 1	\$ 6,901,796	\$ 1,432,152	\$ 694,162	\$ 628,743	\$ 1,725,059
20Total Sources of Funds	5,572,451	5,405,956	4,306,824	4,368,351	4,416,566
2Adjustments to Debt Service Reserve	(1,300,000)	462,707	1,761,865	1,765,643	-
25Net Available for Appropriation	11,174,247	7,300,815	6,762,851	6,762,737	6,141,625
50/52General Administrative Expenditures	263,065	176,200	176,200	176,200	176,200
54Zone Park Maintenance [mowing, utilities, botanical supplies]	150,000	150,000	150,000	150,000	150,000
54Zone Park Maintenance [maintenance]	25,000	25,000	25,000	25,000	25,000
56Rail Maintenance	177,446	100,000	100,000	100,000	100,000
58Road/Signage Maintenance	108,574	100,000	100,000	100,000	100,000
60Contractual Payments (TEDC - Marketing)	150,000	165,000	181,500	199,650	219,615
62TISD - Joint Use Facilities [look at contracts and calculation]	174,779	22,873	23,102	23,333	23,567
26Debt Service - 2003 Issue {\$11.740 mil}	869,620	868,235	870,255	871,055	870,130
27Debt Service - 2008 Issue {\$16.010 mil}	201,960	201,960	201,960	201,960	201,960
28Debt Service - 2009 Issue {Refunding}	370,669	1,473,669	1,474,569	1,479,969	1,499,769
29Debt Service - 2008 Taxable Issue {\$10.365 mil}	536,935	1,241,935	1,239,641	1,240,495	1,239,233
30Issuance Costs	-	-	-	-	-
31Refunding Bond Proceeds	-	-	-	-	-
32Payment to Refunding Bond Agent	-	-	-	-	-
70Total Debt & Operating Expenditures	3,028,048	4,524,872	4,542,227	4,567,662	4,605,474
80Funds Available for Projects	\$ 8,146,199	\$ 2,775,943	\$ 2,220,624	\$ 2,195,075	\$ 1,536,151

PROJECT PLAN					
	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
NORTH ZONE/RAIL PARK (including Enterprise Park):					
100Railroad Spur Improvements	14,800	-	-	-	-
102Elm Creek Detention Pond	-	-	-	-	-
103ROW Acquisition - Public Improvements	-	-	-	-	-
104Extension of Rail Service	-	-	-	-	-
105BN Trans-Load NE Site Phase I - [\$850K total project cost]	-	-	-	-	-
106Wendland Road Improvements	-	-	-	-	-
107Wendland Property Roadway Phase I - [\$1.87M total project cost]	-	-	-	-	-
110Public Improvements in North Zone	250,000	250,000	250,000	250,000	250,000
150Total North Zone/Rail Park (including Enterprise Park)	264,800	250,000	250,000	250,000	250,000
AIRPORT PARK:					
151Airport Park Infrastructure Construction	-	-	-	-	-
155Pepper Creek Trail Extention Phase I - [\$750K total project cost]	-	125,000	625,000	-	-
200Total Airport Park	-	125,000	625,000	-	-
BIO-SCIENCE PARK:					
201Greenbelt Development along Pepper Creek	34,449	-	-	-	-
202Outer Loop Phase II (from Hwy 36 to FM 2305)	-	-	-	-	-
203Bio-Science Park Phase 1	-	-	-	-	-
204Pepper Creek Trail Connection to S&W (City of Temple portion)	250,000	-	-	-	-
250Total Bio-Science Park	284,449	-	-	-	-
300Outer Loop (from Wendland Rd to IH-35 North) - [\$15.5M total project cost]	458,506	-	-	-	-
350Northwest Loop 363 Improvements (TxDOT commitment)	930,000	-	-	-	-
SYNERGY PARK:					
351Lorraine Drive (Southeast Industrial Park) - [\$1.5M total project cost]	126,200	-	-	-	-
400Total Synergy Park	126,200	-	-	-	-
DOWNTOWN:					
401Downtown Improvements [look at 1999 Ordinance]	440,092	206,781	216,881	220,016	222,485
402Rail Safety Zone Study	25,000	-	-	-	-
403Lot Identification & Signage	80,000	-	-	-	-
404Santa Fe Plaza Study	25,000	-	-	-	-
405Santa Fe Plaza Parking Lot - [\$1.3M total project cost]	-	-	-	-	-
450Total Downtown	570,092	206,781	216,881	220,016	222,485
TMED:					
451TMED - 1st Street @ Temple College - [\$2.9M total project cost]	500,000	-	-	-	-
452Master Plan Integration 2010	50,000	-	-	-	-
453Monumentation Identification Conceptual Design	30,000	-	-	-	-
454TMED - 1st Street @ Loop 363 Design/Construction - [\$2M total project cost]	300,000	500,000	500,000	-	-
455TMED - Friars Creek Trail 5th Street to S&W Blvd. - [\$1.9M total project cost - DOE Grant of \$400K]	1,500,000	-	-	-	-
456Avenue R - S&W Blvd, Ave R - 19th Intersections	50,000	400,000	-	-	-
457Ave U from S&W Blvd to 1st St & the 13th to 17th connector from Ave R to Loop 363	350,000	600,000	-	-	-
500Total TMED	2,780,000	1,500,000	500,000	-	-
OTHER PROJECTS:					
501Gateway Entrance Projects	-	-	-	-	-
505Airport Corporate Hangar Development	1,300,000	-	-	-	-
550Total Other Projects	1,300,000	-	-	-	-
600Undesignated Funding - Bonds	-	-	-	-	-
610Undesignated Funding - Public Improvements	-	-	-	-	-
Total Planned Project Expenditures	6,714,047	2,081,781	1,591,881	470,016	472,485
700Available Fund Balance at Year End	\$ 1,432,152	\$ 694,162	\$ 628,743	\$ 1,725,059	\$ 1,063,666

ORDINANCE NO. _____

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AMENDMENTS TO THE TAX INCREMENT FINANCING REINVESTMENT ZONE NO. 1 FINANCING AND PROJECT PLANS TO REALLOCATE FUNDING IN THE AMOUNT OF \$1,200,000 FROM FY 2012 TO FY 2011, OUTER LOOP (FROM WENDLAND ROAD TO IH-35 NORTH), LINE 300; RECOGNIZE ADDITIONAL AD VALOREM TAX REVENUE IN THE AMOUNT OF \$558,506, LINE 4, AND REALLOCATE FUNDING OF \$1,300,00 TO LINE 505, AIRPORT CORPORATE HANGAR DEVELOPMENT FROM REPRIORITIZING \$741,494 OF FUNDS FROM LINE 300 AND RECOGNIZING ADDITIONAL REVENUE OF \$559,506 FROM LINE 4; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; DECLARING FINDINGS OF FACT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

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

2005; Ordinance No. 2006-4051 on January 5, 2006; Ordinance No. 2006-4076 on the 18th day of May, 2006; Ordinance No. 2006-4118; Ordinance No. 2007-4141 on the 19th day of April, 2007; Ordinance No. 2007-4155 on July 19, 2007; Ordinance No. 2007-4172 on the 20th day of September, 2007; Ordinance No. 2007-4173 on October 25, 2007; Ordinance No. 2008-4201 on the 21st day of February, 2008; and Ordinance No. 2008-4217 the 15th day of May, 2008; Ordinance No. 2008-4242 the 21st day of August, 2009; Ordinance No. 2009-4290 on the 16th day of April, 2009; Ordinance No. 2009-4294 on the 21st day of May, 2009; Ordinance No. 2009-4316 on the 17th day of September, 2009; Ordinance No. 2009-4320 on the 15th day of October, 2009; Ordinance No. 2010-4338 on the 18th day of February, 2010; Ordinance No. 2010-4371 on the 19th day of August, 2010; Ordinance No. 2010-4405 on November 4, 2010; and Ordinance No. 2011-4429 on March 17, 2011;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PASSED AND APPROVED on Second Reading on the **21st** day of **July**, 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

07/07/11
Item #12
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING - Consider adopting an ordinance ordering a Charter Amendment election for November 8, 2011 so submit to the voters a proposed charter amendment to create a minimum staffing level for the number of police officers authorized for the City of Temple Police Department.

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

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. The City Secretary certified that the petition contained more than the 1482 required signatures as prescribed in Local Government Code Section 9.004 and Election Code Section 277.002. However, there was not sufficient time for the City Council to order the election for May 7, 2011. The next uniform election date is November 8, 2011.

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.

We will seek Council authorization at a later date to enter into a joint election agreement with Bell County for the conduct of this election on November 8th.

FISCAL IMPACT: The estimated cost of this election is \$3500.

ATTACHMENTS:

[Ordinance](#)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, ORDERING A CHARTER AMENDMENT ELECTION ON NOVEMBER 8, 2011, TO SUBMIT TO THE VOTERS A PROPOSED CHARTER AMENDMENT TO CREATE A MINIMUM STAFFING LEVEL FOR THE NUMBER OF POLICE OFFICERS AUTHORIZED FOR THE CITY OF TEMPLE POLICE DEPARTMENT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, 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;

Whereas, the City Secretary certified that the petition contained more than the 1,482 required signatures as prescribed in the Local Government Code Section 9.004 and the Election Code Section 277.002; however there was not sufficient time for the City Council to order the election for May 7, 2011;

Whereas, the Staff recommends ordering a Charter Amendment Election on November 8, 2011, which is the next uniform election date; 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: The City Council orders a Charter Amendment Election for November 8, 2011, to submit to the voters a proposed charter amendment to create minimum staffing level for the number of police officers authorized for the City of Temple Police Department. The following language will be submitted to the voters in the November 8, 2011, election as a proposed amendment to the City Charter:

*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.

Part 2: 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 3: This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

Part 4: It is hereby officially found and determined that the meeting at which this 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 on First Reading and Public Hearing on this the **7th** day of **July**, 2011.

PASSED AND APPROVED on Second Reading on the **21st** day of **July**, 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

07/07/11
Item #13
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Brian Mabry, Planning Director

ITEM DESCRIPTION: P-FY-11-31: Consider adopting a resolution authorizing the Final Plat of Alta Vista I, a 37.22± acres, 171-lot residential subdivision, with developer requested exceptions to Unified Development Code Section 8.3.1: Requirements for Park Land Dedication, located on the east side of South 5th Street, south of Echo Village Subdivision and across from Wyndham Hill Parkway.

PLANNING & ZONING COMMISSION: At its June 6, 2011, meeting, the Planning and Zoning Commission voted 7/0 to recommend approval of the Final Plat of Alta Vista I, subject to the following developer's requested exception to Unified Development Code Section 8.3.1: Requirements for Park Land Dedication:

1. Requirements for Park Land Dedication, to allow less than 1 acre of park land per 133 proposed dwelling units; and
2. To allow dedication of 0.91 acres of land for park and recreational purposes.

In addition, subject to the following staff requested conditions:

1. The trail in phase one of Echo Vista Subdivision is finished out to join with the paved right-of-way of Pullman Place and the sidewalk required along Pullman Place at the required 5% vertical slope and 2% horizontal slope with standard curb ramps as needed to meet current ADA standards;
2. The area for future trail development (adjacent to drainage channels) is graded to allow a relatively flat surface (typically no more than 5% vertical slope and 2% horizontal slope) over a minimum 15' span; and
3. All grading mentioned and the trail completion in Echo Vista Phase 1 will need the Parks Planner's approval with the approval of the subdivision infrastructure.

Vice-Chair Martin and Commissioner Brown were absent.

STAFF RECOMMENDATION: Adopt resolution as presented in item description with requested exceptions.

ITEM SUMMARY: Please refer to the Staff Report and draft minutes of case P-FY-11-31, from the Planning and Zoning Commission meeting on June 6, 2011. This is a 171-lot residential plat. The Development Review Committee reviewed the Final Plat of Alta Vista I on May 4, 2011 and May 13, 2011. It was deemed administratively complete on May 23, 2011 with the submittal of the attached letter requesting exceptions to the UDC.

Park fees in the sum of \$38,475 (\$225 per dwelling unit) are required for this proposed subdivision. As an alternative to paying the required park fees, the developer requests exceptions to UDC Section 8.3.1 to allow dedication of less than 1 acre of park land per 133 proposed dwelling units and instead to allow dedication of 0.91 acres of land for park and recreational purposes along with the trail and sidewalk improvements described below.

UDC Citation	Requirement	Applicant's Justification	Staff Support?
Sec. 8.3.1	Park Land Dedication: Payment of \$225 in park fees per dwelling unit or land dedication of 1 acre per 133 dwelling units.	The developer has agreed to connecting the Echo Vista I sidewalk to Pullman Place and grading the area for future trail development along Echo Village Phase Two to ADA accessibility standards for sidewalks and curb ramps, with the understanding this would complete park dedication requirements for Alta Vista I.	Yes

FISCAL IMPACT:

ATTACHMENTS:

[Aerial](#)
[P&Z Commission Staff Report](#)
[Plat](#)
[Resolution](#)

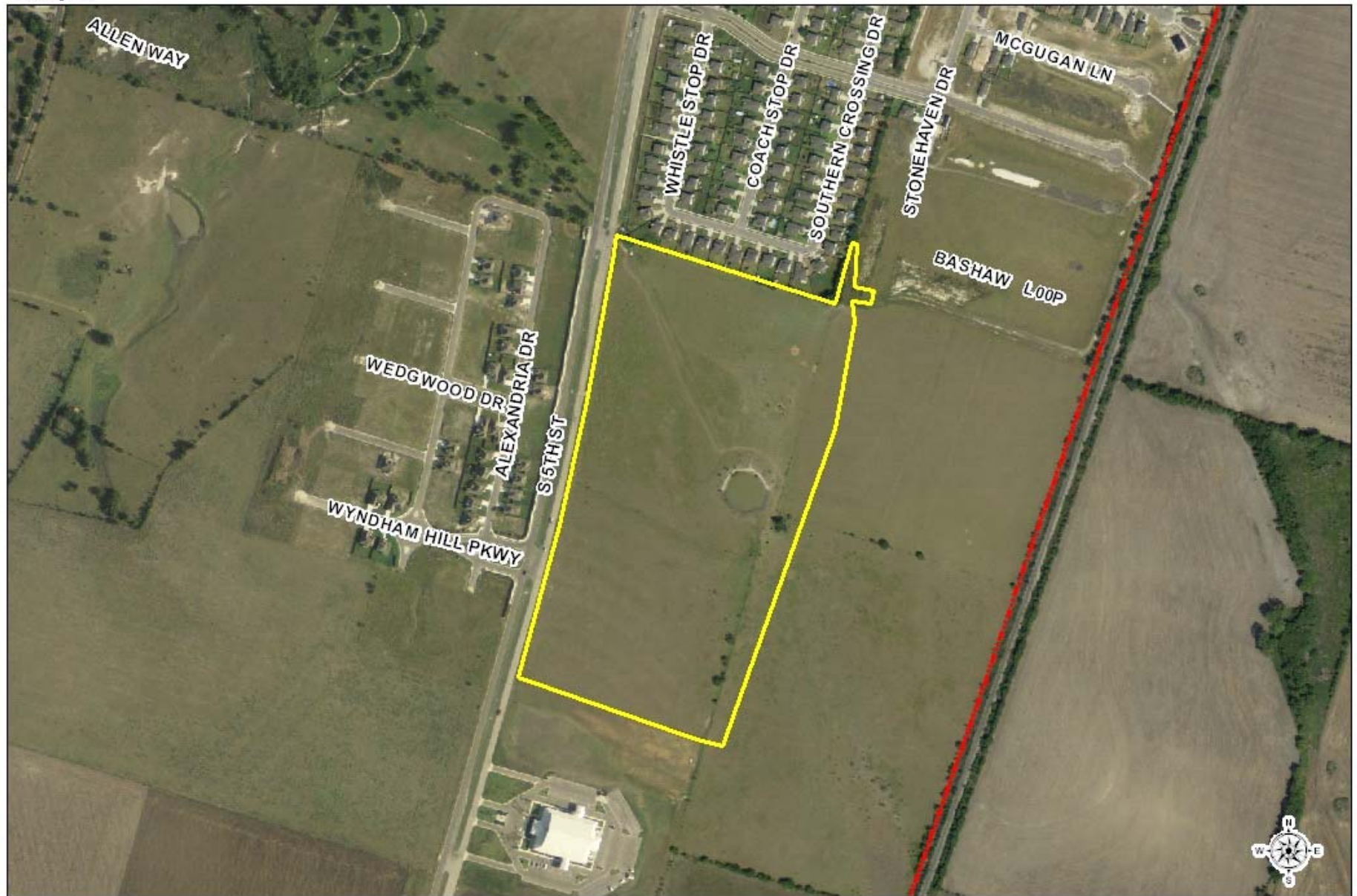


P-FY-11-31

Alta Vista I

South 5th Street

37.22 ac



PFY1027 Current Temple Boundary

Feet 0 200 400 600 800

J Stone 8.16.10



PLANNING AND ZONING COMMISSION AGENDA ITEM

6/06/11

Item #3

Regular Agenda

Page 1 of 2

APPLICANT / DEVELOPMENT: W&B Development

CASE MANAGER: Tammy Lyerly, Planner

ITEM DESCRIPTION: P-FY-11-31 Consider and take action on the Final Plat of Alta Vista I, a 37.22± acres, 171-lot residential subdivision, with developer requested exceptions to Section 8.3.1: Requirements for Park Land Dedication, located on the east side of South 5th Street, south of Echo Village Subdivision and across from Wyndham Hill Parkway. Zoned Single Family Two (Applicant: W&B Development)

STAFF RECOMMENDATION: Staff recommends approval of the Final Plat of Alta Vista Phase I, subject to City Council's approval of the applicant's requested exceptions to UDC Section 8.3.1:

1. Requirements for Park Land Dedication, to allow less than 1 acre of park land per 133 proposed dwelling units; and
2. To allow dedication of 0.91 acres of land for park and recreational purposes.

BACKGROUND: The Planning and Zoning Commission approved the preliminary plat for this development with the name of Echo Vista III, Phase 1, on September 7, 2010. The developer submitted the final plat for this development with the name, Final Plat of Alta Vista Phase 1. The plat proposes 171 residential lots on 37.22 ± acres of land next to Echo Vista Phase II and south of Echo Village Subdivision on South 5th Street, across from Wyndham Hill Parkway.

The Development Review Committee reviewed the Final Plat of Alta Vista I on May 4, 2011 and May 13, 2011. It was deemed administratively complete on May 23, 2011 with the submittal of the attached letter requesting exceptions to the UDC. City Council is the final plat authority since the developer requests an exception to UDC Section 8.3.1: Requirements for Park Land Dedication.

Park fees in the sum of \$38,475 (\$225 per dwelling unit) are required for this proposed subdivision. As an alternative to paying the required park fees, the developer requests exceptions to UDC Section 8.3.1 to allow dedication of less than 1 acre of park land per 133 proposed dwelling units and instead to allow dedication of 0.91 acres of land for park and recreational purposes along with the trail and sidewalk improvements described below.

UDC Citation	Requirement	Applicant's Justification	Staff Support?
Sec. 8.3.1	Park Land Dedication: Payment of \$225 in park fees per dwelling unit or land dedication of 1 acre per 133 dwelling units.	The developer has agreed to connecting the Echo Vista I sidewalk to Pullman Place and grading the area for future trail development along Echo Village Phase Two to ADA accessibility standards for sidewalks and curb ramps, with the understanding this would complete park dedication requirements for Alta Vista I.	Yes

Staff supports the requested exceptions provided the developer remains in agreement with the following:

1. The trail in phase one of Echo Vista Subdivision is finished out to join with the paved right-of-way of Pullman Place and the sidewalk required along Pullman Place at the required 5% vertical slope and 2% horizontal slope with standard curb ramps as needed to meet current ADA standards;
2. The area for future trail development (adjacent to drainage channels) is graded to allow a relatively flat surface (typically no more than 5% vertical slope and 2% horizontal slope) over a minimum 15' span; and
3. All grading mentioned and the trail completion in Echo Vista Phase 1 will need the Parks Planner's approval with the approval of the subdivision infrastructure.

ATTACHMENTS:

UDC Exception Letter
Plat



May 16, 2011

Brian Mabry, Planning Director
City of Temple
2 North Main Street
Temple, TX 76501

Parks and Leisure Services Alta Vista I comments (dated May 4, 2011)

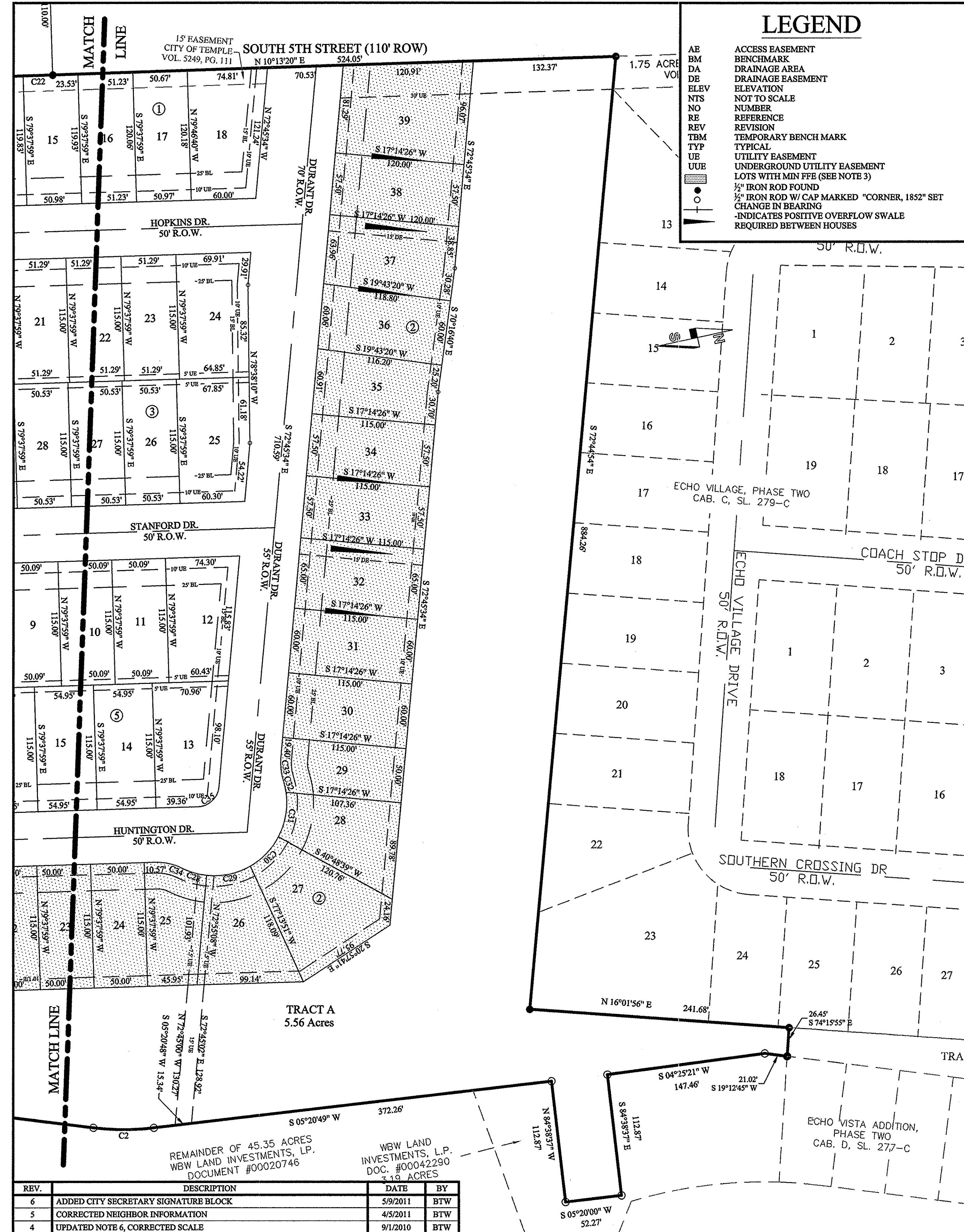
Mr. Mabry:

W&B Development is agreeable to connecting the Echo Vista 1 sidewalk to Pullman Place and grading the area for future trail development along Echo Village Phase Two as stated in the May 4, 2011 DRC comments with the understanding this completes park dedication requirements for Alta Vista Phase One; neither dedication credit nor deficit carries forward to subsequent phases.

W&B Development requests an exception to Unified Development Code Section 8.3.1 to allow dedication of less than 1 acre of park land per 133 proposed dwelling units and to allow dedication of 0.91 acres of land for park and recreational purposes. This land shall be dedicated and noted on Final Plat prior to Final Plat Recordation.

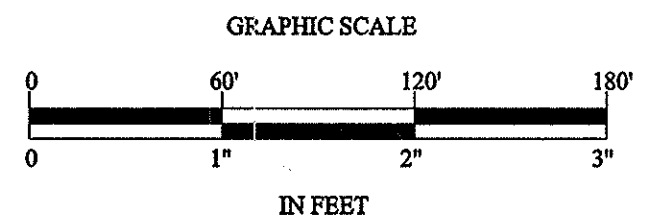
Sincerely,

Garrett Nordyke
Development



REV.	DESCRIPTION	DATE	BY
6	ADDED CITY SECRETARY SIGNATURE BLOCK	5/9/2011	BTW
5	CORRECTED NEIGHBOR INFORMATION	4/5/2011	BTW
4	UPDATED NOTE 6, CORRECTED SCALE	9/1/2010	BTW
3	CORRECTED DURANT DR LABEL TO READ 70' ROW	8/13/2010	BTW
2	REMOVED DE AT REAR OF LOTS 6-39 BLOCK 2	8/13/2010	BTW
	CHANGED DURANT TO 55' ROW AND ADDED SIDEWALK NOTES		
	MOVED LOT LINES TO ACCOMMODATE WIDER DRAINAGE ESMTS		
	ADDED ST NAMES TO ECHO VILLAGE PH I, REMOVED F/W/L ESMT ALONG 5 ST		
1	ORIGINAL RELEASE	7/23/2010	BTW
PROJECT NUMBER: AV01		CLIENT NAME: ECHO DEVELOPMENT LTD.	
APPROVED BY: SAB		CLIENT LOCATION: KILLEEN, TX	
AUTHORIZED BY: WBW			

PROJECT INFORMATION		BENCHMARK
TOTAL SIZE:	37.22 ACRES	5/8" IRF WITH CAP FOUND AT NORTH WEST CORNER BOUNDARY OF ECHO VILLAGE PHASE II
TOTAL BLOCKS:	6	ELEV: 589.91
TOTAL LOTS:	171	
TOTAL TRACTS:	1	



LEGEND

AE	ACCESS EASEMENT
BM	BENCHMARK
DA	DRAINAGE AREA
DE	DRAINAGE EASEMENT
ELEV	ELEVATION
NTS	NOT TO SCALE
NO	NUMBER
RE	REFERENCE
REV	REVISION
TBM	TEMPORARY BENCH MARK
TYP	TYPICAL
UB	UTILITY EASEMENT
UUB	UNDERGROUND UTILITY EASEMENT
	LOTS WITH MIN FFE (SEE NOTE 3)
	1/2" IRON ROD FOUND
	1/2" IRON ROD W/ CAP MARKED "CORNER, 1852" SET
	CHANGE IN BEARING
	-INDICATES POSITIVE OVERFLOW SWALE REQUIRED BETWEEN HOUSES

DRAINAGE EASEMENT NOTE:

To allow for proper drainage conditions, all drainage easements shall be properly graded, maintained free and clear of obstructions, and special positive overflow sections shall be provided and maintained by the lot owner for all lots having a BFE as shown hereon.

NOTE:

The City of Temple Drainage Criteria and Design Manual allows for major storm runoff to accumulate to levels above the top of curb. Homeowners and homebuilders are advised to consider this when preparing site grading plans and setting finished floor elevations.

No portion of this tract is within a Special Flood Hazard Area per FEMA's Flood Insurance Rate Map (FIRM) Panel for Bell County, Texas Dated September 26, 2008, panel number 48027C0365 E. The Surveyor does not certify as to the accuracy or inaccuracy of said information and does not warrant, or imply, that structures placed within the Special Flood Hazard Areas shown hereon, or any of the platted areas, will be free from flooding or flood damage.

NOTE: This project is referenced to the City of Temple Coordinate System, an extension of the Texas Coordinate System of 1983, Central Zone. All distances are horizontal surface distances unless noted and all bearings are grid bearings. All coordinates are referenced to City Monument No. 909. The theta angle at City Monument No.909 is 01°31'56". The combined factor (CCF) is 0.999853. Grid distance = surface distance X CCF. Geodetic north = grid north + theta angle. Published City coordinates for City Monument No. 909 are N=10,361,166.86 E=3,227,892.21 Reference tie from City Monument to reference corner (POB) shown hereon is N 06°16'47" W 5613.41' feet.

- All boundary corners set are 1/2" iron rods with cap marked "1852" unless otherwise noted hereon.
- 5.56 Acres reserved for drainage, 6.95 Acres reserved for right-of-ways, and 24.71 Acres are for residential lots.

NOTES:

- Streets located within a 50 ft. right-of-way shall have a minimum pavement width of 31 ft. back-to-back of curb. Streets located in 55 ft. and 60 ft. rights-of-way shall have minimum pavement width of 36 ft. back-to-back of curb. Tract A (5.56 Acres) is being dedicated to the City of Temple in this plat.
- Base Flood Elevations (BFE) and Finished Floor Elevation (FFE) shown hereon were established by Yalco, LLC and are as follows:
Block 2 Lots 14-27 BFE = 594.10 FFE = 595.10
Block 2 Lots 28-39 BFE = 588.03 FFE = 590.00
- A 6' wide sidewalk will be constructed on the east side of 5th Street by the developer (funded by the City of Temple).
- A 4' wide sidewalk will be constructed along the north side of Durant Dr. in front of Lots 27-39 Block 2, along the west side of Hopkins Dr. in front of Lots 1-6, Block 6 and along the south side of Crocker Dr. in front of Lots 7-20, Block 6, by the home builder.

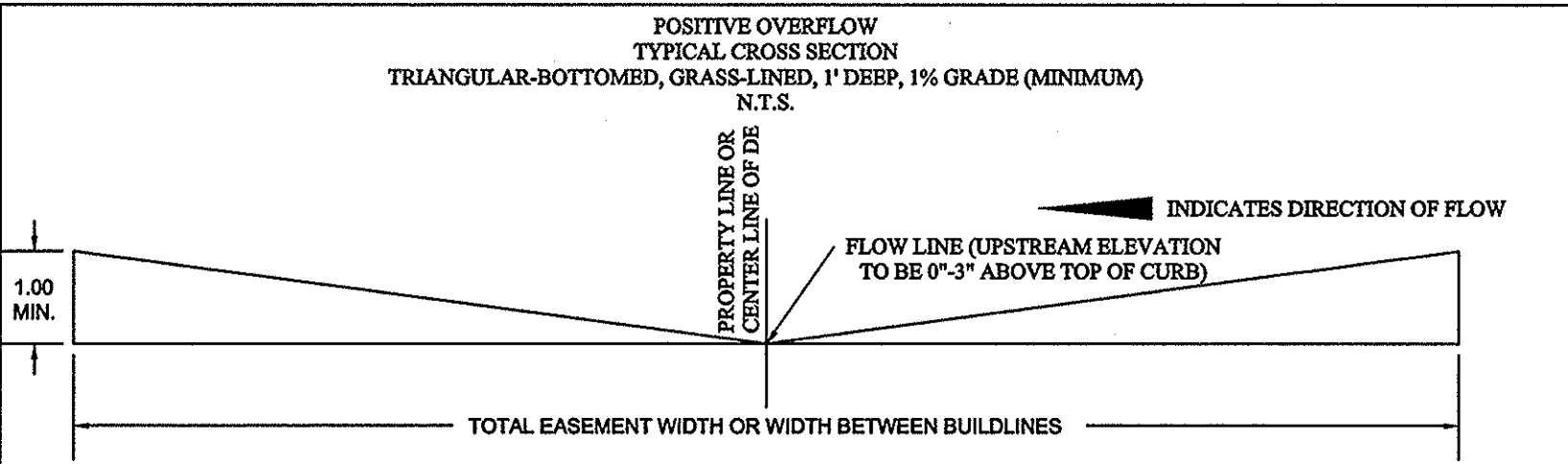
CERTIFICATION OF COUNCIL

This final plat has been submitted to and considered by the City Council of the City of Temple, Texas, and is hereby approved by such council.

Dated this ____ day of _____, 20__.

Attest:

City Secretary



FINAL PLAT FOR ALTA VISTA I TO THE CITY OF TEMPLE, BELL COUNTY, TEXAS BEING PART OF THE MAXIMO MORENO SURVEY, ABSTRACT No. 14

STATE OF TEXAS: I, the undersigned owner of the land shown on this plat, and designated herein as ALTA VISTA I, Temple, Bell County, Texas, being 37.22 ACRES acres of land part of the Maximo Moreno Survey, Abstract No. 14, Bell County, Texas, and whose name is subscribed hereto, hereby dedicates to the use of the public forever, all streets, alleys, water courses, drains, easements, and public places as shown hereon.

Grantor does hereby give, grant, convey and transfer to the City of Temple, Texas, in fee simple, the drainage area shown as Tract "A" on the plat.

WBW DEVELOPMENT, LTD.,
by WBW DEVELOPMENT,
MANAGEMENT, LLC, General Partner

by: _____
Bruce Whitis, President

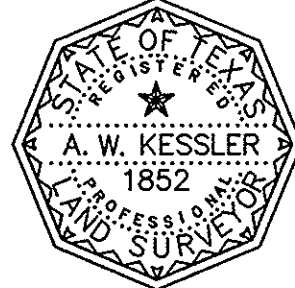
STATE OF TEXAS: BEFORE ME, the undersigned authority, on this day personally appeared Bruce Whitis, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same for the purpose and consideration therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the ____ day of _____, 20__ A.D.

Notary Public for the State of Texas

SURVEYOR'S CERTIFICATE

STATE OF TEXAS: I, the undersigned, Registered Professional Land Surveyor, in the State of Texas, do hereby certify to the best of my knowledge and belief, that this plat is true and correct, that it was prepared from an actual survey of the property made on the ground, and that all necessary survey monuments are correctly shown thereon.



A. W. Kessler
Registered Professional Land Surveyor No. 1852

ENGINEER'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS:

THAT I, Scott A. Brooks, do hereby certify that I prepared all drainage Calculations and designed all drains, streets/roads and appurtenances in accordance with the City of Temple Subdivision Regulations.



SCOTT A. BROOKS
REGISTERED PROFESSIONAL
ENGINEER NO. 99801

This Final Plat has been submitted to and considered by the Planning and Zoning Board of the City of Temple, Bell County, Texas, and is hereby approved by such Commission.
Dated this ____ day of _____, 2011

Chairperson

This Final Plat has been submitted to and considered by the Planning and Zoning Board of the City of Temple, Bell County, Texas, and is hereby approved by such Commission.
Dated this ____ day of _____, 2011

Director of Planning

PLAT FILED FOR RECORD this the ____ day of _____, 20__ A.D. in
Cabinet _____, Slide _____, Plat Records of Bell County, Texas.

DEDICATION FILED FOR RECORD this the ____ day of _____, 20__ A.D. in
Volume _____, Page _____, Official Records, Bell County, Texas.

TAX CERTIFICATE

The Bell County Tax Office, the taxing authority for all entities in Bell County, Texas, does hereby certify that there are currently no delinquent taxes due or owing on the property described by this plat.

Dated this ____ day of _____, A.D. 2011.

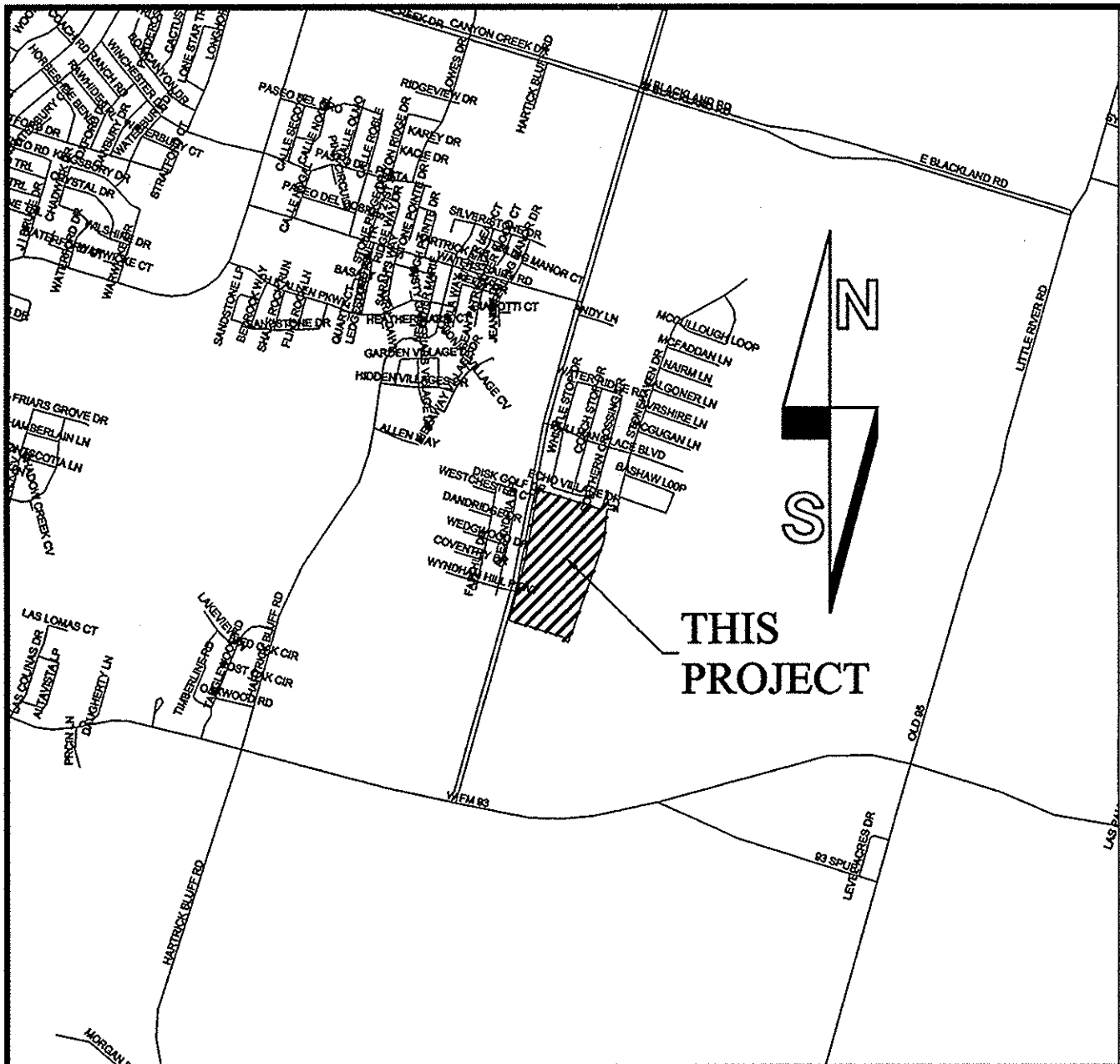
BELL COUNTY TAX OFFICE

By: _____

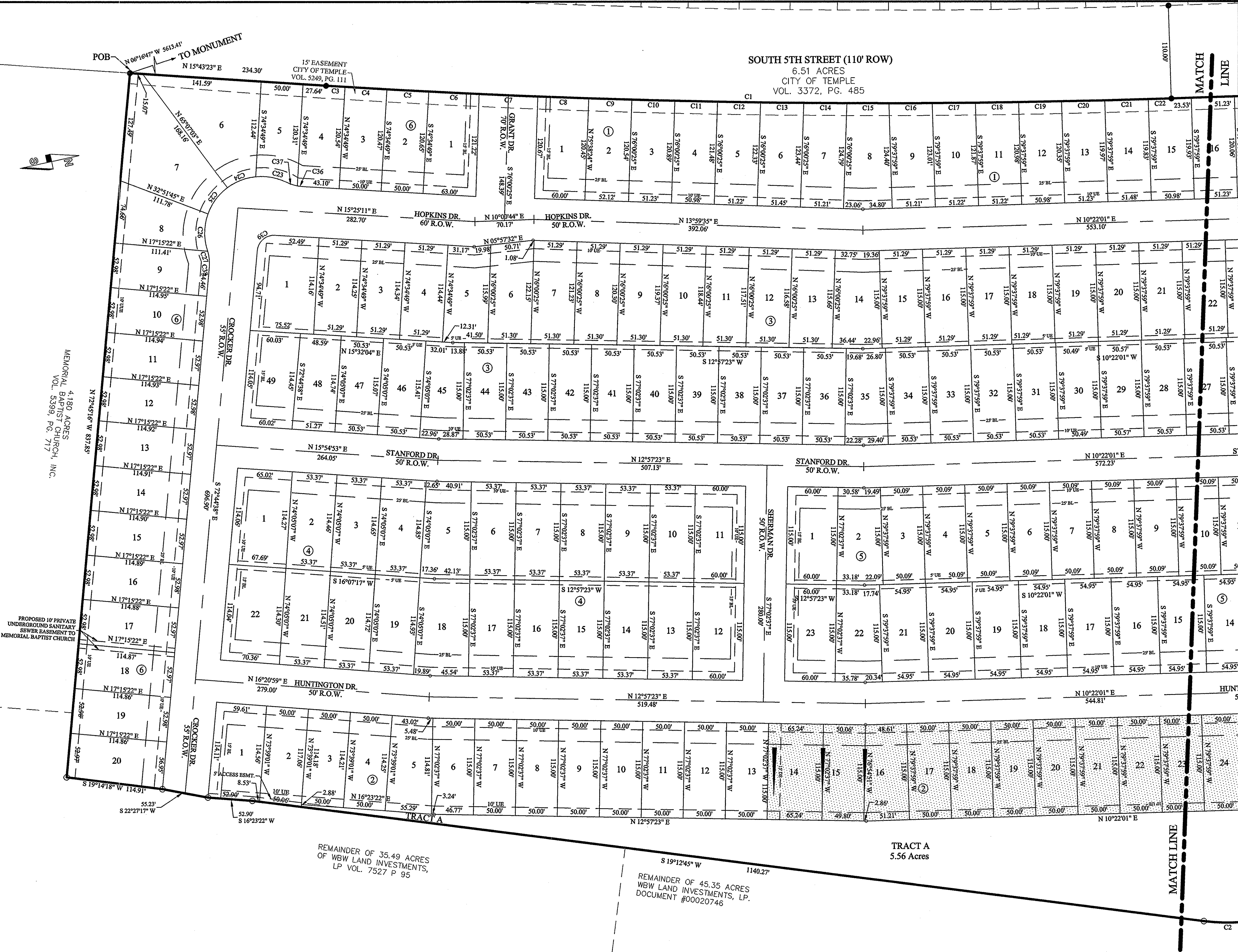
FINAL PLAT FOR ALTA VISTA I CITY OF TEMPLE, BELL COUNTY, TEXAS

Yalco, LLC
3000 Illinois Ave., Suite 100
Killeen, TX 76543
PH (254) 953-5353
FX (254) 953-0032
Texas Registered
Engineering Firm F-10264

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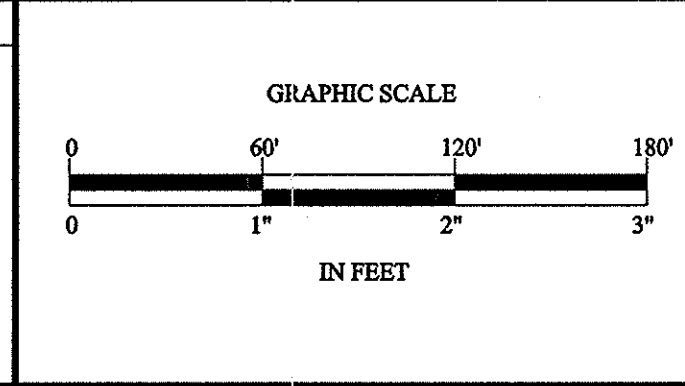


CURVE TABLE				
CURVE	RADIUS	ARC LENGTH	DELTA ANGLE	CHORD BEARING
C1	10416.41'	1005.38'	5°31'49"	N 12°59'14" E
C2	238.05'	56.61'	13°37'34"	S 12°09'36" W
C3	10416.41'	22.36'	0°07'23"	N 15°41'27" E
C4	10416.41'	50.00'	0°16'30"	N 15°29'30" E
C5	10416.41'	50.00'	0°16'30"	N 15°13'00" E
C6	10416.41'	59.98'	0°19'48"	N 14°54'51" E
C7	10416.41'	70.00'	0°23'06"	N 14°33'24" E
C8	10416.41'	60.77'	0°20'03"	N 14°11'49" E
C9	10416.41'	51.35'	0°16'57"	N 13°53'19" E
C10	10416.41'	51.23'	0°16'54"	N 13°36'24" E
C11	10416.41'	50.98'	0°16'50"	N 13°19'32" E
C12	10416.41'	51.23'	0°16'54"	N 13°02'40" E
C13	10416.41'	51.46'	0°16'59"	N 12°45'43" E
C14	10416.41'	51.23'	0°16'54"	N 12°28'46" E
C15	10416.41'	49.94'	0°16'29"	N 12°12'04" E
C16	10416.41'	51.23'	0°16'54"	N 11°55'23" E
C17	10416.41'	51.23'	0°16'54"	N 11°38'28" E
C18	10416.41'	51.23'	0°16'54"	N 11°21'34" E
C19	10416.41'	50.98'	0°16'50"	N 11°04'42" E
C20	10416.41'	51.23'	0°16'54"	N 10°47'50" E
C21	10416.41'	51.48'	0°16'59"	N 10°30'53" E
C22	10416.41'	27.45'	0°09'04"	N 10°17'51" E
C23	67.50'	38.02'	32°16'16"	S 22°26'12" W
C24	67.50'	36.56'	31°01'50"	S 09°12'51" E
C25	67.50'	39.48'	33°30'51"	S 41°29'12" E
C26	67.50'	44.36'	37°39'09"	S 77°04'12" E
C27	50.00'	1.24'	1°25'21"	N 84°48'54" E
C28	67.50'	24.70'	20°57'56"	N 28°31'14" E
C29	67.50'	42.16'	35°47'27"	N 00°08'33" E
C30	67.50'	38.25'	32°27'54"	N 33°59'08" W
C31	67.50'	42.31'	35°54'45"	N 68°10'27" W
C32	67.50'	11.53'	9°47'15"	S 88°58'33" W
C33	50.00'	20.21'	23°09'30"	S 84°20'19" E
C34	50.00'	24.99'	28°38'11"	S 24°41'07" E
C35	20.00'	29.02'	83°07'35"	S 31°11'46" E
C36	50.00'	6.92'	7°55'38"	S 19°23'00" W
C37	50.00'	13.29'	15°13'30"	S 30°57'35" W
C38	50.00'	18.96'	21°43'47"	S 83°36'32" E
C39	20.00'	30.77'	88°09'49"	S 28°39'43" E



REV.	DESCRIPTION	DATE	BY
5	REMOVED DE FROM LOT 20 BLOCK 6	4/5/2011	BTW
4	UPDATED VICINITY MAP, 5TH ST LABEL, SCALE AND ADDED REFERENCE LINE TO POB.	8/13/2010	BTW
3	CORRECTED GRANT DR LABEL TO READ 70' ROW	8/13/2010	BTW
2	CHANGED CROCKER DR TO 55' ROW, CHANGED LOT WIDTHS ON BLOCK 3 TO ALLOW 1 MORE LOT, AND MOVED LOT LINES TO ACCOMMODATE WIDER DE ADDED CITY LIMITS TO VICINITY MAP, REMOVED F/W/L ESMT ALONG S ST	8/13/2010	BTW
1	ORIGINAL RELEASE	7/23/2010	BTW
PROJECT NUMBER: AV01		CLIENT NAME: ECHO DEVELOPMENT LTD.	
APPROVED BY: SAB		CLIENT LOCATION: KILLEEN, TX	
AUTHORIZED BY: WBW			

PROJECT INFORMATION	
TOTAL SIZE:	37.22 ACRES
TOTAL BLOCKS:	6
TOTAL LOTS:	171
TOTAL TRACTS:	1



BENCHMARK
5/8" IRF WITH CAP FOUND AT NORTH WEST CORNER BOUNDARY OF ECHO VILLAGE PHASE II
ELEV: 589.91

FINAL PLAT FOR
ALTA VISTA I
CITY OF TEMPLE, BELL COUNTY, TEXAS

Yalgo, LLC
3000 Illinois Ave., Suite 100
Killeen, TX 76543
PH (254) 953-5353
FX (254) 953-0032
Texas Registered
Engineering Firm F-10264

SHEET
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OF
2

RESOLUTION NO. _____

(PLANNING NO. P-FY-11-31)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING THE FINAL PLAT OF ALTA VISTA I, AN APPROXIMATELY 37.22 ACRE, 171-LOT RESIDENTIAL SUBDIVISION LOCATED ON THE EAST SIDE OF SOUTH 5TH STREET, SOUTH OF ECHO VILLAGE SUBDIVISION AND ACROSS FROM WYNDHAM HILL PARKWAY, WITH DEVELOPER'S REQUESTED EXCEPTION TO SECTION 8.3.1 OF THE UNIFIED DEVELOPMENT CODE REQUIRING PARKLAND DEDICATION; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on June 6, 2011, the Planning and Zoning Commission approved the final plat of Alta Vista I, an approximately 37.22 acre, 171-lot residential subdivision located on the east side of South 5th Street, south of Echo Village subdivision and across from Wyndham Hill Parkway, with developer's requested exception to Section 8.3.1 of the Unified Development Code requiring parkland dedication; and

Whereas, the City Council has considered the matter and deems it in the public interest to approve the final plat of the Alta Vista I.

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

Part 1: The City Council approves the final plat of Alta Vista I, an approximately 37.22 acre, 171-lot residential subdivision located on the east side of South 5th Street, south of Echo Village subdivision and across from Wyndham Hill Parkway, more fully shown on the Plat which is on file in the City's Planning Department, incorporated herein and referred to by reference, and including the following exception to the Unified Development Code; *Section 8.3.1* to waive the requirement for parkland dedication.

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 **July**, 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

07/07/11
Item #14
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Clydette Entzminger, City Secretary

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

- (A) Airport Advisory Board – one member to fill an unexpired term of the Temple Economic Development Corporation representative through September 1, 2013
- (B) Building & Standards Commission – one regular member to fill an unexpired term through March 1, 2013
- (C) Temple Economic Development Corporation – one member to fill an at-large position through September 1, 2012
- (D) Temple Public Safety Advisory Board – two members to fill unexpired terms through September 1, 2011 and September 1, 2013

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: (A) Airport Advisory Board – Perry Cloud is currently serving in an at-large/TEDC representative position on this board.

(B) Building & Standards Commission – Tonya Degges has resigned from this board effective June 24, 2011. It is requested an individual be appointed to fill this unexpired term through March 1, 2013.

(C) Temple Economic Development Corporation – Former Councilmember Marty Janczak was serving in the City Councilmember standing position on that board. Councilmember Perry Cloud was appointed to fill that position at the June 2nd Council meeting. It is requested that an individual be appointed to fill the at-large position vacated by Mr. Cloud, to expire September 1, 2012.

(D) Temple Public Safety Advisory Board – Twila Coley and Benny Ismaili have forfeited their positions on this board due to non attendance. It is requested that two Temple residents be appointed to fill these unexpired terms through September 1, 2011 and September 1, 2013.

FISCAL IMPACT: N/A

ATTACHMENTS:

[Board member lists](#)

[Board application summary & applications](#)

Resolution

AIRPORT ADVISORY BOARD

TERM EXPIRATION: SEPTEMBER - 3 YEAR TERMS

APPOINTED BY: MAYOR/COUNCIL

MEMBER	POSITION FILLED	DATE APPOINTED	EXPIRATION YEAR	ADDRESS	PHONE NUMBER
*William Maedgen, III maedgen@embark.com	At large	09/08	2011	11886 Brewer Road Salado, TX 76571	773-9902 W 947-5815 F 760-6385 Cell
Brad Phillips, Sec. Bradp@homespecl.com	Temple Resident	09/08	2011	4000 Hickory Rd. #9 PO Box 1369 Temple, TX 76503	770-8057 W/C 770-0429 H
*Bob Browder(RZ-1) bobbrowder@bcswlaw.com	At large & RZ No. 1	09/09	2012	4101 Briar Cliff Rd Temple, TX 76502	774-8333 ext. 255 W 778-8956 H 760-6164 C
Lamar Eidson, Vice Chair lamareidson@sbcglobal.net	Temple Resident	10/08	2012	11010 Whiterock Dr Temple, TX 76502	780-2505 W 291-8659 C
Craig Caddell Craig4323@hotmail.com	Temple Resident	09/10	2013	621 Benchmark Trl Belton, TX 76513	760-3761 C
Vernon Starnes vstarnes@hot.rr.com	Temple Resident	07/09	2013	121 Calvin Drive Temple, TX 76502	773-4700 H
Rayford Brown lcrkbrown@hot.rr.com	Temple Resident	09/09	2013	3702 Jaguar Trail Temple, TX 76502	718-4910 W/H/C
David Jones david@belltec.net	Temple Resident	09/10	2013	11704 Meredith Dr Belton, TX 76513	939-9404 W 780-1433 H 718-2221 C
Perry Cloud ptcloud@cloudconstruction.com	At Large & TEDC	09/10	2013	P.O. Box 667 Temple, TX 76503	778-1363 W 778-6492 H 760-6421 C

Created August 21, 1980 by Ordinance #1287; amended by Ordinances 1755 (5-15-86) and 2132 (4-16-92) to increase membership from 6 to 9 (addition of 3 at large positions); re-established by Resolution No. 2008-5437-R (remove Belton Rep and add 1 rep from TEDC and 1 rep from RZ No. 1 Board).

Purpose: Serves in an advisory capacity to City Council in matters pertaining to the Airport, make recommendations as to fees, charges, facility improvements, and airport services.

Membership: 6 residents of the City of Temple
3 residents at-large
1 member from TEDC Board of Directors & 1 member from RZ No. 1 Board of Directors (either at-large or Temple resident)
Ex-officio - Airport Manager, City Manager and Mayor

Term: 3 years **Meeting Time/Place:** 2nd Monday of each month, 4:00 pm, Airport Operations Bldg.

BUILDING AND STANDARDS COMMISSION

TERM EXPIRATION MARCH - 2 YEAR TERMS

APPOINTED BY: MAYOR/COUNCIL

MEMBER	DATE APPOINTED	EXPIRATION YEAR	ADDRESS	PHONE NUMBER
Jeff Norwood jeffn@intonline.com OMA	03/10	2012	256 Eagle Landing Belton, TX 76502	493-4600 W/C
Crystal Cowen ccowen@archedge.com (moved to reg. member 3/10)	03/08	2012	1017 North 11 th Street Temple, TX 76501	771-2054 W 773-2144 F 721-5104 C
Fay Evans fayevans@mac.com	03/10	2012	904 North 7 th Street Temple, TX 76501	598-4019 H
*Lee A. Crossley lacrossley@sbcglobal.net	03/10	2012	5102 Sturbridge Drive Temple, TX 75602	780-7934 W/C
Jonathan (Tony) Gallagher Tonygallagher3@yahoo.com OMA	02/09	2013	6121 FM 439 Belton, TX 76513	939-6795 W 718-5360 C
Tonya Degges Tonya_degges@yahoo.com Resigned 062411	03/11	2013	3009 West Avenue T Temple, TX 76504	817-903-7031 W/C 598-4333 H
*Ed Laughlin Ed@edlaughlin.com	02/09	2013	3114 Sleepy Hollow Lane Temple, TX 76502	773-8399 W 718-3786 C
*Mary Ann Rojas Maryann.rojas@myjobsource.org O/OMA	03/11	2013	19 North Main #2715 Temple, TX 76501	298-8785 W 774-7061 H 361-816-4157 C
* Scott Morrow scott@bmipest.com	02/09	2013	10 West Welton Temple, TX 76501	771-9933 W 931-0211 H

* ALTERNATES

Created October 18, 1990 under the authority of Chapter 54, Subchapter C of the Local Government Code of the State of Texas, Ordinance #2060.

Purpose: The Board has the authority to hear and determine cases concerning alleged violations of City ordinances related to building codes, including the minimum housing code; conditions covered by accumulation of matter that creates unsanitary and unhealthy conditions; functions of the Historic Preservation ordinance; and serves as a screening committee for the rental rehabilitation and the owner-occupied housing rehabilitation program. The Building & Standards Commission's final decisions may be appealed to any district court in Bell County within 30 days of the date of final decision.

Membership: 5 regular members ; 4 alternate members

Terms: 2 years **City Staff:** Supt. Of Construction Safety & Services

Meeting Time/Place: 1st Monday of each month, at 2:00 p.m. in the Council Chambers in the Municipal Building.

REVISED 02/17/11

TEMPLE ECONOMIC DEVELOPMENT CORPORATION

TERM EXPIRATION: SEPTEMBER - 3 YEAR TERMS

APPOINTED BY: CITY COUNCIL

MEMBER	DATE APPOINTED	EXPIRATION	ADDRESS	PHONE NUMBER
William A. Jones, III, Mayor bjones@ci.temple.tx.us	02/08	standing	2 North Main Temple, TX 76501	298-2951 W
Perry Cloud Councilmember pcloud@ci.temple.tx.us	06/11	Standing	P O Box 667 Temple, TX 76503	778-1363 W 760-6421 C
David Blackburn, City Mgr 6dblackburn@ci.temple.tx.us	02/01	Standing	2 North Main Temple, TX 76501	298-5600 W 298-5637 Fax
Bob Browder (RZ Chair) bobbrowder@bcswlaw.com	09/09	Standing	P.O. Box 1655 Temple, Texas 76503	774-8333/255 W 778-8956 H 760-6164 C 774-9353 Fax
Kenny Martin (Chamber) martin@vvm.com	02/08	2011	3115 Kensington Court P O Box 1404 Temple, TX 76503	771-5400 W 771-3811 H 771-4000 F
Barbara Bozon (Chamber) execdir@centexhousing.org	09/09	2011	P.O. Box 1326 Temple, TX 76503	773-5628 W 773-1958 F
Gary Schmidt (RZ No. 1) gschmidt@cnbtemple.com	09/05	2011	Central National Bank P.O. Box 4107 Temple, TX 76505	770-1234 W 770-3186 F
Greg Rhoads (Chamber) greg@2thetopllc.com	09/09	2012	2668 South 31 st St. Temple, TX 76504	778-3400 W 931-0637 C
Perry Cloud (At Large) ptcloud@cloudconstruction.com	09/09	2012	P.O. Box 667 Temple, TX 76503	778-1363 W 778-6492 H 760-6421 C 778-5877 F
Pat Currie (At Large) pcurrie@swmail.sw.org	5/08	2012	1150 Hartrick Canyon Dr Temple, TX 76502	724-4537 W 982-4674 H 713-582-5606 C
Charles Belson (At Large) cmbelson@sbcglobal.net	09/09	2012	4309 Stonehill Court Temple, TX 76502	254-697-8516 W 773-1347 H 760-6636 C 254-697-8656 F
Pat Patterson (Chamber) pat.patterson@patconstructionllc.com	09/07	2013	201 Shady Oaks Ct Temple, TX 76504	771-2228 W 760-6062 M
James (Jim) Kent (At Large) Jkent88@yahoo.com	09/10	2013	13616 Dandelion Trail Belton, TX 76513	771-7905 W 780-9812 H 541-6252 C
Drayton McLane III (At Large) Drayton.mclane3@mclaneat.com	09/10	2013	P.O. Box 549 Temple, TX 76503	770-6123 W 947-8307 H 228-3845 C
Gregg Strasburger (Bioscience Dist.) gss@strasburger.net	09/10	2013	Fuel Distributors, Inc. 7 North 5 th Street Temple, TX 76501	778-3547 x 433 W 760-7278 M
TEDC STAFF – Lee Peterson lpeterson@choosetemple.com			1 South 1 st Street Temple, Texas 76501	773-8856 F 773-8332 W

Created as a nonprofit corporation; articles of incorporation and bylaws of TEDC were amended in December, 1992 with the approval of an Economic Development Agreement between the City of Temple and TEDC; current agreement approved Jan. 2008.

Purpose: To cooperate fully to coordinate efforts in order to ensure optimal economic development within the City.

Membership: 15 directors- all appointed by City, with 2 from the Chamber Board, 1 from Bioscience District Board, 7 at large, 1 from RZ Board and 4 standing appointments to include 2 Councilmembers (one of whom may be the Mayor), City Manager, and RZ #1 Chair;

Term: 3 years **Meeting Place/Time:** 3rd Tuesday of each month, 10:00 a.m., TEDC Conference Room

Revised 06/02/11

TEMPLE PUBLIC SAFETY ADVISORY BOARD

TERM EXPIRATION: SEPTEMBER - 3 YEAR TERMS

APPOINTED BY: MAYOR/COUNCIL

MEMBER	DATE APPOINTED	EXPIRATION YEAR	ADDRESS	PHONE NUMBER
Bill E. Moore	06/05	2012	2005 East Avenue K, 76501	773-3589 H
John Mayo <i>Resigned 5-11-11</i>	04/10	2012	6918 Valley Mist, 76502 John.Mayo@hotmail.com	773-9966 W 541-6816 C
Twila Coley <i>Forfeit position-non attendance</i>	09/10	2013	714 South 13 th Street, 76504 Tcoley3@att.net	931-7669 W/C
John Bush	09/09	2013	1302 North 13 th , 76501 Jbush83498@sbcglobal.net	774-8899 W 773-1416 H 760-9313 C
Donald W. Nelson	09/09	2012	3105 Hemlock Blvd., 76502 Dnelson8@hotmail.com	778-1803 H/F
Sylvia Chesser	09/10	2013	802 Westpoint Dr., 76504 Kd5usi@aol.com	771-1171 H
Dee Blackwell	09/10	2013	8520 Oak Crossing, 76502 dahblackwell@hotmail.com	228-5609 H 541-8873 C
Richard Morgan	03/11	2013	214 West Houston, 76501 richardmorgan@hotmail.com	634-4244 W 760-0331 C
Temikia Brown	09/09	2012	P O Box 1702, 76503 temikiabrown@aol.com	780-2822 H 778-8036 W 217-5476 C
Margaret Goodwin	06/10	2013	3206 Keller Road, 76504 mag47goo@msn.com	541-0894 C
Jeff Blackwell	11/10	2011	8520 Oak Crossing, 76502 jblackwell@swmail.sw.org	228-5609 H 541-8874 C
Gerald Richmond	09/05	2011	3210 Glenwood Drive 76502 n5zxj@n5zxj.us	773-6868 W 771-3006 H 913-7041 C
Bennie Trevino	11/10	2011	1003 South 13 th Street, 76504 Bnn_trevino@yahoo.com	771-3859 H
Arben "Benny" Ismaili <i>Forfeit position-non attendance</i>	09/07	2011	2787 S. MLK Dr. #2203 arben1976@hotmail.com	771-0169 W 231-7824 C
John Barina	09/08	2011	2109 Stagecoach Trl 76502 johnbarina@hotmail.com	760-6525 W/C 773-9580 H

Created by Resolution 94-641-R February 3, 1994; previously under authority of resolution adopted September 1, 1983 as Temple Law Enforcement Advisory Board.

Purpose: Advise the Council on matters of law enforcement, fire, emergency medical service, communications and emergency management.

Membership: 15 members - all residents of the City;
Ex-Officio members - Chief of Police, Fire Chief

Term: 3 years

City Staff: Police Chief Gary Smith/Fire Chief Lonzo Wallace

Meeting Time/Place: 2nd Tuesday of each month at 6:00 p.m., Temple Police Department. Revised 03/03/11



APPLICATION SUMMARY

JULY 7, 2011

BOARD APPOINTMENTS

AIRPORT ADVISORY BOARD – 3 YEAR TERMS: Meets 2nd Monday of each month, 4:00 p.m.

1 Unexpired Term through September 1, 2013 – TEDC rep: Perry Cloud was serving in this position as the TEDC rep prior to his election as a Councilmember.

BUILDING & STANDARDS COMMISSION - 2 YEAR TERMS: Meets 1st Monday of each month, 2:00 p.m.

1 Unexpired Term – Regular Member - through March 1, 2013: Tonya Degges has resigned effective June 24, 2011; no residency requirements for this board.

Board Forms on File: Kevin Bonner; Rayford Brown; Jeff Byrd; Lamar Collins; Ruth Freeman; Alan Horn; Timothy Weddle; Starky Winnett

TEMPLE ECONOMIC DEVELOPMENT CORPORATION – 3 YEAR TERMS: Meets 3rd Tuesday of each month, 10:00 a.m.

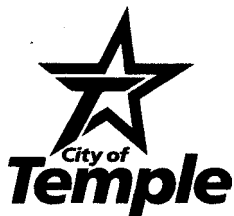
1 Unexpired Term through September 1, 2012 – At-Large: Perry Cloud was serving in this position prior to his election as a Councilmember.

Board Forms on File: Abbi Bhakta; Bill Bogucki; Peter Brumleve; Jim Calhoun; Lamar Collins; Paul Erchinger; David Fitch; Alan Horn; John Howe; Rick Hughes; Wade Knight; Michael Nader; Larry Neal; Donald Nelson; Michael Norman; Raju Patel; Hugh Shine; Mike Thompson; Matthew Watson;

TEMPLE PUBLIC SAFETY ADVISORY BOARD – 3 YEAR TERMS: Meets 2nd Tuesday of each month, 6:00 p.m.

1 Unexpired Term through September 1, 2011 and 1 Unexpired Term through September 1, 2013: Twila Coley and Benny Ismaili have both forfeited their terms due to non-attendance; must be Temple resident to serve on board

Board Forms on File:



CITY OF TEMPLE

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CITY BOARD APPLICATION FORM

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

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

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

• 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 Abbi_Bhakta Residence Address: 5716 Ellington Ct, Temple, TX 76502

Mailing Address _____ Phone Number(Business) 254-773-8400(Home)254-231-3526

Fax Number:254-773-8405Cell Phone Number: 913-709-2781E-Mail Address: abbi.bhakta@marriott.com

Temple Resident: ☒ Yes ☐ No

Current Employer/Nature of Business: Residence Inn by Marriott Temple

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 corp.

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

Please see Attached.

Comments (Attach additional page if desired):

Signed: Abbi

Bhakta Date: 08/18/09

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

Throughout my experience within the hospitality industry in a variety of leadership roles, this has given me the experience needed to grow within my industry and learn about the different challenges one can be faced with on a daily basis. Within the last two years working at the Residence Inn by Marriott Temple has helped me adapt and learn about the ever changing economic grid and also different market dynamics which change the way we do business. I still feel strongly my experience has left two major voids still in my growth to be a leader:

- **Giving back to the community** – the community of Temple has done a lot of our property here, we have flourished only because of the city's dedication to keep our city strong in a variety of financial markets, medical, and light industrial. I feel moving forward I need to focus on the efforts the city has afforded our business and help give back and learn from those experiences, if given the opportunity to serve on this very important board.
- **Strengthening my leadership skill sets** – I feel strongly that serving on this committee my personal leadership growth can only grow and help me within the community and within my own organization.

In meeting with Mr. Peterson in the past, I was very impressed with how he treated us, wanted to teach us about the vision and plan for the city. In all honesty, I was extremely excited about the growth. The one aspect of this city that truly is genius and motivating is that truly it's diverse in economic industries. Temple is on the move!!! I want to learn and serve on the board and make a difference in the community I will always call home.



CITY OF TEMPLE

CITY BOARD APPLICATION FORM

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

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

- If you wish to make yourself available for consideration, please complete this form and send to the City Secretary's Office, City of Temple, P.O. Box 207, Temple, TX 76603 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 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: CTYVICS - 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?

MPA 91 BS DO
(See ATTACHED 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

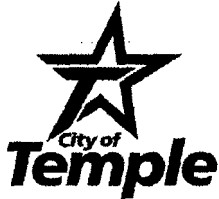
Additional Information:

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



CITY OF TEMPLE
CITY BOARD APPLICATION FORM

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

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

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

Name Kevin K. Bonner Residence Address 8612 Hansom Cab, Temple, TX 76502

Mailing Address Same Phone Number(Business) (254) 774-8333 (Home) (254) 598-3140

Fax Number (254) 774-9353 Cell Phone Number _____ E-Mail Address kevinbonner@bcswlaw.com

Temple Resident: ☒ Yes ☐ No

Current Employer/Nature of Business: Baird, Crews, Schiller & Whitaker, P.C. Attorney at Law

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 _____

What experience and/or educational background do you have that could be applied to community service?
Prior to law school, I worked in the State Legislature and so I have experience in public service. Additionally, I am a practicing attorney, and my experience as an attorney will come in handy on a board such as the Building and Standards Commission

Comments (Attach additional page if desired):

Signed: [Signature] Date: 2/12/10

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



CITY OF TEMPLE

CITY BOARD APPLICATION FORM

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AIRPORT ADVISORY BOARD
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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
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TRANSIT ADVISORY COMMITTEE
CENTRAL TEXAS HOUSING CONSORTIUM
TREE BOARD

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Name Bob Browder

Residence Address 4101 Briar Cliff, Temple, TX 76502

Mailing Address PO Box 1655, Temple, TX 76503

Phone Number(Business) 774-8333 x 255 Home: 778-8956

Fax Number 774-9353 Cell Phone Number 760-6164 E-Mail Address bobbrowder@bcswlaw.com

Temple Resident: Yes

Current Employer/Nature of Business: Business Consultant in Construction Industry.

What City Boards have you served on before & When? R2 No. 1 – Currently; Board of Adjustments and Appeals – early 1980s.

Name, in priority order, the Board or Boards on which you would prefer to serve: R2 No. 1; TEDC.

What experience and/or educational background do you have that could be applied to community service? BBA from Baylor University; CPA; business executive in commercial construction industry for over 25 years.

Comments (Attach additional page if desired):

Signed: _____

Bob Browder

Date: 7/21/09

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

* Reappointed R2 #1 8/20/09



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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• 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 Rayford K Brown Residence Address 3702 Sahara Trail
Mailing Address Same Phone Number (Business) 254 718 4910 (Home) 254 718 4910
Fax Number Cell Phone Number 254 718 4910 E-Mail Address Herkbrown@clearwire.net
Temple Resident: ☒ Yes ☐ No
Current Employer/Nature of Business: Self Certified Flight Instructor
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 and Standards Comm., Development Standards Advy, (Airport when open)

What experience and/or educational background do you have that could be applied to community service?
USAF 68 grad, Commandant Academy of Military Science, Air National Guard Liaison Officer to Counter Drug Task Force, LTCO USAF (Ret)
Comments (Attach additional page if desired):
8 Yr Temple Resident, Temple Chamber Military Affairs Committee

Signed: _____ Date: _____

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

* Appt'd to Airport Advisory B'd 9/03/09



CITY OF TEMPLE

CITY BOARD APPLICATION FORM

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REINVESTMENT ZONE NUMBER ONE
TEMPLE ECONOMIC DEVELOPMENT CORP.

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

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

Name Peter Brumleve Residence Address 2545 River Ranch Rd, Temple, TX

Mailing Address 2401 S. 31st, Temple, TX 76508 Phone Number(Business) 254-724-6572 (Home) 254.613.4737

Fax Number 254.724.4483 Cell Phone Number 2543.541.9422 E-Mail Address pbrumleve@swmail.sw.org

Temple Resident: X Yes No

Current Employer/Nature of Business: Scott & White Healthcare – Chief Strategy & Marketing Officer

What City Boards have you served on before & When? Temple Chamber of Commerce

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

Board

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

Served on Greater Cleveland Partnership Board, several HOA's in Cleveland, Louisville, and Seattle

Comments (Attach additional page if desired):

I believe Temple's future can and should be extraordinary. I would be honored to join in this journey.

Signed: Peter Brumleve

Date: 6/17/11

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



CITY OF TEMPLE
CITY BOARD APPLICATION FORM

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

- | | |
|-------------------------------------|---|
| * AIRPORT ADVISORY BOARD | ANIMAL SERVICES ADVISORY BOARD |
| * BUILDING & STANDARDS COMMISSION | * BUILDING BOARD OF APPEALS |
| * CIVIL SERVICE COMMISSION | COMMUNITY SERVICES ADVISORY BOARD |
| * ELECTRICAL BOARD | TEMPLE PUBLIC SAFETY ADVISORY BOARD |
| * ZONING BOARD OF ADJUSTMENT | DEVELOPMENT STANDARDS ADVISORY BOARD |
| LIBRARY BOARD | PARKS & LEISURE SERVICES ADVISORY BOARD |
| * PLANNING & ZONING COMMISSION | TRANSIT ADVISORY COMMITTEE |
| REINVESTMENT ZONE NUMBER ONE | CENTRAL TEXAS HOUSING CONSORTIUM |
| * TEMPLE ECONOMIC DEVELOPMENT CORP. | |

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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 866-539-5764 Cell Phone Number 254-563-6633 E-Mail Address jeff@bccgeneralcontractor.com
Temple Resident: ☒ Yes ☐ No : MAILING ADDRESS BELTON / TEMPLE TAXES
Current Employer/Nature of Business: SELF EMPLOYED - BCC GENERAL CONTRACTOR, LLC.
CONSTRUCTION MANAGEMENT SERV.
What City Boards have you served on before & When? N/A

Name, in priority order, the Board or Boards on which you would prefer to serve: BUILDING & STANDARDS;
PLANNING & ZONING; CIVIL SERVICE; ELECTRICAL BOARD; ECONOMIC DEVELOP CORP, OTH
What experience and/or educational background do you have that could be applied to community service?
SMALL BUSINESS OWNER; BACHELOR OF SCIENCE DEGREE IN INDUSTRIAL TECHNOLOGY
AND CONSTRUCTION MANAGEMENT; LIFE LONG CHURCH MEMBER AND ORGANIZATIONS
Comments (Attach additional page if desired): WITHIN.

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

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

reappr'd Elect. B'd 2/17/11
* App'd Electrical B'd
3/6/09



CITY OF TEMPLE

CITY BOARD APPLICATION FORM

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

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

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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 Jim Calhoun Residence Address 3302 Meadow Creek Lane 76504

Mailing Address Same Phone Number(Business) (254) 298-4489 (Home) (254) 774-8462

Fax Number _____ Cell Phone Number (254) 718-8398 E-Mail Address jim_calhoun@tx.acer.com

Temple Resident: X Yes _____ No

Current Employer/Nature of Business: Acer Service Corp. / Computer customer service

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

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

TEMPLE ECONOMIC DEVELOPMENT CORP.

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

I have a Bachelor's degree in Business Management. For the past 4 years I have been responsible for the coordination of facilities and business development dealing with multiple EDC's and communities.

Comments (Attach additional page if desired):

As a lifelong Temple resident, it is very important to me to see the continued, strategic growth of the economic development of Temple. (See Attachment)

Signed: Jim Calhoun Date: 7-22-2010

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

It has been my distinct pleasure to work with the Temple EDC while at Acer. I have experienced first-hand what an important role the TEDC plays in keeping companies in Temple as well as bringing in new business. I would like to contribute to the success of Temple by serving on the board to continue the progressive focus on the future of business in the community. Living in Temple is a source of pride for me because of the dynamic approach to business. I had the opportunity to show an account representative from Dallas around Temple. She was amazed at how much Temple has to offer. I would like for others to know too.



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 BOARDPARKS & LEISURE SERVICES ADVISORY BOARD

TRANSIT ADVISORY COMMITTEE

CENTRAL TEXAS HOUSING CONSORTIUM

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Name: LAMAR COLLINS Residence Address: 101 TWELVE OAKS

Mailing Address: Temple, Phone Number (Business): 778-5433 Home: 624-7111

Fax Number: 778-5434 Cell Phone Number: 624-7133 E-Mail Address: Coach Collins@educationgroup.org

Temple Resident: ☒ Yes ☐ No

Current Employer/Nature of Business: Contractor

What City Boards have you served on before & When? CSAB (07-09) Zoning Bd of Adjust.
(05-10)

Name, in priority order, the Board or Boards on which you would prefer to serve: TEDC, Parks
& Leisure, & Building & Standards Commission

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

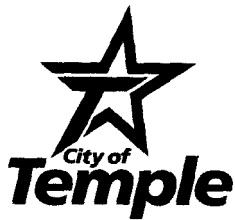
I've served on ISO & govt boards before, MPA from the State
I've contracted w/ state & federal govt agencies

Comments (Attach additional page if desired):

Signed: [Signature]

Date: 11/8/10

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CITY OF TEMPLE

CITY BOARD APPLICATION FORM

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

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

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

Name Paul S. Erchinger Residence Address 706 Livingston Ct. Temple, 76502

Mailing Address Same Phone Number(Business) 937-6060 (Home) 780-1359

Fax Number 937-6062 Cell Phone Number 913-7080 E-Mail Address Perchinger@yahoo.com

Temple Resident: ☒ Yes ☐ No

Current Employer/Nature of Business: owner Postal Logistics LLC - Operator of 2 UPS Stores

What City Boards have you served on before & When? Parks & Leisure Sves Advisory Bd.

2005 - 2011 President - 2010-11.

Name, in priority order, the Board or Boards on which you would prefer to serve: TEOC, P&L

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

Graduate Degree - Hospital Administration. 5 yrs local business owner, 6 yrs Temple PALS Advisory Bd.

Comments (Attach additional page if desired):

Signed: Paul S. Erchinger Date: 3-28-2011

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CITY OF TEMPLE

CITY BOARD APPLICATION FORM

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

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

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Name DAVID FITCH Residence Address 10605 BRIDGEPORT DR

Mailing Address SAME Phone Number (Business) 770-1221 (Home) 780-3585

Fax Number _____ Cell Phone Number _____ E-Mail Address dfitchtx@sbcbglobal.com

Temple Resident: ☒ Yes ☐ No

Current Employer/Nature of Business: FITCH RETAIL CO. RETAIL SALES

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 CORP

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

SEE ATTACHED
 Comments (Attach additional page if desired):

SEE ATTACHED
 Signed: David Fitch Date: 7/28/09

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

City of Temple

City Board Application Form

ADDEMDUM

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

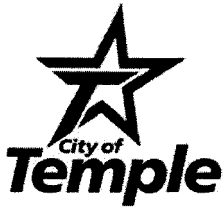
I graduated from Youngstown State University, Youngstown, OH, in 1968 with a BS in BA. I spent the next 30 years in the field of banking and insurance. During my time in banking, I graduated from the Stonier Graduate School of Banking and the National Graduate School of Commercial Lending. I hold certification as a Paralegal and have an Associate in Risk Management.

As a banker I was active in many community and civic functions including the Chamber of Commerce, the Crawford County Economic Development Commission. I worked with innumerable small and medium sized businesses, including retail, commercial and small industrial. The second half of my banking career was involved in managing three insurance companies and serving as Risk Manager for the bank holding company.

I moved from Pennsylvania to Temple in late 1996 to buy a retail store, a Sears Authorized Retail Dealer store. I subsequently opened and then sold a second store in Gatesville, TX. At present I own the store in Temple.

Comments

As a resident and a retail store owner in Temple, TX, I have a vested interest in the quality of life and future growth of the Temple market place. I've made a substantial investment in terms of time and money. I am interested in and desire to play a role in directing and implementing an organized, well developed and insightful plan to provide for a high quality of life and a controlled sustainable pattern for growth.



CITY OF TEMPLE

CITY BOARD APPLICATION FORM

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

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

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

Name Ruth Freeman Residence Address 718 E. Central Ave.

Mailing Address 718 E. Central Ave. Phone Number(Business) _____ (Home) 771-3198

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

Temple Resident: ☒ Yes ☐ No

Current Employer/Nature of Business: Retired

What City Boards have you served on before & When? Community Development 1980's

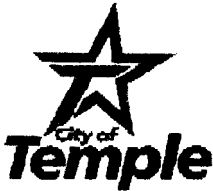
Name, in priority order, the Board or Boards on which you would prefer to serve: Building and Standards Commission

What experience and/or educational background do you have that could be applied to community service? Life time resident of Temple and have service in community

Comments (Attach additional page if desired):
Organization of different kinds during lifetime. Presently president of East Temple Homeowners Association.

Signed: Ruth Freeman Date: March 30, 2009

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CITY OF TEMPLE

CITY BOARD APPLICATION FORM

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

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

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Name 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 ALH@MMLCORP.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

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

Appt'd to Bldg Board of Appeals
3-0410



CITY OF TEMPLE

CITY BOARD APPLICATION FORM

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

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

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Name John C. Howe Residence Address 11104 Lake Whitney Dr.
TEMPLE TX 76502

Mailing Address _____ Phone Number (Business) 773-9966 (Home) 780-1101

Fax Number _____ Cell Phone Number 254 541 3090 E-Mail Address john@omegabuilders.com

Temple Resident: ☒ Yes ☐ No

Current Employer/Nature of Business: OMEGA BUILDERS (BUILDER/DEVELOPER)

What City Boards have you served on before & When? CTHC: OCT 2007 - PRESENT

BUILDING & STANDARDS COMMISSION: AROUND 2005 as ALTERNATE

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

① TEMPLE ECONOMIC DEVELOPMENT CORP ② REINVESTMENT ZONE No. 1

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

Comments (Attach additional page if desired): _____

Signed: _____

Date: 7/14/2009

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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 Rick Hughes Residence Address 3507 Victorian Dr. Temple 76502
Mailing Address PO Box 325, Temple 76503 Phone Number(Business) 773-0038 (Home) 778-8582
Fax Number 773-9500 Cell Phone Number 913-8657 E-Mail Address rhughes@ccim.net

Temple Resident: X Yes _____ No

Current Employer/Nature of Business: Hughes Realty Group, Commercial Real Estate

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:

TEDC or Reinvestment Zone No 1.

What experience and/or educational background do you have that could be applied to community service?
35 years in the real estate industry as an investor, corporate real estate executive and commercial real estate broker.

Hold CCIM designation with the National Association of Realtors
Comments (Attach additional page if desired):

Signed: Rich Hughes Date: July 31, 2009

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CITY OF TEMPLE

CITY BOARD APPLICATION FORM

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

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

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Name Wade L. Knight Residence Address 504 West Nugent
Mailing Address (same) Phone Number (Business) ²⁵⁴ 724-4910 (Home) ²⁵⁴ 773-7725
Fax Number ²⁵⁴ 773-0400 Cell Phone Number ²⁵⁴ 770-7705 E-Mail Address wknight@swmail.sw.org
Temple Resident: ☒ Yes ☐ No

Current Employer/Nature of Business: Scott + White

What City Boards have you served on before & When? Temple Economic Development Corp.

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

Temple Economic Development Corp.

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

previous board member - TEDC - 13yrs Scott + White Board

Comments (Attach additional page if desired):

I enjoyed working with TEDC and would like to rejoin as an at-large member.

Signed: Wade L. Knight Date: 5/12/2011

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CITY OF TEMPLE

CITY BOARD APPLICATION FORM

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

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

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

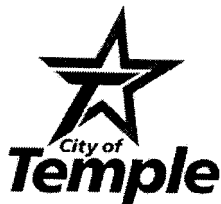
Name, in priority order, the Board or Boards on which you would prefer to serve: Temple Economic Development Corporation OR Planning Zoning Commission

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

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

Signed: Michael Nader Date: 7/31/09

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Hr ✓

CITY OF TEMPLE
CITY BOARD APPLICATION FORM

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

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

- 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 LARRY NEAL Residence Address 4609 WILLOWOOD LN
Mailing Address 4609 WILLOWOOD LN Phone Number (Business) 254 778 1466 (Home) 254 773 7564
Fax Number 254 778 5077 Cell Phone Number 254 913 8498 E-Mail Address arcneal@hotmail.com

Temple Resident: ☒ Yes ☐ No

Current Employer/Nature of Business: LARRY NEAL/ARCHITECT - ARCHITECTURAL FIRM (OWNER)

What City Boards have you served on before & When? PLANNING COMMISSION - EARLY 90's
HOUSING Bd Adjusment & Appeals Late 80's, DMAP current

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

Temple Economic Development Corp / Reinvestment Zone / Parks

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

Practicing Architect in Temple over 30 yrs / Active in Community
Comments (Attach additional page if desired):

Signed: Larry Neal

Date: 8-4-09

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



CITY OF TEMPLE

CITY BOARD APPLICATION FORM

ci. temple, TX, US
at city
Board & Comm.

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

ANIMAL SERVICES ADVISORY BOARD
BUILDING BOARD OF APPEALS
✓ COMMUNITY SERVICES ADVISORY BOARD
TEMPLE PUBLIC SAFETY ADVISORY BOARD
DEVELOPMENT STANDARDS ADVISORY BOARD
PARKS & LEISURE SERVICES ADVISORY BOARD
TRANSIT ADVISORY COMMITTEE
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Name DONALD W NELSON Residence Address 3105 HEMLOCK BLVD.

Mailing Address Same Phone Number (Business) _____ (Home) 254-778-1803

Fax Number Same Cell Phone Number _____ E-Mail Address d Nelson @ AT&T, TX, U.S.

Temple Resident: ☒ Yes ☐ No

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

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

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

Development; Community Services Advisory; Public Safety Advisory

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

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

England & Ohio; Div of Public Affairs Scott & White

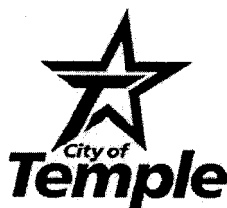
Comments (Attach additional page if desired):

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

Signed: Donald Nelson Date: 7-26-09

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

* Appointed to PSAB 8/20/09



CITY OF TEMPLE

CITY BOARD APPLICATION FORM

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

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

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

Name Michael Norman Residence Address 618 N. 13th, Temple 76501
Mailing Address 19 N. Main Temple 76501 Phone Number(Business) 624-5147 (Home) 770-1714
Fax Number 512-628-6506 Cell Phone Number 624-5147 E-Mail Address mnorman@catalystbiocultures.com
Temple Resident: X Yes No
Current Employer/Nature of Business: Catalyst Bio Ventures, LLC - bioscience startup
What City Boards have you served on before & When? Planning & Zoning 2006-2008

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

What experience and/or educational background do you have that could be applied to community service?
Planning & Zoning, Attorney, very involved in bioscience development - bringing first startup to accelerator
Comments (Attach additional page if desired):

Signed: [Signature] Date: 7/27/09

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

* Appointed to R2 #1 8/20/09

Comments for City Board Application Form

Michael T. Norman

I am very passionate about the exciting opportunities that Temple has over the next 25 years to build on the past 50 years of planning and execution to bring a vibrant bioscience industry to town, while at the same time continuing to develop and add to the already developed logistics and distribution industry and manufacturing industry. Along with my partner, Chris Thornton, through our company, Catalyst BioVentures, we are in the process of bringing the first bioscience startup to town in a partnership with Texas A & M Medical School and the A & M Office of Technology Commercialization. This has been accomplished in part due to the developed plans already in place through the City of Temple, TEDC, Reinvestment Zone, Bioscience District and others.

I would like to be on the TEDC board and/or Reinvestment Zone board to further develop my involvement in the emerging bioscience infrastructure projects and bring an “on the ground” insight into what would be helpful for companies that we wish to attract to Temple. We believe in working in a collaborative manner and have pursued input from the TEDC and Health and Bioscience District as we have put the project together with Texas A & M. The level of cooperation between TEDC, the Reinvestment Zone and the City is encouraging and an exciting opportunity for me to contemplate being a part of.



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 RATU Patel Residence Address 1602 N. General Boulevard
Mailing Address 1602 N. General Boulevard Phone Number (Business) _____ (Home) _____
Fax Number (254) 770-1616 Cell Phone Number (254) 718-5883 E-Mail Address _____
Temple Resident: ☒ Yes ☐ No STRATFORDHOUSEINN
Current Employer/Nature of Business: SELF EMPLOYED @GMAIL.COM
What City Boards have you served on before & When? _____

Name, in priority order, the Board or Boards on which you would prefer to serve: TEMPLE ECONOMIC DEVELOPMENT CORP, REINVESTMENT ZONE NUMBER ONE

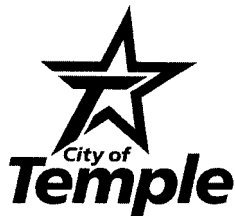
What experience and/or educational background do you have that could be applied to community service?

13 yrs in hotel business (Develop, build and manage multiple hotels in Temple, Belton & Waco) B.E. CIVIL Engg.

Comments (Attach additional page if desired): _____

Signed: R. Patel Date: 9/4/09

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



CITY OF TEMPLE

CITY BOARD APPLICATION FORM

✓

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

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

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Name HUGH D. SHINE Residence Address 3018 FORRESTER 76502

Mailing Address PO BOX 793 76503 Phone Number(Business) 742 1885 (Home) 724 9685

Fax Number 742 7714 Cell Phone Number 760 6007 E-Mail Address hugh.shine@WELLS FARGO ADVISORS.COM

Temple Resident: ☐ Yes ☒ No

Current Employer/Nature of Business: WELLS FARGO ADVISORS

What City Boards have you served on before & When? AIRPORT BOARD 2006 - PRESENT

REINVESTMENT ZONE 2004 - 2006

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

REINVESTMENT ZONE TEC

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

FINANCIAL

Comments (Attach additional page if desired):

Signed: [Signature] Date: 20 July 10

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

*Appt'd RZ #1 8/19/10



CITY OF TEMPLE

CITY BOARD APPLICATION FORM

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TREE BOARD

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Name Mike Thompson Residence Address 4520 Sunflower Lane, Temple, TX 76502
Mailing Address PO Box 6101 Temple 76503-6101 Phone Number (Business) 774-5548 (Home) 254-718-8360 Cell
Fax Number 254-774-5546 Cell Phone Number _____ E-Mail Address mthompson@extrabanks.com
Temple Resident: ☒ Yes ☐ No

Current Employer/Nature of Business: Banker - Extraco Banks

What City Boards have you served on before & When? RZ (at present), TEDC, Standards

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

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

36 years in banking
Comments (Attach additional page if desired):

Signed: [Signature] Date: 7/22/10

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

App'd RZ



Extraco
Banks

Post Office Box 6101
Temple, TX 76503-6101
254.774.5748
254.774.5546 Fax
mthompson@extracobanks.com

March 24, 2009

Michael W. Thompson
President
Chief Executive Officer

Reinvestment Zone
Clydetta Entzminger
City Secretary, City of Temple

As we have discussed, this current year I am participating in monthly University of North Carolina leadership classes that have conflicted in January and February with the Reinvestment Zone meetings and will again tomorrow, March 25th.

Missing tomorrow's meeting, as well, will trigger three consecutive absences. I am very much appreciative of the work the Reinvestment Zone Board does and its importance to our community. In that regard, I would like to request a temporary leave of absence. . In the event the leave is not possible, I would like to request a reinstatement, as soon possible, as my travel/class schedule changes to other days that will not conflict with future meetings for the remainder of the year. I appreciate your assistance in this matter.

Sincerely,

Michael W. Thompson by Carol Clements

Michael W. Thompson

Re-instated 4/16/09 to full temporary term thru 9/01/10



CITY OF TEMPLE
CITY BOARD APPLICATION FORM

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

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

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Name Matthew Watson Residence Address 419 ARAPAHO DR
1206 WEST CAMPUS DR
Mailing Address TEMPLE, TX 76502 Phone Number (Business) 254 298 3389 (Home) 254 213 4148
Fax Number _____ Cell Phone Number 254 760 2941 E-Mail Address mwatson@swmail.sw.az
Temple Resident: _____ Yes ☒ No (Not resident at this time)
Current Employer/Nature of Business: SCOTT & WHITE HEALTH PLAN
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 Commission

Temple Economic Development Corp, Temple Public Safety Advisory Board, Civil Service Commission

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

Leadership Temple, 15 yrs Military Service, Eagle Scout

Comments (Attach additional page if desired):

Currently I am responsible for the project management and process improvement offices at Scott & White Health Plan. I would love to apply these skills to community service

Signed: [Signature] Date: 1 June 2011

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CITY OF TEMPLE

CITY BOARD APPLICATION FORM

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BUILDING BOARD OF APPEALS
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TEMPLE PUBLIC SAFETY ADVISORY BOARD
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Name Timothy Weddle Residence Address 418 E. Upshaw
Mailing Address 418 E. Upshaw Phone Number(Business) 853-3152 (Home) 778-6386
Fax Number 853-3162 Cell Phone Number 718-4133 E-Mail Address weddle.T@gmail.com
Temple Resident: ☒ Yes ☐ No

Current Employer/Nature of Business: Larson's Mustang Electric
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: Electrical
Building & Standards

What experience and/or educational background do you have that could be applied to community service?
Electrician for 27 years, Electrical contractor for 15 years,
Hold Texas Master Electrical License, life long resident of Temple
Comments (Attach additional page if desired):

Signed: [Signature] Date: 2/4/10

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

RECEIVED

FEB 4 - 2010

CITY OF TEMPLE, TX
CITY SECRETARY



CITY OF TEMPLE

CITY BOARD APPLICATION FORM

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LIBRARY BOARD
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BUILDING BOARD OF APPEALS
COMMUNITY SERVICES ADVISORY BOARD
TEMPLE PUBLIC SAFETY ADVISORY BOARD
DEVELOPMENT STANDARDS ADVISORY BOARD
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Name STARKY K. WINNETT Residence Address 2009 SOUTH 53RD, TEMPLE, TX 76

Mailing Address 2009 S. 53RD, TEMPLE, TX 76798 Phone Number (Business) 760-2699 (Home) 778-5836

Fax Number 778-5836 Cell Phone Number 760-2699 E-Mail Address SKWIN47@aol.com

Temple Resident: ☒ Yes ☐ No

Current Employer/Nature of Business: RETIRED / SELF EMPLOYED APPRAISER

What City Boards have you served on before & When? N/A (WORKED FOR CITY OF TEMPLE AND 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 BELL CO. AND

Signed: Starky K. Winnett

Date: 7-24-09

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

Appra Bldg Board of Appeals 3/6/10

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.



EMPLOYEE BENEFITS TRUST AGENDA ITEM MEMORANDUM

07/07/11
Item #15
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Traci Barnard, Director of Finance

ITEM DESCRIPTION: Conduct a meeting of the City of Temple Employee Benefits Trust to purchase insurance policies from:

- (A) MetLife for Dental Insurance for FY2011-2012;
- (B) MetLife for Basic Life, AD&D and Voluntary Life for FY2011-2012;
- (C) Avesis for Voluntary Vision Insurance for FY2011-2012; and
- (D) Blue Cross/Blue Shield of Texas for Medical and Prescription Insurance for FY2011-2012.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY:

Dental

The City of Temple Employee Benefits Trust currently provides dental benefits through a fully insured contract with MetLife. The current contract expires on September 30, 2010. The City, on behalf of the Trust, issued an RFP for dental benefits to be effective on October 1, 2011. The City, on behalf of the Trust, received seven (7) proposals. The responses (financial/rates) ranged from no change in rates to a 6.62% increase in "current" rates. The Trust offers two (2) plans – "High" and "Low." The incumbent, MetLife, scored the best in the analysis. MetLife is proposing no increase in the active plans and a small increase to the cost that retirees pay. Staff recommends that for plan year 2011-2012, the City continue to contribute at the same level as FY2010-2011. The current benefits will remain the same. In addition, as in years past, if employees do not wish to participate in the cost of their dental insurance, they will not be required to purchase the benefit, and the City's contribution will be contributed to their Flexible Spending Account should they choose to have one. Staff recommends that the Trustees authorize a one year contract with MetLife for dental benefits.

Basic Life, AD&D and Voluntary Life

The City of Temple Employee Benefits Trust currently provides Basic Life/AD&D and Voluntary Life/AD&D benefits through MetLife. The current contract expires on September 30, 2011. The City, on behalf of the Trust, issued an RFP for Basic Life/AD&D and Voluntary Life/AD&D benefits to be effective October 1, 2011. The Trust received four (4) proposals. The responses (financial/rates) ranged from no change in rates to a 40.95% increase over "current" rates. MetLife scored the best on

rates (no proposed changes in rates from FY2010-FY2011) and rate guarantee. Staff recommends that for FY2011-2012, the City authorize a contract with MetLife for Basic Life, AD&D and Voluntary Life.

Voluntary Vision

In 2010, the trustees of the Employee Benefits Trust awarded a contract to Avesis for voluntary vision insurance. Avesis has performed well, and Staff desires to extend the contract for another year. This contract award has no direct cost to the City since this is a voluntary benefit.

Medical and Prescription

The City of Temple Employee Benefits Trust currently provides medical and prescription benefits through the Trust's partially self-funded plan – administered and reinsured by Blue Cross Blue Shield of Texas (BCBS). The current contract expires on September 30, 2011. The City, on behalf of the Trust, issued an RFP for medical benefits to be effective October 1, 2011. The Trust received four (4) proposals. BCBS scored the best -- a 1.25 on a scale of 1-4 with 1 being the best. The City and the Trust are in a very good position this plan year. The changes that were made last plan year – changing to a self funded plan from a fully insured plan, along with the changes that were made to the benefit design, and limiting the number of plans offered, has allowed the City and the Trust to only need to increase the “funding” of the Medical/prescription plan by 6% -- both to the City's contribution and the employee's contribution. After consultation between Staff, the employee insurance committee and the Consultant, Staff recommends that the Trustees authorize a contract with Blue Cross Blue Shield of Texas for plan year FY2011-2012 with the option to renew for additional plan years.

ACTION REQUIRED: The Mayor shall recess the Council meeting and convene a meeting of the trustees of the City of Temple Employee Benefits Trust. The Trustees (all Councilmembers) will conduct the business of the Trust as shown on the Trust Agenda including awarding contracts to the various vendors. Once business has been concluded, the Mayor will adjourn the Trust meeting and reconvene the Council meeting. No action is required of the Council on this item. All action is performed by the Trustees.

FISCAL IMPACT: Funding of the contracts awarded by the Trust will be accomplished at a Council meeting in September when the budget is adopted. (NOTE: The trust was established in order to eliminate the premium tax that is passed on from the insurance companies.)

Budgeted FY2011-2012 amount: \$ 55,197 for dental insurance for employees
\$1,634,092 for medical/prescription insurance for employees
\$ 125,450 for medical/prescription and dental insurance for
retirees < age 65
\$8,828 for AD & D
\$41,849 for Basic Life

ATTACHMENTS:
Resolution