



**MEETING OF THE
TEMPLE CITY COUNCIL**

FIRE STATION NO. 8/ EOC/ TRAINING CENTER

7268 AIRPORT ROAD

THURSDAY, JULY 21, 2011

2:30 P.M.

WORKSHOP AGENDA

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, July 21, 2011.
2. Discuss the proposed FY 2011-2012 budget and related issues.
3. 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

TEMPLE CITY COUNCIL

REGULAR MEETING AGENDA

I. CALL TO ORDER

1. Invocation
2. Pledge of Allegiance

II. PUBLIC APPEARANCE

3. Receive comments from Ms. [Mary K. Johnson](#) regarding Temple Police and the Water Business Department.

III. PROCLAMATIONS & SPECIAL RECOGNITIONS

4. Recognition of the [2011 Junior Fire Cadet Program](#)

IV. PUBLIC HEARING

5. Conduct a public hearing to receive comments and questions concerning the [2010 Drinking Water Quality Report](#) (Consumer Confidence Report).

V. BUDGET ITEMS

6. [2011-6339-R](#): PUBLIC HEARING – Conduct a final public hearing and consider adopting a resolution approving the Community Development Block Grant (CDBG) 2011-2012 Annual Action Plan and Budget, including the funding recommendations for public service agencies from the Community Services Advisory Board.

VI. 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.

VII. 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.

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

Minutes

- (A) [July 7, 2011 Special Called and Regular Meeting](#)

Contracts, Leases & Bid

- (B) [2011-6340-R](#): Consider adopting a resolution authorizing a professional services agreement with Jacobs Engineering Group, Inc. of Austin for services required for Preliminary Engineering related to drainage improvements to the reach of Bird Creek between IH 35 and Loop 363 in an amount not to exceed \$56,156.
- (C) [2011-6341-R](#): Consider adopting a resolution authorizing a construction contract with Bell Contractors, Inc., of Belton for construction activities required to rehabilitate the sewer lines located at Dunbar Road, Avenue M and Avenue N in an amount not to exceed \$147,682.80.
- (D) [2011-6342-R](#): Consider adopting a resolution authorizing project scope change orders to the Police Headquarters construction contract with American Constructors, Inc. of Austin in an estimated amount of \$213,000, and declaring an official intent to reimburse associated expenditures made prior to the issuance of tax-exempt obligations for this project.
- (E) [2011-6343-R](#): Consider adopting a resolution authorizing the renewal of a Cooperative Working Agreement with Bell County for the Bell County Crime Coalition project that is administered by the Bell County Juvenile Probation Department.
- (F) [2011-6344-R](#): Consider adopting a resolution authorizing a Memorandum of Understanding with the City of Killeen and Bell County to establish the rights, duties, administration and division of funds received under the 2011 Edward Byrne Memorial Justice Assistance Grant (JAG) program Award.

- (G) [2011-6345-R](#): Consider adopting a resolution authorizing the purchase of two (2) police canines, including training, from US K9 Unlimited of Kaplan, Louisiana, in the amount of \$27,800.
- (H) [2011-6346-R](#): Consider adopting a resolution authorizing the purchase of five (5) DVR systems for the Police Department from L-3 Mobile-Vision, Inc. of Boonton, New Jersey, utilizing the Houston-Galveston Area Council Interlocal Cooperative (HGAC) in the amount of \$24,762.50, and authorizing a service agreement with All Points Communications of Georgetown for the installation of the systems in the amount of \$2,560 for a total project cost of \$27,322.50.
- (I) [2011-6347-R](#): Consider adopting a resolution authorizing the purchase of audio visual professional services for the new Fire Station 8/EOC/Training Center from InHouse Systems, Inc. in an amount not to exceed \$31,500.

Ordinance – Second & Final Reading

- (J) [2011-4450](#): SECOND READING – 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. **(Note: Approval of this item on consent agenda will rezone the subject property to PD-O1, as approved on first reading by the City Council and with concurrence of applicant.)**
- (K) [2011-4451](#): SECOND READING – Z-FY-11-31: Consider adopting an ordinance authorizing 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.
- (L) [2011-4453](#): SECOND READING – 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. **(Note: Approval of this item on consent agenda will rezone the subject property to SF2, GR and MF2, as approved on first reading by the City Council and with the concurrence of the applicant.)**
- (M) [2011-4454](#): SECOND READING – 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).

- (N) [2011-4454](#): SECOND READING – 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).
- (O) 1. [2011-4455](#): SECOND READING – 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.
2. [2011-6348-R](#): Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick & Associates, LP for design, bidding, construction administration, special services and on-site representation of the corporate hangar development project phase 1 at the Draughton-Miller Central Texas Regional Airport in the amount of \$191,965.
3. [2011-6349-R](#): Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick & Associates, LP, for engineering services required to prepare preliminary engineering design for the Outer Loop between Wendland Road to IH-35 for an amount not to exceed \$150,655.
- (P) [2011-4456](#): SECOND READING – 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.

Misc.

- (Q) [2011-6350-R](#): Consider adopting a resolution authorizing budget amendments for fiscal year 2010-2011.

VII. REGULAR AGENDA

ORDINANCES

8. [2011-4457](#): FIRST READING – PUBLIC HEARING - Consider adopting an ordinance amending the Code of Ordinances, Chapter 6, “Animals and Fowl”, Sec 6-18, Definitions of Wild Animal, to amend the definition of alligator and crocodile to those over 2.5 feet long.
9. [2011-4458](#): FIRST READING – PUBLIC HEARING – Consider adopting an ordinance establishing the prima facie speed limit on FM 2305, within the City limits.
10. (A) [2011-4459](#): FIRST READING – PUBLIC HEARING –Consider adopting an ordinance authorizing the annexation of 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.

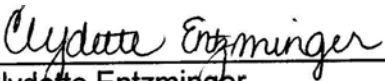
(B) [2011-4460](#): FIRST READING – PUBLIC HEARING - Z-FY-11-28: Consider adopting an ordinance authorizing a zoning change from Agriculture District (AG) to Commercial District (C) on three acres out of land not presently in the Temple City Limits, being part of Sara Fitzhenry Survey, Abstract Number 312, Bell County, Texas, located on the Northeast side of State Highway 36, across from the CEFCO Convenience Store.

BOARD APPOINTMENTS

11. [2011-6351-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) Temple Public Safety Advisory Board – two members to fill unexpired terms through September 1, 2011 and September 1, 2013
 - (C) Citizen Advisory Committee on Redistricting – one member to fill vacated District 2 representative position

***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 1:50 PM, on July 15, 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

07/21/11
Item #3
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

William A. Jones, III, Mayor

ITEM DESCRIPTION: Receive comments from Ms. Mary K. Johnson regarding the Temple Police Department and the Water Business Office.

STAFF RECOMMENDATION: Receive comments as presented in item description.

ITEM SUMMARY: Mary K. Johnson filed a Request for Placement on the City Council Agenda, please see attached form.

FISCAL IMPACT: None

ATTACHMENTS:

[Request for placement on agenda](#)

CITY OF TEMPLE, TEXAS

CITY COUNCIL MEETINGS

REQUEST FOR PLACEMENT ON AGENDA

RECEIVED

JUL 15 2011

CITY OF TEMPLE, TX
CITY SECRETARY

21 Priority

NAME OF PRESENTER:

MARY K. JOHNSON

ADDRESS:

1015 So MAIN - B

TELEPHONE NO.

(254) 231-9193

DATE REQUESTED TO APPEAR BEFORE THE COUNCIL: (Note - The City Council meets the first and third Thursdays of each month.) July 21st, 2011

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

I am requesting an investigation
I believe that my family has been
targeted for harassment, racial profiling
and discrimination by Temple Police

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

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

Mary K. Johnson

SIGNATURE OF PRESENTER

7-15-11

DATE

For Office Use:

CITY OF TEMPLE, TEXAS

CITY COUNCIL MEETINGS

REQUEST FOR PLACEMENT ON AGENDA

RECEIVED
JUL 15 2011
CITY OF TEMPLE, TX
CITY SECRETARY
2 Priority

NAME OF PRESENTER: MARY K. JOHNSON

ADDRESS: 1015 SO MAIN - B

TELEPHONE NO. (254) 231-9193

DATE REQUESTED TO APPEAR BEFORE THE COUNCIL: (Note - The City Council meets the first and third Thursdays of each month.) July 21st

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

My water bill has increased double
even tripled from 2009 to the present
I believe there is an ongoing problem
that has never been corrected

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

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

Mary K. Johnson
SIGNATURE OF PRESENTER

7-15-11
DATE

For Office Use:



COUNCIL AGENDA ITEM MEMORANDUM

07/21/11
Item #4
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

William A. Jones, III, Mayor

ITEM DESCRIPTION: Presentation of Proclamations and Special Recognitions:

Recognition of 2011 Junior Fire Cadet Program

STAFF RECOMMENDATION: Receive presentation as presented in item description.

ITEM SUMMARY: Thomas Pechal, Temple Fire and Rescue, would like to recognize the participants in the 2011 Junior Fire Cadet Program.

FISCAL IMPACT: None

ATTACHMENTS: None



COUNCIL AGENDA ITEM MEMORANDUM

07/21/11
Item #5
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Conduct a public hearing to receive comments and questions concerning the 2010 Drinking Water Quality Report (Consumer Confidence Report).

STAFF RECOMMENDATION: Conduct public hearing; no action required.

ITEM SUMMARY: The Consumer Confidence Report (CCR) is an annual water quality analysis of the City's drinking water. The Texas Commission on Environmental Quality (TCEQ), under Title 30 of the Texas Administrative Code §290.271-290.275, requires that community water systems deliver the 2010 CCR to all of their customers, making a good faith effort to reach all customers and citizens by appropriate methods. This has been completed by including the CCR in all utility billing cycles, both by mail and electronically, as well as making it available on our website, at the Utility Business Office, the Public Library, and through the office of Public Works Administration.

FISCAL IMPACT: N/A

ATTACHMENTS:

[2010 Drinking Water Quality Report](#)



2010 Drinking Water Quality Report

(Consumer Confidence Report)

City of Temple



Ph: (254) 298-5621 Fax: (254) 298-5479

www.ci.temple.tx.us

SPECIAL NOTICE

Required language for ALL community public water supplies:

You may be more vulnerable than the general population to certain microbial contaminants, such as Cryptosporidium, in drinking water. Infants, some elderly or immunocompromised persons such as those undergoing chemotherapy for cancer; those who have undergone organ transplants; those who are undergoing treatment with steroids; and people with HIV/AIDS or other immune system disorders can be particularly at risk from infections. You should seek advice about drinking water from your healthcare providers. EPA/Centers for Disease Control guidelines on appropriate means to lessen the risk of infection by Cryptosporidium and other microbial contaminants are available at the Safe Drinking Water Hotline (1-800-426-4791).

Public Participation Opportunities

Date: July 21, 2011
Time: 5:00 p.m.
Location: Regular Council Meeting, Council Chambers
Municipal Building
2 North Main
Phone No: (254) 298-5700

Our Drinking Water Meets or Exceeds

All Federal (EPA) Drinking Water Requirements

This report is a summary of the quality of the water we provide our customers. The analysis was made by using the data from the most recent U.S. Environmental Protection Agency (EPA) required tests and is presented in the attached pages. We hope this information helps you become more knowledgeable about what's in your drinking water.

En Español

Este reporte incluye información importante sobre el agua potable. Para obtener una copia de ésta información traducida al Español, favor de llamar al teléfono (254) 298-5621.

WATER SOURCES: The sources of drinking water (both tap water and bottled water) include rivers, lakes, streams, ponds, reservoirs, springs and wells. As water travels over the surface of the land or through the ground, it dissolves naturally-occurring minerals, and in some cases, radioactive material, and can pick up substances resulting from the presence of animals or from human activity. Contaminants that may be present in source water before treatment include: microbes, inorganic contaminants, pesticides and herbicides, radioactive contaminants, and organic chemical contaminants.

Where do we get our drinking water?

Our drinking water is obtained from Surface Water sources. It comes from Lake Belton by way of the Leon River.

TCEQ completed an assessment of our source water and results indicate that some of our sources are susceptible to certain contaminants. The sampling requirements for our water system are based on this susceptibility and previous sample data. Any detection of these contaminants will be found in this report. For more information on source water assessments and protection efforts at our system, please contact us.

ALL drinking water may contain contaminants.

When drinking water meets federal standards, there may not be any health-based benefits to purchasing bottled water or point of use devices. Drinking water, including bottled water, may reasonably be expected to contain at least small amounts of some contaminants. The presence of contaminants does not necessarily indicate that water poses a health risk. More information about contaminants and potential health effects can be obtained by calling the EPA's Safe Drinking Water Hotline (800-426-4791).

Secondary Constituents

Many constituents (such as calcium, sodium, or iron) which are often found in drinking water can cause taste, color, and odor problems. The taste and odor constituents are called secondary constituents and are regulated by the State of Texas, not the EPA. These constituents are not causes for health concern. Therefore, secondaries are not required to be reported in this document but they may greatly affect the appearance and taste of your water.

About The Following Pages

The pages that follow list all of the federally regulated or monitored contaminants which have been found in your drinking water. The U.S. EPA requires water systems to test up to 97 contaminants.

Maximum Contaminant Level (MCL)

The highest permissible level of a contaminant in drinking water. MCLs are set as close to the MCLGs as feasible using the best available treatment technology.

Maximum Contaminant Level Goal (MCLG)

The level of a contaminant in drinking water below which there is no known or expected health risk. MCLGs allow for a margin of safety.

Maximum Residual Disinfectant Level (MRDL)

The highest level of disinfectant allowed in drinking water. There is convincing evidence that addition of a disinfectant is necessary for control of microbial contaminants.

Maximum Residual Disinfectant Level Goal (MRDLG)

The level of drinking water disinfectant below which there is no known or expected risk to health. MRDLGs do not reflect the benefits of the use of disinfectants to control microbial contamination.

Action Level (AL)

The concentration of a contaminant which, if exceeded, triggers treatment or other requirements which a water system must follow.

NTU – Nephelometric Turbidity Units

pCi/L – picocuries per liter (a measure of radioactivity)

ppm – parts per million, or milligrams per liter (mg/L)

ppb – parts per billion, or micrograms per liter (ug/L)

Inorganic Contaminants

Year	Contaminant	Average Level	Minimum Level- Maximum Level	MCL	MCLG	Unit of Measure	Source of Contaminant
2010	Fluoride	0.7	0.7-0.7	4	4	ppm	Erosion of natural deposits; water additive which promotes strong teeth; discharge from fertilizer and aluminum factories.
2010	Nitrate	0.42	0.42-0.42	10	10	ppm	Runoff from fertilizer use; leaching from septic tanks, sewage; erosion of natural deposits.
2005	Gross beta emitters	2.9	2.9 – 2.9	50	0	pCi/L	Decay of natural and man-made deposits.

Maximum Residual Disinfectant Level

Systems must complete and submit disinfection data on the surface Water Monthly Operations Report (SWMOR). On the CCR report, the system must provide disinfectant type, minimum, maximum and average levels.

Year	Disinfectant	Average Level	Minimum Level- Maximum Level	MRDL	MRDLG	Unit of Measure	Source of Chemical
2010	Chloramines	2.9	0.5-4.2	4.0	<4.0	ppm	Disinfectant used to control microbes.

Disinfection Byproducts

Year	Contaminant	Average Level	Minimum Level- Maximum Level	MCL	Unit of Measure	Source of Contaminant
2010	Total Haloacetic Acids	25.1	17.1-31.9	60	ppb	By-product of drinking water disinfection
2010	Total Trihalomethanes	49.2	35.0-56.5	80	ppb	By-product of drinking water disinfection.

Unregulated Initial Distribution System Evaluation for Disinfection Byproducts

This evaluation is sampling required by EPA to determine the range of total trihalomethane and haloacetic acid in the system for future regulations. The samples are not used for compliance, and may have been collected under non-standard conditions. EPS also requires the data to be reported here.

Year	Contaminant	Average Level	Minimum Level- Maximum Level	MCL	Unit of Measure	Source of Contaminant
2008	Total Haloacetic Acids	29.4	11.3-42.3	N/A	ppb	By-product of drinking water disinfection
2008	Total Trihalomethanes	60.1	38-81.8	N/A	ppb	By-product of drinking water disinfection.

Unregulated Contaminants

Bromoform, chloroform, dichlorobromomethane and dibromochloromethane are disinfection byproducts. There is no maximum contaminant level for these chemicals at the entry point to distribution.

Year	Contaminant	Average Level	Minimum Level- Maximum Level	Unit of Measure	Source of Contaminant
2010	Chloroform	22	22-22	ppb	By-product of drinking water disinfection.
2010	Bromoform	1.8	1.8-1.8	ppb	By-product of drinking water disinfection
2010	Bromodichloromethane	20	20-20	ppb	By-product of drinking water disinfection.
2010	Dibromochloromethane	9.5	9.5-9.5	ppb	By-product of dinking water disinfection.

Lead and Copper

Year	Contaminant	The 90th Percentile	Number of Sites Exceeding AL	Action Level	Unit of Measure	Source of Contaminant
2009	Lead	2.7	0	15	ppm	Corrosion of household plumbing systems; erosion of natural deposits.
2009	Copper	0.222	0	1.3	ppm	Corrosion of household plumbing systems; erosion of natural deposits; leaching from wood preservatives.

Required Additional Health Information for Lead

"If present, elevated levels of lead can cause serious health problems, especially for pregnant women and young children. Lead in drinking water is primarily from materials and components associated with service lines and home plumbing. This water supply is responsible for providing high quality drinking water, but cannot control the variety of materials used in plumbing components. When your water has been sitting for several hours, you can minimize the potential for lead exposure by flushing your tap for 30 seconds to 2 minutes before using water for drinking or cooking. If you are concerned about lead in your water, you may wish to have your water tested. Information on lead in drinking water, testing methods, and steps you can take to minimize exposure is available from the Safe Drinking Water Hotline or at <http://www.epa.gov/safewater/lead>."

Turbidity

Turbidity has no health effects. However, turbidity can interfere with disinfection and provide a medium for microbial growth. Turbidity may indicate the presence of disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.

Year	Contaminant	Highest Single Measurement	Lowest Monthly % of Samples Meeting Limits	Turbidity Limits	Unit of Measure	Source of Contaminant
2010	Turbidity	0.32	100.00	0.3	NTU	Soil runoff.

Total Organic Carbon

Total organic carbon (TOC) no health effects. The disinfectant can combine with TOC to form disinfection by-products. Disinfection is necessary to ensure that water does not have unacceptable levels of pathogens. By-products of disinfection include trihalomethanes (THMs) and haloacetic acids (HAA) which are reported elsewhere in this report.

Year	Contaminant	Average Level	Minimum Level- Maximum Level	Unit of Measure	Source of Contaminant
2010	Source Water	3.60	3.02-3.88	ppm	Naturally present in environment.
2010	Drinking Water	2.44	2.05-2.72	ppm	Naturally present in environment
2010	Removal Ratio	32.1	22.4-41.4	% removal*	N/A

*Removal ratio is the percent of TOC removed by the treatment process divided by the percent of TOC required by TCEQ to be removed.

Coliform

Coliform bacteria are used as indicators of microbial contamination of drinking water because they are easily detected and found in the digestive tract of warm-blooded animals. While not themselves disease producers, they are often found in association with other microbes that are capable of causing disease. Coliform bacteria are harder than many disease-causing organisms; therefore, their absence from water is a good indication that the water is bacteriologically safe for human consumption.

Total Coliform

Year	Contaminant	Highest Monthly % of Positive Samples	MCL	Unit of Measure	Source of Contaminant
2010	Total Coliform Bacteria	1.43	*	Presence	Naturally present in the environment.

*Presence of Coliform bacteria in 5% or more of the monthly samples.

Fecal Coliform: REPORTED MONTHLY TESTS FOUND NO FECAL COLIFORM BACTERIA.

Fecal Coliform (mostly E-coli) is a portion of the Coliform bacteria group originating in the intestinal tract of warm-blooded animals that passes into the environment as feces. Fecal Coliform is often used as an indicator of the fecal contamination of a domestic water supply.

Secondary and Other Constituents Not Regulated

(No associated adverse health effects)

Year	Constituent	Average Level	Minimum Level	Maximum Level	Secondary Limit	Unit of Measure	Source of Constituent
2010	Bicarbonate	152	152	152	NA	ppm	Corrosion of carbonate rocks such as limestone.
2010	Chloride	23	23	23	300	ppm	Abundant naturally occurring element; used in water purification; by-product of oil field activity.
2010	pH	7.3	7.3	7.3	>7.0	Units	Measure of corrosivity of water
2010	Sodium	16.8	16.8	16.8	NA	ppm	Erosion of natural deposits; by-product of oil field activity.
2010	Sulfate	41	41	41	300	ppm	Naturally occurring; common industrial by-product; by-product of oil field activity.
2010	Total Alkalinity as CaCO ₃	23	23	23	NA	ppm	Naturally-occurring soluble mineral salts.
2010	Total Dissolved Solids	251	251	251	1000	ppm	Total dissolved mineral constituents in water

Hardness: DATA AVAILABLE FROM CITY OF TEMPLE WATER TREATMENT PLANT STAFF – (254) 939-2161.

Drink Temple Water!





COUNCIL AGENDA ITEM MEMORANDUM

07/21/11

Item #6

Regular Agenda

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DEPT./DIVISION SUBMISSION & REVIEW:

Traci Barnard, Director of Finance

ITEM DESCRIPTION: PUBLIC HEARING – Conduct a final public hearing and consider adopting a resolution approving the Community Development Block Grant (CDBG) 2011-2012 Annual Action Plan and Budget, including the funding recommendations for public service agencies from the Community Services Advisory Board.

STAFF RECOMMENDATION: Conduct public hearing and adopt resolution as presented in item description.

ITEM SUMMARY: 2011-2012 Annual Action Plan and Budget

For more than 30 years, the Community Development Block Grant (CDBG) program has been assisting metropolitan cities and urban counties across this country to fund their community and economic development activities. Approximately 1,000 entitlement communities participate in the program nationwide, including the City of Temple. The City is one of 77 entitlement communities located in the State of Texas. For Fiscal Year 2011-2012, HUD allocated CDBG funds to entitlement communities in Texas, as follows:

FY 2011-2012 CDBG in Texas

CDBG	Amount
State Total	\$165,344,690
Minimum	197,107
Maximum	27,342,559
Average	2,147,334
Temple	\$466,842

Other Recent CDBG Grant Amounts

2007-2008	\$524,136
2008-2009	\$503,239
2009-2010	\$515,508
2010-2011	\$559,603

The Community Development Block Grant Program provides annual grants on a formula basis to develop viable urban communities by providing decent housing, and a suitable living environment, and by expanding economic opportunities, principally for low-and moderate-income persons. The City of Temple anticipates receiving \$466,842 as this year's funding, which will be the second year of the 5-Year Consolidated Plan (2010-2015). Entitlement communities develop their own programs and funding priorities. Maximum feasible priority must be given to activities that benefit low-and moderate-income persons.

The proposed allocation of funds is as follows:

Public Services	\$60,000
Infrastructure Improvements	\$123,475
Park Improvements	\$90,000
Demolition	\$100,000
General Administration	\$93,367
Total	\$466,842

Public Services - \$60,000

The Community Services Advisory Board (CSAB) spent many hours over several meetings sifting through the 6 requests (See Attachment) totaling \$114,055 while debating the merits of each agency and the needs of the community. Staff has recommended that the agencies be funded up to a maximum amount of the requested amount. It is recommended the City Council allocate \$60,000 to 3 agencies as follow:

1. Bell County Human Services (Temple HELP Center) \$25,000
2. Families in Crisis, Inc. \$20,000
3. Hill County Community Action Association (Meals on Wheels) \$15,000

Infrastructure Improvements - \$123,475

The project will be located along South 1st Street within the boundaries of Ave. F on the north and Ave. M on the south. The project will include design and installation of sidewalks, not to exceed 8 feet in width, and any necessary ADA ramps, curbs and gutters. Landscaping will be installed where permissible due to absence of pavement. This project will increase safety, and provide accessibility of a suitable living environment to this low income neighborhood. This is proposed to be a multi year project with this being the second year of funding. It is recommended that \$123,475 be allocated from 2011-2012 CDBG funds

Park Improvements - \$90,000

The current wood floor at the Clarence Martin Gym will be replaced. It is recommended that \$90,000 be allocated from 2011-2012 CDBG funds

Demolition - \$100,000

Demolition of vacant and dilapidated structures will be conducted to address blighted conditions on a spot basis in locations to be determined based on code violations. This is a continuation of a project focus from previous years. It is recommended that \$100,000 be allocated from 2011-2012 CDBG funds.

Administration - \$93,367

It is recommended that \$93,367 be allocated for the City's administration of the CDBG Program, including contracted services.

The first public hearing for the proposed 2011-2012 Annual Action Plan and Budget was held on June 2, 2011 and was followed by a 30-day public comment period. This is the final public hearing and action on the 2011-2012 Annual Action Plan.

FISCAL IMPACT: At the time of the first public hearing the final allocation amount was pending with HUD. The final allocation amount for FY 2011-2012 has now been received from HUD. The revised allocation amount of \$466,842 in FY 2011-2012 CDBG funds are to be allocated as recommended. The recommended allocations were revised to reflect the final allocation amount received from HUD.

ATTACHMENTS:

[2011-2012 Annual Action Plan](#)

[2011-2012 Public Service Agency Funding Recommendations](#)

[2011-2012 CSAB meeting minutes](#)

[Resolution](#)



Second Program Year Action Plan

The CPMP Annual Action Plan includes the [SF 424](#) and Narrative Responses to Action Plan questions that CDBG, HOME, HOPWA, and ESG grantees must respond to each year in order to be compliant with the Consolidated Planning Regulations. The Executive Summary narratives are optional.

Narrative Responses

GENERAL

Executive Summary

The Executive Summary is required. Include the objectives and outcomes identified in the plan and an evaluation of past performance.

Program Year 2 Action Plan Executive Summary:

The *Annual Action Plan* reflects the City's funding priorities and identifies the projects proposed to receive Federal funds under the CDBG program. The Annual Action Plan describes priority projects for neighborhood revitalization, public Improvements as well as public service activities. The City of Temple will receive \$466,842 for its 2011 CDBG allocation. The City will not be utilizing program income generated from prior years' grant activities and unused funds from prior years due to none being available.

2011-2012 CDBG Funding	Program Income Received	Prior Funding Reallocation	Total
\$466,842	\$0	\$0	\$466,842

These funds enhance the City's housing and community development programs, supporting safe, well-planned residential and business districts. CDBG financed projects respond to the most urgent needs of limited income residents. Over 70% of the funding allocated to CDBG activities benefit low to moderate income persons. Maximum benefit is derived from each dollar spent.

For more than 30 years, the Community Development Block Grant (CDBG) program has been assisting metropolitan cities and urban counties across this country to fund their community and economic development activities. Approximately 1,000 entitlement communities participate in the program nationwide, including the City of Temple. The City is one of 77 entitlement communities located in the State of Texas. For Fiscal Year 2011-2012, HUD has allocated CDBG funds to entitlement communities in Texas, as follows:

FY 2011-2012 CDBG IN TEXAS

CDBG	Amount
State Total	\$165,344,690
Minimum	\$197,107
Maximum	\$27,342,559
Average	\$2,147,334
Temple	\$466,842

Recent Temple CDBG Grant Amounts

2007-2008	\$524,136
2008-2009	\$503,239
2009-2010	\$515,508
2010-2011	\$559,603

OBJECTIVES AND OUTCOMES FOR PROGRAM YEAR 2011

The City plans to undertake numerous activities during the program year that will meet all of HUD's objectives to contribute towards a suitable living environment, provide decent housing, and create economic opportunities. These activities will generate outcomes that fall into one of three categories:

Availability/Accessibility: This category applies to activities that make services, infrastructure, public services, public facilities, housing; or shelter available or accessible to low- and moderate-income people, including persons with disabilities.

Affordability: This category applies to activities that provide affordability in a variety of ways in the lives of low- and moderate-income people: It can include the creation or maintenance of affordable housing, basic infrastructure hook-ups, or services such as transportation or day care.

Sustainability: Promoting Livable or Viable Communities. This category applies to projects where the activity or activities are aimed at improving communities or neighborhoods, helping make them livable or viable by providing benefit to persons of low- and moderate-income or by removing or eliminating slums or blighted areas, through multiple activities or services that sustain communities or neighborhoods.

Objective: Suitable Living Environment			
Grant	Project	Outcome	Specific Objectives
CDBG	Infrastructure Improvements	Availability/Accessibility	Improve the quality of public improvements
CDBG	Park Improvements	Availability/Accessibility	Improve the quality of public improvements
CDBG	Temple HELP Center: Child Care & Employment/Education	Availability/Accessibility	Improve Services for low income persons
CDBG	Hill Country Community Action Association, Inc	Availability/Accessibility	Improve Services for low income persons
CDBG	Families in Crisis	Availability/Accessibility	Improve Services for low income persons
CDBG	Demolition	Availability/Accessibility	Improve the quality of public improvements
Objective: Provide Decent Housing			
Grant	Project	Outcome	Specific
CDBG	No CDBG funds are allocated for this objective		
Objective: Economic Opportunity			
Grant	Project	Outcome	Specific Objectives
CDBG	No CDBG funds are allocated for this objective		

The Community Development Block Grant Program provides annual grants on a formula basis to develop viable urban communities by providing decent housing, and a suitable living environment, and by expanding economic opportunities, principally for low- and moderate-income persons. This will be the second year of the 5-Year Consolidated Plan (2010-2014). Entitlement communities develop their own programs and funding priorities. Maximum feasible priority must be given to activities that benefit low and moderate income persons.

The proposed allocation of funds is as follows:

Public Services	\$60,000
Infrastructure Improvements	\$123,475
Park Improvements	\$90,000
Demolition	\$100,000
General Administration	\$93,367
Total	\$466,842

Public Services - \$60,000

The Community Services Advisory Board (CSAB) spent many hours over several meetings sifting through the 6 requests (See Attachment) totaling \$114,055 while debating the merits of each agency and the needs of the community.

Bell County Human Service (Temple HELP Center)	\$25,000
Hill Country Community Action Association, Inc.	\$15,000
Families in Crisis, Inc.	\$20,000

Infrastructure Improvements - \$123,475

The project will be located along South 1st Street within the boundaries of Ave. F on the north and Ave. M on the south. The project will include design and installation of sidewalks, not to exceed 8 feet in width, and any necessary ADA ramps, curbs and gutters. Landscaping will be installed where permissible due to absence of pavement. This project will increase safety, and provide accessibility of a suitable living environment to this low income neighborhood. This is proposed to be a multi year project with this being the second year of funding.

Park Improvements - \$90,000

The current wood floor at the Clarence Martin Gym, 102 West Elm Ave. will be replaced. It is recommended that \$90,000 be allocated from 2011-2012 CDBG funds.

Demolition - \$100,000

Demolition of vacant and dilapidated structures will be conducted to address blighted conditions on a spot basis in locations to be determined based on code violations. This is a continuation of a project focus from previous years.

Past Performance

On an annual basis, HUD review's the performance of all entitlement recipients to determine whether each recipient is carrying out its CDBG assisted activities in a timely manner. If at sixty days prior to the end of the grantee's current program year, the amount of entitlement grant funds available to the recipient under grant agreements but undistributed by the U.S. Treasury is more than 1.5 times the entitlement grant amount for its current program year the grantee is considered to be noncompliant with HUD requirements.

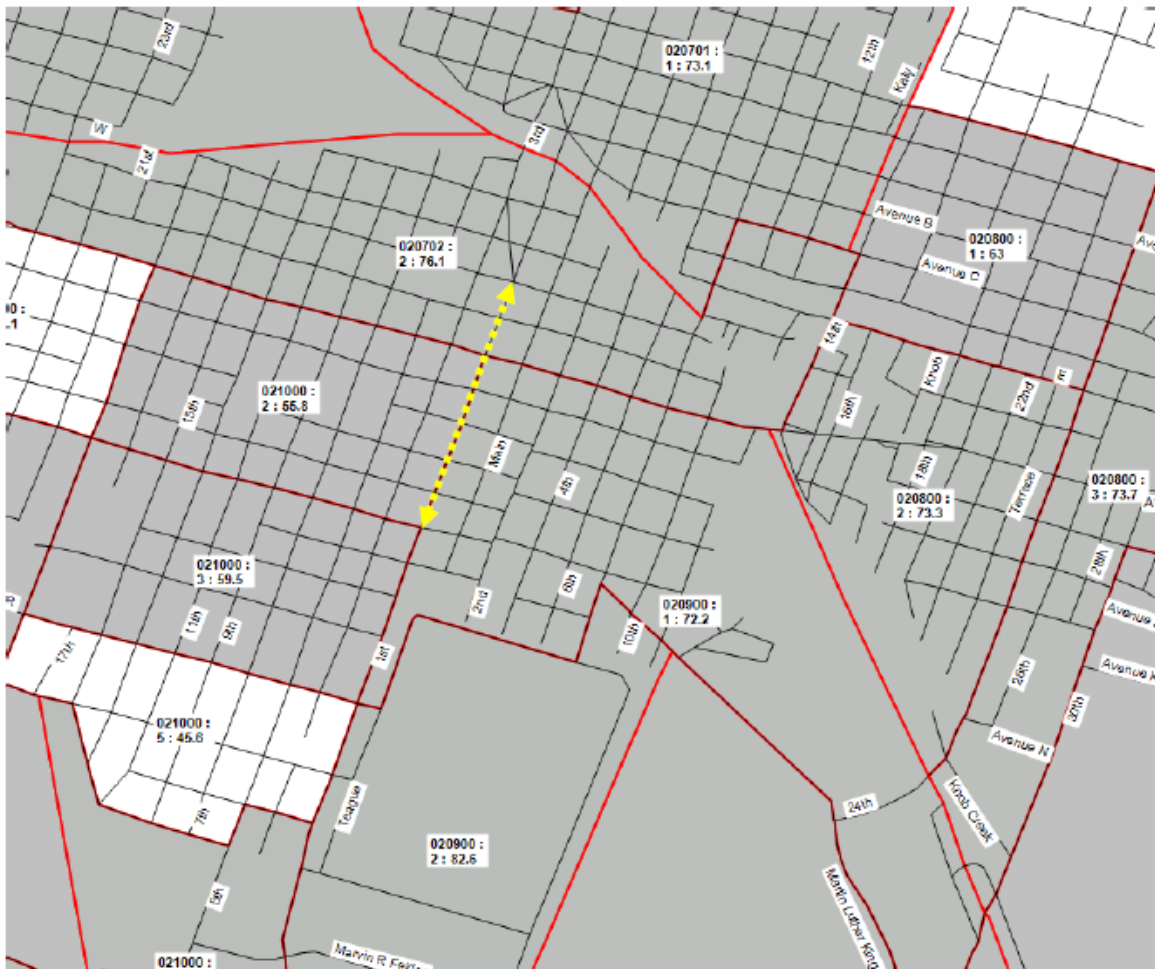
When reviewed on August 2, 2010 the City of Temple's ratio of undisbursed Treasury funds was 1.05. The city was successful in achieving the goals set out in the Workout plan and subsequent Action Plans by becoming and remaining timely.

General Questions

The activities proposed will be carried out in the following areas:

Infrastructure Improvements: Sidewalks

The project will be located along South 1st Street within the boundaries of Ave. F on the north and Ave. M on the south. The project will include design and installation of sidewalks, not to exceed 8 feet in width, and any necessary ADA ramps, curbs and gutters. Landscaping will be installed where permissible due to absence of pavement. This project will increase safety, and provide accessibility of a suitable living environment to this low income neighborhood. This is proposed to be a multi year project with this being the second year of funding.



COUNTYNAME	PLACENAME	TRACT	BLKGRP	LOWMOD	LOWMODUNIV	LOWMODPCT	POP100
Bell County	Temple city	020702	1	665	957	69.5	1075
Bell County	Temple city	021000	2	554	993	55.8	929
Bell County	Temple city	021000	3	586	985	59.5	1007
Bell County	Temple city	021000	5	313	687	45.6	689
Bell County	Temple city	020900	2	123	149	82.6	662
Bell County	Temple city	020900	1	778	1077	72.2	1031
Total				3019	4848	62.3%	5393

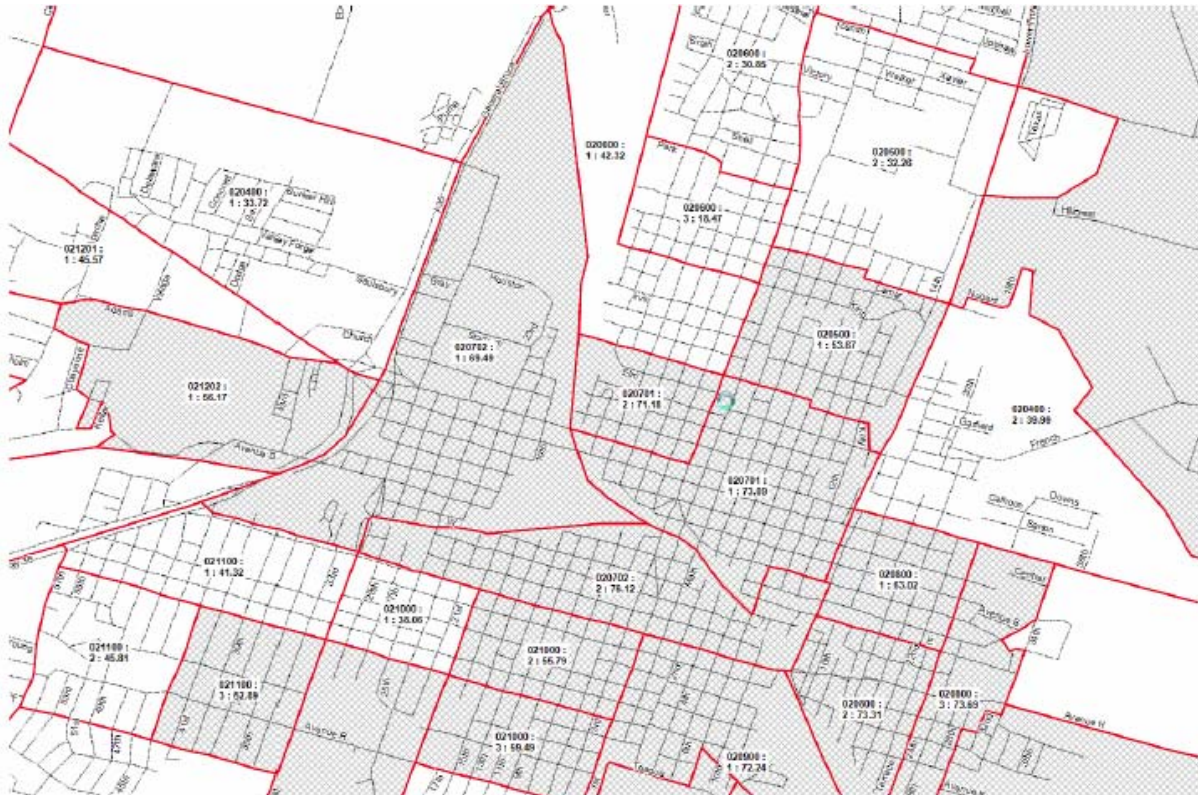


Demolition

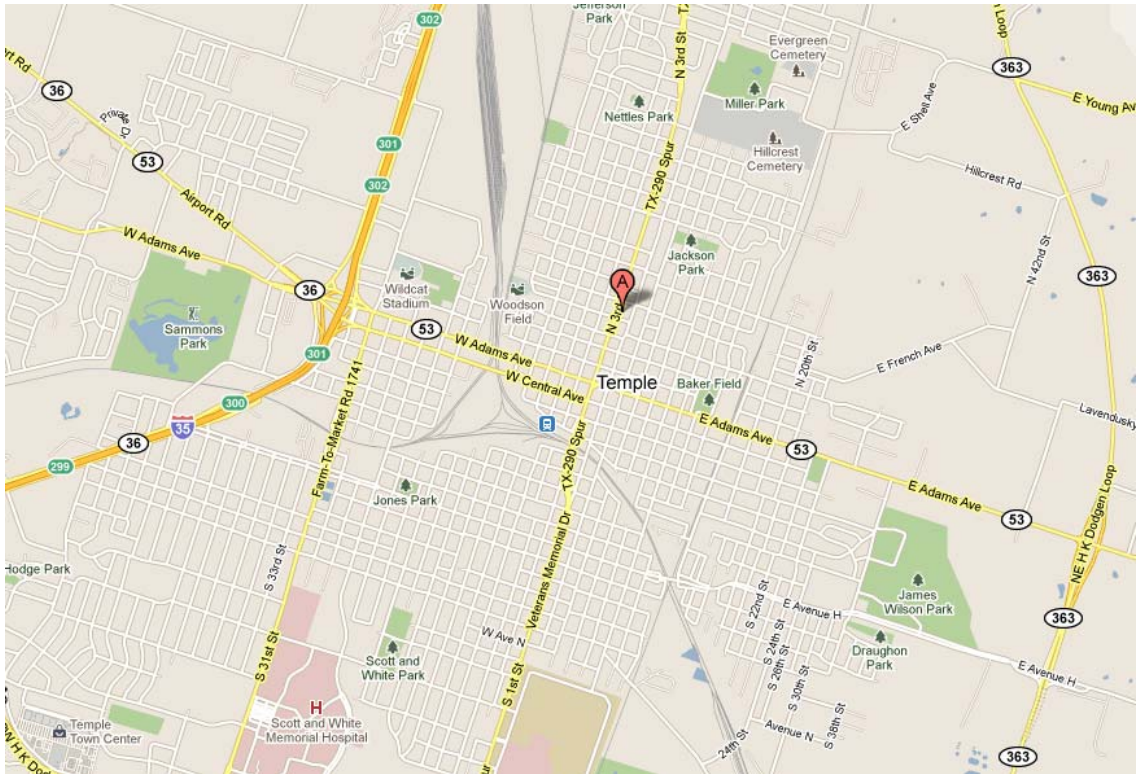
Demolition of vacant and dilapidated structures will be conducted to address blighted conditions on a spot basis in locations to be determined based on code violations. This is a continuation of a project focus from previous years.

Park Improvements

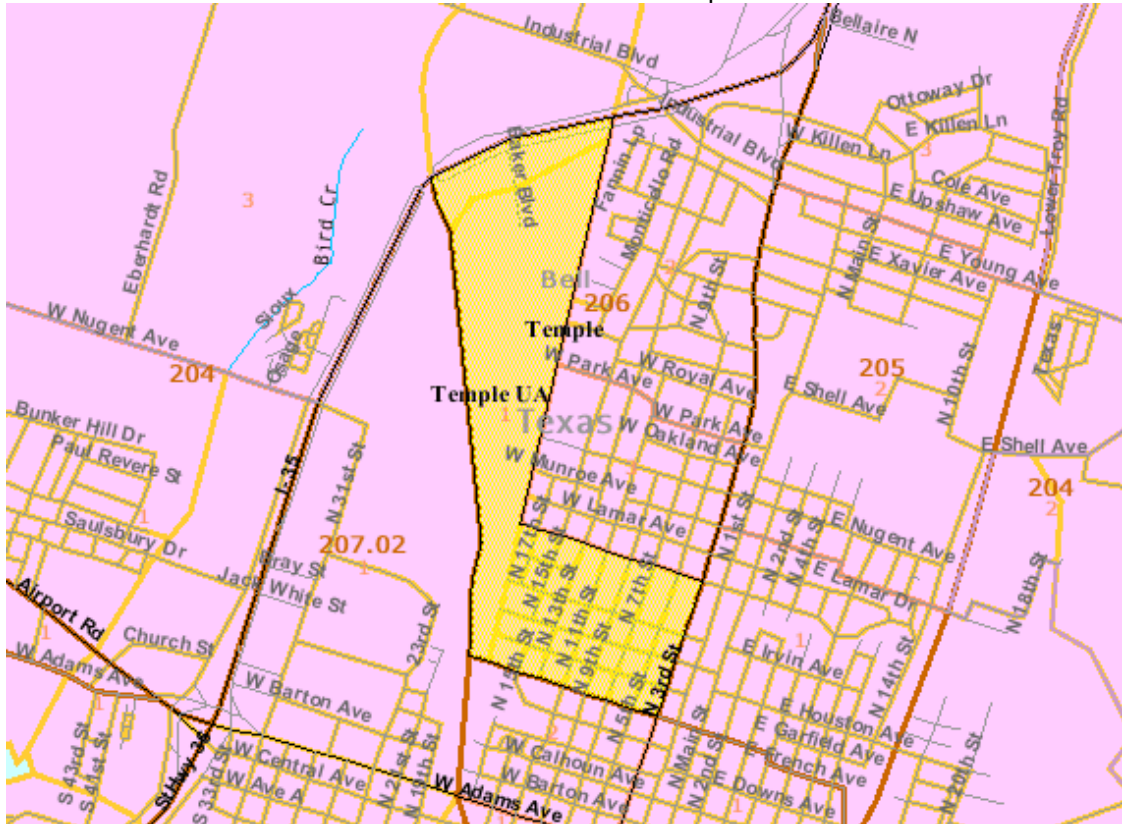
The current wood floor at the Clarence Martin Gym, 102 West Elm Ave. will be replaced. It is recommended that \$90,000 be allocated from 2011-2012 CDBG funds.



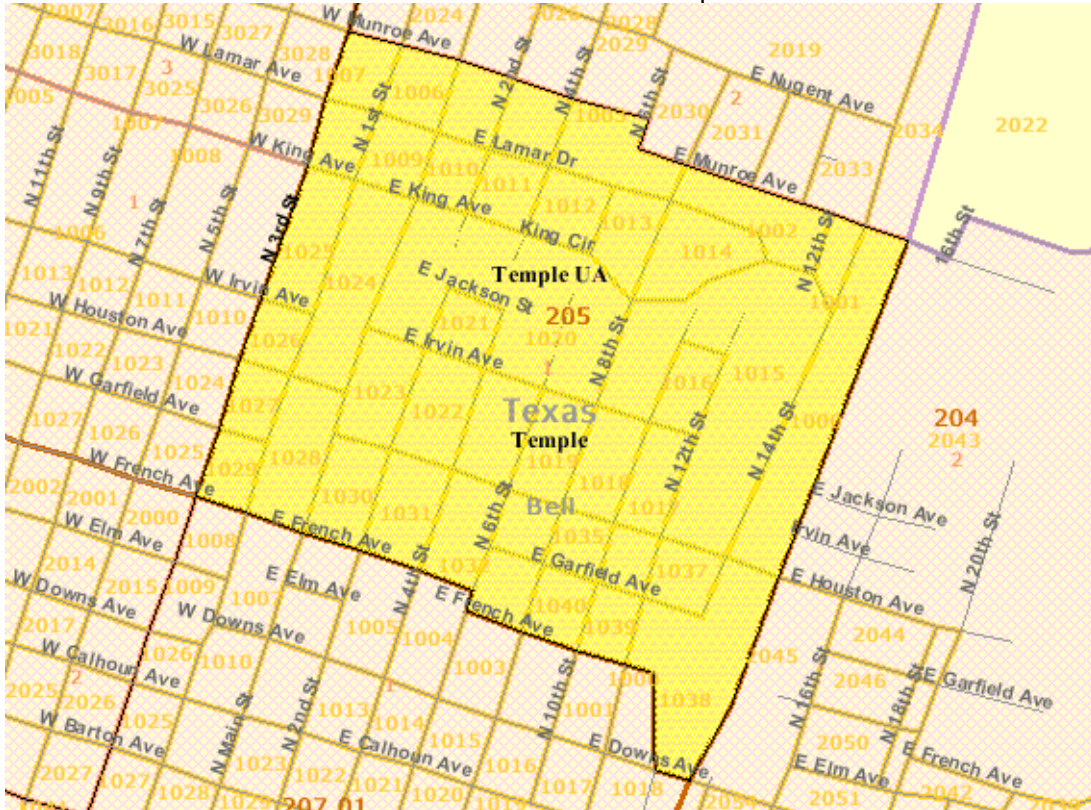
PLACENAME	TRACT	BLKGRP	LOWMOD	LOWMODUNIV	LOWMODPCT	OLDLOWMOD	OLDLOWMODPCT	POP100
Temple city	020600	1	306	723	42.3	306	42.3	739
Temple city	020600	1	754	1406	63.7	734	53.7	1409
Temple city	020701	1	554	768	73.1	534	73.1	824
Temple city	020701	2	657	823	71.2	637	71.2	906
			2271	3809	0.596219			



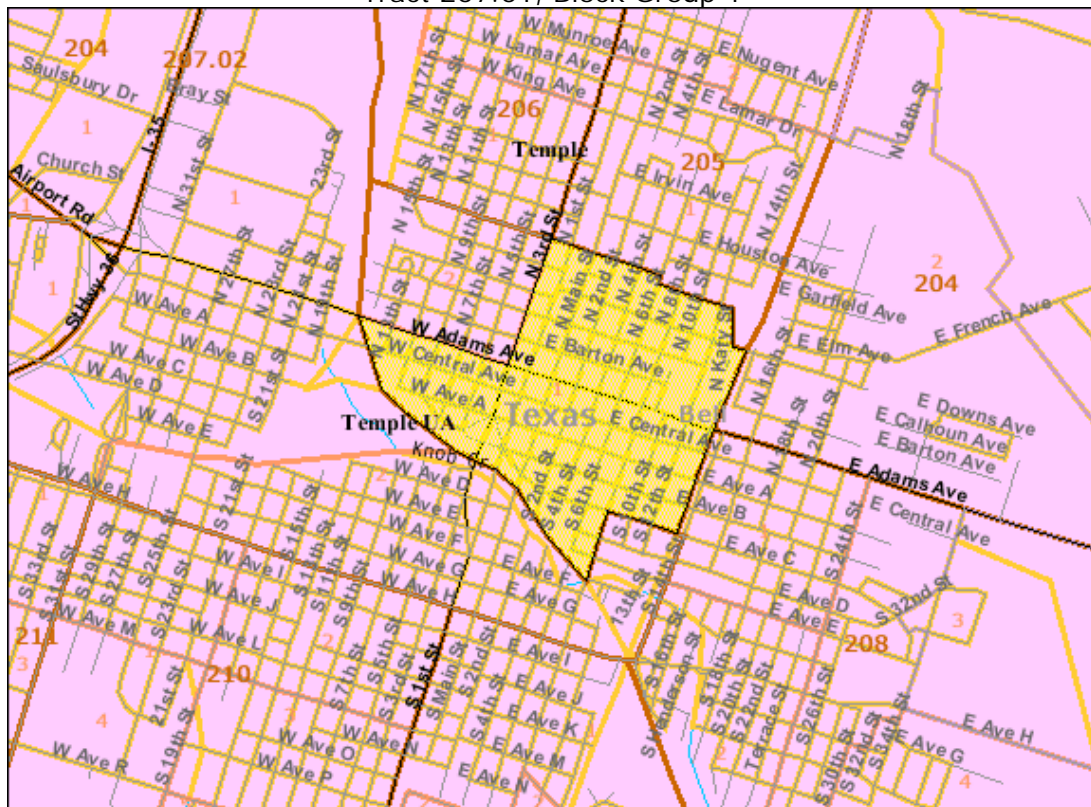
Tract 206.00 Block Group 1



Tract 205.00 Block Group1



Tract 207.01, Block Group 1



Public Services

Each PSA has a unique description and benefit to the citizens of Temple. They are as follows:

The Temple HELP Center addresses local residents' immediate crisis by providing short term financial and non-financial services. By targeting avenues to address the immediate crisis and lowering dependency on public assistance, they are striving to assure that residents overcome social, economic and career barriers.

Hill County Community Action Association's (Meals on Wheels) Aging Services Program provides meals through congregate and home delivered meal programs to eligible elderly participants in the Temple area. Congregate meals are served each weekday by volunteers and paid center staff. Home delivered meals are delivered each weekday by paid meal delivery staff and volunteers. The Site Managers and In-Home Services Coordinator coordinate outreach efforts in the community to identify potential clients and assist clients in obtaining increased services when available.

Families in Crisis supports and empowers individuals affected by family violence and sexual assault through safe shelter and outreach while providing advocacy, education and resources to create a safe, supportive community. The agency provides information, referral and access to services to assist in safe management of their situation, aids in the recovery process, guides them in the criminal justice system, educates them to prevent re-victimization and provides safe shelter and support services to victims and at-risk populations

Allocation of Funds Geographically

Will the exception of demolition, 100% of funds will be allocated in the Census block groups that are within low-income concentration areas. In Temple, the Census block groups are principally low-to-moderate income that happens to be in a contiguous area and are generally situated in the eastern half of the City—East of Interstate Highway 35. This area makes up approximately 30% of the City's population.

Some of the activities will be conducted to promote the preservation of housing throughout the contiguous low/moderate income area, and clearance activities. The City will also tightly concentrate its public improvement funds for greatest possible impact. A list of these block groups can be viewed in the Housing Market Analysis Section of this plan.

In addition to providing almost \$75,000 of matching funds for the Temple Housing Authority helping 46 homes be purchased, the City has also budgeted funding from the general fund for emergency rehab projects throughout the City. In the last two budget cycles the City has budgeted a combined total of more than \$43,000 for this program, of which more than \$40,000 has been expended and the remainder obligated. The City also supported applications for Housing Tax Credits for 3 low-income elderly rental projects. Country Lane Seniors was funded 12/31/05, and The Grand Reserve Seniors, was funded in 2006. Each of these rental projects contains 102 rental units made available to low to moderate income elderly tenants. Bridge loans in the amount of \$350,000 were provided through Temple Economic Development Corporation utilizing funds made available in part through the City's half cent sales tax. Country Lane Seniors was completed in program year 2006 and has a 100% occupancy rate. The Grand Reserve Seniors was completed in June, 2008 and the City supported a senior living facility which contains 92 rental units and

was operational in the 2009 Program Year. A major step taken by the City during PY2006 to foster and maintain affordable housing was the approval of resolution number 2006-4640-R. This resolution designated census tracts 207.02, 207.01 and 209 as a revitalization area. Please see the attached resolution at the end of the narrative section of the Action Plan for a copy of the revitalization goals. The City passed and supports this resolution in hopes of continuing to provide a suitable living environment, provide decent housing and economic opportunity within the designated area.

To further housing in Temple the City has contributed \$47,500 for additional assistance for the THA in-house assistance program during the 2009 and 2010 Program Years.

Those activities that provide an area-wide benefit (Parks and Infrastructure) will be located in the most severely distressed locations in the City as referenced in the previous census data.

Managing the Process

The City of Temple is the lead agency in the distribution and administration of programming funds. It will carry out its housing and community development plan through identified local agencies, lending institutions, local business and industry, City government, and local volunteer groups. This will be done to accomplish the tasks necessary to succeed in attaining the outlined goals and objectives. An identified strength is that the City strives to include citizens in the planning and decision-making process. Numbers of active community groups are becoming more aware of their responsibility to the community to participate in opportunities for change.

The gap in the service delivery system in the past has been communication between agencies. Temple continues to partner with other cities and public service agencies to promote communication. This has recently been augmented by an East and West Bell County Coalition working together for a continuum of care grant application from HUD. Through collective problem-solving and coordinated activities, benefits for clients are enhanced. A major gap identified at this time would be the lack of adequate funding to meet all the identified needs in the community. Agency personnel are becoming adept at grant writing in order to identify and receive all available resources.

The Bell County HELP Center and the Health and Human Services Network will continue to collaborate and coordinate activities and services provided within the community in order to derive the most benefit from the available resources.

Citizen Participation

The City of Temple will make available to citizens, public agencies, and other interested parties information that includes the amount of assistance the City expects to receive and the range of activities that may be undertaken, including the estimated amount that will benefit persons of low and moderate income. The City will encourage citizen participation by all citizens of Temple and particularly persons

of low and moderate income who are residents of the East Temple Revitalization Area in which Community Development funds are being proposed. Notice of public hearings will be published approximately two weeks before the scheduled meeting in the Temple Daily Telegram and other publications as appropriate and notice sent by mail to a list of minority-related churches, public housing authority residents, and other organizations. Spanish translations will be provided as appropriate. Notices will include the availability of accommodations for those with disabilities.

A Community Forum will be conducted early in the budget process to receive citizen comments regarding both the CDBG budget and the City's budget. A minimum of one public hearing will be held in the City Council Chambers at the Municipal Building. That building is accessible to the handicapped. At least one informal hearing will be held in the evening in a neighborhood facility in a building that is accessible to the handicapped and is located in a minority concentration neighborhood. A Spanish interpreter will be available at that meeting as needed. The public will be informed through newspaper ads that the City will be receiving CDBG funds and input is desired from the public regarding budgeting of funds and the development of a Consolidated Plan.

The first public hearing will be to receive initial input regarding the development of the Consolidated Plan. Previous to the first public hearing the Proposed Use of Funds for the fiscal year will be published in the newspaper and a guide to eligible activities will be provided to those who request information. At least thirty (30) days before Council approval, a summary of the Consolidated Plan will be published in the local newspaper of general circulation. After adoption, copies of the Consolidated Plan, which includes the proposed CDGB budget, and the actual use of funds will be available in the Community Development office and at the public library.

The Community Development Department will be available to provide limited technical assistance, if requested, to group representatives of low-and-moderate income persons to help with developing proposals for the use of CDGB funds.

The City will allow thirty (30) days for citizens to comment on the Consolidated Plan. The City will provide a written response within fifteen (15) days, where practicable, to written complaints from citizens regarding the CDBG program. A summary of citizen comments or views and the reasons for accepting or rejecting the comments shall be attached to the final Consolidated Plan.

Substantial amendments to the CDBG program will be processed through the City Council and public hearing process as described above. A substantial amendment is described as a new project or greater than 25% change as measured by the yearly CDBG funding allocation. The City will allow thirty (30) days for citizens to comment on any amendments to the Consolidated Plan and/or CDBG budget and a summary of any comments or views accepted or not accepted shall be attached to the substantial amendment of the Consolidated Plan.

A public hearing will also be conducted as stated above in order to review program performance.

Reasonable and timely access to records will be provided for five (5) years.

Citizen Comments

Public Hearings		
Date	Time	Location
April 6, 2011	3:30 p.m.	Temple City Hall Council Chambers
April 13, 2011	5:30 p.m.	Temple Public Library
April 20, 2011	5:30 p.m.	Wilson Park Recreation Center

During the above listed public hearings, no comments were made.

The City received no written response concerning the Action Plan at any of the 3 public hearings. All meetings regarding this plan were audio recorded, and all questions and comments raised during those meetings were addressed.

The City received two comments by e-mail. One was received on April 18th regarding recommended public services and one was provided by Citizens for Progress on May 23rd. A copy of each is attached at the end of this Action Plan.

Institutional Structure

The City will carry out its housing and community development plan through identified local agencies, lending institutions, local business and industry, City government, and local volunteer groups. This will be done to accomplish the tasks necessary to succeed in attaining the outlined goals and objectives. An identified strength is that the City strives to include citizens in the planning and decision-making process. Numbers of active community groups are becoming more aware of their responsibility to the community to participate in opportunities for change.

The gap in the service delivery system in the past has been communication between agencies. Temple continues to partner with other cities and public service agencies to promote communication. This has recently been augmented by an East and West Bell County Coalition working together for a continuum of care grant application from HUD. Through collective problem-solving and coordinated activities, benefits for clients are enhanced. A major gap identified at this time would be the lack of adequate funding to meet all the identified needs in the community. Agency personnel are becoming adept at grant writing in order to identify and receive all available resources.

The City of Temple is allocating a portion of its funds to Public Service Agencies. In order to facilitate the process of selection and in order to be more fully connected to the wants and needs of the public, the City of Temple created a Community Service Advisory Board. This board is responsible for evaluating the applications received from the PSAs and giving recommendations. Board membership includes a broad spectrum of contributors, including TISD, Hospitals, the Temple Home Builders Association, and many other community based organizations and individuals. This aspect of the advisory board provides the City a primary link to the institutional structure of the community.

Monitoring

The City of Temple uses several tools to monitor its progress with the CDBG program. Spreadsheets developed to maintain the 2005 Workout Plan are still in use though not required by HUD. These tools along with the annual CAPER assist the City in evaluating the performance and timeliness of the City's CDBG projects. Monthly meetings are held that review these materials which are updated daily and project forward for anticipated completion dates. During these monthly meetings, City's staff and consultants discuss and resolve any potential issues that could impair the City's ability to perform its tasks. In all of these meetings, potential funding opportunities for actions in accordance with the Consolidated Plan are suggested and discussed. These potential actions are then reviewed by three separate sources to determine that they meet the qualities required by HUD and are in line with the Consolidated Plan. These reviews are then compared for discrepancies and those that meet both qualifications are suggested to the board as options for the following year's Action Plan. In addition to self-monitoring, the local CPD Coordinator monitors each public service agency receiving HUD funds on an on-site quarterly basis, reviewing files for documentation of program requirements. Should any issues arise during these monitorings, actions are taken to resolve documentation error and if the issue is not able to be resolved, funding is reduced accordingly.

Lead-based Paint

The City will continue to assume that all painted surfaces of structures built prior to 1978 are potentially lead-based paint and will handle using appropriate lead-based safety procedures. Whenever CDBG funds are used for construction or demolition purposes, the City of Temple provides the homeowner with a "Protect Your Family from Lead in Your Home," pamphlet and ask the homeowner to sign a "Notification of Lead-Based Paint" form to verify their receipt of the informative packet.

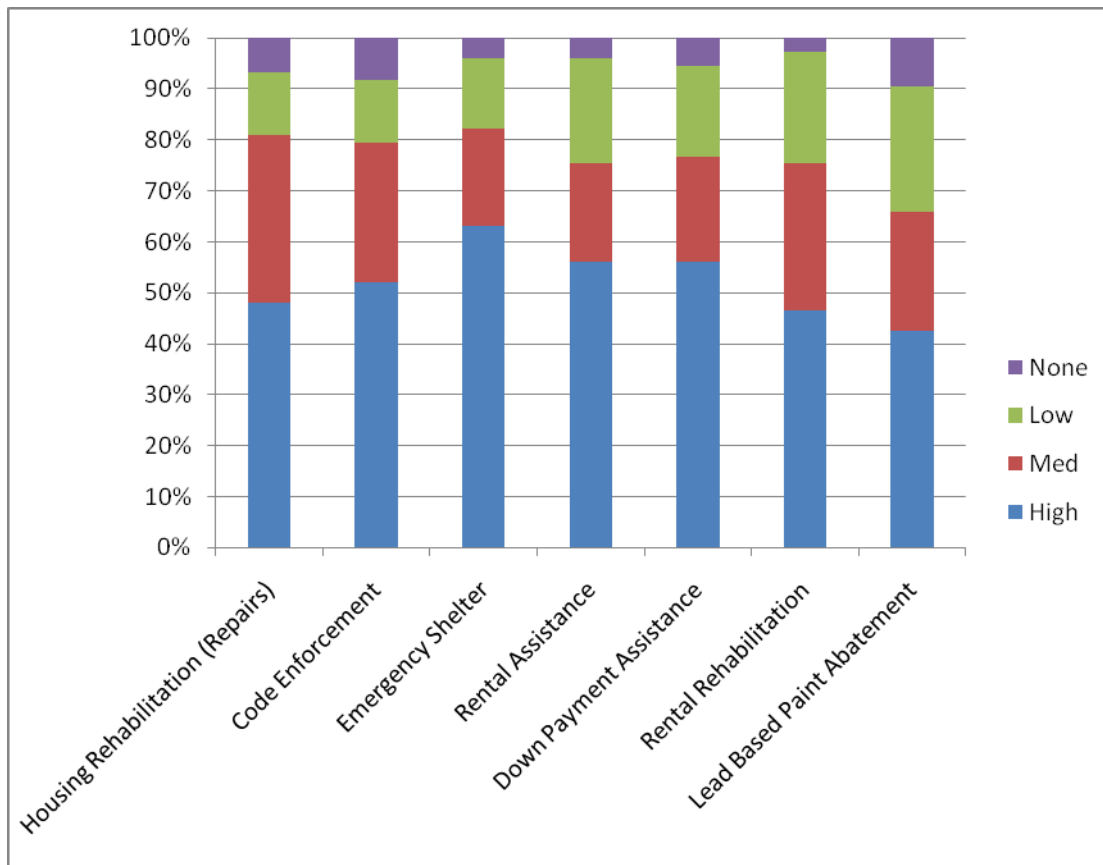
Temple Lead-Based Paint Strategies				
Strategy	Activity	Service Delivery	Target Population	Outcome Measure
Educate owners/ first-time homebuyers on hazards and safe handling of lead-based paint	Incorporate lead-based paint and hazard information during scheduled homeownership classes	Temple Housing Authority - (New Workforce Housing Only), Realtors, and Lenders	Low/Moderate Income homeowners and first-time homebuyers	Depending on future and existing HOME program funds a total of 30 HBA/ADDI recipients will receive lead-based paint pamphlets
Reduce Lead-Based Paint Hazards – residential units	Implement lead-based paint hazard reduction activities to meet compliance of the Federal Lead Hazard Regulations for community development-assisted units	City of Temple, & Temple Housing Authority - (New Workforce Housing Only)	Extremely low to moderate income renters, owner-occupied, or first-time homebuyer households	A total of 10 units will have lead-based paint hazards eliminated from the structure.

HOUSING

Specific Housing Objectives

Through the long-range planning process a number of issues and concerns here expressed related to housing in the community. These discussions formed the basis of the following issue statements, along with analysis of existing conditions, review of current housing-related plans and policies, and examination of expected future growth trends. These statements bring focus to this plan regarding the community's values, expectations and priorities for addressing housing needs in Temple. Following the identification of the key issues is a set of community goals and objectives along with discussion of necessary implementation steps.

According to the citizen survey, the priority needs of housing in the City of Temple are as follows:



Needs of Public Housing

Public Housing Resident Initiatives

Temple Housing Authority's Mission and Operation Overview

- ▶ THA has a total of 969 units, all in excellent condition

The Temple Housing Authority's mission is to provide and professionally manage an adequate supply of safe, affordable housing of reasonable quality for low-income persons while administering programs that offer opportunities for residents to advance in society; and be a leader and work in partnership with other agencies to enhance the quality of life for all persons of low-income in the city.

The Temple Housing Authority has 270 units of assisted housing, 326 units of public housing, and 373 units of locally-owned housing, for a total of 969 units. All units are in excellent condition.

The Temple Housing Authority owns Raintree, Adams Bend and Chateau apartment complexes. Raintree Apartments has 184 units, of which 35% are rented to low-and-very low-income families. Adams Bend Apartments has 136 units. Thirty-five percent of Adams Bend units receive Section 8 Assistance and are available to very low-income renters. The remainder is market driven. Chateau has 22 units that are rented to low-income renters, those with incomes less than 80% of the Area's Median Family Income (AMFI).

The Temple Housing Authority has 326 units of public housing. All residents must have incomes less than 80% AMFI. All units are in good condition as the result of continued improvements under the Capital Fund Program. Jonathan Moore Homes, a 76-unit public housing complex, and Crestview Apartments, a 50-unit public housing complex, will have the bathrooms in the single-story units rehabilitated and windows replaced in 2010 and 2011. Autumn Leaves and Ratliff Homes, elderly public housing complexes, will have the sewer lines and electrical distribution systems replaced in 2010. Willow Brook, a 25-unit public housing complex, will have windows and HVAC system replaced in 2010 and 2011. Frances Graham Hall, a 100-unit public housing complex, is scheduled a solar PV system installed, chillers and common area HVACs replaced, new energy saving roof installed, and energy and water saving equipment installed in 2010. Public housing complexes are scheduled to have landscaping improvements in 2010.

There are no activities covered by the Consolidated Plan or this Action Plan that are being coordinated or jointly funded by the Public Housing Capital Fund Grant program.

Public Housing Management Assessment Program, Strategies & Activities

- ▶ THA interacts with more than 68 agencies each year to obtain services for residents that are not available from the Housing Authority
- ▶ The Housing Authority has been awarded HOME grants from TDHCA totaling \$3,085,306 for Homebuyer Assistance to assist 394 families since 1979.

The Housing Authority will continue with the strong effective management program that has resulted in exceptionally high Public Housing Assessment System (PHAS) scores. The Housing Authority has maintained a high performance status for sixteen-consecutive years.

The Housing Authority has a strategy in place for improving the management and operation of its public housing and improving the living environment of its residents which is addressed in the following synopsis:

1. Maintain professionalism by selection and training of qualified employees to extend courteous and respectful service to its residents and all persons coming in contact with the organization.
2. Gauge the needs for additional housing; maintain adequate reserve funds and the ability to obtain grants and subsidies necessary for development of additional housing.
3. Assure a safe environment with thorough screening of all applicants, take strong action against crime and disturbances, maintain good cooperative relationships with law enforcement agencies and comply with environmental laws to provide a healthy environment.
4. Maintain affordable rents as defined by Texas statutes.
5. Meet HUD Housing Quality Standards through modernization programs that complement the community and provide clean functional units.
6. Assist residents in obtaining jobs and education while providing positive experiences for the youth.
7. Provide quality child-care and educational curriculum for children from low-income families.
8. Take the lead in community affairs that pertain to housing for low-income persons and other matters that affect the environment in which the Temple Housing Authority operates.

Barriers to Affordable Housing

The City has identified that the greatest barrier to affordable housing is the income mismatch of its citizens. While the City continues to grow its economy many citizens cannot afford the rising costs associated with homeownership.

The City has identified that the correlation between education and income has had a profound effect on the ability of its citizens to progress to homeowners.

To address these needs, the City actively supports the Temple Housing Authority who also sees this need and encourages its residents to increase their level of education. According to its latest THA annual report, 94 residents of the THA are attending college and 12 are seeking their GEDs.

The City is actively monitoring its housing market through procedures identified in its Comprehensive Plan.

No CDBG funds will be spent this year to address these barriers, but as mentioned above, the City addresses these needs with its own funds and leverages those dollars with other agencies within the City.

HOMELESS

Specific Homeless Prevention Elements

As housing costs continue to rise and continue to have the greatest impact on low-income families, homelessness will also continue to rise. According to the affordability analysis, no family of extremely-low income is able to afford a home valued at even \$60,000, much less the median household price of \$96,100. This traps the extremely-low income households into renting a unit as opposed to owning a home. These households are not able to control increases in rent from contract to contract, which sometimes results in the increase of homelessness.

Supportive services such as employment training, childcare program and transportation assistance can often times prevent families from becoming homeless, so the City of Temple will continue to financially commit to public service improvement programs in order to assist in the community's effort to prevent homelessness as able. The City of Temple's Community Service Advisory Board has reviewed requests from the public service provider organizations in the area and has made recommendations and will continue to make recommendations regarding the allocation of CDBG funds based on their analysis of public service needs, including supportive services for the homeless.

This year, the City plans to fund Families in Crisis to assist those who are victims of domestic violence or sexual assault and have no place left to turn. Without assistance these individuals could potentially become homeless in an effort to escape their conditions. With the allocated CDBG funds, Families in Crisis plans to Assist 125 clients facing these conditions in the coming year.

COMMUNITY DEVELOPMENT

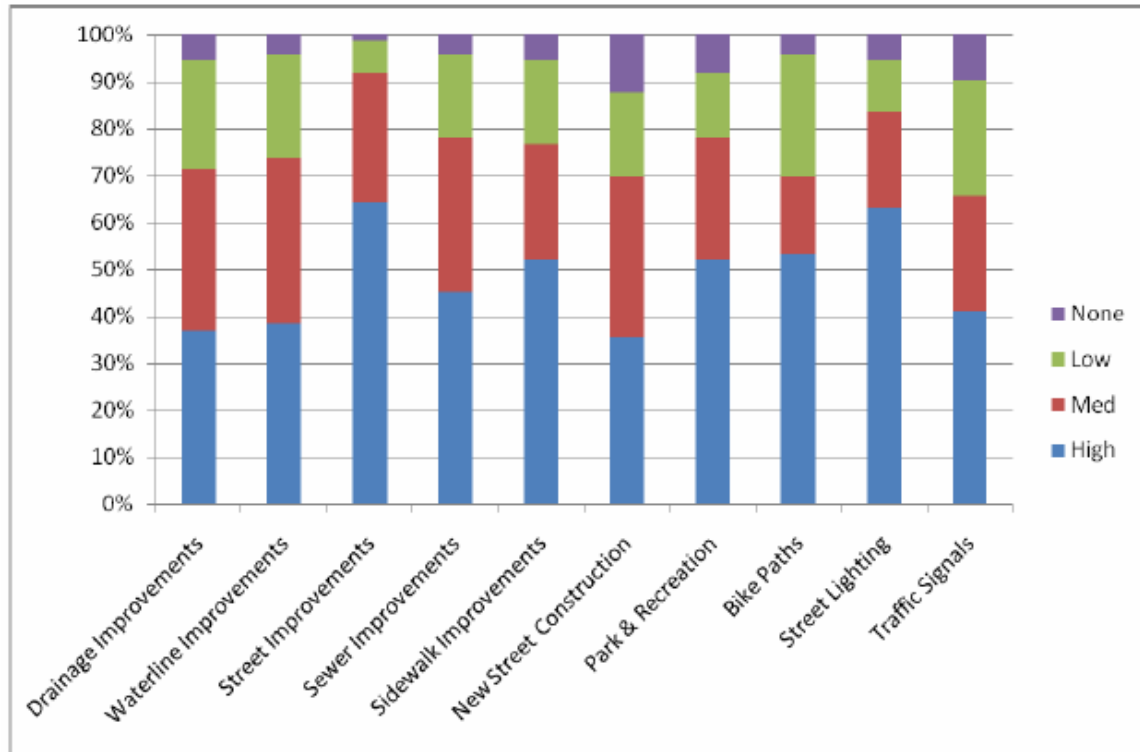
Community Development

The City of Temple has developed the following community development goals in order to meet the goals of Federal community development programs that promote the provision of decent housing, a suitable living environment, and expanded economic opportunities for all persons:

- ▶ Continue to provide support and technical assistance for collaboration efforts by local non-profit and for-profit organizations
- ▶ Continue to seek funding and/or promote other organizations to seek funding from State and Federal programs to assist with fulfilling unmet community needs.
- ▶ Implement public improvement activities to ensure adequate drainage, streets, sidewalks, parks, and water and sewer systems in low-to-moderate income areas.
- ▶ Utilize public services funds efficiently for priority needs identified through a process of continuous assessment of community resources and gaps in service.
- ▶ Continue efforts to compete for and obtain funding to develop affordable housing for all types of households
- ▶ Implement public outreach programs to inform Temple residents of alternative self-help programs to obtain funds to address their personal housing issue.
- ▶ Seek funding from non-local sources to further address public facility and economic development issues.

While the City has identified every Community Development activity as High Priority, the city has determined that due to the limitation of funds available it will focus on specific needs that have been previously successful and benefit the most people with the most amount of funding.

As shown below, the community sees that streets, lighting, and parks rank highest in need.



During the previous 6 years, the City has completed several projects relating to the street and sidewalk needs and has heard nothing but positive feedback from the community. In providing safety and accessibility to both common needs facilities and employment opportunities, the City finds there is great value and return on investment by focusing CDBG dollars towards these goals.

The City has also completed several park projects during the previous 6 years that were also met with praise from the community as well as providing to a large area of effect. These services come at a highly useful time during the tough economic climate allowing low income citizens access to entertainment and recreation that is nearby and low/no-cost. For these reasons the City intends to continue investing CDBG funds towards this activity.

Public service agencies make up a significant variety of community development needs. The City will use the maximum funding percentage allowed by HUD toward these services. Due to the diverse nature of funding opportunities, the City created the Community Services Advisory Board to make recommendations each year as every more and more agencies ask for the limited funds. Due to the need and variety of request, the CSAB is also comprised of a diverse makeup of citizens and community leaders in order to ensure its objectives match the community's needs.

The City will fund the following activities for the 2011-12 Program year:

Public Services - \$60,000

The Community Services Advisory Board (CSAB) spent many hours over several meetings sifting through the 6 requests (See Attachment) totaling \$114,055 while debating the merits of each agency and the needs of the community.

Bell County Human Service (Temple HELP Center)	\$25,000
Hill Country Community Action Association, Inc.	\$15,000
Families in Crisis, Inc.	\$20,000

Infrastructure Improvements- \$123,475

The project will be located along South 1st Street within the boundaries of Ave. F on the north and Ave. M on the south. The project will include design and installation of sidewalks, not to exceed 8 feet in width, and any necessary ADA ramps, curbs and gutters. Landscaping will be installed where permissible due to absence of pavement. This project will increase safety, and provide accessibility of a suitable living environment to this low income neighborhood. This is proposed to be a multi year project with this being the second year of funding.

Park Improvements - \$90,000

The current wood floor at the Clarence Martin Gym, 102 West Elm Ave. will be replaced. It is recommended that \$90,000 be allocated from 2011-2012 CDBG funds.

Demolition - \$100,000

Demolition of vacant and dilapidated structures will be conducted to address blighted conditions on a spot basis in locations to be determined based on code violations. This is a continuation of a project focus from previous years.

Antipoverty Strategy

All CDBG activities are designed to meet the needs of households that are below 80% of median income. Most fall below 50% of median income, and are households whose incomes are below the poverty line. All activities are designed to meet the goals of helping to reduce the number of households with income below the poverty line. Some activities have more of a direct impact and others a more indirect impact. All public service activities have an impact on the poverty level of the household served, which if not immediate, should be positive within the next generation by changing the way the clients interact within and without their family structure. The activities encourage and actively support educational opportunities for those served.

State welfare reform legislation mandated the implementation of a work first delivery model, based on the expectation that Texans support themselves and their families. Both state and federal reform legislation emphasize personal responsibility; time limited cash benefits, and the goal of work instead of welfare. In 1996, Congress enacted the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA). Under this legislation AFDC (Aid to Families with Dependent Children), JOBS (work related training) and the Emergency Assistance Program were combined into one block grant entitled Temporary Assistance to Needy Families (TANF).

PRWORA promotes self-sufficiency and independence by expanding work opportunities for welfare recipients' while holding individuals to a high standard of personal responsibility for the support of their children. House Bill (HB) 1863, enacted by the 74th Texas Legislature and signed into law by Governor George W. Bush in June 1995, dramatically changed the welfare system in Texas, making work an immediate priority for low-income families receiving TANF.

Texas received federal authority to implement Achieving Change for Texans (ACT) its waiver-based welfare reform initiative. Under ACT, adults are limited to 12, 24, 36 months of cash assistance, and nonexempt clients must work or participate in approved activities that can enable them to become self-sufficient. ACT embodies the same principles as the federal welfare law by enforcing the importance of working, emphasizing the temporary nature of public assistance, and the belief that parents are responsible for the care and well being of their families. This includes coordination regarding the City's goals, programs, and policies for producing and preserving affordable housing as set forth in the 5-year Consolidated Plan housing strategy.

The City will continue to work closely with, and consult with, other public and private agencies, especially working with the Health and Human Services Network, to coordinate programs and services in an effort to reduce the number of households with incomes below the poverty line. This includes coordinating the City's goals, programs, and policies for producing and preserving affordable housing as set forth in the housing strategy.

The survey responses identified Education as a key element in helping to develop economically independent citizens. Therefore, education becomes a key strategy for an Anti-poverty program. Providing the tools to learn marketable job skills is encompassed in the types of training programs available, from secondary education programs to on-the-job training programs, such as School-To-Work Programs. This training must provide a level of skill that demands full-time employment with associated benefits rather than part-time employment with no health benefits. The

City is working with Temple College on appropriate outreach efforts to ensure our citizens have the education and job skills to gain and keep meaningful employment.

Affordable Day Care for workers' children and availability of appropriate Transportation play a key role in becoming a conscientious, dependable employee; or in being able to continue their education in preparation for joining the work force.

The Small Business Development Center is providing opportunities for Small Business training and development. It encourages such development within the target community in which low-income households reside. This will help not only the entrepreneur but will increase the number of jobs available within the community.

Each group of potential employers will have people who need to be provided with appropriate *job search skills* in attempting to obtain and retain work. These skills vary for age as well as socioeconomic level, along with the type of employment being sought; and they need to be addressed accordingly, together with identifying potential barriers that might be faced by the applicants.

The *Community* itself, through its families, churches and community organizations, should be encouraged to develop programs which promote healthy values which lead to pride in oneself and in the community in which we reside and helps in the development of goals and ambition for a promising future. Combining local community initiatives with available Federal and State programs can aid in the reduction of the number of households with income below the poverty line. The City of Temple coordinates its housing programs with other agencies to avoid duplication, and assesses service gaps. Active coordination with area agencies is helping to promote individual independence and responsibility, and assists in reducing the number of households with incomes below the poverty line.

Housing Opportunities for People with AIDS

The City of Temple does not receive HOPWA funding.

Specific HOPWA Objectives

The City of Temple does not receive HOPWA funding.

CPMP Data:

Projects

Project Name: Administration																																																							
Description:	IDIS Project #: UOG Code: UOG Code:																																																						
Administration of Grant monies and distribution / monitoring to Public Service Agencies will be carried out with these funds.																																																							
Location:	Priority Need Category																																																						
2 N. Main Street, Temple, Texas 76501	Select one: Planning/Administration ▼																																																						
Expected Completion Date:	Explanation:																																																						
9/30/2012																																																							
Objective Category																																																							
<input type="radio"/> Decent Housing <input type="radio"/> Suitable Living Environment <input type="radio"/> Economic Opportunity																																																							
Outcome Categories	Specific Objectives																																																						
<input type="checkbox"/> Availability/Accessibility	1																																																						
<input type="checkbox"/> Affordability	2																																																						
<input type="checkbox"/> Sustainability	3																																																						
Project-level Accomplishments	<table border="1"> <tr> <td>Accompl. Type: ▼</td> <td>Proposed</td> <td></td> <td>Accompl. Type: ▼</td> <td>Proposed</td> <td></td> </tr> <tr> <td></td> <td>Underway</td> <td></td> <td></td> <td>Underway</td> <td></td> </tr> <tr> <td></td> <td>Complete</td> <td></td> <td></td> <td>Complete</td> <td></td> </tr> <tr> <td>Accompl. Type: ▼</td> <td>Proposed</td> <td></td> <td>Accompl. Type: ▼</td> <td>Proposed</td> <td></td> </tr> <tr> <td></td> <td>Underway</td> <td></td> <td></td> <td>Underway</td> <td></td> </tr> <tr> <td></td> <td>Complete</td> <td></td> <td></td> <td>Complete</td> <td></td> </tr> <tr> <td>Accompl. Type: ▼</td> <td>Proposed</td> <td></td> <td>Accompl. Type: ▼</td> <td>Proposed</td> <td></td> </tr> <tr> <td></td> <td>Underway</td> <td></td> <td></td> <td>Underway</td> <td></td> </tr> <tr> <td></td> <td>Complete</td> <td></td> <td></td> <td>Complete</td> <td></td> </tr> </table>	Accompl. Type: ▼	Proposed		Accompl. Type: ▼	Proposed			Underway			Underway			Complete			Complete		Accompl. Type: ▼	Proposed		Accompl. Type: ▼	Proposed			Underway			Underway			Complete			Complete		Accompl. Type: ▼	Proposed		Accompl. Type: ▼	Proposed			Underway			Underway			Complete			Complete	
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	Complete			Complete																																																			
Proposed Outcome	Performance Measure																																																						
Actual Outcome																																																							
21A General Program Administration 570.206 ▼	Matrix Codes ▼																																																						
Matrix Codes ▼	Matrix Codes ▼																																																						
Matrix Codes ▼	Matrix Codes ▼																																																						
Program Year 1	<table border="1"> <tr> <td>Fund Source: ▼</td> <td>Proposed Amt.</td> <td></td> <td>Fund Source: ▼</td> <td>Proposed Amt.</td> <td></td> </tr> <tr> <td></td> <td>Actual Amount</td> <td></td> <td></td> <td>Actual Amount</td> <td></td> </tr> <tr> <td>Fund Source: ▼</td> <td>Proposed Amt.</td> <td></td> <td>Fund Source: ▼</td> <td>Proposed Amt.</td> <td></td> </tr> <tr> <td></td> <td>Actual Amount</td> <td></td> <td></td> <td>Actual Amount</td> <td></td> </tr> <tr> <td>Accompl. Type: ▼</td> <td>Proposed Units</td> <td></td> <td>Accompl. Type: ▼</td> <td>Proposed Units</td> <td></td> </tr> <tr> <td></td> <td>Actual Units</td> <td></td> <td></td> <td>Actual Units</td> <td></td> </tr> <tr> <td>Accompl. Type: ▼</td> <td>Proposed Units</td> <td></td> <td>Accompl. Type: ▼</td> <td>Proposed Units</td> <td></td> </tr> <tr> <td></td> <td>Actual Units</td> <td></td> <td></td> <td>Actual Units</td> <td></td> </tr> </table>	Fund Source: ▼	Proposed Amt.		Fund Source: ▼	Proposed Amt.			Actual Amount			Actual Amount		Fund Source: ▼	Proposed Amt.		Fund Source: ▼	Proposed Amt.			Actual Amount			Actual Amount		Accompl. Type: ▼	Proposed Units		Accompl. Type: ▼	Proposed Units			Actual Units			Actual Units		Accompl. Type: ▼	Proposed Units		Accompl. Type: ▼	Proposed Units			Actual Units			Actual Units							
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	Actual Units			Actual Units																																																			

Program Year 2	CDBG ▼	Proposed Amt.	93,367		Fund Source: ▼	Proposed Amt.	
		Actual Amount				Actual Amount	
	Fund Source: ▼	Proposed Amt.			Fund Source: ▼	Proposed Amt.	
		Actual Amount				Actual Amount	
	Accompl. Type: ▼	Proposed Units			Accompl. Type: ▼	Proposed Units	
		Actual Units				Actual Units	
	Accompl. Type: ▼	Proposed Units			Accompl. Type: ▼	Proposed Units	
		Actual Units				Actual Units	
Program Year 3	Fund Source: ▼	Proposed Amt.			Fund Source: ▼	Proposed Amt.	
		Actual Amount				Actual Amount	
	Fund Source: ▼	Proposed Amt.			Fund Source: ▼	Proposed Amt.	
		Actual Amount				Actual Amount	
	Accompl. Type: ▼	Proposed Units			Accompl. Type: ▼	Proposed Units	
		Actual Units				Actual Units	
	Accompl. Type: ▼	Proposed Units			Accompl. Type: ▼	Proposed Units	
		Actual Units				Actual Units	
Program Year 4	Fund Source: ▼	Proposed Amt.			Fund Source: ▼	Proposed Amt.	
		Actual Amount				Actual Amount	
	Fund Source: ▼	Proposed Amt.			Fund Source: ▼	Proposed Amt.	
		Actual Amount				Actual Amount	
	Accompl. Type: ▼	Proposed Units			Accompl. Type: ▼	Proposed Units	
		Actual Units				Actual Units	
	Accompl. Type: ▼	Proposed Units			Accompl. Type: ▼	Proposed Units	
		Actual Units				Actual Units	
Program Year 5	Fund Source: ▼	Proposed Amt.			Fund Source: ▼	Proposed Amt.	
		Actual Amount				Actual Amount	
	Fund Source: ▼	Proposed Amt.			Fund Source: ▼	Proposed Amt.	
		Actual Amount				Actual Amount	
	Accompl. Type: ▼	Proposed Units			Accompl. Type: ▼	Proposed Units	
		Actual Units				Actual Units	
	Accompl. Type: ▼	Proposed Units			Accompl. Type: ▼	Proposed Units	
		Actual Units				Actual Units	

Project Name:		Infrastructure Improvements - Streets					
Description:		IDIS Project #:		UOG Code:		UOG Code	
Sidewalk installation along 1st Street within the boundaries of W. Avenue D and W. Avenue M							
Location:		Priority Need Category					
1st Street between Ave D and Ave U		Select one:		Infrastructure ▼			
Expected Completion Date:		Explanation:					
9/30/2016							
Objective Category							
<input type="radio"/> Decent Housing <input checked="" type="radio"/> Suitable Living Environment <input type="radio"/> Economic Opportunity							
Outcome Categories		Specific Objectives					
<input checked="" type="checkbox"/> Availability/Accessibility		1	Improve quality / increase quantity of public improvements for lower income persons ▼				
<input type="checkbox"/> Affordability		2					
<input type="checkbox"/> Sustainability		3					
Project-level Accomplishments	01 People ▼	Proposed	5393		Accompl. Type: ▼	Proposed	
		Underway				Underway	
		Complete				Complete	
	Accompl. Type: ▼	Proposed			Accompl. Type: ▼	Proposed	
		Underway				Underway	
		Complete				Complete	
	Accompl. Type: ▼	Proposed			Accompl. Type: ▼	Proposed	
		Underway				Underway	
		Complete				Complete	
Proposed Outcome		Performance Measure			Actual Outcome		
5393		Persons Served					
03L Sidewalks 570.201(c) ▼				Matrix Codes ▼			
Matrix Codes ▼				Matrix Codes ▼			
Matrix Codes ▼				Matrix Codes ▼			
Program Year 1	CDBG ▼	Proposed Amt.	172,000		Fund Source: ▼	Proposed Amt.	
		Actual Amount				Actual Amount	
	Fund Source: ▼	Proposed Amt.			Fund Source: ▼	Proposed Amt.	
		Actual Amount				Actual Amount	
	Accompl. Type: ▼	Proposed Units			Accompl. Type: ▼	Proposed Units	
		Actual Units				Actual Units	
	Accompl. Type: ▼	Proposed Units			Accompl. Type: ▼	Proposed Units	
		Actual Units				Actual Units	

Program Year 2	CDBG ▼	Proposed Amt.	123,475		Fund Source: ▼	Proposed Amt.	
		Actual Amount				Actual Amount	
	Fund Source: ▼	Proposed Amt.			Fund Source: ▼	Proposed Amt.	
		Actual Amount				Actual Amount	
	Accompl. Type: ▼	Proposed Units			Accompl. Type: ▼	Proposed Units	
		Actual Units				Actual Units	
	Accompl. Type: ▼	Proposed Units			Accompl. Type: ▼	Proposed Units	
		Actual Units				Actual Units	
Program Year 3	Fund Source: ▼	Proposed Amt.			Fund Source: ▼	Proposed Amt.	
		Actual Amount				Actual Amount	
	Fund Source: ▼	Proposed Amt.			Fund Source: ▼	Proposed Amt.	
		Actual Amount				Actual Amount	
	Accompl. Type: ▼	Proposed Units			Accompl. Type: ▼	Proposed Units	
		Actual Units				Actual Units	
	Accompl. Type: ▼	Proposed Units			Accompl. Type: ▼	Proposed Units	
		Actual Units				Actual Units	
Program Year 4	Fund Source: ▼	Proposed Amt.			Fund Source: ▼	Proposed Amt.	
		Actual Amount				Actual Amount	
	Fund Source: ▼	Proposed Amt.			Fund Source: ▼	Proposed Amt.	
		Actual Amount				Actual Amount	
	Accompl. Type: ▼	Proposed Units			Accompl. Type: ▼	Proposed Units	
		Actual Units				Actual Units	
	Accompl. Type: ▼	Proposed Units			Accompl. Type: ▼	Proposed Units	
		Actual Units				Actual Units	
Program Year 5	Fund Source: ▼	Proposed Amt.			Fund Source: ▼	Proposed Amt.	
		Actual Amount				Actual Amount	
	Fund Source: ▼	Proposed Amt.			Fund Source: ▼	Proposed Amt.	
		Actual Amount				Actual Amount	
	Accompl. Type: ▼	Proposed Units			Accompl. Type: ▼	Proposed Units	
		Actual Units				Actual Units	
	Accompl. Type: ▼	Proposed Units			Accompl. Type: ▼	Proposed Units	
		Actual Units				Actual Units	

Project Name: Clarence Martin Gym Improvements	
Description:	IDIS Project #: UOG Code: UOG Code
The current wood floor at the Clarence Martin Gym, 102 West Elm Ave. will be replaced. It is recommended that \$90,000 be allocated from 2011-2012 CDBG funds.	
Location:	Priority Need Category
102 West Elm Ave., Temple, Texas 76501	Select one: Public Facilities ▼
Expected Completion Date:	Explanation:
9/30/2012	
Objective Category	
<input type="radio"/> Decent Housing <input checked="" type="radio"/> Suitable Living Environment <input type="radio"/> Economic Opportunity	
Outcome Categories	Specific Objectives
<input checked="" type="checkbox"/> Availability/Accessibility <input type="checkbox"/> Affordability <input type="checkbox"/> Sustainability	1 Improve quality / increase quantity of neighborhood facilities for low-income persons ▼ 2 ▼ 3 ▼
Project-level Accomplishments	
11 Public Facilities ▼	Proposed 1 Underway Complete
Accompl. Type: ▼	Proposed Underway Complete
Accompl. Type: ▼	Proposed Underway Complete
Accompl. Type: ▼	Proposed Underway Complete
Proposed Outcome	Performance Measure
1	Facilities Improved
Actual Outcome	
03F Parks, Recreational Facilities 570.201(c) ▼	Matrix Codes ▼
Matrix Codes ▼	Matrix Codes ▼
Matrix Codes ▼	Matrix Codes ▼
Program Year 1	
CDBG ▼	Proposed Amt. Actual Amount
Fund Source: ▼	Proposed Amt. Actual Amount
01 People ▼	Proposed Units Actual Units
Accompl. Type: ▼	Proposed Units Actual Units
	Fund Source: ▼ Proposed Amt. Actual Amount
	Fund Source: ▼ Proposed Amt. Actual Amount
	Accompl. Type: ▼ Proposed Units Actual Units
	Accompl. Type: ▼ Proposed Units Actual Units

Program Year 2	Fund Source: ▼	Proposed Amt.	90,000		Fund Source: ▼	Proposed Amt.	
		Actual Amount				Actual Amount	
	Fund Source: ▼	Proposed Amt.			Fund Source: ▼	Proposed Amt.	
		Actual Amount				Actual Amount	
	11 Public Facilities: ▼	Proposed Units	1		Accompl. Type: ▼	Proposed Units	
		Actual Units				Actual Units	
	Accompl. Type: ▼	Proposed Units			Accompl. Type: ▼	Proposed Units	
		Actual Units				Actual Units	
Program Year 3	Fund Source: ▼	Proposed Amt.			Fund Source: ▼	Proposed Amt.	
		Actual Amount				Actual Amount	
	Fund Source: ▼	Proposed Amt.			Fund Source: ▼	Proposed Amt.	
		Actual Amount				Actual Amount	
	Accompl. Type: ▼	Proposed Units			Accompl. Type: ▼	Proposed Units	
		Actual Units				Actual Units	
	Accompl. Type: ▼	Proposed Units			Accompl. Type: ▼	Proposed Units	
		Actual Units				Actual Units	
Program Year 4	Fund Source: ▼	Proposed Amt.			Fund Source: ▼	Proposed Amt.	
		Actual Amount				Actual Amount	
	Fund Source: ▼	Proposed Amt.			Fund Source: ▼	Proposed Amt.	
		Actual Amount				Actual Amount	
	Accompl. Type: ▼	Proposed Units			Accompl. Type: ▼	Proposed Units	
		Actual Units				Actual Units	
	Accompl. Type: ▼	Proposed Units			Accompl. Type: ▼	Proposed Units	
		Actual Units				Actual Units	
Program Year 5	Fund Source: ▼	Proposed Amt.			Fund Source: ▼	Proposed Amt.	
		Actual Amount				Actual Amount	
	Fund Source: ▼	Proposed Amt.			Fund Source: ▼	Proposed Amt.	
		Actual Amount				Actual Amount	
	Accompl. Type: ▼	Proposed Units			Accompl. Type: ▼	Proposed Units	
		Actual Units				Actual Units	
	Accompl. Type: ▼	Proposed Units			Accompl. Type: ▼	Proposed Units	
		Actual Units				Actual Units	

Project Name:		Demolition					
Description:		IDIS Project #:		UOG Code:		UOG Code	
Demolition of vacant or dilapidated structures will be conducted to address blighted conditions on a spot basis in scattered locations in the community.							
Location:		Priority Need Category					
102 West Elm Ave., Temple, Texas 76501		Select one:		Public Facilities ▼			
Expected Completion Date:		Explanation:					
9/30/2012							
Objective Category							
<input type="radio"/> Decent Housing <input checked="" type="radio"/> Suitable Living Environment <input type="radio"/> Economic Opportunity							
Outcome Categories		Specific Objectives					
<input checked="" type="checkbox"/> Availability/Accessibility		1	Improve quality / increase quantity of public improvements for lower income persons ▼				
<input type="checkbox"/> Affordability		2					
<input type="checkbox"/> Sustainability		3					
Project-level Accomplishments	Other ▼	Proposed	7		Accompl. Type: ▼	Proposed	
		Underway				Underway	
	Buildings Demolished	Complete				Complete	
	Accompl. Type: ▼	Proposed			Accompl. Type: ▼	Proposed	
		Underway				Underway	
		Complete				Complete	
	Accompl. Type: ▼	Proposed			Accompl. Type: ▼	Proposed	
		Underway				Underway	
		Complete				Complete	
Proposed Outcome		Performance Measure			Actual Outcome		
7		Buildings Demolished					
04 Clearance and Demolition 570.201(d) ▼				Matrix Codes ▼			
Matrix Codes ▼				Matrix Codes ▼			
Matrix Codes ▼				Matrix Codes ▼			
Program Year 1	Fund Source: ▼	Proposed Amt.			Fund Source: ▼	Proposed Amt.	
		Actual Amount				Actual Amount	
	Fund Source: ▼	Proposed Amt.			Fund Source: ▼	Proposed Amt.	
		Actual Amount				Actual Amount	
	Accompl. Type: ▼	Proposed Units			Accompl. Type: ▼	Proposed Units	
		Actual Units				Actual Units	
	Accompl. Type: ▼	Proposed Units			Accompl. Type: ▼	Proposed Units	
		Actual Units				Actual Units	

Program Year 2	CDBG ▼	Proposed Amt.	100,000		Fund Source: ▼	Proposed Amt.	
		Actual Amount				Actual Amount	
	Fund Source: ▼	Proposed Amt.			Fund Source: ▼	Proposed Amt.	
		Actual Amount				Actual Amount	
	Other ▼	Proposed Units	7		Accompl. Type: ▼	Proposed Units	
		Actual Units				Actual Units	
	Accompl. Type: ▼	Proposed Units			Accompl. Type: ▼	Proposed Units	
		Actual Units				Actual Units	
Program Year 3	Fund Source: ▼	Proposed Amt.			Fund Source: ▼	Proposed Amt.	
		Actual Amount				Actual Amount	
	Fund Source: ▼	Proposed Amt.			Fund Source: ▼	Proposed Amt.	
		Actual Amount				Actual Amount	
	Accompl. Type: ▼	Proposed Units			Accompl. Type: ▼	Proposed Units	
		Actual Units				Actual Units	
	Accompl. Type: ▼	Proposed Units			Accompl. Type: ▼	Proposed Units	
		Actual Units				Actual Units	
Program Year 4	Fund Source: ▼	Proposed Amt.			Fund Source: ▼	Proposed Amt.	
		Actual Amount				Actual Amount	
	Fund Source: ▼	Proposed Amt.			Fund Source: ▼	Proposed Amt.	
		Actual Amount				Actual Amount	
	Accompl. Type: ▼	Proposed Units			Accompl. Type: ▼	Proposed Units	
		Actual Units				Actual Units	
	Accompl. Type: ▼	Proposed Units			Accompl. Type: ▼	Proposed Units	
		Actual Units				Actual Units	
Program Year 5	Fund Source: ▼	Proposed Amt.			Fund Source: ▼	Proposed Amt.	
		Actual Amount				Actual Amount	
	Fund Source: ▼	Proposed Amt.			Fund Source: ▼	Proposed Amt.	
		Actual Amount				Actual Amount	
	Accompl. Type: ▼	Proposed Units			Accompl. Type: ▼	Proposed Units	
		Actual Units				Actual Units	
	Accompl. Type: ▼	Proposed Units			Accompl. Type: ▼	Proposed Units	
		Actual Units				Actual Units	

Project Name: Temple HELP Center	
Description:	IDIS Project #: UOG Code: UOG Code
The Temple HELP Center addresses local residents' immediate crisis by providing short term financial and non-financial services. By targeting avenues to address the immediate crisis and lowering dependency on public assistance, they are striving to assure that residents overcome social, economic and career barriers. They will also provide child care for low income citizens.	
Location:	Priority Need Category
2 N. Main Street, Temple, Texas 76501	Select one: Public Services ▼
Expected Completion Date:	Explanation:
9/30/2012	
Objective Category	
<input type="radio"/> Decent Housing <input checked="" type="radio"/> Suitable Living Environment <input type="radio"/> Economic Opportunity	
Outcome Categories	Specific Objectives
<input type="checkbox"/> Availability/Accessibility <input checked="" type="checkbox"/> Affordability <input type="checkbox"/> Sustainability	1 Improve the services for low/mod income persons ▼ 2 ▼ 3 ▼
Project-level Accomplishments	
01 People ▼	Proposed 245 Underway Complete
Employ/Education	Accompl. Type: ▼ Proposed Underway Complete
01 People ▼	Proposed 25 Underway Complete
Childcare	Accompl. Type: ▼ Proposed Underway Complete
Accompl. Type: ▼	Proposed Underway Complete
	Accompl. Type: ▼ Proposed Underway Complete
Proposed Outcome	Performance Measure
270	Persons Served
Actual Outcome	
05 Public Services (General) 570.201(e) ▼	Matrix Codes ▼
05L Child Care Services 570.201(e) ▼	Matrix Codes ▼
Matrix Codes ▼	Matrix Codes ▼
Program Year 1	
Fund Source: ▼	Proposed Amt. Actual Amount
Fund Source: ▼	Proposed Amt. Actual Amount
Fund Source: ▼	Proposed Amt. Actual Amount
Fund Source: ▼	Proposed Amt. Actual Amount
Accompl. Type: ▼	Proposed Units Actual Units
Accompl. Type: ▼	Proposed Units Actual Units
Accompl. Type: ▼	Proposed Units Actual Units
Accompl. Type: ▼	Proposed Units Actual Units

Program Year 2	CDBG ▼	Proposed Amt.	25,000		Fund Source: ▼	Proposed Amt.	
		Actual Amount				Actual Amount	
	Fund Source: ▼	Proposed Amt.			Fund Source: ▼	Proposed Amt.	
		Actual Amount				Actual Amount	
	01 People ▼	Proposed Units	270		Accompl. Type: ▼	Proposed Units	
		Actual Units				Actual Units	
	Accompl. Type: ▼	Proposed Units			Accompl. Type: ▼	Proposed Units	
		Actual Units				Actual Units	
Program Year 3	Fund Source: ▼	Proposed Amt.			Fund Source: ▼	Proposed Amt.	
		Actual Amount				Actual Amount	
	Fund Source: ▼	Proposed Amt.			Fund Source: ▼	Proposed Amt.	
		Actual Amount				Actual Amount	
	Accompl. Type: ▼	Proposed Units			Accompl. Type: ▼	Proposed Units	
		Actual Units				Actual Units	
	Accompl. Type: ▼	Proposed Units			Accompl. Type: ▼	Proposed Units	
		Actual Units				Actual Units	
Program Year 4	Fund Source: ▼	Proposed Amt.			Fund Source: ▼	Proposed Amt.	
		Actual Amount				Actual Amount	
	Fund Source: ▼	Proposed Amt.			Fund Source: ▼	Proposed Amt.	
		Actual Amount				Actual Amount	
	Accompl. Type: ▼	Proposed Units			Accompl. Type: ▼	Proposed Units	
		Actual Units				Actual Units	
	Accompl. Type: ▼	Proposed Units			Accompl. Type: ▼	Proposed Units	
		Actual Units				Actual Units	
Program Year 5	Fund Source: ▼	Proposed Amt.			Fund Source: ▼	Proposed Amt.	
		Actual Amount				Actual Amount	
	Fund Source: ▼	Proposed Amt.			Fund Source: ▼	Proposed Amt.	
		Actual Amount				Actual Amount	
	Accompl. Type: ▼	Proposed Units			Accompl. Type: ▼	Proposed Units	
		Actual Units				Actual Units	
	Accompl. Type: ▼	Proposed Units			Accompl. Type: ▼	Proposed Units	
		Actual Units				Actual Units	

Grantee Name: **City of Temple**

Project Name:		HCCAA - Meals on Wheels					
Description:		IDIS Project #:		UOG Code:		UOG Code	
Hill County Community Action Association's (Meals on Wheels) Aging Services Program provides meals through congregate and home delivered meal programs to eligible elderly participants in the Temple area.							
Location:		Priority Need Category					
City-wide		Select one:		Public Services ▼			
Expected Completion Date:		Explanation:					
9/30/2012							
Objective Category							
<input type="radio"/> Decent Housing <input checked="" type="radio"/> Suitable Living Environment <input type="radio"/> Economic Opportunity							
Outcome Categories		Specific Objectives					
<input checked="" type="checkbox"/> Availability/Accessibility		1	Improve the services for low/mod income persons ▼				
<input type="checkbox"/> Affordability		2					
<input type="checkbox"/> Sustainability		3					
Project-level Accomplishments	01 People ▼	Proposed	280		Accompl. Type: ▼	Proposed	
		Underway				Underway	
		Complete				Complete	
	Accompl. Type: ▼	Proposed			Accompl. Type: ▼	Proposed	
		Underway				Underway	
		Complete				Complete	
	Accompl. Type: ▼	Proposed			Accompl. Type: ▼	Proposed	
		Underway				Underway	
		Complete				Complete	
Proposed Outcome		Performance Measure			Actual Outcome		
280		Persons Served					
05 Public Services (General) 570.201(e) ▼				Matrix Codes ▼			
Matrix Codes ▼				Matrix Codes ▼			
Matrix Codes ▼				Matrix Codes ▼			
Program Year 1	CDBG ▼	Proposed Amt.			Fund Source: ▼	Proposed Amt.	
		Actual Amount				Actual Amount	
	Fund Source: ▼	Proposed Amt.			Fund Source: ▼	Proposed Amt.	
		Actual Amount				Actual Amount	
	Accompl. Type: ▼	Proposed Units			Accompl. Type: ▼	Proposed Units	
		Actual Units				Actual Units	
	Accompl. Type: ▼	Proposed Units			Accompl. Type: ▼	Proposed Units	
		Actual Units				Actual Units	

Program Year 2	CDBG ▼	Proposed Amt.	15,000		Fund Source: ▼	Proposed Amt.	
		Actual Amount				Actual Amount	
	Fund Source: ▼	Proposed Amt.			Fund Source: ▼	Proposed Amt.	
		Actual Amount				Actual Amount	
	01 People ▼	Proposed Units	280		Accompl. Type: ▼	Proposed Units	
		Actual Units				Actual Units	
	Accompl. Type: ▼	Proposed Units			Accompl. Type: ▼	Proposed Units	
		Actual Units				Actual Units	
Program Year 3	Fund Source: ▼	Proposed Amt.			Fund Source: ▼	Proposed Amt.	
		Actual Amount				Actual Amount	
	Fund Source: ▼	Proposed Amt.			Fund Source: ▼	Proposed Amt.	
		Actual Amount				Actual Amount	
	Accompl. Type: ▼	Proposed Units			Accompl. Type: ▼	Proposed Units	
		Actual Units				Actual Units	
	Accompl. Type: ▼	Proposed Units			Accompl. Type: ▼	Proposed Units	
		Actual Units				Actual Units	
Program Year 4	Fund Source: ▼	Proposed Amt.			Fund Source: ▼	Proposed Amt.	
		Actual Amount				Actual Amount	
	Fund Source: ▼	Proposed Amt.			Fund Source: ▼	Proposed Amt.	
		Actual Amount				Actual Amount	
	Accompl. Type: ▼	Proposed Units			Accompl. Type: ▼	Proposed Units	
		Actual Units				Actual Units	
	Accompl. Type: ▼	Proposed Units			Accompl. Type: ▼	Proposed Units	
		Actual Units				Actual Units	
Program Year 5	Fund Source: ▼	Proposed Amt.			Fund Source: ▼	Proposed Amt.	
		Actual Amount				Actual Amount	
	Fund Source: ▼	Proposed Amt.			Fund Source: ▼	Proposed Amt.	
		Actual Amount				Actual Amount	
	Accompl. Type: ▼	Proposed Units			Accompl. Type: ▼	Proposed Units	
		Actual Units				Actual Units	
	Accompl. Type: ▼	Proposed Units			Accompl. Type: ▼	Proposed Units	
		Actual Units				Actual Units	

Project Name:		Families in Crisis					
Description:		IDIS Project #:		UOG Code:		UOG Code	
Families in Crisis supports and empowers individuals affected by family violence and sexual assault through safe shelter and outreach while providing advocacy, education and resources to create a safe, supportive community.							
Location:		Priority Need Category					
1100 S 33rd St, Temple, TX		Select one:		Public Services ▼			
Expected Completion Date:		Explanation:					
9/30/2012							
Objective Category							
<input type="radio"/> Decent Housing <input checked="" type="radio"/> Suitable Living Environment <input type="radio"/> Economic Opportunity							
Outcome Categories		Specific Objectives					
<input type="checkbox"/> Availability/Accessibility		1	Improve the services for low/mod income persons ▼				
<input checked="" type="checkbox"/> Affordability		2					
<input type="checkbox"/> Sustainability		3					
Project-level Accomplishments	01 People ▼	Proposed	125		Accompl. Type: ▼	Proposed	
		Underway				Underway	
		Complete				Complete	
	Accompl. Type: ▼	Proposed			Accompl. Type: ▼	Proposed	
		Underway				Underway	
		Complete				Complete	
	Accompl. Type: ▼	Proposed			Accompl. Type: ▼	Proposed	
		Underway				Underway	
		Complete				Complete	
Proposed Outcome		Performance Measure			Actual Outcome		
125		Persons Served					
05 Public Services (General) 570.201(e) ▼				Matrix Codes ▼			
Matrix Codes ▼				Matrix Codes ▼			
Matrix Codes ▼				Matrix Codes ▼			
Program Year 1	Fund Source: ▼	Proposed Amt.			Fund Source: ▼	Proposed Amt.	
		Actual Amount				Actual Amount	
	Fund Source: ▼	Proposed Amt.			Fund Source: ▼	Proposed Amt.	
		Actual Amount				Actual Amount	
	Accompl. Type: ▼	Proposed Units			Accompl. Type: ▼	Proposed Units	
		Actual Units				Actual Units	
	Accompl. Type: ▼	Proposed Units			Accompl. Type: ▼	Proposed Units	
		Actual Units				Actual Units	

Program Year 2	CDBG ▼	Proposed Amt.	20,000		Fund Source: ▼	Proposed Amt.	
		Actual Amount				Actual Amount	
	Fund Source: ▼	Proposed Amt.			Fund Source: ▼	Proposed Amt.	
		Actual Amount				Actual Amount	
	01 People ▼	Proposed Units	125		Accompl. Type: ▼	Proposed Units	
		Actual Units				Actual Units	
	Accompl. Type: ▼	Proposed Units			Accompl. Type: ▼	Proposed Units	
		Actual Units				Actual Units	
Program Year 3	Fund Source: ▼	Proposed Amt.			Fund Source: ▼	Proposed Amt.	
		Actual Amount				Actual Amount	
	Fund Source: ▼	Proposed Amt.			Fund Source: ▼	Proposed Amt.	
		Actual Amount				Actual Amount	
	Accompl. Type: ▼	Proposed Units			Accompl. Type: ▼	Proposed Units	
		Actual Units				Actual Units	
	Accompl. Type: ▼	Proposed Units			Accompl. Type: ▼	Proposed Units	
		Actual Units				Actual Units	
Program Year 4	Fund Source: ▼	Proposed Amt.			Fund Source: ▼	Proposed Amt.	
		Actual Amount				Actual Amount	
	Fund Source: ▼	Proposed Amt.			Fund Source: ▼	Proposed Amt.	
		Actual Amount				Actual Amount	
	Accompl. Type: ▼	Proposed Units			Accompl. Type: ▼	Proposed Units	
		Actual Units				Actual Units	
	Accompl. Type: ▼	Proposed Units			Accompl. Type: ▼	Proposed Units	
		Actual Units				Actual Units	
Program Year 5	Fund Source: ▼	Proposed Amt.			Fund Source: ▼	Proposed Amt.	
		Actual Amount				Actual Amount	
	Fund Source: ▼	Proposed Amt.			Fund Source: ▼	Proposed Amt.	
		Actual Amount				Actual Amount	
	Accompl. Type: ▼	Proposed Units			Accompl. Type: ▼	Proposed Units	
		Actual Units				Actual Units	
	Accompl. Type: ▼	Proposed Units			Accompl. Type: ▼	Proposed Units	
		Actual Units				Actual Units	

CPMP Data:

Specific Objectives



Summary of Specific Annual Objectives

Specific Obj. #	Outcome/Objective Specific Annual Objectives	Sources of Funds	Performance Indicators	Year	Expected Number	Actual Number	Percent Completed
DH-1 Availability/Accessibility of Decent Housing							
DH-1 (1)	Increase the accessibility of the decent housing in the City of Temple, by performing rehabilitation to single-unit residential homes.	CDBG	Homes Rehabilitated	2010	4		0%
				2011	0		0%
		Source of Funds #2		2012	4		0%
				2013	4		0%
		Source of Funds #3		2014	4		0%
			MULTI-YEAR GOAL		16	0	0%
		Source of Funds #1	Performance Indicator #2	2010			0%
				2011			0%
	Increase the accessibility of the decent housing in the City of Temple, by performing rehabilitation to single-unit residential homes.	Source of Funds #2		2012			0%
				2013			0%
		Source of Funds #3		2014			0%
			MULTI-YEAR GOAL			0	0%
		Source of Funds #1	Performance Indicator #3	2010			0%
				2011			0%
		Source of Funds #2		2012			0%
				2013			0%
		Source of Funds #3		2014			0%
			MULTI-YEAR GOAL			0	0%



Summary of Specific Annual Objectives

Specific Obj. #	Outcome/Objective Specific Annual Objectives	Sources of Funds	Performance Indicators	Year	Expected Number	Actual Number	Percent Completed
DH-2 Affordability of Decent Housing							
DH-2 (1)	No CDBG funds are expected to be used for Housing Affordability	NA	NA	2010	0		0%
				2011	0		0%
		Source of Funds #2		2012	0		0%
				2013	0		0%
		Source of Funds #3		2014	0		0%
			MULTI-YEAR GOAL		0	0	0%
		Source of Funds #1	Performance Indicator #2	2010			0%
				2011			0%
		Source of Funds #2		2012			0%
				2013			0%
		Source of Funds #3		2014			0%
			MULTI-YEAR GOAL			0	0%
	No CDBG funds are expected to be used for Housing Affordability	Source of Funds #1	Performance Indicator #3	2010			0%
				2011			0%
		Source of Funds #2		2012			0%
				2013			0%
		Source of Funds #3		2014			0%
			MULTI-YEAR GOAL			0	0%
		Source of Funds #1	Performance Indicator #3	2010			0%
				2011			0%
		Source of Funds #2		2012			0%
				2013			0%
		Source of Funds #3		2014			0%
			MULTI-YEAR GOAL			0	0%

**New Specific
Objective**

Summary of Specific Annual Objectives

Specific Obj. #	Outcome/Objective Specific Annual Objectives	Sources of Funds	Performance Indicators	Year	Expected Number	Actual Number	Percent Completed
DH-3 Sustainability of Decent Housing							
DH-3 (1)	No CDBG funds are expected to be used for Housing Sustainability	NA	NA	2010	0		0%
				2011	0		0%
		Source of Funds #2		2012	0		0%
				2013	0		0%
		Source of Funds #3		2014	0		0%
			MULTI-YEAR GOAL		0	0	0%
		Source of Funds #1	Performance Indicator #2	2010			0%
				2011			0%
		Source of Funds #2		2012			0%
				2013			0%
		Source of Funds #3		2014			0%
			MULTI-YEAR GOAL			0	0%
	No CDBG funds are expected to be used for Housing Sustainability	Source of Funds #1	Performance Indicator #3	2010			0%
				2011			0%
		Source of Funds #2		2012			0%
				2013			0%
		Source of Funds #3		2014			0%
			MULTI-YEAR GOAL			0	0%
		Source of Funds #1	Performance Indicator #3	2010			0%
				2011			0%
		Source of Funds #2		2012			0%
				2013			0%
		Source of Funds #3		2014			0%
			MULTI-YEAR GOAL			0	0%

**New Specific
Objective**

Summary of Specific Annual Objectives

Specific Obj. #	Outcome/Objective Specific Annual Objectives	Sources of Funds	Performance Indicators	Year	Expected Number	Actual Number	Percent Completed
SL-1 Availability/Accessibility of Suitable Living Environment							
SL-1 (1)	Provide funding to Public Service Agenc(y)(ies) to assist in the availability or accessibility of a suitable living environment.	CDBG	Persons Served	2010	300		0%
				2011	300		0%
		Source of Funds #2		2012	300		0%
				2013	300		0%
		Source of Funds #3		2014	300		0%
		MULTI-YEAR GOAL			1500	0	0%
		Source of Funds #1	Performance Indicator #2	2010			#DIV/0!
				2011			#DIV/0!
		Source of Funds #2		2012			#DIV/0!
				2013			#DIV/0!
	Source of Funds #3	2014			#DIV/0!		
	MULTI-YEAR GOAL				0	#DIV/0!	
	Temple Independent School District: Project Diploma HCCAA - Meals on Wheels Aware Central Texas: Case management for individual and families affected by family violence and sexual assault. Temple HELP Center Families in Crisis	Source of Funds #1	Performance Indicator #3	2010			#DIV/0!
				2011			#DIV/0!
		Source of Funds #2		2012			#DIV/0!
				2013			#DIV/0!
		Source of Funds #3		2014			#DIV/0!
		MULTI-YEAR GOAL				0	#DIV/0!

**New Specific
Objective**

Summary of Specific Annual Objectives

Specific Obj. #	Outcome/Objective Specific Annual Objectives	Sources of Funds	Performance Indicators	Year	Expected Number	Actual Number	Percent Completed
SL-1 Availability/Accessibility of Suitable Living Environment							
SL-1 (2)	Infrastructure improvements - One 5-year project	CDBG	Persons Served	2010	5393		0%
				2011	PR		0%
		Source of Funds #2		2012	PR		0%
				2013	PR		0%
		Source of Funds #3		2014	PR		0%
			MULTI-YEAR GOAL		5393	0	0%
		Source of Funds #1	Performance Indicator #2	2010			#DIV/0!
				2011			#DIV/0!
		Source of Funds #2		2012			#DIV/0!
				2013			#DIV/0!
		Source of Funds #3		2014			#DIV/0!
			MULTI-YEAR GOAL			0	#DIV/0!
	Install sidewalks along 1st street within the boundaries of Ave D and Ave U.	Source of Funds #1	Performance Indicator #3	2010			#DIV/0!
				2011			#DIV/0!
		Source of Funds #2		2012			#DIV/0!
				2013			#DIV/0!
		Source of Funds #3		2014			#DIV/0!
			MULTI-YEAR GOAL			0	#DIV/0!

**New Specific
Objective**

Summary of Specific Annual Objectives

Specific Obj. #	Outcome/Objective Specific Annual Objectives	Sources of Funds	Performance Indicators	Year	Expected Number	Actual Number	Percent Completed
SL-1 Availability/Accessibility of Suitable Living Environment							
SL-1 (3)	Real Property Acquisition - Cancelled	CDBG	Buildings Purchased	2010	0		#DIV/0!
				2011	0		0%
		Source of Funds #2		2012	0		0%
				2013	0		0%
		Source of Funds #3		2014	0		0%
			MULTI-YEAR GOAL		0	0	#DIV/0!
		Source of Funds #1	Performance Indicator #2	2010			#DIV/0!
				2011			#DIV/0!
		Source of Funds #2		2012			#DIV/0!
				2013			#DIV/0!
	Purchase Real Property for CDBG use.	Source of Funds #3		2014			#DIV/0!
			MULTI-YEAR GOAL			0	#DIV/0!
		Source of Funds #1	Performance Indicator #3	2010			#DIV/0!
				2011			#DIV/0!
		Source of Funds #2		2012			#DIV/0!
				2013			#DIV/0!
		Source of Funds #3		2014			#DIV/0!
			MULTI-YEAR GOAL			0	#DIV/0!

**New Specific
Objective**

Summary of Specific Annual Objectives

Specific Obj. #	Outcome/Objective Specific Annual Objectives	Sources of Funds	Performance Indicators	Year	Expected Number	Actual Number	Percent Completed
SL-1 Availability/Accessibility of Suitable Living Environment							
SL-1 (4)	Park Improvements	CDBG	Parks Improved	2010	0		0%
				2011	1		0%
		Source of Funds #2		2012	1		0%
				2013	1		0%
		Source of Funds #3		2014	1		0%
			MULTI-YEAR GOAL		4	0	0%
		Source of Funds #1	Performance Indicator #2	2010			#DIV/0!
				2011			#DIV/0!
		Source of Funds #2		2012			#DIV/0!
				2013			#DIV/0!
		Source of Funds #3		2014			#DIV/0!
			MULTI-YEAR GOAL			0	#DIV/0!
	Add to or improve one or more Parks within the City that serve low income citizens. 2011-Clarence Martin Gym	Source of Funds #1	Performance Indicator #3	2010			#DIV/0!
				2011			#DIV/0!
		Source of Funds #2		2012			#DIV/0!
				2013			#DIV/0!
		Source of Funds #3		2014			#DIV/0!
			MULTI-YEAR GOAL			0	#DIV/0!
		Source of Funds #1	Performance Indicator #3	2010			#DIV/0!
				2011			#DIV/0!
		Source of Funds #2		2012			#DIV/0!
				2013			#DIV/0!
		Source of Funds #3		2014			#DIV/0!
			MULTI-YEAR GOAL			0	#DIV/0!

**New Specific
Objective**

Summary of Specific Annual Objectives

Specific Obj. #	Outcome/Objective Specific Annual Objectives	Sources of Funds	Performance Indicators	Year	Expected Number	Actual Number	Percent Completed
SL-1 Availability/Accessibility of Suitable Living Environment							
SL-1 (5)	Demolition	CDBG	Locations Demolished	2010	1		0%
				2011	7		0%
		Source of Funds #2		2012	7		0%
				2013	7		0%
		Source of Funds #3		2014	7		0%
		MULTI-YEAR GOAL			28	0	0%
		Source of Funds #1	Performance Indicator #2	2010			#DIV/0!
				2011			#DIV/0!
		Source of Funds #2		2012			#DIV/0!
				2013			#DIV/0!
		Source of Funds #3		2014			#DIV/0!
		MULTI-YEAR GOAL				0	#DIV/0!
	Demolition of properties determined to be a blight on the community, or in the service of projects that meet HUD requirements.	Source of Funds #1	Performance Indicator #3	2010			#DIV/0!
				2011			#DIV/0!
		Source of Funds #2		2012			#DIV/0!
				2013			#DIV/0!
		Source of Funds #3		2014			#DIV/0!
		MULTI-YEAR GOAL				0	#DIV/0!



Summary of Specific Annual Objectives

Specific Obj. #	Outcome/Objective Specific Annual Objectives	Sources of Funds	Performance Indicators	Year	Expected Number	Actual Number	Percent Completed
SL-1 Availability/Accessibility of Suitable Living Environment							
SL-1 (6)	Avenue H Resurfacing	CDBG-R	Persons Served	2009	3626		0%
				2010			#DIV/0!
		Source of Funds #2		2012			#DIV/0!
				2013			#DIV/0!
		Source of Funds #3		2014			#DIV/0!
			MULTI-YEAR GOAL			0	#DIV/0!
		Source of Funds #1	Performance Indicator #2	2010			#DIV/0!
				2011			#DIV/0!
		Source of Funds #2		2012			#DIV/0!
				2013			#DIV/0!
		Source of Funds #3		2014			#DIV/0!
			MULTI-YEAR GOAL			0	#DIV/0!
	Infrastructure improvements will include a full street resurface of West and East Avenue H from South 1st Street to the overpass before South 10th Street. The resurface will include milling, seal coat and overlay	Source of Funds #1	Performance Indicator #3	2010			#DIV/0!
				2011			#DIV/0!
		Source of Funds #2		2012			#DIV/0!
				2013			#DIV/0!
		Source of Funds #3		2014			#DIV/0!
			MULTI-YEAR GOAL			0	#DIV/0!
		Source of Funds #1	Performance Indicator #3	2010			#DIV/0!
				2011			#DIV/0!
		Source of Funds #2		2012			#DIV/0!
				2013			#DIV/0!
		Source of Funds #3		2014			#DIV/0!
			MULTI-YEAR GOAL			0	#DIV/0!

**New Specific
Objective**

Summary of Specific Annual Objectives

Specific Obj. #	Outcome/Objective Specific Annual Objectives	Sources of Funds	Performance Indicators	Year	Expected Number	Actual Number	Percent Completed
SL-1 Availability/Accessibility of Suitable Living Environment							
SL-1 (7)	Avenue H Resurfacing	CDBG	Persons Served	2010	1927		0%
				2011			#DIV/0!
		Source of Funds #2		2012			#DIV/0!
				2013			#DIV/0!
		Source of Funds #3		2014			#DIV/0!
			MULTI-YEAR GOAL			0	#DIV/0!
		Source of Funds #1	Performance Indicator #2	2010			#DIV/0!
				2011			#DIV/0!
		Source of Funds #2		2012			#DIV/0!
				2013			#DIV/0!
		Source of Funds #3		2014			#DIV/0!
			MULTI-YEAR GOAL			0	#DIV/0!
	Infrastructure improvements will include a full street resurface of West and East Avenue H from 1st Street to 25th Street. The resurface will include milling, seal coat and overlay	Source of Funds #1	Performance Indicator #3	2010			#DIV/0!
				2011			#DIV/0!
		Source of Funds #2		2012			#DIV/0!
				2013			#DIV/0!
		Source of Funds #3		2014			#DIV/0!
			MULTI-YEAR GOAL			0	#DIV/0!



Summary of Specific Annual Objectives

Specific Obj. #	Outcome/Objective Specific Annual Objectives	Sources of Funds	Performance Indicators	Year	Expected Number	Actual Number	Percent Completed
SL-2 Affordability of Suitable Living Environment							
SL-2 (1)	Fund public service agencies whose goals are the affordability of a a suitable living environment	CDBG	Persons served	2010	7		0%
				2011	7		0%
				2012	7		0%
				2013	7		0%
				2014	7		0%
			MULTI-YEAR GOAL		30	0	0%
		Source of Funds #2	Performance Indicator #2	2010			#DIV/0!
				2011			#DIV/0!
				2012			#DIV/0!
				2013			#DIV/0!
				2014			#DIV/0!
		Source of Funds #3	MULTI-YEAR GOAL			0	#DIV/0!
	Specific Annual Objectives: Family Promise of East Bell County - Provide support in the form of shelter and self-sufficiency services. Families in Crisis - Provide shelter and services to low income citizens affected by family violence and sexual assault.	Source of Funds #1	Performance Indicator #3	2010			#DIV/0!
				2011			#DIV/0!
				2012			#DIV/0!
				2013			#DIV/0!
				2014			#DIV/0!
		Source of Funds #2	MULTI-YEAR GOAL			0	#DIV/0!
		Source of Funds #3	Performance Indicator #3	2010			#DIV/0!
				2011			#DIV/0!
				2012			#DIV/0!
				2013			#DIV/0!
				2014			#DIV/0!
		Source of Funds #3	MULTI-YEAR GOAL			0	#DIV/0!

**New Specific
Objective**

Summary of Specific Annual Objectives

Specific Obj. #	Outcome/Objective Specific Annual Objectives	Sources of Funds	Performance Indicators	Year	Expected Number	Actual Number	Percent Completed
SL-3 Sustainability of Suitable Living Environment							
SL-3 (1)	No CDBG funds are expected to used for the sustainability of a suitable living environment.	Source of Funds #1	Performance Indicator #1	2010			#DIV/0!
				2011			#DIV/0!
		Source of Funds #2		2012			#DIV/0!
				2013			#DIV/0!
		Source of Funds #3		2014			#DIV/0!
		MULTI-YEAR GOAL				0	#DIV/0!
		Source of Funds #1	Performance Indicator #2	2010			#DIV/0!
				2011			#DIV/0!
		Source of Funds #2		2012			#DIV/0!
	No CDBG funds are expected to used for the sustainability of a suitable living environment.			2013			#DIV/0!
		Source of Funds #3		2014			#DIV/0!
		MULTI-YEAR GOAL				0	#DIV/0!
		Source of Funds #1	Performance Indicator #3	2010			#DIV/0!
				2011			#DIV/0!
		Source of Funds #2		2012			#DIV/0!
				2013			#DIV/0!
		Source of Funds #3		2014			#DIV/0!
		MULTI-YEAR GOAL				0	#DIV/0!



Summary of Specific Annual Objectives

Specific Obj. #	Outcome/Objective Specific Annual Objectives	Sources of Funds	Performance Indicators	Year	Expected Number	Actual Number	Percent Completed
EO-1	Availability/Accessibility of Economic Opportunity						
EO-1 (1)	No CDBG funds are expected to be used for the availability or accessibility of economic opportunity.	Source of Funds #1	NA	2010	0		0%
				2011	0		0%
		Source of Funds #2		2012	0		0%
				2013	0		0%
		Source of Funds #3		2014	0		0%
		MULTI-YEAR GOAL			0	0	0%
		Source of Funds #1	Performance Indicator #2	2010			#DIV/0!
				2011			#DIV/0!
		Source of Funds #2		2012			#DIV/0!
		2013				#DIV/0!	
	No CDBG funds are expected to be used for the availability or accessibility of economic opportunity.	Source of Funds #3	2014			#DIV/0!	
		MULTI-YEAR GOAL				0	#DIV/0!
		Source of Funds #1	Performance Indicator #3	2010			#DIV/0!
				2011			#DIV/0!
		Source of Funds #2		2012			#DIV/0!
				2013			#DIV/0!
		Source of Funds #3		2014			#DIV/0!
		MULTI-YEAR GOAL				0	#DIV/0!



Summary of Specific Annual Objectives

Specific Obj. #	Outcome/Objective Specific Annual Objectives	Sources of Funds	Performance Indicators	Year	Expected Number	Actual Number	Percent Completed
EO-2 Affordability of Economic Opportunity							
EO-2 (1)	No CDBG funds are expected to used for the affordability of economic opportunity.	Source of Funds #1	NA	2010	0		0%
				2011	0		0%
		Source of Funds #2		2012	0		0%
				2013	0		0%
		Source of Funds #3		2014	0		0%
		MULTI-YEAR GOAL			0	0	0%
		Source of Funds #1	Performance Indicator #2	2010			#DIV/0!
				2011			#DIV/0!
		Source of Funds #2		2012			#DIV/0!
		2013				#DIV/0!	
	Source of Funds #3	2014				#DIV/0!	
	MULTI-YEAR GOAL				0	#DIV/0!	
	No CDBG funds are expected to used for the affordability of economic opportunity.	Source of Funds #1	Performance Indicator #3	2010			#DIV/0!
				2011			#DIV/0!
		Source of Funds #2		2012			#DIV/0!
				2013			#DIV/0!
		Source of Funds #3		2014			#DIV/0!
		MULTI-YEAR GOAL				0	#DIV/0!

**New Specific
Objective**

Summary of Specific Annual Objectives

Specific Obj. #	Outcome/Objective Specific Annual Objectives	Sources of Funds	Performance Indicators	Year	Expected Number	Actual Number	Percent Completed
EO-3 Sustainability of Economic Opportunity							
EO-3 (1)	No CDBG funds are expected to be used for the sustainability of economic opportunity.	Source of Funds #1	NA	2010	0		0%
				2011	0		0%
		Source of Funds #2		2012	0		0%
				2013	0		0%
		Source of Funds #3		2014	0		0%
		MULTI-YEAR GOAL			0	0	0%
		Source of Funds #1	Performance Indicator #2	2010			#DIV/0!
				2011			#DIV/0!
		Source of Funds #2		2012			#DIV/0!
		2013				#DIV/0!	
	No CDBG funds are expected to be used for the sustainability of economic opportunity.	Source of Funds #3	2014			#DIV/0!	
		MULTI-YEAR GOAL				0	#DIV/0!
		Source of Funds #1	Performance Indicator #3	2010			#DIV/0!
				2011			#DIV/0!
		Source of Funds #2		2012			#DIV/0!
				2013			#DIV/0!
		Source of Funds #3	2014			#DIV/0!	
		MULTI-YEAR GOAL				0	#DIV/0!

**New Specific
Objective**

Summary of Specific Annual Objectives

Specific Obj. #	Outcome/Objective Specific Annual Objectives	Sources of Funds	Performance Indicators	Year	Expected Number	Actual Number	Percent Completed
NR-1 Neighborhood Revitalization							
NR-1 (1)	No areas have been targeted for neighborhood revitalization.	NA	NA	2010	0		0%
				2011	0		0%
		Source of Funds #2		2012	0		0%
				2013	0		0%
		Source of Funds #3		2014	0		0%
			MULTI-YEAR GOAL		0	0	0%
		Source of Funds #1	Performance Indicator #2	2010			#DIV/0!
				2011			#DIV/0!
		Source of Funds #2		2012			#DIV/0!
				2013			#DIV/0!
		Source of Funds #3		2014			#DIV/0!
			MULTI-YEAR GOAL			0	#DIV/0!
	Specific Annual Objective	Source of Funds #1	Performance Indicator #3	2010			#DIV/0!
				2011			#DIV/0!
		Source of Funds #2		2012			#DIV/0!
				2013			#DIV/0!
		Source of Funds #3		2014			#DIV/0!
			MULTI-YEAR GOAL			0	#DIV/0!
		Source of Funds #1	Performance Indicator #3	2010			#DIV/0!
				2011			#DIV/0!
		Source of Funds #2		2012			#DIV/0!
				2013			#DIV/0!
		Source of Funds #3		2014			#DIV/0!
			MULTI-YEAR GOAL			0	#DIV/0!

**New Specific
Objective**

Summary of Specific Annual Objectives

Specific Obj. #	Outcome/Objective Specific Annual Objectives	Sources of Funds	Performance Indicators	Year	Expected Number	Actual Number	Percent Completed
O-1	Other						
O-1 (1)	No other objectives are being targeted with CDBG funds	NA	NA	2010	0		0%
				2011	0		0%
		Source of Funds #2		2012	0		0%
				2013	0		0%
		Source of Funds #3		2014	0		0%
			MULTI-YEAR GOAL		0	0	0%
		Source of Funds #1	Performance Indicator #2	2010			#DIV/0!
				2011			#DIV/0!
		Source of Funds #2		2012			#DIV/0!
				2013			#DIV/0!
		Source of Funds #3		2014			#DIV/0!
			MULTI-YEAR GOAL			0	#DIV/0!
	Specific Annual Objective	Source of Funds #1	Performance Indicator #3	2010			#DIV/0!
				2011			#DIV/0!
		Source of Funds #2		2012			#DIV/0!
				2013			#DIV/0!
		Source of Funds #3		2014			#DIV/0!
			MULTI-YEAR GOAL			0	#DIV/0!
		Source of Funds #1					
		Source of Funds #2					
		Source of Funds #3					
			MULTI-YEAR GOAL			0	#DIV/0!

CPMP Data:

Needs Tables

Housing Needs Table				Grantee:		Only complete blue sections. Do NOT type in sections other than blue.																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																													
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Household Income > 30 to <= 50% MFI					
Renter					
Small Related					
NUMBER OF HOUSEHOLDS	100%	458			
With Any Housing Problems	71.6	328	0	0	0
Cost Burden > 30%	66.4	304	0	0	0
Cost Burden >50%	24	110	0	0	0
Large Related					
NUMBER OF HOUSEHOLDS	100%	130			
With Any Housing Problems	80.8	105	0	0	0
Cost Burden > 30%	50	65	0	0	0
Cost Burden >50%	19.2	25	0	0	0
All other hshold					
NUMBER OF HOUSEHOLDS	100%	420			
With Any Housing Problems	76.2	320	0	0	0
Cost Burden > 30%	76.2	320	0	0	0
Cost Burden >50%	21.4	90	0	0	0
Elderly					
NUMBER OF HOUSEHOLDS	100%	590			
With Any Housing Problems	43.2	255	0	0	0
Cost Burden > 30%	43.2	255	0	0	0
Cost Burden >50%	13.6	80	0	0	0
Owner					
Small Related					
NUMBER OF HOUSEHOLDS	100%	219			
With Any Housing Problems	77.2	169	0	0	0
Cost Burden > 30%	75.3	165	0	0	0
Cost Burden >50%	43.4	95	0	0	0
Large Related					
NUMBER OF HOUSEHOLDS	100%	83			
With Any Housing Problems	63.9	53	0	0	0
Cost Burden > 30%	27.7	23	0	0	0
Cost Burden >50%	4.8	4	0	0	0
All other hshold					
NUMBER OF HOUSEHOLDS	100%	88			
With Any Housing Problems	83	73	0	0	0
Cost Burden > 30%	83	73	0	0	0
Cost Burden >50%	50	44	0	0	0
Renter					
Elderly					
NUMBER OF HOUSEHOLDS	100%	428			100%
With Any Housing Problems	54.4	233	0	0	0
Cost Burden > 30%	52.1	223	0	0	0
Cost Burden >50%	13.8	59	0	0	0
Small Related					
NUMBER OF HOUSEHOLDS	100%	819			
With Any Housing Problems	43.2	354	0	0	0
Cost Burden > 30%	35.3	289	0	0	0
Cost Burden >50%	0	0	0	0	0
Large Related					
NUMBER OF HOUSEHOLDS	100%	184			
With Any Housing Problems	72.8	134	0	0	0
Cost Burden > 30%	18.5	34	0	0	0
Cost Burden >50%	0	0	0	0	0
Other hshold					
NUMBER OF HOUSEHOLDS	100%	713			
With Any Housing Problems	47.4	338	0	0	0
Cost Burden > 30%	44	314	0	0	0

Jurisdiction						
Housing Market Analysis				Complete cells in blue.		
Housing Stock Inventory	Vacancy Rate	0 & 1 Bedroom	2 Bedrooms	3+ Bedroom	Total	Substandard Units
Affordability Mismatch						
Occupied Units: Renter		3621	3803	1996	9420	
Occupied Units: Owner		328	2294	9247	11869	
Vacant Units: For Rent	9%	382	338	111	831	
Vacant Units: For Sale	3%	24	70	250	344	
Total Units Occupied & Vacant		4355	6505	11604	22464	0
Rents: Applicable FMRs (in \$s)		601	733	980		
Rent Affordable at 30% of 50% of MFI (in \$s)		445	535	617		
Public Housing Units						
Occupied Units		188	91	47	326	
Vacant Units		3	1	1	5	
Total Units Occupied & Vacant		191	92	48	331	0
Rehabilitation Needs (in \$s)					0	

Housing and Community Development Activities				Needs	Current	Gap	5-Year Quantities											
							Year 1		Year 2		Year 3		Year 4		Year 5		Cumulative	
							Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual
01 Acquisition of Real Property 570.201(a)				1	0	1	1	0								1	0	
02 Disposition 570.201(b)				0	0	0										0	0	
Public Facilities and Improvements	03 Public Facilities and Improvements (General) 570.201(c)			0	0	0										0	0	
	03A Senior Centers 570.201(c)			0	0	0										0	0	
	03B Handicapped Centers 570.201(c)			0	0	0										0	0	
	03C Homeless Facilities (not operating costs) 570.201(c)			0	0	0										0	0	
	03D Youth Centers 570.201(c)			0	0	0										0	0	
	03E Neighborhood Facilities 570.201(c)			0	0	0										0	0	
	03F Parks, Recreational Facilities 570.201(c)			4	0	4		1		1		1		1		4	0	
	03G Parking Facilities 570.201©			0	0	0										0	0	
	03H Solid Waste Disposal Improvements 570.201(c)			0	0	0										0	0	
	03I Flood Drain Improvements 570.201(c)			0	0	0										0	0	
	03J Water/Sewer Improvements 570.201(c)			0	0	0										0	0	
	03K Street Improvements 570.201(c)			0	0	0										0	0	
	03L Sidewalks 570.201(c)			1	0	1	1		PR		PR		PR		PR		1	0
	03M Child Care Centers 570.201(c)			0	0	0										0	0	
	03N Tree Planting 570.201(c)			0	0	0										0	0	
	03O Fire Stations/Equipment 570.201(c)			0	0	0										0	0	
	03P Health Facilities 570.201(c)			0	0	0										0	0	
03Q Abused and Neglected Children Facilities 570.201(c)			0	0	0										0	0		
03R Asbestos Removal 570.201(c)			0	0	0										0	0		
03S Facilities for AIDS Patients (not operating costs) 570.201(c)			0	0	0										0	0		
03T Operating Costs of Homeless/AIDS Patients Programs			0	0	0										0	0		
04 Clearance and Demolition 570.201(d)				29	0	29	1		7		7		7		7		29	0
04A Clean-up of Contaminated Sites 570.201(d)				0	0	0										0	0	
Public Services	05 Public Services (General) 570.201(e)			21	0	21	5		4		4		4		4		21	0
	05A Senior Services 570.201(e)			0	0	0										0	0	
	05B Handicapped Services 570.201(e)			0	0	0										0	0	
	05C Legal Services 570.201(E)			0	0	0										0	0	
	05D Youth Services 570.201(e)			0	0	0										0	0	
	05E Transportation Services 570.201(e)			0	0	0										0	0	
	05F Substance Abuse Services 570.201(e)			0	0	0										0	0	
	05G Battered and Abused Spouses 570.201(e)			0	0	0										0	0	
	05H Employment Training 570.201(e)			0	0	0										0	0	
	05I Crime Awareness 570.201(e)			0	0	0										0	0	
	05J Fair Housing Activities (if CDBG, then subject to 570.201(e)			0	0	0										0	0	
	05K Tenant/Landlord Counseling 570.201(e)			0	0	0										0	0	
	05L Child Care Services 570.201(e)			0	0	0										0	0	

PJ	05M Health Services 570.201(e)	0	0	0											0	0
	05N Abused and Neglected Children 570.201(e)	0	0	0											0	0
	05O Mental Health Services 570.201(e)	0	0	0											0	0
	05P Screening for Lead-Based Paint/Lead Hazards Poison 570.201(f)	0	0	0											0	0
	05Q Subsistence Payments 570.204	0	0	0											0	0
	05R Homeownership Assistance (not direct) 570.204	0	0	0											0	0
	05S Rental Housing Subsidies (if HOME, not part of 5% 570.204	0	0	0											0	0
	05T Security Deposits (if HOME, not part of 5% Admin c	0	0	0											0	0
	06 Interim Assistance 570.201(f)	0	0	0											0	0
	07 Urban Renewal Completion 570.201(h)	0	0	0											0	0
	08 Relocation 570.201(i)	0	0	0											0	0
	09 Loss of Rental Income 570.201(j)	0	0	0											0	0
	10 Removal of Architectural Barriers 570.201(k)	0	0	0											0	0
	11 Privately Owned Utilities 570.201(l)	0	0	0											0	0
	12 Construction of Housing 570.201(m)	0	0	0											0	0
	13 Direct Homeownership Assistance 570.201(n)	0	0	0											0	0
	14A Rehab: Single-Unit Residential 570.202	0	0	0											0	0
	14B Rehab: Multi-Unit Residential 570.202	0	0	0											0	0
	14C Public Housing Modernization 570.202	0	0	0											0	0
	14D Rehab: Other Publicly-Owned Residential Buildings 570.202	0	0	0											0	0
	14E Rehab: Publicly or Privately-Owned Commercial/Indu 570.202	0	0	0											0	0
	14F Energy Efficiency Improvements 570.202	0	0	0											0	0
	14G Acquisition - for Rehabilitation 570.202	0	0	0											0	0
	14H Rehabilitation Administration 570.202	0	0	0											0	0
	14I Lead-Based/Lead Hazard Test/Abate 570.202	0	0	0											0	0
	15 Code Enforcement 570.202(c)	0	0	0											0	0
	16A Residential Historic Preservation 570.202(d)	0	0	0											0	0
	16B Non-Residential Historic Preservation 570.202(d)	0	0	0											0	0
	17A CI Land Acquisition/Disposition 570.203(a)	0	0	0											0	0
	17B CI Infrastructure Development 570.203(a)	0	0	0											0	0
	17C CI Building Acquisition, Construction, Rehabilitat 570.203(a)	0	0	0											0	0
	17D Other Commercial/Industrial Improvements 570.203(a)	0	0	0											0	0
	18A ED Direct Financial Assistance to For-Profits 570.203(b)	0	0	0											0	0
	18B ED Technical Assistance 570.203(b)	0	0	0											0	0
	18C Micro-Enterprise Assistance	0	0	0											0	0
	19A HOME Admin/Planning Costs of PJ (not part of 5% Ad	0	0	0											0	0
	19B HOME CHDO Operating Costs (not part of 5% Admin ca	0	0	0											0	0
	19C CDBG Non-profit Organization Capacity Building	0	0	0											0	0
	19D CDBG Assistance to Institutes of Higher Education	0	0	0											0	0
	19E CDBG Operation and Repair of Foreclosed Property	0	0	0											0	0
	19F Planned Repayment of Section 108 Loan Principal	0	0	0											0	0
	19G Unplanned Repayment of Section 108 Loan Principal	0	0	0											0	0
	19H State CDBG Technical Assistance to Grantees	0	0	0											0	0

20 Planning 570.205		0	0	0											0	0
	21A General Program Administration 570.206	5	0	5	1		1		1		1		1		5	0
	21B Indirect Costs 570.206	0	0	0											0	0
	21D Fair Housing Activities (subject to 20% Admin cap) 570.206	0	0	0											0	0
	21E Submissions or Applications for Federal Programs 570.206	0	0	0											0	0
	21F HOME Rental Subsidy Payments (subject to 5% cap)	0	0	0											0	0
	21G HOME Security Deposits (subject to 5% cap)	0	0	0											0	0
	21H HOME Admin/Planning Costs of PJ (subject to 5% cap)	0	0	0											0	0
	21I HOME CHDO Operating Expenses (subject to 5% cap)	0	0	0											0	0
22 Unprogrammed Funds		0	0	0											0	0
HOPWA	31J Facility based housing – development	0	0	0											0	0
	31K Facility based housing - operations	0	0	0											0	0
	31G Short term rent mortgage utility payments	0	0	0											0	0
	31F Tenant based rental assistance	0	0	0											0	0
	31E Supportive service	0	0	0											0	0
	31I Housing information services	0	0	0											0	0
	31H Resource identification	0	0	0											0	0
	31B Administration - grantee	0	0	0											0	0
CDBG	31D Administration - project sponsor	0	0	0											0	0
	Acquisition of existing rental units	0	0	0											0	0
	Production of new rental units	0	0	0											0	0
	Rehabilitation of existing rental units	0	0	0											0	0
	Rental assistance	0	0	0											0	0
	Acquisition of existing owner units	0	0	0											0	0
	Production of new owner units	0	0	0											0	0
	Rehabilitation of existing owner units	0	0	0											0	0
HOME	Homeownership assistance	0	0	0											0	0
	Acquisition of existing rental units	0	0	0											0	0
	Production of new rental units	0	0	0											0	0
	Rehabilitation of existing rental units	0	0	0											0	0
	Rental assistance	0	0	0											0	0
	Acquisition of existing owner units	0	0	0											0	0
	Production of new owner units	0	0	0											0	0
	Rehabilitation of existing owner units	0	0	0											0	0
Totals		61	0	61	9	0	13	0	13	0	13	0	13	0	61	0

HOPWA Performance Chart 1	Needs	Current	Gap	Year 1							
				Outputs Households				Funding			
				HOPWA Assistance		Non-HOPWA					
				Goal	Actual	Goal	Actual	HOPWA Budget	HOPWA Actual	Leveraged Non-HOPWA	
Tenant-based Rental Assistance	0	0	0								
Short-term Rent, Mortgage and Utility payments	0	0	0								
Facility-based Programs	0	0	0								
Units in facilities supported with operating costs	0	0	0								
Units in facilities developed with capital funds and placed in service during the program year	0	0	0								
Units in facilities being developed with capital funding but not yet opened (show units of housing planned)	0	0	0								
Stewardship (developed with HOPWA but no current operation or other costs) Units of housing subject to three- or ten-year use agreements	0	0	0								
Adjustment for duplication of households (i.e., moving between types of housing)											
Subtotal unduplicated number of households/units of housing assisted	0	0	0	0	0	0	0	0	0	0	0
Supportive Services				Outputs Individuals							
Supportive Services in conjunction with housing activities (for households above in HOPWA or leveraged other units)	0	0	0								
Housing Placement Assistance				Outputs Individuals							
Housing Information Services	0	0	0								
Permanent Housing Placement Services	0	0	0								
Housing Development, Administration, and Management Services											
Resource Identification to establish, coordinate and develop housing assistance resources											
Project Outcomes/Program Evaluation (if approved)											
Grantee Administration (maximum 3% of total) (i.e., costs for general management, oversight, coordination, evaluation, and reporting)											
Project Sponsor Administration (maximum 7% of total) (i.e., costs for general management, oversight, coordination, evaluation, and reporting)											
Other Activity (if approved in grant agreement) Specify:											
1		0	0	0							
2		0	0	0							
3		0	0	0							

HOPWA Performance Chart 2

Type of Housing Assistance	Total Number of Households Receiving Assistance	Average Length of Stay [in weeks]	Number of Households Remaining in Project at the End of the Program Year	Number of Households that left the Project	What happened to the Households that left				
							PY1	PY2	PY3
Tenant-based Rental Assistance	0	PY1	PY1	#VALUE!	Emergency Shelter				
					Temporary Housing				
	0	PY2	PY2	#VALUE!	Private Hsg				
					Other HOPWA				
	0	PY3	PY3	#VALUE!	Other Subsidy				
					Institution				
	0	PY4	PY4	#VALUE!	Jail/Prison				
					Disconnected				
0	PY5	PY5	#VALUE!	Death					
Short-term Rent, Mortgage, and Utility Assistance	0	PY1	PY1	#VALUE!	Emergency Shelter				
					Temporary Housing				
	0	PY2	PY2	#VALUE!	Private Hsg				
					Other HOPWA				
	0	PY3	PY3	#VALUE!	Other Subsidy				
					Institution				
	0	PY4	PY4	#VALUE!	Jail/Prison				
					Disconnected				
0	PY5	PY5	#VALUE!	Death					
Facility-based Housing Assistance	0	PY1	PY1	#VALUE!	Emergency Shelter				
					Temporary Housing				
	0	PY2	PY2	#VALUE!	Private Hsg				
					Other HOPWA				
	0	PY3	PY3	#VALUE!	Other Subsidy				
					Institution				
	0	PY4	PY4	#VALUE!	Jail/Prison				
					Disconnected				
0	PY5	PY5	#VALUE!	Death					

Attachment A:

Additional Tables

Transition Table 1C
Summary of Specific Housing/Community Development Objectives
 (Table 1A/1B Continuation Sheet)

Obj #	Specific Objectives	Sources of Funds	Performance Indicators	Expected Number	Actual Number	Outcome/Objective*
	Homeless Objectives					
	No homeless objectives were addressed with CDBG dollars					
	Special Needs Objectives					
	HCCAA (Meals on Wheels) Aging Services Program provides meals through congregate and home delivered meal programs to eligible elderly participants	CDBG	Persons Served	280		SL-2
	Other Objectives					
	No other objectives were addressed with CDBG dollars					

***Outcome/Objective Codes**

	Availability/Accessibility	Affordability	Sustainability
Decent Housing	DH-1	DH-2	DH-3
Suitable Living Environment	SL-1	SL-2	SL-3
Economic Opportunity	EO-1	EO-2	EO-3

Transition Table 2C
Summary of Specific Housing/Community Development Objectives
 (Table 2A/2B Continuation Sheet)

Obj #	Specific Objectives	Sources of Funds	Performance Indicators	Expected Number	Actual Number	Outcome/Objective*
	Rental Housing					
	The City of Temple will not be using CDBG funds for Rental Housing					
	Owner Housing					
	The City of Temple will not be using CDBG funds for Owner Housing					
	Community Development					
	The City of Temple will not be using CDBG funds for Community Development					
	Infrastructure					
	Sidewalk installation will continue along 1st Street within the boundaries of W. Avenue D and W. Avenue M	CDBG	Persons Served	PR		SL-1
	Public Facilities					
	The City will make improvements to Clarence Martin Gym	CDBG	Facilities Improved	1		SL-1
	Public Services					
	The Temple HELP Center will provide short term financial and non-financial services to low-income citizens	CDBG	Persons Served			
	Families in Crisis supports and empowers individuals affected by family violence and sexual assault through safe shelter and outreach.	CDBG	Persons Served	90		SL-2
	Economic Development					
	The City of Temple will not be using CDBG funds for Economic Development					
	Neighborhood Revitalization/Other					
	The City of Temple will not be using CDBG funds for Neighborhood Revitalization					

***Outcome/Objective Codes**

	Availability/Accessibility	Affordability	Sustainability
Decent Housing	DH-1	DH-2	DH-3
Suitable Living Environment	SL-1	SL-2	SL-3
Economic Opportunity	EO-1	EO-2	EO-3

Table 2A
Priority Housing Needs/Investment Plan Table

PRIORITY HOUSING NEEDS (households)		Priority		Unmet Need
Renter	Small Related	0-30%		585
		31-50%		458
		51-80%		819
	Large Related	0-30%		77
		31-50%		130
		51-80%		184
	Elderly	0-30%		368
		31-50%		405
		51-80%		428
	All Other	0-30%		650
		31-50%		420
		51-80%		713
Owner	Small Related	0-30%		127
		31-50%		219
		51-80%		515
	Large Related	0-30%		39
		31-50%		83
		51-80%		165
	Elderly	0-30%		368
		31-50%		590
		51-80%		570
	All Other	0-30%		95
		31-50%		88
		51-80%		130
Non-Homeless Special Needs	Elderly	0-80%		1351
	Frail Elderly	0-80%		0
	Severe Mental Illness	0-80%		0
	Physical Disability	0-80%		0
	Developmental Disability	0-80%		0
	Alcohol/Drug Abuse	0-80%		0
	HIV/AIDS	0-80%		0
	Victims of Domestic Violence	0-80%		0

Table 2A
Priority Housing Needs/Investment Plan Goals

Priority Need	5-Yr. Goal Plan/Act	Yr. 1 Goal Plan/Act	Yr. 2 Goal Plan/Act	Yr. 3 Goal Plan/Act	Yr. 4 Goal Plan/Act	Yr. 5 Goal Plan/Act
Renters	0/0	0/0	0/0	0/0	0/0	0/0
0 - 30 of MFI	0/0	0/0	0/0	0/0	0/0	0/0
31 - 50% of MFI	0/0	0/0	0/0	0/0	0/0	0/0
51 - 80% of MFI	0/0	0/0	0/0	0/0	0/0	0/0
Owners						
0 - 30 of MFI	0/0	0/0	0/0	0/0	0/0	0/0
31 - 50 of MFI	0/0	0/0	0/0	0/0	0/0	0/0
51 - 80% of MFI	0/0	0/0	0/0	0/0	0/0	0/0
Homeless*						
Individuals	0/0	0/0	0/0	0/0	0/0	0/0
Families	0/0	0/0	0/0	0/0	0/0	0/0
Non-Homeless Special Needs						
Elderly	0/0	0/0	0/0	0/0	0/0	0/0
Frail Elderly	0/0	0/0	0/0	0/0	0/0	0/0
Severe Mental Illness	0/0	0/0	0/0	0/0	0/0	0/0
Physical Disability	0/0	0/0	0/0	0/0	0/0	0/0
Developmental Disability	0/0	0/0	0/0	0/0	0/0	0/0
Alcohol/Drug Abuse	0/0	0/0	0/0	0/0	0/0	0/0
HIV/AIDS	0/0	0/0	0/0	0/0	0/0	0/0
Victims of Domestic Violence	0/0	0/0	0/0	0/0	0/0	0/0
Total						
Total Section 215						
215 Renter	0/0	0/0	0/0	0/0	0/0	0/0
215 Owner	0/0	0/0	0/0	0/0	0/0	0/0

* Homeless individuals and families assisted with transitional and permanent housing

Table 2A
Priority Housing Activities

Priority Need	5-Yr. Goal Plan/Act	Yr. 1 Goal Plan/Act	Yr. 2 Goal Plan/Act	Yr. 3 Goal Plan/Act	Yr. 4 Goal Plan/Act	Yr. 5 Goal Plan/Act
CDBG						
Acquisition of existing rental units	0/0	0/0	0/0	0/0	0/0	0/0
Production of new rental units	0/0	0/0	0/0	0/0	0/0	0/0
Rehabilitation of existing rental units	0/0	0/0	0/0	0/0	0/0	0/0
Rental assistance	0/0	0/0	0/0	0/0	0/0	0/0
Acquisition of existing owner units	0/0	0/0	0/0	0/0	0/0	0/0
Production of new owner units	0/0	0/0	0/0	0/0	0/0	0/0
Rehabilitation of existing owner units	0/0	0/0	0/0	0/0	0/0	0/0
Homeownership assistance	0/0	0/0	0/0	0/0	0/0	0/0
HOME						
Acquisition of existing rental units	NA	NA	NA	NA	NA	NA
Production of new rental units	NA	NA	NA	NA	NA	NA
Rehabilitation of existing rental units	NA	NA	NA	NA	NA	NA
Rental assistance	NA	NA	NA	NA	NA	NA
Acquisition of existing owner units	NA	NA	NA	NA	NA	NA
Production of new owner units	NA	NA	NA	NA	NA	NA
Rehabilitation of existing owner units	NA	NA	NA	NA	NA	NA
Homeownership assistance	NA	NA	NA	NA	NA	NA
HOPWA						
Rental assistance	NA	NA	NA	NA	NA	NA
Short term rent/mortgage utility payments	NA	NA	NA	NA	NA	NA
Facility based housing development	NA	NA	NA	NA	NA	NA
Facility based housing operations	NA	NA	NA	NA	NA	NA
Supportive services	NA	NA	NA	NA	NA	NA
Other						

Table 3B
ANNUAL AFFORDABLE HOUSING COMPLETION GOALS

Grantee Name: Program Year:	Expected Annual Number of Units To Be Completed	Actual Annual Number of Units Completed	Resources used during the period			
			CDBG	HOME	ESG	HOPWA
BENEFICIARY GOALS (Sec. 215 Only)						
Homeless households	0		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Non-homeless households	0		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Special needs households	0		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Total Sec. 215 Beneficiaries*	0		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
RENTAL GOALS (Sec. 215 Only)						
Acquisition of existing units	0		<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
Production of new units	0		<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
Rehabilitation of existing units	0		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rental Assistance	0		<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
Total Sec. 215 Affordable Rental	0		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HOME OWNER GOALS (Sec. 215 Only)						
Acquisition of existing units	0		<input type="checkbox"/>	<input type="checkbox"/>		
Production of new units	0		<input type="checkbox"/>	<input type="checkbox"/>		
Rehabilitation of existing units	0		<input type="checkbox"/>	<input type="checkbox"/>		
Homebuyer Assistance	0		<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
Total Sec. 215 Affordable Owner	0		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
COMBINED RENTAL AND OWNER GOALS (Sec. 215 Only)						
Acquisition of existing units	0		<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
Production of new units	0		<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
Rehabilitation of existing units	0		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rental Assistance	0		<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
Homebuyer Assistance	0		<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
Combined Total Sec. 215 Goals*	0		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
OVERALL HOUSING GOALS (Sec. 215 + Other Affordable Housing)						
Annual Rental Housing Goal	0		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Annual Owner Housing Goal	0		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Total Overall Housing Goal	0		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

* The total amounts for "Combined Total Sec. 215 Goals" and "Total Sec. 215 Beneficiary Goals" should be the same number.

Attachment B:

Additional Attachments

Subject: Citizens for Progress recommendations for 2011/2012 CDBG funds

The Citizens for progress Committee met Friday April 20th to consider issues for submission for using 2011/2012 CDBG funds. The committee is comprised of the following:

Judy Morales City Council Member District #2
Albert Riojas Local LULAC President
Lee A. Crossley Chairman Citizens for Progress
Pat Patterson Owner PATCO Construction
Sonjanette Crossley Board Member Citizens for Progress

The following projects were recommended for consideration for 2011/2012 CDBG funds:

1. \$50,000. Revitalization and clean-up of rights of way and neighborhoods in East Temple on Ave C, East Adams, and Martin Luther King Blvd.
2. \$50,000. Landscaping in the TMED designated area of Temple.
3. \$100,000. Demolition of unsafe buildings and houses.
4. \$50,000. Resurface flooring in Clarence Martin Gym.
5. \$50,000. Provide financial incentives for small businesses to locate on Martin Luther King Blvd.
6. \$50,000. Provide ADA sidewalk improvements in the downtown area of Temple and on South 1st street.

Citizens for Progress will prepare a power point presentation for briefing the Temple City staff and Council on our recommendations. Please advise when the presentation will be expected.

Questions concerning these recommendations should be addressed to Lee Crossley.

From: Judy S.Morales [<mailto:Judy.Morales@co.bell.tx.us>]
Sent: Monday, April 18, 2011 12:36 PM
To: Lois Whitley
Subject: CDBG- Public Services recommendations for 2011-2012

Re: Temple CDBG- Public Service 2011-2012 Program recommendations:

I would like to recommend that areas of need to be included in the 2011-12 CDBG Program be focused on stimulating the economy by offering self sufficiency support programs.

Due to the downturn in economy the need to assist customers improve their work skills, find employment or offer support services to new or existing businesses for job creation or retention of jobs is critical in maintaining and stimulating our economy

Recommended areas of need are the following:

- 1) Child Care- specifically for parents who are starting a new job or they are going to school to learn a work skill. Affordable child care is a must if parents are to be able to move out of poverty and become productive citizens. High cost of child care is a big barrier that keeps parents from moving forward,
- 2) Education, workforce preparation and support services that leads to self sufficiency. This may include transportation assistance, such as gas vouchers or HOP bus tickets or paying for customers to earn their GED or provide work appropriate attire, i.e. work boots or uniforms
- 3) Define a provision that will provide assistance to profit-motivated businesses to carry out economic development and/or job creation/retention, specifically in East Temple. This may be coordinated through the Temple College Business Training Incubator, Chamber of Commerce or Temple Economic Development Corporation.

Thank You for this opportunity to have input in the proposed CDBG 2011-2012 plan.

Sincerely,
Judy Morales, Director

Judy Morales

Bell County Human Services
Director/Department Head
(254) 770-6842 Temple
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**2011-2012 PUBLIC SERVICE AGENCIES
FUNDING RECOMMENDATIONS**

PSA Applicant	Reason for Request	Requested Amount	CSAB Recommended Amount	Staff Recommended Amount
Bell County Human Services / Temple HELP Center	Transition from Welfare to Work Issues: Child care Workforce Preparation	\$15,000 \$10,000	\$15,356 \$10,000	\$15,000 \$10,000
Families in Crisis	Transition from Welfare to Work Issues: Skills Training (Salaries & Wages, fringe benefits)	\$20,000	\$25,000	\$20,000
Family Promise of East Bell County, Inc.	Transition from Welfare to Work Issues: Transportation, Skills Training (Salaries & Wages, fringe benefits)	\$28,650	\$0	\$0
Hill Country Community Action Associations, Inc. / Temple Nutrition Program	Elderly: Self-sufficiency programs (Salaries & wages/fringe benefits)	\$15,000	\$15,000	\$15,000
Temple Independent School District	Youth: Work force preparation, Mentoring High-School Diploma Program	\$13,965	\$0	\$0
Aware Central Texas	Youth: Self-sufficiency, Mentoring (Salaries & wages/fringe benefits)	\$11,440	\$0	\$0
	Total	\$114,055	\$65,356	\$60,000

COMMUNITY SERVICES ADVISORY BOARD
Community Development Block Grant
Public Service Agency Funding

April 21, 2011
3:00 P. M.

COMMUNITY SERVICES ADVISORY BOARD MEMBERS PRESENT

Chair Lamar Collins	Jody Donaldson
Melissa Bragg	Nancy Etzel
Patsy Cofer	Ashleigh Pettijohn
Florencio Olivares	Dee Blackwell

BOARD MEMBERS ABSENT

Rev. Roscoe Harrison

STAFF PRESENT

Lois Whitley, City of Temple

GUESTS PRESENT

None

The agenda for this meeting was posted on the bulletin board at the Municipal Building, April 15, 2011, at 9:10 a.m. in compliance with the Open Meetings Law.

The following is a summary of the proceedings of this meeting. It is not intended to be a verbatim translation.

1. Call to Order

Chair Collins called the Community Services Advisory Board to order at 3:09 p. m.

2. Elect Chair and Vice-Chair

Chair Collins opened the floor for discussion and nominations for new Chair and Vice-Chair.

Nancie Etzel nominated Melissa Bragg for Chair and the nomination was seconded by Florencio Olivares.

Chair Collins nominated Jody Donaldson for Vice-Chair and the nomination was seconded by Melissa Bragg.

There being no other nominations, Chair Collins called for a vote and both nominations carried by a unanimous vote.

Mr. Collins surrendered the floor to Chair Bragg

3. Receive Comments from the Public

Chair Bragg noted that no guests from the public were in attendance.

4. Receive Public Service Agencies (PSA) Applications for Community Development Block Grant (CDBG) 2011 Program Year

Chair Bragg confirmed that each board member had received a PSA applicant packet binder and opened the floor for discussion.

Ms. Blackwell noted that Family Promise had submitted a request for funding and asked if they were still eligible.

There was open discussion about the Family Promise application, eligibility, suspension of service and reallocation of any unused funds. All members agreed that since the agency status is inactive their application was not eligible for funding at this time.

Chair Bragg asked if we knew yet how much money was available to fund PSAs.

Ms. Whitley stated that HUD had still not released the amounts to be awarded this year but that we have received notice that we should expect 16.5% less that was awarded last year. That equates to approximately \$65,000 for service agencies this year.

Ms. Blackwell asked if they would hold the interviews before the funding amount is confirmed.

Ms. Whitley confirmed that the interviews could be held and that we should receive confirmation from HUD before the CSAB funding recommendations would need to be made.

Chair Bragg made the new members aware that it is recommended that the funding amount to each agency be a minimum of \$10,000 due the costs associated with administering the program.

Ms. Blackwell asked if it had to be a new program.

Ms. Whitley stated that it could be a continuation of a previously funded activity.

Ms. Blackwell noted that Hill Country is requesting funding again.

Mr. Collins asked how many clients TISD had served.

Ms. Whitley stated that TISD had enrolled 16 clients in the 1st quarter.

Mr. Collins stated that, as he stated in the funding discussions last year, that comes to over \$1,000 per person and he has a problem with that.

Vice-Chair Donaldson said that he sees the \$40 per hour employee the same as last year.

Ms. Etzel stated that you can get the same diploma service from the Temple Literacy Council.

Ms. Whitley noted that the HELP Center was requesting funding for 2 separate activities; Child Care and Work Force Preparation.

Chair Bragg asked if the Board has the option of funding only one of the activities.

Ms. Whitley confirmed that was correct.

Ms. Blackwell noted that there were not as many new agencies requesting funds this year.

There was open discussion concerning the request last year from Aware Central Texas and why they were not recommended for funding.

Mr. Collins asked about Families in Crisis and its comparison to Family Promise.

Ms. Whitley stated that Families in Crisis provides emergency assistance to persons that are victims to family violence and Family Promise provides assistance to homeless families.

Chair Bragg asked if all the funding to Families in Crisis must be spent at the Temple shelter.

Ms. Whitley confirmed that was correct.

Ms. Etzel asked if there was any duplication of services between Families in Crisis and the HELP Center.

Chair Bragg stated that Families in Crisis provides assistance to an immediate emergency while the HELP Center funding has all been for Child Care for employment & education opportunities and that there was no duplication of services.

There was open discussion of the services provided by Families in Crisis.

No further discussion was raised.

6. Schedule Upcoming Board Meetings

Ms. Whitley provided a copy of the 2011 Annual Action Plan timeline and noted that the City staff needed the Board recommendations by May 24th in order to include with the action plan presentation to Council on June 2nd.

Chair Bragg asked if they had to interview all agencies that applied for funding.

Ms. Whitley stated that they were not required to interview each agency but, historically, the Board has interviewed all agencies.

Chair Bragg asked if members wanted to interview all applicants. All members confirmed that they should interview all applicants.

Chair Bragg opened the floor for suggestions for dates of upcoming meeting.

Ms. Etzel felt that they should schedule a time for discussion after the interviews but before the final meeting to determine the funding recommendation.

There was open discussion concerning how many meetings were needed and the dates available to everyone.

It was decided that a meeting be scheduled for April 28th at 2:00 and allow 30 minutes time to discuss the applications and hold the interviews from 2:30 to 5:00.

Ms. Etzel suggested that they have an additional meeting after the interview meeting to discuss the agencies and some priority for funding recommendations.

Chair Bragg stated that her concern with that is that she sees each agency separately based on the service they provide and does not think it is fair to prioritize. She feels that they need to be sure & review each agency based on the service provided and that all the agencies are deserving.

Ms. Etzel agreed to that and clarified that she just wanted to make sure they had sufficient meeting time for discussion before the final recommendations and was suggesting an additional meeting.

There was an open discussion of the number of meetings that were needed and how long those meetings needed to be. All agreed that they would need to know the amount of funding available before making a decision on funding recommendations. All members agreed to meet on April 28th for the agency interviews and make a decision then as to how many additional meetings will be needed. All agreed to tentatively schedule a meeting for May 12th from 3 to 5 for discussion and make the funding recommendations if the total funding allocation is confirmed and discuss their meeting options if funding is not yet confirmed.

Chair Bragg requested that all members review the applications and to keep in mind that the applications for some of the agencies may look like they have a lot of money from their national foundations but that the particular activity proposed may not benefit from the foundation or other national funding.

Ms. Whitley confirmed the meeting date and time and stated that she would schedule the agency interviews, allowing 20 minutes for each agency presentation and questions from the board members and send the interview schedule to each member as soon as possible.

7. Adjournment

Chair Bragg opened the floor for any other items of business to discuss.

There being no further discussion, Chair Bragg adjourned the meeting at 3:52 p.m.

Respectfully submitted,

Lois Whitley

April 21, 2011 - 3:00 pm

[illegible]



NOTICE OF MEETING

**COMMUNITY SERVICES ADVISORY BOARD
TEMPLE MUNICIPAL BUILDING, 1st FLOOR
STAFF CONFERENCE ROOM
2 NORTH MAIN ST.**

**April 21, 2011
3:00 P.M.**

AGENDA

- _____ 1. Call to Order
- _____ 2. Elect Chair and Vice-Chair
- _____ 3. Receive Comments from the public
- _____ 4. Receive Public Service Agencies (PSA) Applications for
Community Development Block Grant (CDBG) 2011 Program Year
- _____ 5. Schedule Upcoming Board Meetings
- _____ 6. Adjournment

I hereby certify that a true and correct copy of this Notice of Meeting was posted in a public place at 9:10 a.m., April 15, 2011.

Clydette Entzminger
Clydette Entzminger
City Secretary

SPECIAL ACCOMMODATIONS: Persons with disabilities who have special communication or accommodation needs and desire to attend the meeting should notify the City Secretary's Office by mail or telephone 48 hours prior to the meeting date.

I certify that this Notice of Meeting Agenda was removed by me from the outside bulletin board in front of the City Municipal Building on _____ day of _____ 2011.
Name/Title _____

COMMUNITY SERVICES ADVISORY BOARD
Community Development Block Grant
Public Service Agency Funding

April 28, 2011
2:00 P. M.

COMMUNITY SERVICES ADVISORY BOARD MEMBERS PRESENT

Chair Melissa Bragg	Vice-Chair Jody Donaldson
Rev. Roscoe Harrison	Nancie Etzel
Dee Blackwell	Ashleigh Pettijohn
Patsy Cofer	Florencio Olivares

BOARD MEMBERS ABSENT

None

STAFF PRESENT

Lois Whitley, City of Temple

GUESTS PRESENT

See Attached Attendance List

The agenda for this meeting was posted on the bulletin board at the Municipal Building, April 25, 2011, at 2:00 p.m. in compliance with the Open Meetings Law.

The following is a summary of the proceedings of this meeting. It is not intended to be a verbatim translation.

1. Call to Order

Chair Bragg called the Community Services Advisory Board to order at 2:08 p. m.

2. Receive Comments from the Public

Chair Bragg noted that no guests from the public were in attendance at this time.

3. Interview Public Service Agencies (PSA) Applicants for Community Development Block Grant (CDBG) 2011 Program Year.

Chair Bragg asked if the members had questions or items for discussion before the first applicant is interviewed.

Vice-Chair Donaldson asked about the item on the application checklist that states that the agency will provide either a new service or a quantifiable increase in the level of service that has been funded in the past year. Does this mean that any service must be new or more than last year?

Ms. Whitley stated that a quantifiable increase in the federal regulation refers to an increase in the service as compared to the level of service by any particular activity funded through other sources in the past year. CDBG funds can be used for continuation of a previously funded activity at any funding level.

Vice-Chair Donaldson asked for clarification of the cost per individual served and the cost per family served.

After review and discussion it was determined that the cost per individual is based on the total agency expenses and the cost per family is based on the CDBG funds only.

There was open discussion about the FIC application; facilities, staffing, incoming calls, pay raise, board members and services provided.

Chair Bragg asked if there were any items for discussion about Aware Central Texas (ACT), the second scheduled agency.

Ms. Blackwell asked if they worked with child abuse victims or for prevention of child abuse.

Ms. Whitley stated that ACT received referrals from different sources including Child Protective Services in cases of suspected child abuse and provides intervention to prevent abuse.

Ref. Harrison is a volunteer instructor for ACT.

There was open discussion about the percentage of salary that was requested and the estimated number of clients to be served.

Chair Bragg noted that Family Promise had suspended service of their program and it would not be considered for funding this program year. That leaves the HELP Center, Hill Country Community Action Assoc. and the Temple ISD. She asked Mr. Collins if he had some concerns about the TISD program

Mr. Collins confirmed that they had funded \$18,000 last year to assist only 14 people and he feels that is too much buck for the bang, especially with the Program Specialist making \$40 per hour.

There was open discussion about the TISD application: number of clients served, amount funded last year, no follow up with volunteer inquiries, GED assistance as part of the program, Temple Literacy Council and services provided.

Chair Bragg asked if there were items of discussion on the HCCAA or the HELP Center.

Mr. Donaldson asked how everyone felt about the HELP Center's request for workforce preparation funds including helping people obtain their GED.

Chair Bragg noted that her concerns with all the agencies is making sure that they are not funding activities that are impossible to track or too costly. They should be something that they should be able to fund and after 12 months know exactly where they spent the money and what was accomplished.

There was open discussion of HELP Center's application for childcare and workforce preparation and number of clients to be served by each activity; activity requirements; service provided; client eligibility; and disbursement of funds to clients.

Chair Bragg asked that everyone go to the application for the first agency to be interviewed, Families in Crisis.

FAMILIES IN CRISIS

William K. Hall, Director of Operations, and Suzanne Armour, Director of Programs for Families in Crisis (FIC) were first to be interviewed. FIC is a non-profit organization that supports and empowers individuals affected by family violence and sexual assault and provides safe shelter and outreach services. They are asking for \$20,000 to fund two Crisis Intervention Specialists at their Temple shelter. The Temple shelter was opened in August of 2007 and has a capacity of 15 individuals. Last year they housed 100 clients, answered 855 hot line calls for domestic violence and provided 3,034 shelter nights, all Temple clients. The CDBG funding also is critical because when they go to other funding sources to request funding because they are able to show the support of the City of Temple for this project and how much it is needed.

Ms. Blackwell asked if Temple residents stayed in the Temple facility.

Mr. Hall stated that if the client had ties to Temple such as family, schools, church, etc. they stayed in Temple. If the client had no ties they might be sent to the Killeen facility. Some clients with no ties to Temple prefer to go to the Killen shelter to get more distance away for their abuser.

Vice-Chair Donaldson asked why both facilities had 4 Crisis Intervention Specialists on staff when the Temple facility served only 14% of the clients as the Killeen facility.

Mr. Hall stated that they are required to be there 24/7 and that requires 4 people at each facility regardless of how many people are contacted. They have to cover the hot line for domestic abuse calls around the clock and be available at all hours for client intake and assistance.

Chair Bragg asked if they could not fund the full amount requested, what he could make do with.

Mr. Hall asked for at least as much as last year. He is aware that everything is being cut this year and that he is being hit with cuts also such United Way, federal grants, etc.

Chair Bragg asked about the salary increase that was budgeted and if that was his decision.

Mr. Hall stated that it was a Board decision and that it was only a 3% cost of living raise. There had not been any raise in salary for the last two years and a lot of the positions needed an increase. The Crisis Intervention Specialists were still at \$7.25 and had been raised to \$8.50 to try to avoid turnover or employee burn-out. Employees at minimum wage were struggling and would end up with family crisis' of their own without a raise.

Chair Bragg asked how hard it was to train these individuals.

Mr. Hall stated that the training starts at the Killeen facility, they take a lot of classes, then move to the Temple shelter. Classes include Philosophy of Domestic Violence, how to answer hot line calls, sexual

assault response team training for on-site response and learn all the different resources that are available. The Crisis Intervention Specialist are the first contact and at night are the only ones at the facility. The operation has to stay open 24 hours a day. These individuals man the phones, hand out items to clients as needed, handle crisis as they come in and handle the intake process. They are the first person a client has contact with, either on the phone or when they come in to the shelter and are very critical to the client. They look after all the needs of the client; transportation, medical attention, food, clothing etc. Their job is to insure that the clients receive everything they need from the time they get to the shelter, throughout the day and the night. They are the night staff for the shelter, answering phones and providing security.

Vice-Chair Donaldson asked if they were hiring a Director of Development as stated in the budget.

Mr. Hall stated that the position would not be filled this year.

Chair Bragg noted that when the previous Executive Director left the program several years ago, the job responsibilities were split between Mr. Hall & Ms. Armour, which was a big savings for the agency.

Ms. Blackwell asked if all the funds requested were to be used in Temple.

Mr. Hall confirmed that they were for the Temple shelter only.

There was open discussion about the need for the Temple shelter and Mr. Hall discussed examples of recent occurrences and the assistance that was provided.

There being no other questions, Chair Bragg thanked Mr. Hall & Ms. Armour for their time and closed the interview.

There was open discussion about the salary increase and the overall agency budget and amounts awarded to the program in the previous year.

AWARE CENTRAL TEXAS (ACT)

Susan Jackson, Executive Director of Aware Central Texas, was the next applicant to be interviewed.

Ms. Jackson stated that Aware Central Texas has the mission of preventing child abuse, neglect and family violence. They are frequently asked how they are different from other agencies. They provide encouragement, nurturing, and education to at-risk families, children and adults. What they really do is provide educational classes and build relationships with people that are at-risk. They understand that the science of abuse & neglect & family violence is cyclical and it passes from generation to generation. We do have excellent services in our community that provide intervention services and we desperately need those, but there are a lot of families and children that fall through the cracks. ACT tries to be very pro-active and seek out these families. They look for families that are undergoing some type of stress and they take referrals of any kind. They will lay out the menu of the services ACT offers and help families identify what will benefit them the most as well as collaborating with other agencies in the community for whatever the specific need might be. It is a relationship agency that thinks pro-active rather than re-active.

This year they are asking for funding to help assist Temple families that are referred to their agency from a number of different sources. They regularly get calls from the hospital and Child Protective Services (CPS). Their ultimate goal is to get referrals before it falls into CPS territory and before the situation reaches the

crisis stage. They will take a referral from anyone with no exclusions for age, race, religion. There is no focus on any particular population. Their average length of service provided is about from 3 to 6 months, however, anywhere from 10 to 15% of those families have been with them for the past 3 years. It's a long standing positive relationship. 40% of people come back to the class because of the positive support. Generally they start these classes because someone requires them to attend, either CPS or some other entity, and they view it as an ordeal to get through. However, after attending the classes, they are encouraged and uplifted.

Specifically, they are requesting 30% of the salary for their Family Services Director, Zada Jones-Collins who has been with the agency 3 years and has not had a raise in pay. She is not there for the great pay, she is there because she believes in what they are doing. They calculated the requested amount based on last years clients served. Last year they served 124 family units and of those, 48 were in Temple and all were low-moderate income. She hopes they will consider funding ACT to assist these Temple families.

Chair Bragg asked how much United Way funding the agency received this year.

Ms. Jackson stated that they are getting \$2,000 from United Way Greater Fort Hood. but they do not apply for United Way funding from Central Texas.

Ms. Bragg asked why.

Ms. Jackson was hesitant to give a reason but stated that they have some philosophical differences with Central Texas United Way and no longer choose to participate in that opportunity.

Ms. Blackwell asked if that is why they lost funding for the anti-victimization children classes.

Ms. Jackson stated that the those classes were originally funded by the State of Texas, Office of the Governor, and they lost funding for that particular grant, so that funding is no longer available. There is a real need for those classes and they are working on ways to continue to provide those classes. They provide an opportunity for children to disclose any situation of abuse or neglect. They are working with TISD so they can be a bigger presence in their classes.

Ms. Blackwell asked which of their services was used the most.

Ms. Jackson stated that the one-on-one positive peer influence provided by the Volunteer Coaches that provide help with everyday life skills. They offer education without judging or analyzing their lives.

Ms. Blackwell asked if they worked with the abuser in an abuse situation.

Ms. Jackson stated that they are very interested in working with the abuser because they do understand that abuse is a cycle, but their focus now is on the victim.

Ms. Etzel asked what the VOICE program was.

Ms. Jackson said that stands for Victims of Injustice can Excel and is their gender specific education and peer support classes for victims of family violence and anyone that referred to their agency is encouraged to attend. They currently have classes at the housing project in Killen and at the Belton Police Department. They are working on getting a class in Temple because they have folks in Temple that are driving to Belton. They have found that victims of violence, usually female, are more relaxed and feel less threatened and that's

why the classes are gender specific. They work closely with an attorney by the name of Ann Jackson who is the primary family violence prosecutor and helps them connect to people who need their services.

Ms Etzel requested an example of a client with good results from their service.

Ms. Jackson told of a young lady that was newly married and when she became pregnant, her husband turned abusive and this last December he severely beat her and she barely escaped with her life with the help of the police. CPS referred the wife to ACT and she attended parenting classes, anger management and faithfully attends VOICE and she has a restraining against her abuser. With the support of her family, she is back to school to become a nurse and is moving forward with her life.

Rev. Harrison noted that this agency cannot intervene, that they have to be invited. That the agency is intended to prevent child abuse with trained volunteers. He is an instructor in the program to help with the training of the volunteer coaches that go into the homes. He talks to them about the cultural and ethnic diversity of Bell County to give them a historical perspective. They have people from the police departments to talk to them about domestic violence and that most of the clients are in the western Bell County area.

Ms. Whitley asked Ms. Jackson to confirm if the number of clients to be served with the \$11,000 in funding is 115. Ms. Jackson said she would need to confirm that number and get back to her. Ms. Whitley said she would forward the information to the members.

There being no further questions, Chair Bragg thanked her for her time and closed the interview.

There was open discussion about the history of the agency and the different programs that it provides; the activity funded by CDBG; the services provided by the Family Services Director and the Education Director; and the number of clients they expect to serve if funding is awarded.

Chair Bragg stated that she would like a little more information on the direct services that would be provided with the funding requested.

Ms. Whitley stated that she would confirm the number of clients to be served with the proposed funding and request a recap of the direct services of the Family Services Director and forward that information to the members.

Vice-Chair Donaldson asked Mr. Collins if he was now a member of the board for ACT.

Mr. Collins stated that he is now a member of the Board of Directors of ACT but has been dealing more with the finances because the organization has some fiscal concerns. But he does not have much information on the day-to day operation of the agency. He added that when he joined the board the agency was almost shut down the month that he joined the board and they are now trying to find out if they can keep the agency going.

Ms. Etzel stated that Ms. Jackson was very upbeat and positive about the agency but as a whole was not able to give specific information about the agency.

Ms. Pettijohn confirmed that the issue was the same with United Way and was a huge deal and probably needed further discussion.

All members agreed to discuss the matter further at the next meeting.

Vice-Chair Donaldson noted that in the December, 2011 minutes they talked about a committee to develop a formal contingency to close the agency in case conditions necessitate.

All members agreed that this would be a big issue in further consideration for funding.

HILL COUNTRY COMMUNITY ACTION ASSOCIATION (HCCAA) – (Meals on Wheels)

Ms. Lewann Turner, Aging & Community Services Director, HCCAA, was the next applicant to be interviewed.

HCCAA operates the Senior Nutrition Program (Meals on Wheels) program in Temple and are requesting funding from CDBG of \$15,000. The funds will be used for salary and fringe for 2 employees to prepare and deliver meals to the homebound seniors and persons with disabilities. They serve seniors age 60 and older and any person qualified with DHS as disabled. They are estimating to deliver 42,500 meals to 280 clients in the Temple area from their kitchen here in downtown Temple. They provide re-therm meals, which are already prepared and heated at the kitchen to provide a hot meal to clients Monday thru Friday. Hill County has been operating senior centers and delivering meals for about 30 years. They have seen ups and downs in funding available and with the economy the way it is now they are in a very tight financial situation with cuts everywhere. They have been working with their Board to strategize on how to handle the deficit situation and how to make changes to prevent future deficits. They have already cut staff in the central office and with increased prices and cuts in United Way funding, the CDBG funding is very important to be able to continue delivering these meals

Chair Bragg asked if it is correct to say that for seniors that are receiving these meals, if they were not bringing these meals they may not have a meal. Also, if it were not for the meal deliveries, the seniors would have no daily contact.

Ms. Turner confirmed that before they send a representative, they do training with them so that they now that if they go to deliver at that client's home and there is no answer, they don't just leave and not worry about it. They call the office, who calls the home and then the emergency contact on file. If they can't reach the emergency contact, they call the police who goes to check on the client. There have been several times where the resident had fallen and was in need of emergency assistance. For some of their clients, this home-delivered meal is the only contact the client will have all day. They have saved lives with this service. They have wonderful volunteers. They could not serve the number of clients that they serve without the efforts of the volunteers.

Ms. Cofer asked if they had a lot of church groups volunteer their time.

Ms. Turner said that there were not a lot of church groups currently volunteering to help with their program. She is working with Patsy McCurdy, Site Manager, to meet with the church groups to encourage volunteers. The costs of fuel and other auto expense is the biggest problem they have with obtaining volunteers drivers.

Ms. Etzel asked if the meals were still in foil containers that could not be microwaved.

Ms. Turner stated that the meals are in a plastic container that can be re-heated in a microwave.

Ms. Etzel added that she has been on a home delivered meal program and it is a lot more than just a meal, its human contact and knowing that someone was going to be checking on you.

Ms. Turner stated that she is learning that there are not many community action agencies in Texas that do the nutrition program because they are not financially able to sustain the program. They cannot require that clients pay for the service. They can request a donation but most clients cannot afford to donate anything. A lot of programs have been discontinued.

Ms. Cofer stated that she volunteers for the Belton program and that it is sustained by the volunteers and that is the only thing that keeps the program working so well.

There being no further questions, Chair Bragg thanked her for her time and closed the interview.

Ms. Etzel asked for more discussion of the situation with ACT & United Way.

Ms. Pettijohn stated that during a funding interview, Ms. Jackson could not explain what the agency does. One of the United Way board members was insistent in trying to find out what the money was going to because the application was a mess. That led to a heated discussion and Ms. Jackson finally walked out of the interview and the agency was not funded that year.

Chair Bragg stated that she heard from another source that there were questions about what they do, what the money goes for and that is something they will definitely need to consider.

Ms. Blackwell said that she likes the idea of the program being available to everyone with no discrimination, but that accountability is vital.

There was an open discussion about ACT and the services they provide.

TEMPLE INDEPENDENT SCHOOL DISTRICT

Dr. J. J. Villarreal, Asst. Superintendent of Curriculum, and Carl Pleasant, Principal, Wheatley, were the next applicants to be interviewed. Dr. Robin Battershell, Superintendent, joined the meeting later.

Dr. Villarreal stated that they are requesting funds to continue to serve the adult age 22+ years of age and facilitate a high school diploma. With this program they have 2 teachers that work with students academically through a curriculum that the district purchased called A Plus. The A Plus curriculum has modules for each academic core subject required for graduation by the Texas Education Agency. Students are allowed to accelerate using that curriculum based on their mastery of tests after each module. Students are also required to take the state exit exam, TAKS, in order to receive their high school diploma. In this grant they are requesting funds to assist 24 clients and the request includes some funds for some supplies in terms of folders and materials needed so students can have the necessary graduation information in terms of learning about college and what that can do for them in their life along with keeping track of all the accomplishments they gain through the program. He asked Mr. Pleasant to talk about how they have taken

last years approved grant, which was greatly appreciated, and to show how the program has progressed over the past year.

Mr. Pleasant had hand-outs for each member that reviewed the 2010-2011 CDBG program. He reviewed the hand-out and stated that the importance of getting a high school diploma has grown. There was a time where GED was it, but citizens are finding out that for advancement these days, a high-school diploma is important. He reviewed the TISD mission statement and vision statement and a re-cap the Adult Project Diploma and the results achieved so far this year. He believes that one message this program is providing is that the City of Temple and the school district are working together to help our community.

Ms. Etzel asked about page 3 of the hand-out that shows the requirement of high school transcript. She asked how someone could have transcripts if they didn't complete the 8th grade and would that prevent someone from eligibility for the program

Mr. Pleasant stated the transcript would be zero. Some of their students attended high school but did not earn a single credit and the transcript is zero and that does not exclude a student from the program. He continued to review the re-cap of the CDBG program and emphasized that the ultimate goal is graduation. They have counselors that come weekly to visit with students; they have had the different armed forces to com and visit with students; they have provided TAKS camps, math tutoring, Saturday classes and extended hours to work around the student's schedule. He noted that the last page shows the student status and progress and shows the beginning credits, credits earned and results of the TAKS status of each student. He noted how most of the students have children and jobs and work hard to earn these credits.

Vice-Chair Donaldson asked how many credit sit takes to graduate.

Mr. Pleasant stated that it is 22 credits. For them to earn a credit, the teacher fills out the credit slip, he signs it and sends it to the high school and it is put on that transcript with a copy for the student. What's unique about this curriculum is that students work on A Plus to see where they are. These students are very enthusiastic about this program

Dr. Villarreal added that even beyond academic instruction, this program provides education on current technology to gain the information they need. It's not just about 22 credits for graduating but also learning to function within a 21st century environment.

Chair Bragg asked how many of the estimated 14 clients for the grant last year have finished their diploma.

Mr. Pleasant stated that none have received their diploma. The students start at all different levels of beginning credits and will require different terms to obtain a diploma. Their goal is to continue the program to provide the opportunity for all to graduate.

Mr. Pleasant discussed the problems that the students face with jobs, children, child care, health care and the family obligations.

Chair Bragg asked if these 16 students currently enrolled were previous TISD students that dropped out.

Mr. Pleasant stated that they all live in Temple and probably 90% were former students of TISD.

Dr. Villarreal talked about one of the currently enrolled students that had taken the TAKS test for the first and passed all sections of the test. The tests, especially Math and Science, are extremely challenging, and to be out of school and part of the program since October; be able to complete as many credits as this student did and to pass all of the TAKS was a great accomplishment. He had recorded a short question and answer session with this student and asked to play it for the board.

Chair Bragg had a question first about the scheduling of the 2 teachers requested in the budget.

Mr. Pleasant said that he actually had 2 teachers that alternate for 8 hours a week.

Ms. Cofer asked if both teachers worked 8 hours a week.

Ms. Pleasant said that they work alternate days and each teacher works 4 hours per week.

Chair Bragg asked if they did not receive the CDBG funding where would the funding for this program come from.

Mr. Pleasant said that he was not sure where it would come from and that CDBG funding is critical for this program to continue.

Dr. Villarreal added that the state does not provide any funds for this age group.

Ms. Etzel asked about the reference to GED in the budget and asked if the funds were being used for only students to obtain a high school diploma.

Dr. Villarreal confirmed that their focus is on a high school diploma but that if a student elected to they could take the GED test at any time. He confirmed that any of the students currently enrolled could elect to take the GED test.

Ms. Blackwell asked if the entire amount for last year has been the sole operating budget for the program.

Mr. Pleasant confirmed that was true.

Dr. Villarreal showed the recording of the students currently enrolled in the program.

Chair Bragg asked if there was a limit on how many students they could accept in the program and if students that are currently enrolled are wanting to continue if the program is funded this next year, will they be counted under the new grant also.

Ms. Whitley confirmed that each client can be counted once during the term of the grant and that any students still enrolled in the program would be counted as clients served under the new grant.

Mr. Pleasant said that they have the computer access to serve between 20-22 students.

Ms. Blackwell asked if they are screening their clients to ensure they will really stick with it and finish the program.

Dr. Villarreal said that the follow-up for this age group can be a challenge but they do their best to determine that each student is dedicated to finish.

Mr. Pleasant spoke more about encouraging the students, working around their schedule and staying with them for the long term.

Ms. Etzel asked if the hours available are only 4-6.

Mr. Pleasant confirmed that those are the set hours for classroom work. They have had Saturday classes and work with the student to enable them to come to class.

Chair Bragg noted that funding available has been reduced and asked if the amount of funding last year would be sufficient to continue the program.

Dr. Villarreal said that the challenge is to provide teachers that are qualified to teach these adult students and as the student population increases so does that challenge. If the board is not able to award the total amount requested.. They feel like they need at least the amount awarded last year.

Mr. Collins asked for clarification on the total hours worked each week by the teachers and how that affects the total amount requested.

There was open discussion of the correct adjustment and Ms. Whitley said that she would work with Mr. Pleasant to get the budget revised and forward the information to members.

Vice-Chair Donaldson also noted that the request is for funding for 34 weeks and asked if the program does not continue during the summer.

Mr. Pleasant stated that since the request was submitted they have realized that if the funding is sufficient they can continue the program through the summer until the end of the grant period which is Sept. 30th.

Vice-Chair Donaldson noted that in looking at the total amount requested for the teachers, does it concern Mr. Pleasant that the amount requested for administration of nearly \$11,00 and only \$6,000 for the people that actually work with the adult students. The administration is twice what is actually being spent to work with the students.

Mr. Pleasant stated that no he is not concerned by that because he know what is involved in that administration and counseling, TAKS coordinating and the hours that are required for administration.

Vice-Chair Donaldson noted that two-thirds will go to administration and only one-third will actually go to the ones doing the work with the students and does Mr. Pleasant really feel that is fine.

Mr. Pleasant repeated that he is comfortable with that because he has seen how many hours are required and without that support the program could not exist.

Ms. Pettijohn confirmed that it is a fact that administrators in education generally make double what a teacher makes but they generally have more education and experience.

Chair Bragg added that their concern is the limited funding available and making the dollars go a little farther and that if the administration salary were \$30 an hour instead of \$40 that would make funding the program more possible.

Dr. Villarreal stated that they presented a grant based on the requirements of the grant and it is up to TISD to maximize the efficiency of those dollars.

Vice-Chair Donaldson pointed out that it is tough because TISD is competing with other agencies and they have heard from agencies today that have administration costs of 4.3 % or 15%, and TISD is talking about administration costs of 66%, so it makes it tough to make funding decisions.

Ms. Cofer added that the other agencies are helping a much larger number of people than TISD and that is a big consideration as well as the administration ratio.

Mr. Collins asked if there is a suggested timeframe when they think that students will graduate.

Dr. Villarreal stated that in an accelerated program their goal is 2 years. You give them 2 years of being here every day and taking care of business every day; let them coach you, monitor you, provide guidance and counseling and the goal is 2 years, depending on what the levels of credits are; assuming that it is at less than 5. That's the general rule. This program is different because these students start at all different credit levels.

There was open discussion of the re-cap of the credit levels, student motivation and support.

Ms. Blackwell asked if the students do all the work in the classroom or work at home.

Mr. Pleasant stated that probably 95% of the work is done in the classroom but students do take their notebook home for extra work.

Ms. Etzel added that the program is good because students can work at their own pace and that physical notes are not absolutely necessary because of the computer support. This would be good for students with disabilities to adjust the program to fit their situation and it avoids issues with competition or comparison to other students in the classroom.

Dr. Battershell stated that the other important factor in the results of this first year program is the number of children of each student. When they presented this program a year ago, they presented that we are looking at changing cultures and there are 44 children represented here that are not in that classroom that have learned a lot.

There being no further questions, Chair Bragg thanked them for their time and closed the interview.

HELP CENTER:

Judy Morales, Executive Director, and Esther Roque, Office/Case Manager, Bell County Human Services Temple HELP Center, were the next applicants interviewed.

Chair Bragg stated that it would be helpful in the presentation if they would let them know if they are talking about the child care money or the workforce preparation/GED education money.

Ms. Morales stated that the HELP Center was originally a part of MHMR because they wanted to provide some out reach program to minority and low income groups and they had federal funds for that purpose. When those federal funds went away the HELP Center became a department of Bell County. They provide information referral and emergency financial assistance and other community based programs; try to find any assistance gaps there might be, advocacy and looking at the needs in the community and how to fill that need without duplication of services. They apply and receive different funding and the last couple of years it has been extra difficult. They receive United Way funds, apply for TXU and Reliant funding. They apply for federal funds but have not received anything yet. They also work closely with Hill Country Community Action. They collaborate to provide services whenever possible to make the dollars go further. There are two areas that they have identified as needed. There is a lot of new requirements & restriction on the Food Stamp program and Welfare so a lot of people that were in this system will be transitioned out and most are not able to prepare for that. What they are finding are a lot of people that have worked all their lives are out of work and need assistance for basic living and employment, or education for employment. Childcare has been identified as one of the biggest barriers for education or employment. They partner with The Workforce Commission (TWC) and last year were able to help 25 children so the parents could go back to school or go to work

Mr. Collins asked for clarification of the back to school and asked what type of school she referred to.

Ms. Morales stated that some clients need to be retrained for a new job or new skills to start all over again.

Ms. Roque stated that generally it is through TWC and is vocational training of some sort or the LVN/RN program.

Chair Bragg asked what funding for child care entailed.

Ms. Roque said that the client goes to the Texas Workforce commission and applies through the CCS program. Sometimes TWC has closed enrollment and if someone is trying to start school and they can't get daycare so they can't go to school. In that situation TWC refers the client to the HELP Center and they use CDBG funds to enroll the child in a child care program that is certified as part of the CCS program with TWC. The HELP Center then uses vouchers to reimburse TWC. They act as a local pass-thru agency for TWC and the funds are used as non-federal match funds. These funds are utilized as a 2 to 1 match which enhances the funding base and allows more families to be assisted and allows the customer to be able to begin employment and/or educational skills training program without losing the opportunity.

Ms. Morales addressed the workforce preparation portion of their request. She stated that unemployment is at an all-time high. They get a lot of referrals from Workforce, VA, Centex or just people off the street trying to find work. She discussed their application process and methods to identify how best to help the client through their program or other sources. They often help with the \$90 cost of the GED test, uniforms, shots, boots or cost of vocational training. They look at the client's big picture to determine the best way to help the client become self sufficient.

Ms. Roque added that before they pay for the GED they require the client to take an on-line test to make sure they are ready for the GED test. If they are not ready, they require the client to go to GED prep classes that can be done on-line or at Temple College free of charges.

Ms. Blackwell asked if there is a list of qualified items that they will pay for.

Ms. Morales said that it depends on the situation. These are usually people of low-income that need assistance for a special situation or emergency need; for instance: health card; fuel, utility bills.

Ms. Cofer asked if they could give an example of the utility assistance program.

Ms. Roque told of a recent client that had applied about the weatherization program, and as a result of that application process they were able to refer the client to the CBA program which is through the State of Texas that helps with modifications to the home for disabled individuals. They were also able to qualify the client for assistance with her utility bill during the summer months.

Chair Bragg asked if the \$10,000 requested for employment/education initiatives was all just one pot of money that they used for all those different potential services and how those items will be tracked.

Ms. Morales confirmed that they expect to help 45 individuals with the cost of the GED test and the rest would be for other job assistance needs. Before providing any kind of financial assistance they obtain a picture ID, proof of income and proof of residency and a file is maintained on each client receiving assistance.

Vice-Chair Donaldson asked what happens if they buy boots & uniforms and they quite a week later.

Ms. Morales stated that there is no follow-up to determine continued employment.

Ms. Roque stated that they refer the client to other sources for clothing and mainly provide work boots because most jobs require steel-toe or non-skid. She added that they require a referral either from another agency or from the employer in order to provide the boots.

Ms. Morales noted that they were requesting, \$15,000 for child care, which is the same as last year. This would enable them to assist an estimated 8 families with approximately 25 children.

Chair Bragg asked if they were not able to receive funding for both activities, which would they most like to see funded.

Ms. Morales stated that both activities are very needed now because of the state of the economy but that the childcare program was probably the best investment because of the 2 to 1 match. There is always the need for the childcare program and it provides the most value for the money.

There being no further questions, Chair Bragg thanked them for their time and closed the interview.

There was open discussion about Ms. Morales' candidacy for City Council and any conflict of interest regarding funding allocations.

Chair Bragg asked that each member review the applications and make a tentative decision of funding recommendations, keeping in mind the \$10,00 minimum and the estimated total amount available to award of \$65,356, and to prepare arguments for or against a funding particular agency.

4. **Confirm next scheduled meeting to discuss PSA applicants and make final recommendations to Council for the CDBG 2011 Program Year.**

Chair Bragg confirmed that the next meeting was scheduled for Thursday, May 12th, at 3:00 pm and the purpose of that meeting will be to come up with the funding recommendations to City Council.

6. **Adjournment**

There being no further questions or items for discussion, Chair Bragg adjourned the meeting at 5:10 p.m.

Respectfully submitted,

Lois Whitley

Community Services Advisory Board

City Of Temple

Staff Conference Room

April 28, 2011 - 2:00 pm

NAME/COMPANY	ADDRESS	PHONE #
Nancy Eitzel, Independent Educational Consultant	329 Big Timber Dr., Temple TX	H+C same 254-780-9808
<u>Florencia Olivares</u>	<u>3323 Thornton Ln F-4 Temple, Tx</u>	<u>254-718-7326</u>
Patsy Cofer	4314 Gazelle Trl, Temple	254-899-8165
Dee Blackwell	8520 Oak Crossing Temple TX	254-228-5609
Nelissa Bragg	110 Arbor Drive, Little River TX	254-624-5606
Jody Donaldson	4106 Eagle Rd, Temple TX	778-8401
Ashleigh Pettigrew	1111 Sugar Brook Dr. Temple, TX	421-8843
Roscoe Harrisson	5222 J & Bruce Dr. Temple TX	773-0173
William Cullen	101 Twelve Oaks Ranch	8247135
Suzanne Armour	POB 25 Killeen 76540	254-634-1181
William Hall	"	"
Sue Ellen Jackson	202 E First St, Belton, 76513	254-939-7582
<u>Lewanna Turner HCAA</u>	<u>PO Box 465 San Saba</u>	<u>805-372-5671 ext 278</u>
Don PIERCE, TISD	515 Ave D Temple TX 76502	254-215-5705
JT WILLIAMS	7309 Tanglewood 76502	215-6823
Esther Roque	102 E. Central #100 Temple 7706842	
Judy Morales	102 E. Central " Temple 7706850	



NOTICE OF MEETING

**COMMUNITY SERVICES ADVISORY BOARD
TEMPLE MUNICIPAL BUILDING, 1st FLOOR
STAFF CONFERENCE ROOM
2 NORTH MAIN ST.**

**April 28, 2011
2:00 P.M.**

AGENDA

- _____ 1. Call to Order
- _____ 2. Receive Comments from the Public
- _____ 3. Interview Public Service Agencies (PSA) Applicants for Community Development Block Grant (CDBG) 2011 Program Year
- _____ 4. Confirm next scheduled meeting to discuss PSA applicants and make final recommendations to Council for CDBG 2011 Program Year.
- _____ 5. Adjournment

I hereby certify that a true and correct copy of this Notice of Meeting was posted in a public place at 2:00 p.m., April 25, 2011.

Clydette Entzminger
Clydette Entzminger
City Secretary

SPECIAL ACCOMMODATIONS: Persons with disabilities who have special communication or accommodation needs and desire to attend the meeting should notify the City Secretary's Office by mail or telephone 48 hours prior to the meeting date.

I certify that this Notice of Meeting Agenda was removed by me from the outside bulletin board in front of the City Municipal Building on _____ day of _____ 2011.
Name/Title _____

COMMUNITY SERVICES ADVISORY BOARD
Community Development Block Grant
Public Service Agency Funding

May 12, 2011
3:00 P. M.

COMMUNITY SERVICES ADVISORY BOARD MEMBERS PRESENT

Chair Melissa Bragg	Vice-Chair Jody Donaldson
Rev. Roscoe Harrison	Nancie Etzel
Dee Blackwell	Ashleigh Pettijohn
Patsy Cofer	Florencio Olivares
Lamar Collins	

BOARD MEMBERS ABSENT

None

STAFF PRESENT

Lois Whitley, City of Temple

GUESTS PRESENT

See Attached Attendance List

The agenda for this meeting was posted on the bulletin board at the Municipal Building, May 6, 2011, at 1:30 p.m. in compliance with the Open Meetings Law.

The following is a summary of the proceedings of this meeting. It is not intended to be a verbatim translation.

1. Call to Order

Chair Bragg called the Community Services Advisory Board to order at 3:11 p. m.

2. Receive Comments from the Public

Chair Bragg noted that no guests from the public were in attendance at this time.

3. Review Public Service Agencies (PSA) Applications for Community Development Block Grant (CDBG) 2011 Program Year.

Chair Bragg re-capped the amounts that each agency has requested and opened the floor for discussion.

Vice-Chair Donaldson stated that one agency he is sure that he wants to see fully funded is the meals on wheels program proposed by Hill Country Community Action (HCCAA).

All members agreed that they also want to fully fund that program.

Mr. Collins asked about funding for the work force preparation portion requested by the HELP Center.

There was open discussion of the HELP Center request; the 2 to 1 match that the HELP Center receives on child care; purchase of boots; tuition reimbursement; GED test expense and other return to work activities.

Rev. Harrison asked, as they consider these funding requests, that the members keep in mind what other funding sources are available to each agency.

Chair Bragg asked if there is any program that the members do not want to fund.

Ms. Etzel stated that she did not want to fund TISD.

There was open discussion of the TISD program, the hours available to students and the cost of the program.

Ms. Pettijohn said that she had issues with Aware Central Texas (ACT) because their board minutes reflect serious financial concerns and that the agency was considering closure due to financial difficulties.

There was open discussion about the service provided by ACT, the volunteer staff, and comparison made to the services provided by Families In Crisis (FIC); the stability of the program and the direct service to be provided with the funds requested.

Rev. Harrison stated that he also has some concerns about funding the TISD program because they have other funding sources.

Ms. Blackwell spoke in favor of funding the TISD program at the revised amount of their application and feels that there is value in the program and that there is no other funding for this age group.

There was open discussion of the TISD program, the results of the first year of the program and the number of students expected to receive their diploma; the Fred Edwards Academy accelerated program, age of the students, the Temple College Adult Education program and the Temple Literacy Council.

Ms. Cofer stated that the impact on the children of these adult students should be considered. These children see their parents doing this to achieve their diploma and that will encourage the children to stay in school and get their diploma.

There was more discussion about the TISD program, beginning credits of the students and if credits earned toward a diploma is a good enough result to justify funding the program; concerns of continuing a program that may be discontinued from year to year depending on funding available and what happens to the students; and that it will take these students an average of 4 years to get their diploma; that it is not an accelerated program; and the dedication that the students have shown to get their diploma.

Vice-Chair Donaldson stated that he has a lot of concerns about the TISD program, the actual hours worked, the salary for the program specialist and that the program would have to be funded for several years before any students would actually graduate. His concerns with ACT were the discussions in the board

meetings about closing the agency, an increase in the rent budgeted, salary increases and other troubling things in their finances and board minutes.

After re-capping the funding recommendation from each board member, Chair Bragg noted that there are 2 agencies that some members do not wish to fund, ACT and TISD.

There was more discussion about funding amounts for each agency and the services provided with none of the members recommending funding for ACT and only 3 members still wanting some funds to go to TISD

Chair Bragg spoke in favor of FIC and how much she believes in their program and the important service provided. She noted that all members want to fund HELP Center child care-\$15,000, FIC-\$15,000, HCCAA-\$15,000 leaving \$20,000 to fund elsewhere.

All members agreed.

Ms. Cofer stated that she would not choose to give more to HCCAA for the meals on wheels program because they do not attempt to recruit volunteers from the Temple churches. Temple has a strong faith-based community and she feels that HCCAA just assumes that Temple will provide funding and that they don't make the effort to recruit volunteers from local church groups.

There was open discussion on the funding amounts of all agencies; total number of clients to be served and the best return for the amount funded; the failure of HCCAA to recruit church volunteers; TISD and the possibility of funding only the teacher salaries and supplies.

Chair Bragg requested a motion to call for a vote to determine funding for TISD.

Ms. Blackwell made a motion to partially fund the TISD diploma program and Mr. Olivares seconded the motion.

Each member was polled and the motion to fund the TISD program failed with 5 votes no and 3 votes yes, with Mr. Collins having left the meeting.

After further discussion and review of funding recommendations by each member, Chair Bragg re-capped the new recommendations for funding:

HELP Center-child Care- \$15,356
HELP Center-return to work - \$10,000
Families in Crisis - \$25,000
Hill Country Community Action - \$15,000

There being no objections or requests for further discussion of these recommendations, Chair Bragg called for a motion to approve the funding amounts.

Vice-Chair Donaldson made a motion that funding be recommended as stated.

Rev. Harrison seconded the motioned.

All members were polled and the motion carried unanimously.

Ms. Whitley reminded the members that the total amount to be received from HUD was still an estimate and asked what procedure they would like to follow if the actual amount changed.

There was open discussion and all members agreed that if the actual amount varied by \$1,000 either way, the Board would meet again to discuss distribution; but if the variance was less than \$1,000, Ms. Whitley should distribute the difference in even dollar amounts to each of the four recommended activities with any odd dollar amounts to go to the HELP Center child care program.

Ms. Whitley stated that she would notify the members when the final funding amount was confirmed.

5. Adjournment

There being no further questions or items for discussion, Chair Bragg adjourned the meeting at 4:38 p.m.

Respectfully submitted,

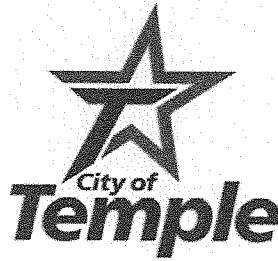
Lois Whitley

**2011-2012 CSAB PUBLIC SERVICE AGENCIES
FUNDING RECOMMENDATIONS**

PSA Applicant	Reason for Request	Requested Amount	Recommended Amount
Bell County Human Services / Temple HELP Center	Transition from Welfare to Work Issues: Child care Workforce Preparation	\$15,000 \$10,000	\$15,356 \$10,000
Families in Crisis	Transition from Welfare to Work Issues: Skills Training (Salaries & Wages, fringe benefits)	\$20,000	\$25,000
Family Promise of East Bell County, Inc.	Transition from Welfare to Work Issues: Transportation, Skills Training (Salaries & Wages, fringe benefits)	\$28,650	\$0
Hill Country Community Action Associations, Inc. / Temple Nutrition Program	Elderly: Self-sufficiency programs (Salaries & wages/fringe benefits)	\$15,000	\$15,000
Temple Independent School District	Youth: Work force preparation, Mentoring High-School Diploma Program	\$13,965	\$0
Aware Central Texas	Youth: Self-sufficiency, Mentoring (Salaries & wages/fringe benefits)	\$11,440	\$0
	Total	\$114,055	\$65,356

Community Services Advisory Board
City Of Temple
Staff Conference Room
May 12, 2011 - 3:00 pm

[illegible]



NOTICE OF MEETING

**COMMUNITY SERVICES ADVISORY BOARD
TEMPLE MUNICIPAL BUILDING, 1ST FLOOR
STAFF CONFERENCE ROOM
2 NORTH MAIN ST.
(Central Ave. side)**

**May 12, 2011
3:00 P.M.**

AGENDA

- _____ 1. Call to Order
- _____ 2. Receive Comments from the Public
- _____ 3. Review Public Service Agencies (PSA) Applications for
Community Development Block Grant (CDBG) 2011 Program Year
- _____ 4. Make funding recommendations to City Council
- _____ 5. Adjournment

I hereby certify that a true and correct copy of this Notice of Meeting was posted in a public place at 1:30 p.m., May 6, 2011.

Clydette Entzminger
Clydette Entzminger
City Secretary

SPECIAL ACCOMMODATIONS: Persons with disabilities who have special communication or accommodation needs and desire to attend the meeting should notify the City Secretary's Office by mail or telephone 48 hours prior to the meeting date.

I certify that this Notice of Meeting Agenda was removed by me from the outside bulletin board in front of the City Municipal Building on _____ day of _____ 2011.
Name/Title _____

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING THE 2011-2012 ANNUAL ACTION PLAN AND COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) BUDGET, INCLUDING THE FUNDING RECOMMENDATIONS FOR PUBLIC SERVICE AGENCIES FROM THE COMMUNITY SERVICES ADVISORY BOARD; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, a public hearing was held on June 2, 2011, to receive public comment on the proposed 2011-2012 Action Plan and CDBG budget;

Whereas, the Community Services Advisory Board has reviewed and carefully considered all requests for funding public service agencies and has submitted a recommendation to the City Council; and

Whereas, the City Council has considered the matter and deems it in the public interest to adopt the 2011-2012 Action Plan and Community Development Block Grant (CDBG) budget, including the funding recommendations for public service agencies from the Community Services Advisory Board.

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

Part 1: The City Council adopts the 2011-2012 Action Plan and Community Development Block Grant (CDBG) budget (Exhibit A), including the recommendations for public service agencies from the Community Services Advisory Board (Exhibit B), copies of which are 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 **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

07/21/11
Item #7(A)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Clydette Entzminger, City Secretary

ITEM DESCRIPTION: Approve Minutes:

(A) July 7, 2011 Special Called and Regular Meeting

STAFF RECOMMENDATION: Approve minutes as presented in item description.

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

FISCAL IMPACT: N/A

ATTACHMENTS:

[July 7, 2011 Special Called and Regular Meeting](#)

TEMPLE CITY COUNCIL

JULY 7, 2011

The City Council of the City of Temple, Texas conducted a Special Meeting on Thursday, July 7, 2011, 2:00 P.M., in the 3rd Floor Conference Room, Municipal Building, 2 North Main Street.

Present:

Councilmember Perry Cloud

Councilmember Danny Dunn

Mayor Pro Tem Russell 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, July 7, 2011.**

Regular Agenda Item 14 - Board Appointments: It was recommended that the Airport Advisory Board and Temple Public Safety Advisory Board appointments be tabled. Recommendations for the other appointments were also discussed.

Regular Agenda Item 7 - Thoroughfare Plan Amendment: David Blackburn, City Manager, stated that this item was tabled at the Planning & Zoning Commission. The public hearing will need to be conducted, with a request from staff that Council table action on the item also.

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

David Blackburn, City Manager, began with an overview of the topics to be presented and the budget calendar. He discussed the revenue and expense summaries of all funds, focusing on the General Fund and Water and Wastewater Fund. The FY 2012 proposed budget totals \$108,857,594 for all funds and recommends maintaining the current property tax rate, water and sewer rates and solid waste rates. The certified appraisal roll will be received from the Tax Appraisal District on July 25th and if it is less than \$3.3 billion then the Council will need to increase the property tax rate or make cuts in the proposed FY 2012 budget.

Mr. Blackburn continued by discussing property tax, sales tax and fund balance. Budget highlights and issues presented included fuel, fire, police, street maintenance, economic development, CDBG, Sammons Golf Course, public service agencies, SIZ grant and incentive program, and Municipal Court Judge. Additional new programs include TxDOT right of way mowing and roadway illumination, Clark Swimming Pool, and the State lobbyist contract. Mr. Blackburn also highlighted some of the CIP projects, such as the NW Loop 363 expansion, the Temple-Belton Regional Sewer System Plant Expansion, and the Bird Creek Interceptor. The proposed budget also recommended funding year 4 of the TMRS retirement plan and continuing the self-funded insurance program, with a 6% increase in contributions to health insurance.

- 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.

Mayor Jones stated the Council would enter into executive session at this time for the discussion of item 3. No action was taken regarding this item.

- 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.**

Mayor Jones stated the Council would enter into executive for the discussion of item 4. No action was taken regarding this item.

The City Council of the City of Temple, Texas conducted a Regular Meeting on Thursday, July 7, 2011 at 5:00 PM in the Council Chambers, Municipal Building, 2nd Floor, 2 North Main Street.

Present:

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

I. CALL TO ORDER

1. Invocation

Pastor Robert Beamon, New Day Fellowship Church, voiced the Invocation.

2. Pledge of Allegiance

Zoe Rascoe, Keep Temple Beautiful board member, lead the Pledge of Allegiance.

II. PROCLAMATIONS & SPECIAL RECOGNITIONS

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

Zoe Rascoe, Keep Temple Beautiful, stated even though KTB spearheaded this effort, it was a joint venture with the City of Temple. She showed a short video of various projects undertaken by KTB that was prepared by the Texas Department of Transportation. Tanya Gray, Executive Director, presented the Mayor with a replica of a check in the amount of \$250,000 received by KTB for the Governor's Community Achievement Award from TxDOT.

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) April 21, 2011 Special Called and Regular Meeting

(B) June 16, 2011 Special Called and Regular Meeting

(C) June 17, 2011 Special Called Meeting

(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.

(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.

Motion by Councilmember Danny Dunn to adopt resolution approving Consent Agenda, seconded by Councilmember Judy Morales.

Motion passed unanimously.

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.

Brian Mabry, Planning Director, presented this zoning case to the City Council. This is an existing development and the reason for the rezoning is because some of the established uses are not allowed in the current O1 zoning district. The applicant requested a rezoning from O1 to O2 which would allow those uses but the public input resulted in a Planning and Zoning Commission recommendation for a PD-O1 zoning. Mr. Mabry showed photos of surrounding uses and zoning. The request is consistent with the Future Land Use Plan and the Thoroughfare Plan.

The Planning and Zoning Commission tabled the item at its May 16, 2011 meeting due to concern from residents to the rear of the property. A site meeting was held on May 24th and all agreed to a PD-O2 designation with the removal of residential fences and replacement with wood fences, enclosing the grill area and removing on premise consumption of alcoholic beverages and hotel/motel uses. A resident meeting was held later and their recommendation was for PD-O1 but allowing only one salon/spa/beauty shop, 1 cleaner, 1 restaurant and 1 retail shop until each specific business closes down; replacement of the residential fences with 8' wood fences within 30 days and enclosing and ventilating the grill area. The second Planning and Zoning Commission was held on June 6th, with a recommendation of PD-O1 consistent with the resident meeting. A second site meeting was held with staff on June 6th resulting in a recommendation for PD-O1 zoning to include all O1 uses plus salson/spa/beauty shop, restaurant, cleaner, and retail shop; 8' fence at rear property line/rear retaining wall within 60 days, with finished side of fence to face residential properties; and no additional outside cooking areas.

Mr. Mabry provided a description of the O1 zoning district. He also displayed the development site plan which will be included as an exhibit to the ordinance if approved. Sixty five notices were mailed to surrounding property owners, with 5 being returned in approval and 4 in disapproval. Mr. Mabry presented the Planning and Zoning Commission recommendation from its June 6th meeting. He then presented the Staff recommendation, noting the differences. The staff recommendation would not limit the number of uses allowed at any one time, would be more specific about the location and timing of the fence and not require the enclosure or venting of the grill but would limit it to only one grill in the current location.

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

Clayton Pick, 215 Taylor's Drive, stated his is the last house with the retaining wall. The grill is his biggest concern since it is open. He asked that it be enclosed so they do not have to smell the smoke during the day.

Bobby Arnold, 5297 South 31st Street, stated he has met with the property owners in an attempt to satisfy everyone. He explained how they tried working with the existing neighbors to replace the fences. He also explained the issue with the grill and how venting would not really accomplish getting rid of the smoke. The grill is used 11 am to 2 pm only.

There being no further comments, Mayor Jones closed the public hearing with regard to agenda item 5.

Mayor asked why the staff recommendation is different from the Planning and Zoning Commission recommendation. Mr. Mabry stated it is an attempt to reach a compromise between both sides.

Motion by Councilmember Russell Schneider to adopt ordinance authorizing a PD-O1 zoning and the other staff recommendations, with second reading and final adoption set for July 21, 2011, seconded by Councilmember Judy Morales.

Motion passed unanimously.

- 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.**

Brian Mabry, Planning Director, presented this case to the City Council. The purpose of the these proposed amendments is to bring the Unified Development Code (UDC) more fully in line with the Local Government Code. The proposed amendments have the support of the Temple Area Builders Association.

Mr. Mabry explained what vesting means and how it applies to dormant permits or projects and why it is required. He also explained how the state law regarding vesting would be implemented and noted which standards and requirements are not vested under state law or the City's proposed ordinance. Next, Mr. Mabry explained the proposed change regarding preliminary plat expiration and the administrative extension. The Planning Director's decision is appealable to the City Manager. If the proposed ordinance is adopted it would also extend the term of the five preliminary plats that are about to expire by two years. The Planning and Zoning Commission recommended approval of the proposed UDC amendments.

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

Blair Anderson, Temple Area Builders Association, addressed the Council. He expressed their support of the proposed ordinance.

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

Motion by Councilmember Danny Dunn to adopt ordinance, with second reading and final adoption set for July 21, 2011, seconded by Councilmember Russell Schneider.

Motion passed unanimously.

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

Brian Mabry, Planning Director, presented this case to the City Council. The item was tabled at the July 5th Planning and Zoning Commission meeting. It was requested that more input from BSD be received and for staff to work out a solution.

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

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

Motion by Councilmember Judy Morales to table ordinance on first reading, seconded by Councilmember Perry Cloud.

Motion passed unanimously.

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.

Brian Mabry, Planning Director, presented this case to the City Council. The applicant requested a rezoning of the property from Agricultural to SF-2 on three-quarters of the property, MF-2 for approximately 400 units and Commercial on 17 acres. The requested rezoning complies with the Future Land Use and Character Map and Thoroughfare Plan. Public utilities are present to serve the tract. The Trails Master Plan shows a community-wide connector trail through the property and along a portion of the south right-of-way of Prairie View Road. Mr. Mabry explained an easement for this trail will be addressed when the property goes through the platting process.

Twenty-five notices and additional courtesy notices were mailed to surrounding property owners, with 2 being returned in approval and 2 in disapproval. The Planning and Zoning Commission approved the rezoning to SF-2 and MF-2 and concurred with the staff recommendation for General Retail instead of Commercial zoning as requested on the 17-acre tract.

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

Garret Nordyke, W&B Development, requested the Council's support of the rezoning.

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

Motion by Councilmember Perry Cloud to adopt ordinance as recommended by staff, with second reading and final adoption set for July 21, 2011, seconded by Councilmember Danny Dunn.

Motion passed unanimously.

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).**

Michael Newman, Public Works Director, presented this item to the City Council. The Texas Commission on Environmental Quality, TCEQ, is requiring the adoption of three new ordinances, this being one. He displayed photos showing erosion control measures such as silt fencing, revegetation, severe weather rock berm, curb inlet protection, rock rip-rap, and temporary sedimentation pond. Several meetings were previously held in conjunction with City staff and the Temple Area Builders Association. Council work sessions were also conducted in November 2010 and again in June 2011 to discuss this new requirement. Mr. Newman presented the key elements of the ordinance, explaining where it applies, the exemptions, and required submittals. He stated the requirements under this ordinance are the same requirements that TCEQ currently has in place.

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

Blair Anderson, Temple Area Builders Association, thanked Mr. Newman for his work on this new process. He expressed their support for the ordinance as presented.

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

Motion by Councilmember Russell Schneider to adopt ordinance, with second reading and final adoption set for July 21, 2011, seconded by Councilmember Danny Dunn.

Motion passed unanimously.

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).

Jonathan Graham, City Attorney, presented this item to the City Council. He explained what an illicit discharge is, which is any discharge to the municipal separate storm sewer system that is not composed entirely of storm water, and how these can occur. An unfunded Federal mandate was recently applied to cities our size and implemented by the state. Mr. Graham reviewed the elements of the ordinance which include the City's authority to inspect properties and take enforcement actions against properties in non-compliance. Types of pollutants can include paint, oil, yard waste, garbage, litter, pesticides and fertilizers. Exceptions to illicit discharge include ground water, air conditioning condensation, swimming pools, and similar types of discharges. Mr. Graham explained what enforcement activities would be implemented if the proposed ordinance is adopted.

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

Blair Anderson, Temple Area Builders Association, expressed their support for the proposed ordinance.

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

Motion by Councilmember Judy Morales to adopt ordinance, with second reading and final adoption set for July 21, 2011, seconded by Councilmember Perry Cloud.

Motion passed unanimously.

- 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.**

Traci Barnard, Director of Finance, presented this item to the City Council. She provided a summary review of the financing plan amendment which recognizes additional revenue sources and reallocates those funds to the Airport corporate hangar development and the Outer Loop project.

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 Russell Schneider to adopt ordinance, with second reading and final adoption set for July 21, 2011, Motion did not require second.

Motion passed unanimously.

- 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.**

Jonathan Graham, City Attorney, presented this item to the City Council. The Temple Police Association filed a petition with the City Secretary in April proposing an amendment to the City Charter that would create a minimum staffing level for the number of police officers authorized for the City of Temple Police Department. The petition was certified as containing more than 1482 signatures which represents 5% of the total number of qualified voters in the City. The City Council must call the election for the next available uniform election date, November 8, 2011. Mr. Graham displayed the language for the Charter amendment proposition. On second reading, the ordinance will be amended to establish early voting polling places, dates and times of early voting and designation of the early voting clerk. A joint election agreement with Bell County for the conduct of this election will come to the City Council at a later date.

Councilmember Morales how many additional officers would be required if the amendment was approved.

Mrs. Barnard stated 36 officers, based on current data. The FY 2012 proposed budget adds two additional officers.

Mayor Jones declared the public hearing open with regard to agenda item 12 and asked if anyone wished to address this item. There being no comments, Mayor Jones closed the public hearing.

Motion by Councilmember Russell Schneider to adopt ordinance, with second reading and final adoption set for July 21, 2011, seconded by Councilmember Perry Cloud.

Motion passed unanimously.

V. REGULAR AGENDA

ORDINANCES

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.**

Brian Mabry, Planning Director, presented this case to the City Council. He displayed the location of the subdivision. Park fees are required in amount of \$38,475 or parkland dedication of 1.29 acres. The applicant has agreed to do some grading work and install an ADA ramp in lieu of providing all of the required parkland. The Planning and Zoning Commission recommended approval of the plat with the requested exception, subject to the various conditions outlined by Mr. Mabry.

Motion by Councilmember Perry Cloud to adopt resolution, seconded by Councilmember Judy Morales.

Motion passed unanimously.

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

It was recommended this appointment be tabled.

(B) Building & Standards Commission - one regular member to fill an unexpired term through March 1, 2013

It was recommended that Kevin Bonner be appointed to fill this unexpired term.

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

It was recommended that Peter Brumleve be appointed to fill this unexpired term.

(D) Temple Public Safety Advisory Board - two members to fill unexpired terms through September 1, 2011 and September 1, 2013

It was recommended this appointment be tabled.

Motion by Councilmember Perry Cloud to approve recommendations as outlined above, seconded by Councilmember Judy Morales.

Motion passed unanimously.

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 FY2011-2011

Traci Barnard, Director of Finance, presented this item to the members of the Trust. She stated the item is to approve the policies, not to appropriate the funds. The Trust was established to eliminate the premium tax that is passed on from the insurance companies. A staff committee reviewed and evaluated the proposals received and recommended the purchase of the policies as noted in the item description.

Motion by Mr. Schneider to purchase insurance policies as recommended, seconded by Mrs. Morales.

William A. Jones, III, Mayor

ATTEST:

Clydette Entzminger
City Secretary



COUNCIL AGENDA ITEM MEMORANDUM

07/21/11
Item #7(B)
Consent Agenda
Page 1 of 2

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 professional services agreement with Jacobs Engineering Group, Inc. of Austin for services required for Preliminary Engineering related to drainage improvements to the reach of Bird Creek between IH 35 and Loop 363 in an amount not to exceed \$56,156.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The City of Temple adopted a Drainage Capital Improvement Plan (DCIP) in 2008, which addresses flood concerns from the public. The DCIP report includes results of a public survey that identifies areas of structure, yard, and street flooding from storm water. These responses were used to identify and prioritize drainage CIP's resulting in a list of projects to implement as funding becomes available. The project outlined in this proposal is one of the very highly prioritized projects that can be implemented within this year's drainage CIP budget.

Preliminary engineering for this project between IH 35 and Loop 363 will identify up to three design alternatives, including preliminary cost estimates, to address flooding and erosion within this reach of the channel. Depending on available budget, one alternative will be chosen to reduce floodplain elevation/footprint, improve conveyance, increase channel stability, and prevent adverse impacts to the upstream and downstream reaches. Jacobs proposes to:

- Collect data by gathering and reviewing prior reports, walking the creek, perform a field topographic survey, obtain property boundary information, and gathering digital elevation information.
- Analyze data and develop a base hydraulic model by reviewing existing mathematical models, determining flood flows, approximating sediment transporting flows, determining geomorphic relationships, and evaluating flooding problems.
- Evaluate alternatives by examining potential creek improvements, evaluating existing waste water aerial crossings, and identifying any permitting requirements from various agencies.

Jacobs will deliver a final report on or before three months from the notice to proceed. Construction and sequencing of this work will be considered in concert with future phases of the Bird Creek wastewater project.

FISCAL IMPACT: The Bird Creek drainage project from Loop 363 to IH 35 is identified in the FY 2012 Capital Improvement Program budget. It is necessary to proceed with preliminary engineering prior to October 1, 2011 in order to prevent delays in future phases of the Bird Creek wastewater project.

A budget adjustment is presented for Council's approval appropriating Drainage Fund Balance Designated for Capital project Unallocated in the amount of \$56,156 to account 292-2900-534-6312, project # 100782 for preliminary engineering.

ATTACHMENTS:

[Engineer's Scope of Work](#)
[Project Map](#)
[Engineer's Proposal](#)
[Budget Adjustment](#)
[Resolution](#)

SCOPE OF WORK FOR BIRD CREEK DRAINAGE EVALUATION Drainage Project B-08-1 IH 35 Downstream to Loop 363 CITY OF TEMPLE, TEXAS

A. Project Background and Introduction

This Scope of Services addresses providing Drainage Capital Improvements work for the City of Temple (COT) in concert with the Bird Creek Wastewater Improvements, Phase 2A. Based on the prioritized list of CIP projects identified by the 2008 MDP, this half mile reach of Bird Creek (Project B-08-1) is the next priority project. During development of the wastewater improvements it became apparent that the proposed wastewater alignment would be adjacent to Bird Creek in several locations. In order to efficiently advance the next priority drainage CIP project, the City of Temple would like to evaluate design alternatives for improvements to the reach of Bird Creek between IH-35 and Loop 363.

The primary drainage concerns within this reach of creek are flooding and erosion, according to previous studies (Jacobs Carter-Burgess, 2008; HDR, 1997). The project reach is largely confined between adjacent structures on both banks, limiting the opportunity to provide detention within this reach. Thus, efforts will focus on hydraulic improvements which:

- Reduce the floodplain elevation/footprint
- Improve conveyance
- Increase channel stability
- Prevent adverse impacts to the upstream and downstream reaches

In addition, there is a need to expedite this analysis so that potential drainage improvements can be constructed in conjunction with the proposed wastewater improvements. The general scope of work will include collection and analysis of existing data (including H&H models), limited survey, and the study of up to three alternatives (including preliminary cost estimates). Analysis will consider the environmental permitting effort associated with each alternative, and solutions which optimize all of the project constraints (efficacy, cost, construction timing) will be pursued. Actual design of the recommended improvements will be done in a separate scope of services and is not included herein.

B. Scope of Work

1. Data Collection.

- a. **Gather and review prior reports.** The readily available information will include the 1997 HDR Stormwater plan; 2008 Jacobs update to the Master Drainage Plan; Bury Partners drainage analysis of the Temple Center development just upstream of IH35; and HDR's hydraulic analysis for the widening of IH35 by the Texas Department of Transportation (TxDOT).

- b. **Creek Walk.** Perform visual assessment of this drainage reach 1) to identify creek widening/scour areas that may require survey and updates to the HEC2 floodplain model and 2) determine if there are maintenance issues that could be affecting creek hydraulics.
- c. **Field Topographic Survey.** Conduct topographic survey of drainage reach to obtain ground elevations at cross sections spaced approximately 100 feet apart. A total of twenty five (25) new cross sections will be obtained made up of eight (8) shot points to reflect the top of bank, toe of bank, any “benching” in the channel at the section, and the lowest point in the channel. In addition, spot elevations of tributaries/laterals and adjacent building finished floor elevations will be obtained as required at approximately 10 other locations. It is assumed that the COT will acquire needed right-of-entry permission.
- d. **Easements and ROW.** Obtain property boundary (plat map) and owner information for the north/east side of Bird Creek. The property information gathered on the south/west side for the wastewater line will continue to be used. This scope does not include deed research or preparation of any easement documents.
- e. **Digital elevation data.** Gather aerial survey data from the TxDOT Waco District (1-foot contours) and from the City of Temple (COT) Engineering Department (2-foot contours). Existing aerial survey data will be utilized in conjunction with field topographic survey to characterize the current creek geometry for hydraulic modeling purposes.

2. Data Analysis and Base Model Development

- a. **Review of existing H&H models.** Existing hydrology and hydraulics models were collected for the 2008 Master Drainage Plan developed by Jacobs Carter-Burgess. As part of a TxDOT project on IH-35, geo-referenced HEC-HMS and HEC-RAS models were developed for Bird Creek (HDR, 2010). Available models will be examined (1) to evaluate the model parameters used, (2) to identify previous conclusions regarding frequency flow rates and flood elevations, and (3) to determine suitability of existing models for use as base models in this study of alternatives.
- b. **Determination of flood flows.** Based on the review of existing hydrologic models and consideration of the current and ultimate watershed conditions, peak frequency flow rates suitable for alternatives analysis and design will be selected. Additional hydrologic methods will be considered, as deemed appropriate, e.g. USGS “Alternative Regression Equations” (Research Report 0-4405-2) and other USGS unit hydrograph parameter estimation techniques (Research Report 0-4193-4, 0-4696-1, 0-4696-2, and 0-4193-7).
- c. **Channel-forming flow.** In order to develop alternatives for stable channel geometry, an approximation will be made of the flowrate/range of flows associated with the greatest volume of sediment transported over time (not an in-depth detailed evaluation).
- d. **Hydraulic base model development.** Survey and aerial topography data will be used in conjunction with existing hydraulic model information to develop a geo-referenced HEC-RAS model suitable for hydraulic modeling and design within the project reach.

- e. **Geomorphology.** This hydraulics alternatives evaluation will focus on physical improvements to the hydraulic conveyance of this channel reach (such as channel widening) with the goal of lowering the 100-year WSEL relative to the adjacent structures for existing and future flow conditions. Without performing a detailed fluvial geomorphologic evaluation of the study reach, special attention will be placed on alternatives which create proper geomorphologic relationships (e.g. width/depth ratio, sinuosity, and pilot channel).
- f. **Flood damage evaluation.** Review available information regarding existing flooding problems within project reach (e.g. 2008 tally of flood sites, citizen feedback), and evaluate base hydraulic model results in conjunction with surveyed Finished Floor Elevations.

3. Evaluation of Alternatives

- a. **Creek improvements.** Examine physical improvement alternatives to the creek in an effort to lower the WSEL in comparison to the adjacent structure's FF elevation. Prepare three channel configurations to reduce the 100-year WSEL in this specific reach. Prepare planning level cost estimates for each alternative. Overlay the current alignment for the wastewater improvements in the plan view for the channel improvement alternatives. Make sure that none of the channel improvements would alter the current wastewater design/alignment. Evaluate the possible channel alternatives relative to the COT's "Creek Buffer Zone" requirements. Attention will be paid to these lateral constraints during this preliminary evaluation.

The most straightforward approach would be to use the converted HEC-2 to HEC-RAS models in the 2008 report. However, the model that would better serve the COT in floodplain administration efforts would be via the Geo-RAS model platform. This scope proposal recommends blending DEM information with "on the ground" surveyed cross sections to generate a floodplain model that can display the floodplain back onto the COT 2-foot contour maps. Actual FFE elevation of the adjacent structures can be georeferenced into the system.

- b. **Graphics.** Prepare output (graphics and tables) from HEC-RAS comparing the alternatives with the existing WSEL in this reach. Prepare conceptual plan view, profile and cross sections for each channel alternative
- c. **Evaluate existing WW aerial crossings.** Determine what specifically can be done at these existing locations to protect the aerial crossings and then offset any increase in WSEL with other channel improvements in the reach. If the grade separation is not too large, consideration can be given to create a "riffle section" at the crossing. The assumption is that these aerial crossing must remain in service and other rerouting options are not possible.
- d. **Permitting.** As different alternatives are evaluated, be aware of any adverse impacts or delays a particular design may have in the COT permitting process. Discuss the possible US Army Corps of Engineers (USACE) permitting strategy with the COT engineering staff.

4. Recommendations and Reporting

- a. **Summary Report.** Prepare three (3) copies of a draft and final summary report of hydraulic analysis, alternatives, costs, and recommendations.

5. Project management and Administration

- a. **Coordination meetings with COT Staff.** Conduct up to four (4) meetings in the City of Temple offices during the course of this project (kickoff plus one every 3-4 weeks). Each office meeting will focus on specific written agenda items. Key decisions are anticipated in each of the work tasks above (Data Collection, Evaluation of Alternatives, and Recommendations and Reporting). It is also anticipated that interim work products will be shared electronically with COT staff and one or more conference calls will be conducted each week to keep specific work tasks moving along.

The following meetings are anticipated at key project milestones:

I. Project Kick-off Meeting – The Jacobs project team will participate in a face-to-face kick-off meeting at the City of Temple offices, to initiate the project and discuss key considerations, priorities, and constraints. If desired, the project team will visit the site with City of Temple staff in conjunction with the project kick-off meeting. The “Creek Walk” will not be counted as an office meeting and will need to wait for appropriate Right Of Entry permissions.

II. Data Analysis Phase – Jacobs will collaborate with COT staff to coordinate a teleconference/WebEx meeting during the Data Analysis phase of work. In order to facilitate a productive conversation, the meeting should be scheduled after Jacobs has completed Task 2a, and has obtained preliminary results for Tasks 2.b. – 2.f.

III. Evaluation of Alternatives Phase – Jacobs will attend one face-to-face meeting at the City of Temple to discuss preliminary alternatives to be evaluated in conjunction with Task 3. The purpose of this meeting is to present potential creek improvement alternatives and collaborate with COT in selecting the ‘final’ three alternatives to be developed in additional detail in accordance with this scope of work.

IV. Recommendations and Reporting Phase – a teleconference will be scheduled following COT review of the Draft Summary Report, which will be produced as the deliverable for Task 4 of this scope. The purpose of the meeting is to discuss COT questions and comments in advance of Final Summary Report deliverable.

6. Deliverables

- a. Meeting minutes – a brief meeting summary including action-items will be produced and distributed to all attendees in draft form within 3 days following in-person meetings. After a one-week review period, final minutes will be issued. (For virtual meetings, an email with key conclusions and action-items will be sent within one day of meeting.)
- b. Data Collection Summary – electronic files collected as part of Data Collection summary task will be delivered to City of Temple, along with a brief memo summarizing the contents and showing the file directory of the storage disk. One copy will be provided.
- c. Data Analysis Summary Memo – a brief memorandum summarizing the Data Analysis and key results will be provided at the conclusion of Task 2, including maps and other

exhibits which communicate model configuration and results. Electronic files will accompany the memo, including the base hydraulic model developed for use in Task 3 (geo-referenced HEC-RAS model), GIS layers used for the model, and spreadsheets which may have been developed in conjunction with Task 2.

- d. Creek Buffer Zone (CBZ) map – graphic of City of Temple’s CBZ based on topographic survey and available guidance documents. One copy will be provided.
- e. Draft Summary Report –in conjunction with Task 4, a report summarizing the Task 3 Evaluation of Alternatives will be delivered in draft form for COT comment. The electronic files associated with Task 3, including the report, GIS layers, HEC-RAS model, and spreadsheets, will accompany this Task 4 deliverable.
- f. Final Summary Report – comments on deliverable “e” received from the City of Temple will be incorporated into the Final Summary Report, and three (3) copies of the Final report will be delivered along with associated project electronic files (report, GIS, HEC-RAS, spreadsheets).

Scope Assumptions:

1. Assume that the COT staff will acquire any Right-of-Entry (ROE) permission from the adjacent land owners along the study area
2. No USACE or COT permit documents will be prepared
3. No easements or right-of-way documents will be prepared.
4. Environmental permitting and development of construction documents will be provided as additional services.

C. Schedule

Some of the “Data Collection” tasks can begin upon receipt of the Notice to Proceed (NTP). The actual field survey will need to wait on COT acquisition of appropriate Right-of-Entry (ROE) permissions which is assumed to take two weeks. The actual field survey would then take seven to ten days to collect and process the data. It is assumed that the ROEs will also need to be in place before the Creek Walk can be scheduled.

Some of the “Data Analysis and Base Model Development” tasks can begin upon NTP. The development of the hydraulic base model will need to wait for the field survey cross sections. Interim work efforts will be advanced and then will require an interim conference call or office meeting with COT Engineering staff for key decisions.

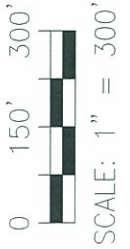
The “Evaluation of Alternatives” will need to wait for the completion of the hydraulic base model. Interim work efforts will be advanced and then will require an interim conference call or office meeting with COT Engineering staff for key decisions. This iteration process will continue and a final plan of action should become evident within two months after NTP (assuming the ROE is acquired in a timely manner as mentioned above).

As listed in the Deliverables, the completion of each major work task will be documented in a Summary Memo which will begin to form the basis of the overall “Recommendations and Reporting” task. The preparation of the final report (e.g., prepare the draft report, obtain and review comments, make revisions) will take an additional couple of weeks.

The goal is to have the entire project completed on or before three months from NTP (assuming the ROE is acquired in a timely manner as mentioned above). Delays to the schedule outside of Jacobs control will be noted and discussed with the COT.



--- CONTRACT 2A INTERCEPTOR



TEMPLE BIRD CREEK
DRAINAGE IMPROVEMENTS



JACOBSTM

2705 BEE CAVE ROAD, SUITE 300,
AUSTIN, TX. 78746
(512) 314-3100, (512) 314-3135
TEXAS REG NO. 2966

FIGURE
1

July 14, 2011

Attn: Nicole Torallva, P.E.
Director of Public Works
City of Temple
3210 East Avenue H, Building A
Temple, TX 76501

Re: Proposed Scope of Work for Bird Creek Drainage Evaluation
Drainage Project B-08-1, IH-35 Downstream to Loop 363

Dear Ms. Torallva,

We would like to express our appreciation to the City of Temple for the opportunity to submit a scope proposal for the Bird Creek Drainage Evaluation (Drainage Project B-08-1), extending from IH-35 downstream to Loop 363. Please refer to the attached for our detailed Scope of Work as well as a project location map.

This project was identified by the City of Temple as a high-priority drainage concern, and our scope of work includes an analysis of alternatives for creek improvements within an approximate half-mile reach. The primary concerns are flooding and erosion. Between IH-35 and Loop 363, the creek runs adjacent to both commercial and residential property owners.

As part of this contract, Jacobs will collect and analyze existing data, including previous drainage studies, available H&H (hydrology and hydraulics) models, and topographic information. On-the-ground survey will include channel cross-sections and finished floor elevations of adjacent structures.

Jacobs will develop H&H models appropriate for use in evaluating three alternatives for improvements within the project reach, focused on reducing flooding, increasing channel stability, and preventing adverse impacts.

The proposed project timeline to complete the project is 90 days from the authorization of Notice to Proceed.

Jacobs Engineering Group proposes to the City of Temple, Professional Civil Engineering Services and Surveying for a lump sum of \$56,156.

Please contact us if you require additional information or have further questions regarding this proposal.

Sincerely,



Roman D. Grijalva, P.E., PMP
JACOBS

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
292-2900-534-63-12	100782	Drainage- Loop 363 to IH 35	\$ 56,156	
292-0000-352-13-45		Designated Capital Projects-Unallocated		56,156
		DO NOT POST		
TOTAL.....			\$ 56,156	\$ 56,156

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

This budget adjustment appropriates funds for a professional services agreement with Jacob Engineering Group, Inc. for services required for preliminary engineering related to drainage improvements to the reach of Bird Creek between IH 35 and Loop 363.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒

Yes

☐

No

DATE OF COUNCIL MEETING

July 21, 2011

WITH AGENDA ITEM?

☒

Yes

☐

No

Department Head/Division Director

Date

☐
☐

Approved

Disapproved

Finance

Date

☐
☐

Approved

Disapproved

City Manager

Date

☐
☐

Approved

Disapproved

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF TEMPLE, TEXAS, AND JACOBS ENGINEERING GROUP, INC., FOR SERVICES REQUIRED FOR PRELIMINARY ENGINEERING RELATED TO DRAINAGE IMPROVEMENTS TO THE REACH OF BIRD CREEK BETWEEN IH 35 AND LOOP 363, IN AN AMOUNT NOT TO EXCEED \$56,156; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the project for drainage improvements to the reach of Bird Creek between IH35 and Loop 363 is one of the very highly prioritized projects that can be implemented within this year's drainage CIP budget;

Whereas, the Staff recommends accepting the proposal submitted by Jacobs Engineering Group, Inc., of Austin, Texas, for services required for preliminary engineering related to this project, in the amount of \$150,655;

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

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute a professional services agreement, not to exceed \$56,156, between the City of Temple, Texas, and Kasberg, Patrick & Associates, L.P., after approval as to form by the City Attorney, for services required for preliminary engineering related to drainage improvements to the reach of Bird Creek between IH35 and Loop 363.

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

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

PASSED AND APPROVED this the **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

07/21/11
Item #7(C)
Consent Agenda
Page 1 of 2

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 Bell Contractors, Inc., of Belton for construction activities required to rehabilitate the sewer lines located at Dunbar Road, Avenue M and Avenue N in an amount not to exceed \$147,682.80.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The sewer system in the area of Dunbar Road, Avenue M, and Avenue N was experiencing a large amount of problems due to it being over 60 years old. The City's crews were able to fix a portion of the existing infrastructure, but there are sewer lines that will need to be replaced via trenchless technologies due to limited site conditions. Trenchless technologies, such as pipe bursting, are beyond city crew capabilities at this time.

On March 14, 2011, The City of Temple entered into a professional services contract with Clark & Fuller to complete design topography surveys, new sanitary sewer main designs, construction documents, and provide construction administration and post construction record drawings. As shown on the attached project area map, this project will consist of approximately 800 linear feet of new 8" Sanitary Sewer Main constructed via pipe bursting techniques and approximately 135 linear feet constructed via open cut.

As shown on the attached bid tabulation, Bell Contractors was the only bidder on this project in the amount of \$147,682.80, even though there were 7 other plan holders. Clark & Fuller and staff attribute the lack of additional bids to the uniqueness of the construction method (pipe bursting) required for this project. As stated in the attached Engineer's Letter of Recommendation, Clark & Fuller's preliminary estimate of probable cost for this project was \$120,950, which was based on historical bids, but did not consider all the difficulty factors associated with this particular job. Staff and Clark & Fuller deem Bell Contractors' proposed cost to be reasonable.

Clark & Fuller estimates that it will take 60 days to complete the project.

FISCAL IMPACT: Funding in the amount of \$113,636 was appropriated in account # 520-5400-535-6361, project # 100659 for this project. After funding the professional services agreement in the amount of \$11,241.50 and advertising costs of \$170.44 a balance of \$102,224.06 is available to partially fund this construction contract.

A budget adjustment is presented for Council's approval in the amount of \$45,459 to fund the remaining amount needed for the construction contract. These additional funds are from project savings of various completed projects.

ATTACHMENTS:

[Bid Tabulation](#)

[Project Area Map](#)

[Engineer's Letter of Recommendation](#)

[Budget Adjustment](#)

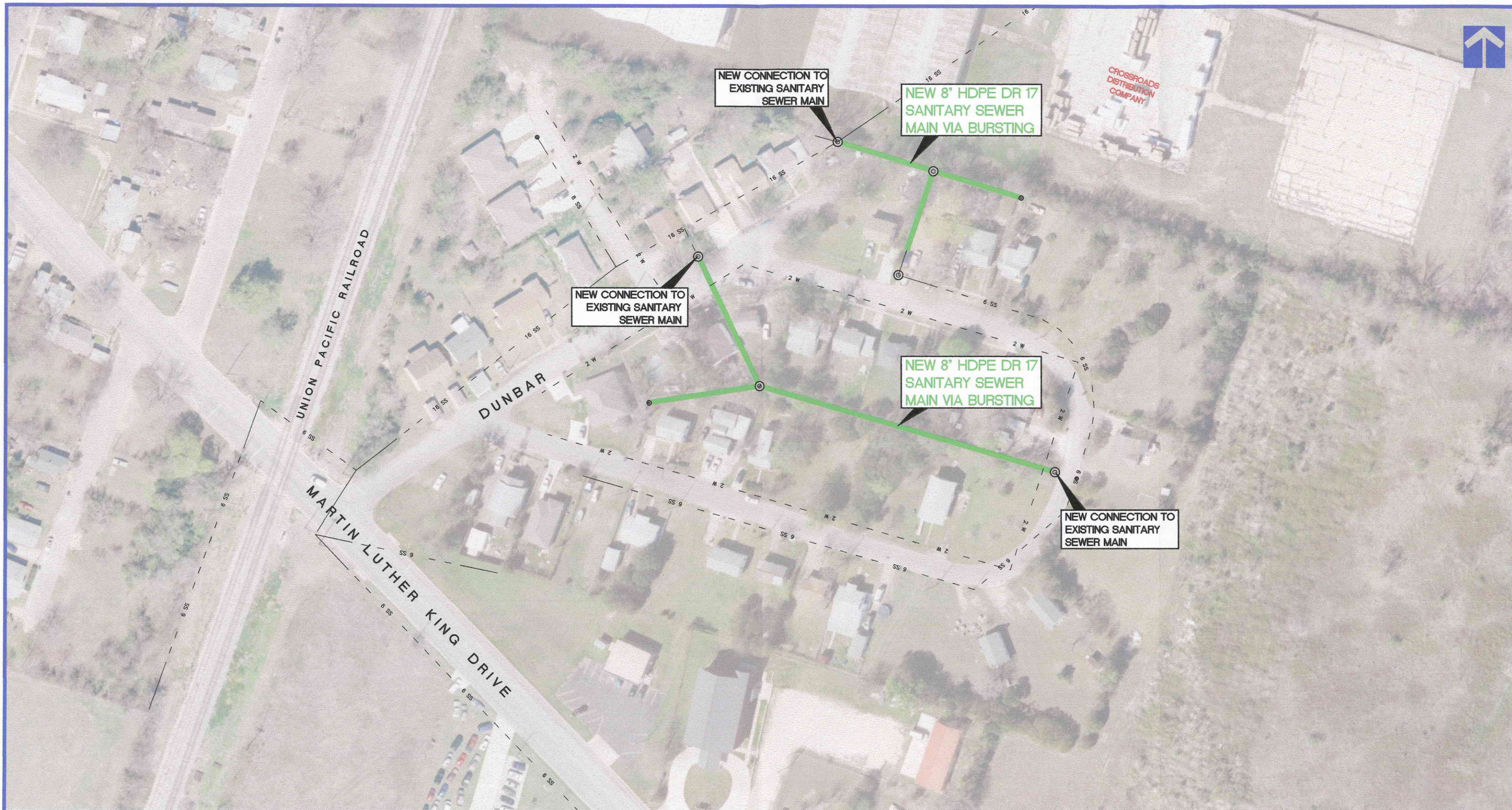
[Resolution](#)

Bid Tabulation Sheet

2011 Dunbar Sanitary Sewer Reconstruction Project

Bid Date: June 21, 2011

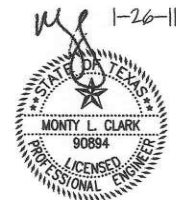
No.	Base Bid Item Description	Est. Quan.	UOM	Bell Contractors	
				Unit Price	Total Cost
1	Site R.O.W. Preparation & Clearing	10	STA	\$ 750.00	\$ 7,500.00
2	Mobilization, Bonds, Permits, & Insurance	100%	LS	\$ 5,800.00	\$ 5,800.00
3	Sawcut, Remove & Replace Ex. HMAc Pavement	21	SY	\$ 25.00	\$ 525.00
4	Sawcut, Remove & Replace Ex. Reinforced Concrete Pavement Section	61	SY	\$ 44.00	\$ 2,684.00
5	Remove & Replace Existing Chain Link Fencing	335	LF	\$ 19.70	\$ 6,599.50
6	Provide New Temporary 6 ft. Intruder Resistant Chain Link Fencing	240	LF	\$ 23.70	\$ 5,688.00
7	Remove & Replace Existing 6 ft. Intruder Resistant Chain Link Fencing	175	LF	\$ 30.20	\$ 5,285.00
8	Demolish & Remove Existing Tree	100%	LS	\$ 2,900.00	\$ 2,900.00
9	Provide & Implement a Traffic Control Plan	100%	LS	\$ 1,700.00	\$ 1,700.00
10	Provide & Implement a Trench Safety Plan	100%	LS	\$ 1,800.00	\$ 1,800.00
11	Demolish & Remove Sanitary Sewer Manhole	3	EA	\$ 1,200.00	\$ 3,600.00
12	Provide 4' Diameter Precast Eccentric Concrete Manhole with a COT approved Heavy Duty 32" Ring & Lid Assembly	7	EA	\$ 2,400.00	\$ 16,800.00
13	Provide Connection to Existing Sanitary Sewer Main	4	EA	\$ 1,200.00	\$ 4,800.00
14	Provide Connection to Existing Sanitary Sewer Manhole	1	EA	\$ 650.00	\$ 650.00
15	Provide New 18" PVC SDR 26 Sanitary Sewer Main by Open Cut	40	LF	\$ 130.00	\$ 5,200.00
16	Provide New 8" PVC SDR 26 Class 160 "Pressure Rated" Sanitary Sewer Main by Open Cut	20	LF	\$ 41.30	\$ 826.00
17	Provide New 8" PVC SDR 26 Sanitary Sewer Main by Open Cut	115	LF	\$ 38.30	\$ 4,404.50
18	Provide New 8" HDPE DR17 Sanitary Sewer Main by Bursting	600	LF	\$ 51.80	\$ 31,080.00
19	Provide New 6" HDPE DR17 Sanitary Sewer Main by Bursting	194	LF	\$ 63.20	\$ 12,260.80
20	Locate & Provide New 4" Sanitary Sewer Service & Service Connection	22	EA	\$ 1,100.00	\$ 24,200.00
21	Locate & Provide New End of Line Cleanout	2	EA	\$ 170.00	\$ 340.00
22	Provide Miscellaneous 4" Sanitary Sewer Pipe	100	LF	\$ 20.50	\$ 2,050.00
23	All Testing per TCEQ & City of Temple Requirements	100%	LS	\$ 990.00	\$ 990.00
Total Bid 2011 Dunbar Sanitary Sewer Reconstruction Project					\$ 147,682.80



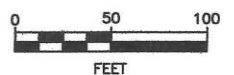
Tel: (254) 899-0899 Fax: (254) 899-0901
2010 SW HK Dodgen Loop, Suite 105, Temple, Texas 76504



2011 DUNBAR SANITARY SEWER MAIN RECONSTRUCTION PROJECT



- LEGEND:**
- ⊙ NEW SANITARY SEWER MANHOLE
 - NEW 8" PVC SANITARY SEWER VIA BURSTING METHODS





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

July 11, 2011

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

Re: City of Temple, 2011 Dunbar Sanitary Sewer Reconstruction Project

Dear Mr. Hoefert,

We have received and reviewed the one bid received for the above referenced project. Bell Contractors submitted a total Base Bid of \$147,682.80. *Please see the enclosed Bid and Engineers Estimate for detailed information.*

The final engineers estimate for this project was \$120,950.00. This estimate was based on historical bids received, from multiple local and non-local contractors, over the past few years and also incorporated unforeseen site conditions that were unknown at the time of the initial project site visit.

Although the bid received was higher than our estimate, based upon our past history with projects of this complexity and scope, we are recommending that you award the contract to Bell Contractors. We believe, through personal experience, that Bell Contractors is qualified and capable of providing the new utility improvements within the confined and congested areas as required in this project.

Bell Contractors 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 your decision.

Sincerely,

Monty Clark, P.E., CPESC

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.

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ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE		DECREASE	
520-5400-535-63-61	100659	SLR-Dunbar Road	\$ 45,459			
520-5200-535-63-57	100711	WLR-RR near Ave D & 14th			500	
520-5200-535-63-57	100722	Hwy 190 Waterline			39,703	
520-5400-535-63-59	100658	SLR-Barton Ave			5,256	
TOTAL.....			\$ 45,459		\$ 45,459	

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

This budget adjustment appropriates additional funds to partially fund the construct contract with Bell Contractors, Inc. required to rehabilitate the sewer line located at Dunbar Rd, Avenue M and Avenue N.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒

Yes

☐

No

DATE OF COUNCIL MEETING

July 21, 2011

WITH AGENDA ITEM?

☒

Yes

☐

No

Department Head/Division Director

Date

☐

Approved

☐

Disapproved

Finance

Date

☐

Approved

☐

Disapproved

City Manager

Date

☐

Approved

☐

Disapproved

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH BELL CONTRACTORS, INC., OF BELTON, TEXAS, FOR CONSTRUCTION ACTIVITIES REQUIRED TO REHABILITATE THE SEWER LINES LOCATED ON DUNBAR ROAD, AVENUE M AND AVENUE N, IN THE AMOUNT OF \$147,682.80; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on June 21, 2011, the City received 1 bid for construction activities required to rehabilitate the sewer lines located on Dunbar Road, Avenue M and Avenue N;

Whereas, the Staff recommends accepting the bid (\$147,682.80) received from Bell Contractors, Inc., of Belton, Texas;

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

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute a construction contract, not to exceed \$147,682.80 with Bell Contractors, Inc., of Belton, Texas, after approval as to form by the City Attorney, for construction activities required to rehabilitate the sewer lines located on Dunbar Road, Avenue M and Avenue N.

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

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

PASSED AND APPROVED this the **21st** 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

07/21/11
Item #7(D)
Consent Agenda
Page 1 of 3

DEPT./DIVISION SUBMISSION & REVIEW:

Belinda Mattke, Director of Purchasing
Gary Smith, Chief of Police Department

ITEM DESCRIPTION: Consider adopting a resolution authorizing project scope change orders to the Police Headquarters construction contract with American Constructors, Inc. of Austin in an estimated amount of \$213,000, and declaring an official intent to reimburse associated expenditures made prior to the issuance of tax-exempt obligations for this project.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On October 7, 2010, Council authorized a professional services agreement with Architectural Edge, Inc. to provide architectural and engineering services related to renovations needed to the Police Headquarters facility to remediate the mold from the facility and to make the necessary repairs to the facility that have allowed mold to develop.

On October 21, 2010, Council authorized the use of the Construction Manager-at-Risk (CMAR) delivery method for the construction services related to the renovations in the Police Headquarters facility. Council then authorized the following CMAR contract with Guaranteed Maximum Price (GMP) packages:

- December 2, 2010 - Council authorized a CMAR contract with American Constructors, Inc. (ACI), which included an appropriation of \$8,000 for pre-construction phase services.
- February 17, 2011 – Council authorized GMP #1 in the amount of \$2,693,778, which included the demolition and replacement of exterior masonry and metal panels, interior demolition and mold abatement, the purchase of new HVAC equipment, removal and reinstallation/flashing of windows, installation of a moisture barrier, and the construction of temporary enclosures and equipment to support reconstruction.

- April 21, 2011 – Council authorized GMP #2 in the amount of \$2,626,275, which included the installation of temporary HVAC units, the installation of the new HVAC equipment purchased under GMP #1, demolition and replacement of internally-lined HVAC ductwork, installation of new insulation and sheetrock that was removed in mold abatement process, painting of impacted interior walls, structural enhancements to roof to enable positioning of new HVAC system, and elevator repairs.

The demolition and construction activities began on March 21, 2011. As ACI began the project, they knew that the core scope of the project would change as they uncovered and investigated damage in certain areas. Accordingly, ACI strived to account for the 'worst case scenario' in their subcontractor bids that would allow for pre-defined deductive alternates as things were identified that did not need to be abated, repaired, etc.

Fortunately, ACI has come in under budget in several areas of the project due to (1) mold abatement not being found necessary in a few of the rooms (e.g. 1st Floor Community Room, 1st Floor Briefing Room, 1st Floor Records Division), (2) demolition of the entryway brick columns not deemed necessary, and (3) ACI being able to negotiate a buy-out on several items less than their original bids as a result of scope clarification and negotiations with their subcontractors. These savings have resulted in ACI believing that a GMP #3 is not going to be necessary as previously planned. In April it was reported that GMP #3 would be approximately \$827,000.

Staff is proposing the following seven (7) change orders to ACI's contract totaling \$213,000 that were not included in the original scope of ACI's contract:

- 1) **SOLAR WINDOW TINT:** Add solar window tint to the east, south, and west sides of the facility to reduce the heat being infiltrated through these windows. Goal: reduce electricity cost and improve summer comfort level in the facility. Estimated cost = \$19,000
- 2) **VIDEO SURVEILLANCE SYSTEM:** Replace unreliable video surveillance system that uses RG-6 cable with an OnSSI CAT-6 system. The RG-6 cable had to be removed as part of the duct demolition and it is estimated that it will cost approximately \$25,000 to reinstall the obsolete RG-6 cable; whereby a new OnSSI system (similarly to what has been installed at the Municipal Court/UBO, Central Fire Station and Airport) will run on a standard CAT6 cable. Estimated cost of new system = \$90,000.
- 3) **EXTERIOR WALK-WAY LIGHTS:** Replace the 43 exterior 2-lamp 100-watt metal halide fixtures (6,000-hr rated lamps/remote ballasts) with a 1-lamp 70-watt fixtures (15,000-hr rated lamps/integral ballasts). The current lamps are routinely burning out with a replacement cost per 100-watt lamp of approximately \$60 each (86 total lamps); proposed 70-watt lamp will cost approximately \$30 each (43 total lamps). Goal: reduce electricity cost and maintenance cost. Estimated new fixture cost = \$33,000
- 4) **LIGHT SENSORS:** Add light sensors to approximately 11 rooms that do not currently have light sensors. Historically, these are rooms that have the lights inadvertently left on for extended periods of times: locker rooms, gym, briefing room, etc. Goal: reduce electricity cost. Estimated cost = \$6,000

- 5) **FIRE SUPPRESSION SYSTEM:** Replace standard water-based fire suppression system in the three (3) data/server rooms with a dry chemical system. Goal: better protect the multiple servers that are housed in these rooms, including a public safety state-wide server. Estimated cost = \$22,000
- 6) **FLOORING:** Replace approximately 6,500 square feet of carpet that is poor condition due to unraveling, stains, and wear. Staff is recommending that the deteriorated carpet be replaced with carpet tiles or some other hard surface product to assist with future maintenance. Estimated cost = \$33,000
- 7) **TERRAZZO FLOOR:** Refinish approximately 1,250 square feet of terrazzo floor in the Patrol Unit that has been damaged due to high traffic. Staff is pursuing preventative solutions to prevent reoccurrence. Estimated cost = \$10,000

As stated above, ACI does not believe that a GMP #3 is necessary. ACI also believes that they will have adequate funding in GMP #1 and GMP #2 totaling \$5,320,053 to absorb the cost of the seven (7) proposed scope change orders above. Accordingly, it is staff's recommendation for Council to authorize these seven (7) change orders with an estimated cost of \$213,000.

The renovation project is on schedule with an anticipated completion in mid-November.

FISCAL IMPACT: The issuance of Limited Tax Notes in an amount not to exceed \$7,600,000 was authorized by Council on February 17, 2011, to finance the costs associated with construction and renovations of the Temple Police Headquarters. Initial funding of all costs thus far has been allocated from General Fund Balance Designated for Capital Projects-Unallocated with the anticipation of selling the Limited Tax Notes when all projects costs are determined. Cumulatively, \$5,795,776 of the \$7,600,000 Limited Tax Note designation has been encumbered or spent. With regards to the proposed \$213,000 in scope changes, only a re-designation of funding is needed since adequate funding is available in the \$5,320,053 already encumbered for GMP #1 and #2.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING PROJECT SCOPE CHANGE ORDERS TO THE POLICE HEADQUARTERS CONSTRUCTION CONTRACT WITH AMERICAN CONSTRUCTORS, INC., OF AUSTIN, TEXAS, IN AN ESTIMATED AMOUNT OF \$213,000; DECLARING OFFICIAL INTENT TO REIMBURSE ASSOCIATED EXPENDITURES MADE PRIOR TO THE ISSUANCE OF TAX-EXEMPT OBLIGATIONS FOR THIS PROJECT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on October 21, 2010, the City Council authorized the use of the Construction-Manager-at-Risk (CMAR) delivery method for the construction services related to the renovations to the Police Headquarters facility;

Whereas, on December 2, 2010, the City Council authorized a Construction-Manager-at-Risk contract with American Constructors, Inc., which appropriated \$8,000 for pre-construction phase services; GMP #1 in the amount of \$2,693,778 was approved by the City Council on February 17, 2011; and GMP #2 in the amount of \$2,626,275 was approved by the City Council on April 21, 2011;

Whereas, the Staff is proposing 7 change orders to American Constructors, Inc., contract totaling \$213,000, that were not included in the original scope of the contract – it was understood from the beginning of the project that the core scope could change as damage was uncovered and investigated in certain areas;

Whereas, the City of Temple anticipates the issuance of one or more series of obligations, the interest on which will be excludable from gross income under Section 103 of the Internal Revenue Code of 1986, as amended, in order to finance all or a portion of this project;

Whereas, certain expenditures relating to the Project will be paid prior to the issuance of the Obligations;

Whereas, the City hereby certifies that such expenditures have not been made prior to the date of passage of this Resolution;

Whereas, upon issuance of the Obligations, the City desires to reimburse these prior expenditures with proceeds of the Obligations;

Whereas, Section 1.150-2 of the Treasury Regulations provides that an expenditure on the Project may not be reimbursed from Obligation proceeds unless, along with other requirements, the City declares official intent to reimburse the expenditure prior to the date that the expenditure to be reimbursed was paid; 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 project scope change orders to the construction contract with American Constructors, Inc., of Austin, Texas, for renovations to the Police Headquarters facility, in the amount of \$213,000.

Part 2: The findings, determinations and certifications contained in the preamble hereof are incorporated herein for all purposes.

Part 3: This Resolution is a declaration of official intent under Section 1.150.2 of the Treasury Regulations by the City that it reasonably expects to reimburse the expenditures described in Part 4 with proceeds of debt to be incurred by the City, such debt to be issued on or before eighteen (18) months after the date of (i) the date the first expenditure is paid; or (ii) the date on which the property is placed in service, but in no event three years after the first expenditure is paid.

Part 4: The following is a general functional description of the Project for which the expenditures to be reimbursed are paid and a statement of the maximum principal amount of debt expected to be issued for the purpose of paying the costs of the Project.

<u>Project Description</u>	<u>Debt To Be Issued</u>
Renovations to the Police Headquarters facility – project scope change orders	\$213,000

Part 5: The expenditures described in Part 4 is a capital expenditure under general Federal income tax principles or a cost of issuance.

Part 6: Except for the proceeds of the Obligations, no funds are, or are reasonably expected to be reserved, allocated on a long-term basis, or otherwise set aside by the City

or by any member of the same controlled group to pay for the expenditures described in Part 4.

Part 7: 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 this 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

07/21/11
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DEPT./DIVISION SUBMISSION & REVIEW:

Gary O. Smith, Chief of Police

ITEM DESCRIPTION: Consider adopting a resolution authorizing the renewal of a Cooperative Working Agreement with Bell County for the Bell County Crime Coalition project that is administered by the Bell County Juvenile Probation Department.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: This agreement will allow Temple Police Officers assigned to investigate juvenile crimes to work with Bell County Juvenile Probation Officers in making home visits of children on court ordered probation within the City of Temple. This program has been in place for a number of years. The program provides reimbursement for the overtime pay incurred by officers performing home visits after normal business hours.

The goal of this program is to team Juvenile Police Officers with Juvenile Probation Officers to monitor and reduce technical violations of court imposed sanctions through home visits, curfew checks, and drug screening for juveniles on court ordered probation.

The term of this contract will commence on August 1, 2011 and will end on July 31, 2012.

FISCAL IMPACT: This program is funded through the Federal Juvenile Accountability Block Program, JB 98 JOC 13623. Bell County will receive grant funds and will provide a cash match. There is no requirement upon the City of Temple to provide any funding to this program. All expenditures with regard to the payment of Temple Police Officers will be reimbursed by Bell County. Should the grant funds be exhausted prior to the end date of the agreement, Bell County agrees to continue full reimbursement for the personnel costs incurred by the City of Temple.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE RENEWAL OF A COOPERATIVE WORKING AGREEMENT BETWEEN THE CITY OF TEMPLE AND BELL COUNTY FOR THE BELL COUNTY CRIME COALITION PROJECT THAT IS ADMINISTERED BY THE BELL COUNTY JUVENILE PROBATION DEPARTMENT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Bell County Crime Coalition project is administered by the Bell County Juvenile Probation Department – the goal of the program is to team juvenile police officers with juvenile probation officers to monitor and reduce technical violations of court imposed sanctions through home visits, curfew checks, and drug screening for juveniles on court ordered probation;

Whereas, the City is required to enter into a cooperative working agreement with Bell County to participate in this program;

Whereas, the City will not be required to provide any funding for the program, and all expenditures with regard to the payment of Temple police officers will be reimbursed by Bell County; and

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

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

Part 1: The City Manager, or his designee, is authorized to execute a Cooperative Working Agreement between the City of Temple, Texas, and Bell County, after approval as to form by the City Attorney, for the Bell County Crime Coalition project that is administered by the Bell County Juvenile Probation Department.

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 **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

07/21/11
Item #7(F)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Gary O. Smith, Chief of Police

ITEM DESCRIPTION: Consider adopting a resolution authorizing a Memorandum of Understanding with the City of Killeen and Bell County to establish the rights, duties, administration and division of funds received under the 2011 Edward Byrne Memorial Justice Assistance Grant (JAG) program Award.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The Department of Justice has made a grant award of \$93,782. The City of Killeen will administer the grant and will accept an administration fee of 10% of the grant award with the remaining \$84,403.80 to be allocated to Bell County, Killeen, and Temple as follows:

Bell County will receive \$25,321 or 30%; the City of Killeen will receive \$ 37,982 or 45%; and the City of Temple will receive \$21,101 or 25%.

These funds are to be used to fund state and local initiatives, technical assistance, training, personnel, equipment, supplies, contractual support, and information systems for criminal justice for any or more of the following purposes: law enforcement programs; prosecution and court programs; prevention and education programs; corrections and community corrections programs; drug treatment programs; and/or planning evaluation and technology improvement programs. The Temple Police Department plans to use the funds to purchase an Overtime Management System and an On-Line Reporting System.

Pursuant to the terms of the grant, the parties agree to expend the \$93,782 from the 2011 Edward Byrne Memorial Justice Assistance Grant Program by a date not later than forty eight (48) months after the project start date of October 1, 2011.

FISCAL IMPACT: The Temple Police Department will receive \$21,101 as its share of the 2011 Edward Byrne Memorial Justice Assistance Grant. There are no City matching funds required for this grant. As stated above, the Temple Police Department intends to use the funds to purchase an Overtime Management System and an On-Line Reporting System.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS; AUTHORIZING A MEMORANDUM OF UNDERSTANDING WITH THE CITY OF KILLEEN AND BELL COUNTY TO ESTABLISH THE RIGHTS, DUTIES, ADMINISTRATION AND DIVISION OF FUNDS RECEIVED UNDER THE 2011 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM AWARD; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Edward Byrne Memorial Justice Assistance Grant (JAG) provides funds for state and local initiatives, technical assistance, training, personnel, equipment, supplies, contractual support and information systems for criminal justice for law enforcement programs, prosecution and court programs, prevention and education programs, corrections and community corrections programs, drug treatment programs, and planning evaluation and technology improvements programs;

Whereas, the Department of Justice has made a grant award of \$93,782 to be allocated by Bell County and the cities of Killeen and Temple;

Whereas, Bell County will receive \$25,321; the City of Killeen will receive \$37,982; and the City of Temple will receive \$21,101;

Whereas, the City Council needs to authorize a Memorandum of Understanding to establish the rights, duties, administration and division of funds received under the grant; 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 a Memorandum of Understanding with the City of Killeen and Bell County, after approval as to form by the City Attorney, to establish the rights, duties, administration and division of funds received under the 2011 Edward Byrne Justice Assistance Grant (JAG) program award.

Part 2: The City Council accepts the funds (\$21,101) received under the 2011 Edward Byrne Justice Assistance Grant (JAG) program award.

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 **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

07/21/11
Item #7(G)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Gary O. Smith, Chief of Police Department

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of two (2) police canines, including training, from US K9 Unlimited of Kaplan, Louisiana, in the amount of \$27,800.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The Police Department currently has two (2) canines. One of the canines needs to be retired based on age and it has been determined that the other canine is not fit for police work based on its disposition. Accordingly, staff is recommending that both canines be replaced.

The Police Department uses canines in the Patrol Unit and Narcotics Detection Unit. It is important that the dogs and designated handlers be properly trained. Staff is recommending the purchase of the dogs from US K9 Unlimited, a highly recommended contractor who specializes in providing trained dogs to law enforcement agencies. US K9 will supply the dogs already trained in patrol functions and narcotics detection and will also provide eight (8) weeks of handler training for two (2) officers.

This purchase is being recommended under the professional service exemption for competitive bidding based on the high level of competence and skill that is required to provide well trained canines.

FISCAL IMPACT: Cost for the 2 Canines and training is \$27,800. US K9 has offered a \$3,000 credit for the canine that does not have the proper disposition for police work. A budget amendment is attached appropriating funds to expenditure account 110-2031-521-62-11, project 100821, for the purchase of the canines and to the revenue account of 110-0000-461-04-24 for the credit that will be received. The net cost will be \$24,800.

ATTACHMENTS:

[Budget Amendment](#)
[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.

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ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE		DECREASE	
110-2031-521-62-11	100821	Instruments/Special Equipment	\$ 27,800			
110-0000-461-04-24		Sale of Assets	3,000			
110-2057-521-25-14		Travel & Training			9,000	
110-2011-521-26-23		Other Contract Serv.			9,000	
110-2012-521-23-13		General Maint/Repair			6,800	
TOTAL.....			\$ 30,800		\$ 24,800	

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

To appropriate funds for the purchase of two police canines, including training. A \$3,000 credit will be given for one of the City's current canines that does not have the proper disposition for police work.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒ Yes☐ No

DATE OF COUNCIL MEETING

7/21/2011

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 2 POLICE CANINES, INCLUDING TRAINING, FROM THE US K9 UNLIMITED OF KAPLIN, LOUISIANA, IN THE AMOUNT OF \$27,800; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Police Departments uses canines in the Patrol and Narcotics Detection Units – one of the 2 canines currently being used by the Police Department needs to be retired based on age, and the other canine is not fit for police work based on its disposition;

Whereas, the Staff recommends purchasing 2 police canines, including training, from the US K9 Unlimited of Kaplan, Louisiana, in the amount of \$27,800;

Whereas, the purchase is being recommended under the professional service exemption for competitive bidding based on the high level of competence and skill that is required to provide well trained canines;

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 expense account; and

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

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

Part 1: The City Council authorizes the purchase of 2 police canines, including training, from US K9 Unlimited of Kaplan, Louisiana, in the amount of \$27,900.

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

Part 3: The City Council approves an amendment to the FY2010-2011 budget, substantially in the form of the copy attached as Exhibit A, for this project.

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

PASSED AND APPROVED this the **21st** 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

07/21/11
Item #7(H)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Gary O. Smith, Chief of Police Department

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of five (5) DVR systems for the Police Department from L-3 Mobile-Vision, Inc. of Boonton, New Jersey, utilizing the Houston-Galveston Area Council Interlocal Cooperative (HGAC) in the amount of \$24,762.50, and authorizing a service agreement with All Points Communications of Georgetown for the installation of the systems in the amount of \$2,560 for a total project cost of \$27,322.50.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The Temple Police Department has been awarded grant funds in the amount of \$26,147 from the Justice Assistance Grant (JAG) funds through the joint application process with the Killeen Police Department and Bell County Sheriff's Office.

This proposed purchase will replace four (4) recording systems in the Investigation Division interview rooms and will add one (1) recording system in the Patrol Division interview room. The current recording systems in the Investigation Division are inoperative and have outdated technology. The new systems will have DVR technology with increased storage and reproduction capabilities.

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

It is being recommended that All Points Communications install the units for a cost of \$2,560.

FISCAL IMPACT: Council approved the acceptance of JAG funds in the amount of \$26,147 on 07/15/2010. The total amount required for the purchase is \$27,322.50. The additional \$1,175.50 needed for the purchase is available in account 110-2041-521-21-16. A budget adjustment is presented for Council's approval appropriating grant funds in the amount of \$26,147 and reallocating the \$1,175.50 to account 260-2000-521-62-11, project #100731, to fund the purchase.

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	
260-2000-521-62-11	100731	Instruments & Special Equipment	27,323		
260-0000-490-25-89		Transfer In - General Fund	1,176		
260-0000-431-01-63		Federal Grants	26,147		
110-9100-591-81-60		Transfer Out - Grant Fund	1,176		
110-2041-521-21-16		Supplies & Tools		1,176	
TOTAL.....			\$ 55,822	\$ 1,176	

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

Appropriate funds to replace existing audio and video recording system in four Investigation Division interview rooms and the Patrol Division interview room. The cost of the replacement is \$24,762.50 with an additional \$2,560 for installation for a total cost of \$27,322.50. \$26,147 is available from the FY 2010 Edward Byrne Justice Assistance Grant (JAG) that the City was awarded in July 2010. The remaining \$1,175.50 is being reallocated from account 110-2041-521-21-16.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒

Yes

☐

No

DATE OF COUNCIL MEETING

7/21/2011

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 5 DVR SYSTEMS FOR THE POLICE DEPARTMENT FROM L-3 MOBILE-VISION, INC., OF BOONTON, NEW JERSEY, UTILITIZING THE HOUSTON-GALVESTON AREA COUNCIL INTERLOCAL COOPERATIVE (HGAC), IN THE AMOUNT OF \$24,762.50, AND AUTHORIZING A SERVICES AGREEMENT WITH ALL POINTS COMMUNICATIONS OF GEORGETOWN, TEXAS, FOR THE INSTALLATION OF THE SYSTEMS, IN THE AMOUNT OF \$2,560, FOR A TOTAL PROJECT COST OF \$27,322.50; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Police Department needs to replace 4 inoperative and outdated recording systems in the Investigation and Patrol Divisions;

Whereas, the Staff recommends purchasing the DVR systems from L-3 Mobile-Vision, Inc., utilizing the Houston-Galveston Area Council Interlocal Cooperative contract pricing in the amount of \$24,762.50;

Whereas, the Staff also recommends entering into a service agreement with All Points Communications, Inc., of Georgetown, Texas, in the amount of \$2,560, for the installation of the systems;

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

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

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

Part 1: The City Council authorizes the purchase of 5 DVR systems for the Police Department from L-3 Mobile-Vision, Inc., of Boonton, New Jersey, utilizing the Houston-Galveston Area Council Interlocal Cooperative (HGAC), in the amount of \$24,762.50

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

Part 3: The City Council authorizes the City Manager, or his designee, to execute a services agreement with All Points Communications of Georgetown, Texas, in the

amount of \$2,560, after approval as to form by the City Attorney, for the installation of the DVR systems.

Part 4: The City Council approves an amendment to the FY2010-2011 budget, substantially in the form of the copy attached as Exhibit A, for this project.

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

PASSED AND APPROVED this the **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

07/21/11
Item #7(I)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Alan DeLoera, Information Technology Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of audio visual professional services for the new Fire Station 8/EOC/Training Center from InHouse Systems, Inc. in an amount not to exceed \$31,500.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

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

The City is currently in the process of finishing construction of the new Fire Station 8/ EOC/ Training Center in an effort to promote a great conference and meeting facility. To be an effective, collaborative and professional Training Center and EOC, the audio visual should be available in all of the conference rooms. The Operations Room, where agency representatives will assemble, must provide the essential elements that will be needed during a disaster. It must be large enough to provide sufficient space for one or two representatives from each planned agency based on the list developed during the planning process. The Operations Room must also incorporate the following features:

- Adequate space for media assembly and briefing in a separate area
- Plan for an interruption of water supply.
- Should be suited for multiple use including meetings and training.
- Adequate space for a Lead Agency/Executive Room

EOC's and Fire Training Centers are also highly technical facilities, incorporating sophisticated technology and equipment. Each system needs to be identified early in the planning process and defined in terms of its own requirements (power, cooling, water, access, etc.) as well as any unique requirements that it may require. Service areas for specialized equipment, as an example, have a direct impact upon facility size.

The City already had a Purchase order in the amount of \$24,143 with In-House Systems of Temple to provide Audio Visual Professional Service at EOC and Training facilities of Fire Station 8 but another \$7,357 is needed to finish the project due to additional needs that were identified by the Fire Department and Information Technology. In-House Systems had already been contracted by Chaney-Cox at Fire Station 8/EOC/Training Center to provide audio integration, equipment and services to provide audio for emergency calls from the Dispatch Center and decided to continue the work with In-House in this capacity for the EOC/Training Center and requested a single source justification for this work

We feel it would be beneficial to continue to keep In-House in this capacity for the Audio/Visual installation on the EOC and Training Center side. They already have supplied the equipment and integration on the Fire Station 8 side and we will have to integrate the EOC/Training Center to Fire Station 8 for this purpose so it makes sense to use them for the same purpose. In-House Systems has also done all of the audio/visual installation for the new Central Fire Facility and Municipal Court/Water Business Office and, as mentioned, they already have the contract for the Fire Station 8 side. In-House is already familiar with all of the technology since they have implemented it at both stations, is also familiar with our standards and we have a good relationship for these types of services. In-House Systems pricing has always been competitive and are usually the lowest in these types of implementations and it is a local company.

FISCAL IMPACT: Funding for audio and visual professional services in the amount of \$31,500 is available in account #363-2200-522-68-51, project 100411 from the 2009 General Obligation Bond proceeds (GO Bonds).

ATTACHMENTS:
[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF AUDIO VISUAL PROFESSIONAL SERVICES FOR THE NEW FIRE STATION 8/EOC/TRAINING CENTER FROM INHOUSE SYSTEMS, INC., IN AN AMOUNT NOT TO EXCEED \$31,500; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, construction of the new Fire Station #8/EOC/Training Center is nearing completion – to be an effective, collaborative, and professional Training Center and EOC, audio visual must be available in all conference rooms;

Whereas, the Staff recommends purchasing these audio visual professional services from InHouse Systems, Inc., for a cost not to exceed \$31,500;

Whereas, funding for audio and visual professional services for Fire Station #8 is available in Account No. 363-2200-522-6851, project #100411, from the General Obligation Bond proceeds (GO Bonds); 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 audio visual professional services for the new Fire Station 8/EOC/Training Center from InHouse Systems, Inc., in an amount not to exceed \$31,500, and authorizes the City Manager, or his designee, to execute any documents that may be necessary for this purchase, after approval as to form by the City Attorney.

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 **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

07/21/11
Item #7(J)
Consent Agenda
Page 1 of 6

DEPT. / DIVISION SUBMISSION & REVIEW:

Brian Mabry, Planning Director

ITEM DESCRIPTION: SECOND READING – 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. **(Note: Approval of this item on consent agenda will rezone the subject property to PD-O1, as approved on first reading by the City Council and with concurrence of applicant.)**

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

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
<p>5/16/11</p> <p>P&Z Meeting</p>	<p><u>Commissioners and Staff</u> (owner absent)</p> <p><u>Residents:</u> Bobby & Loretta Marks, Marquita Darland, Fred & Karen Huebner, and Cynthia Bayley,</p>	<p>Staff Recommendation: O1 to O2. Public Comment about this case revealed that residents were not happy with solution of straight O2 zoning district.</p> <p>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.</p>
<p>5/24/11</p> <p>Meeting at Red Door Cafe - Tuscan Square</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><u>Staff:</u> Brian Mabry and Leslie Matlock</p>	<p>Discussion resulted in agreement: O1 to PD-O2 with the following stipulations:</p> <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.
<p>5/25/11</p> <p>Informal Evening Meeting at Residents Homes</p>	<p><u>Residents:</u> Loretta Marks, Jerry & Cynthia Taft, Clayton & Dawn Pick</p>	<p>Discussion resulted in email with following request from the residents: O1 to PD-O1 with the following stipulations:</p> <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

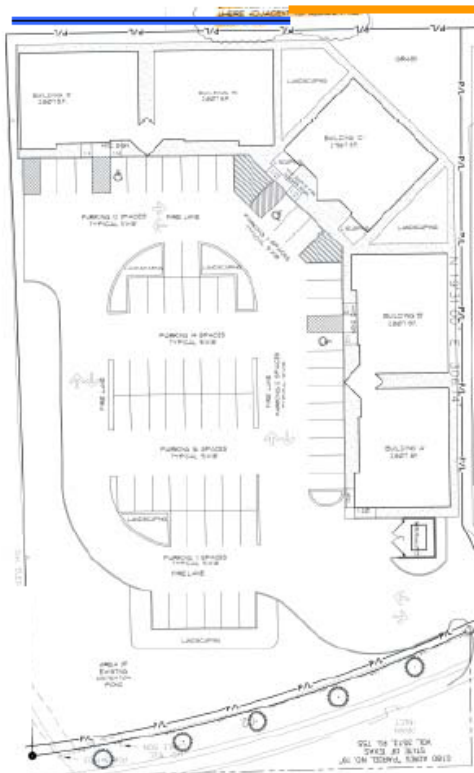
LMatlock Planning 4.28.11

Tuscan Square Site Plan

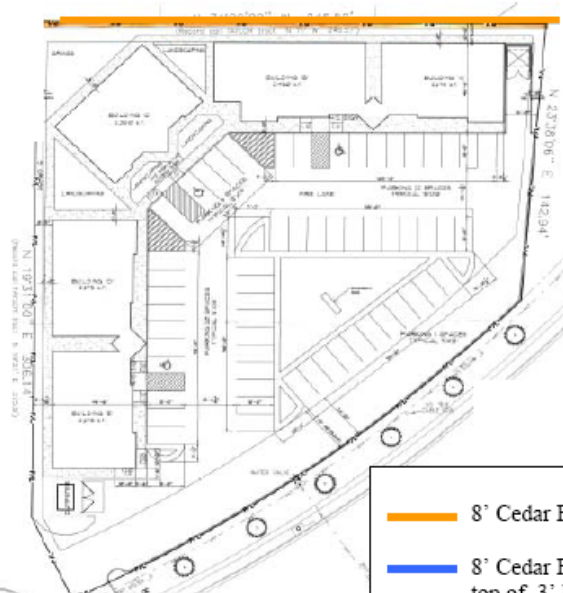
A&J Properties, Owner

Owners Proposal of June 8, 2011:

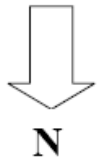
- 8-ft Cedar Stockade Fence with metal posts installed on top of retaining wall— finished side to the residential adjacency installed within 60 days of zoning approval by City Council
- Replace existing wood fences with 8-ft Cedar Stockade Panels on properties not adjacent to retaining wall.
- Agree 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

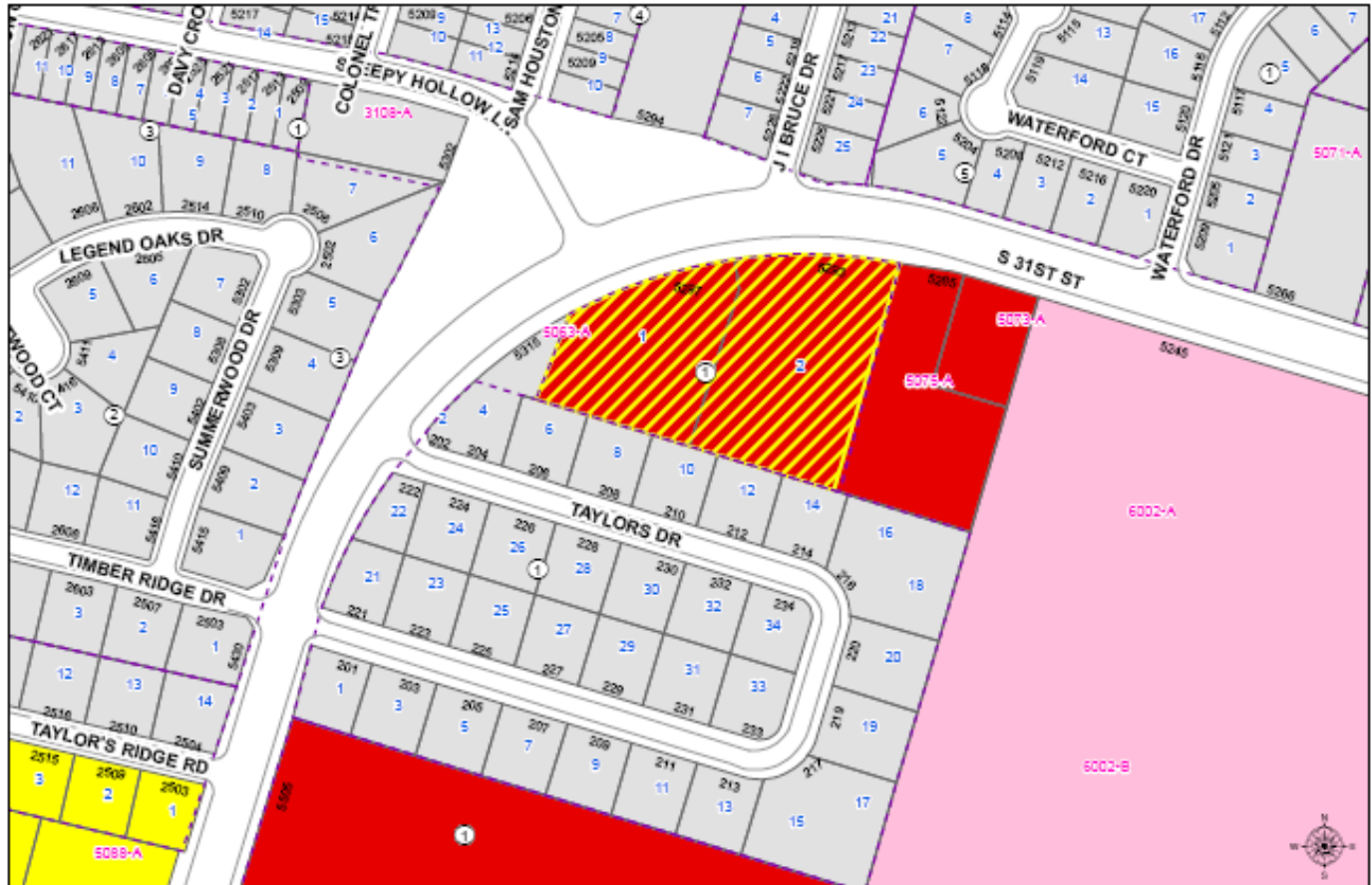




Z-FY-11-27

Lot 1 and 2, Block 1
Mullins Southwest Addition

5293 and 5297
South 31st Street



- | | | | | | |
|-----------------------|-------------------------|--------------------|---------------------------|-----------------------------------|--------------|
| ZFY 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 | |

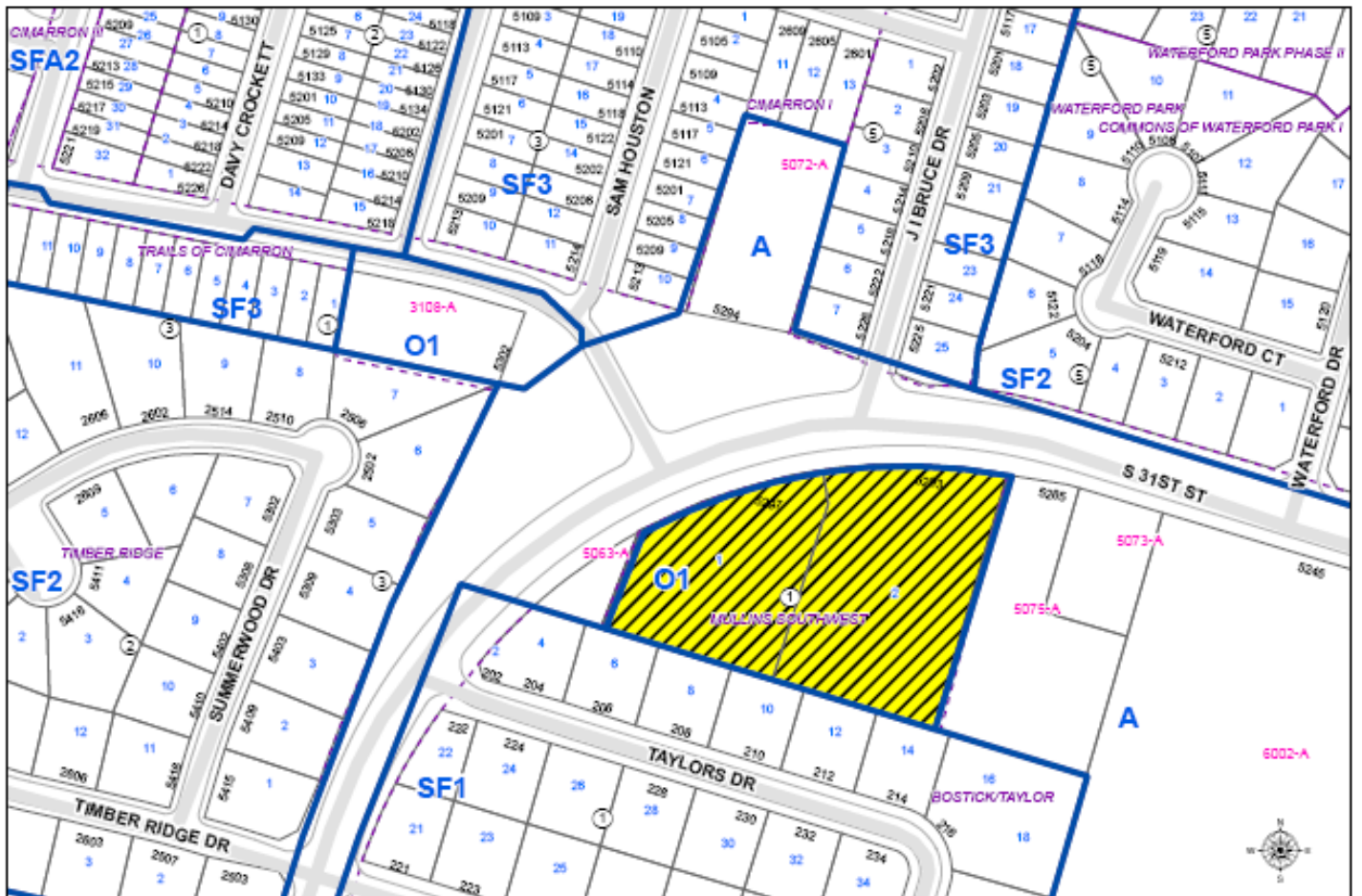
1 inch = 204 feet
LMatlock Planning 4.28.11




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

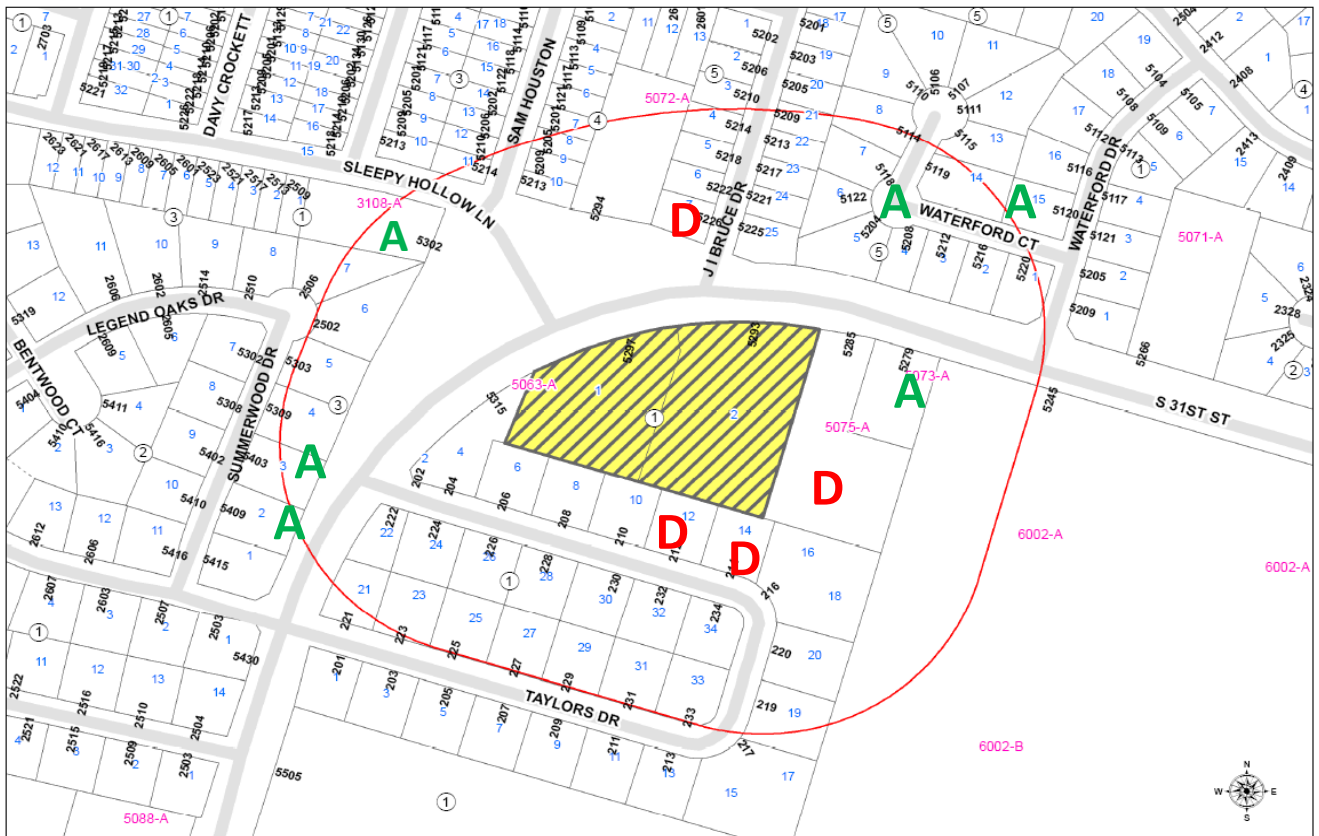
LMatlock Planning 4.28.11



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

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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
Planning Department
Room 201
Municipal Building
Temple, Texas 76501

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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

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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

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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

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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:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

07/21/11
Item #7(K)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Brian Mabry, Planning Director

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

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

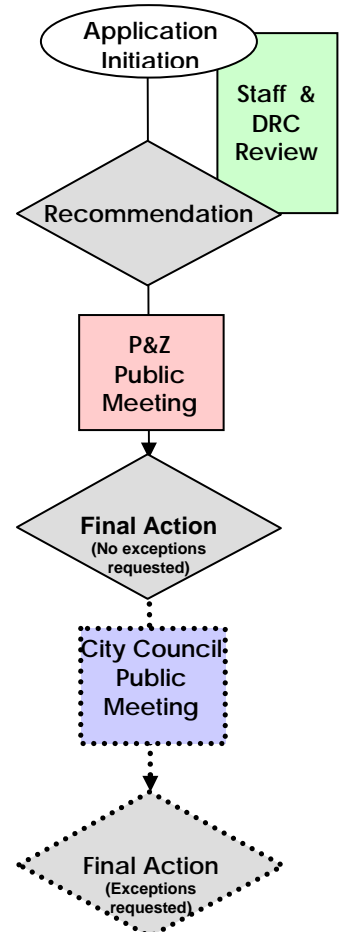
The Development Review Committee must review the submitted application and determine whether the application is administratively complete or not. Such determination should include comments relative to the proposed Preliminary Plat's compliance with Article 8 of this UDC, the Comprehensive Plan, the Design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

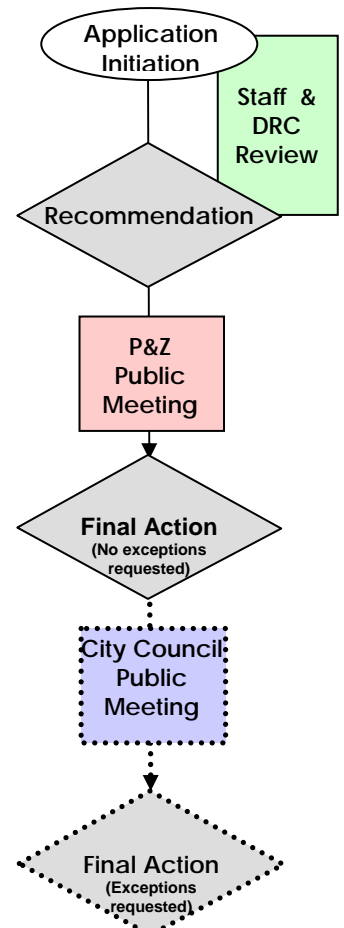
The Development Review Committee must review the submitted application and determine whether the application is administratively complete or not. Such determination should include comments relative to the proposed Final Plat's compliance with the Comprehensive Plan, the Design and Development Standards 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. 2011-4451

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; THOSE SUBDIVISIONS WHICH WERE GIVEN A TWO YEAR EXTENSION OF PLAT LIFE PURSUANT TO ORDINANCE NO. 2009-4304 ARE HEREBY GRANTED AN ADDITIONAL TWO YEAR EXTENSION OF LIFE; 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 Director of Planning is hereby authorized to grant one two-year extension of preliminary plat life to those subdivisions which were extended by him pursuant to Ordinance No. 2009-4304 approved on August 20, 2009.

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

07/21/11
Item #7(L)
Consent Agenda
Page 1 of 4

DEPT./DIVISION SUBMISSION & REVIEW:

Brian Mabry, Planning Director

ITEM DESCRIPTION: SECOND READING – 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. **(Note: Approval of this item on consent agenda will rezone the subject property to SF2, GR and MF2, as approved on first reading by the City Council and with the concurrence of the applicant.)**

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 a zone change from AG to SF2, MF2, and GR.

Vice-Chair Martin and Commissioner Brown were absent.

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

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:

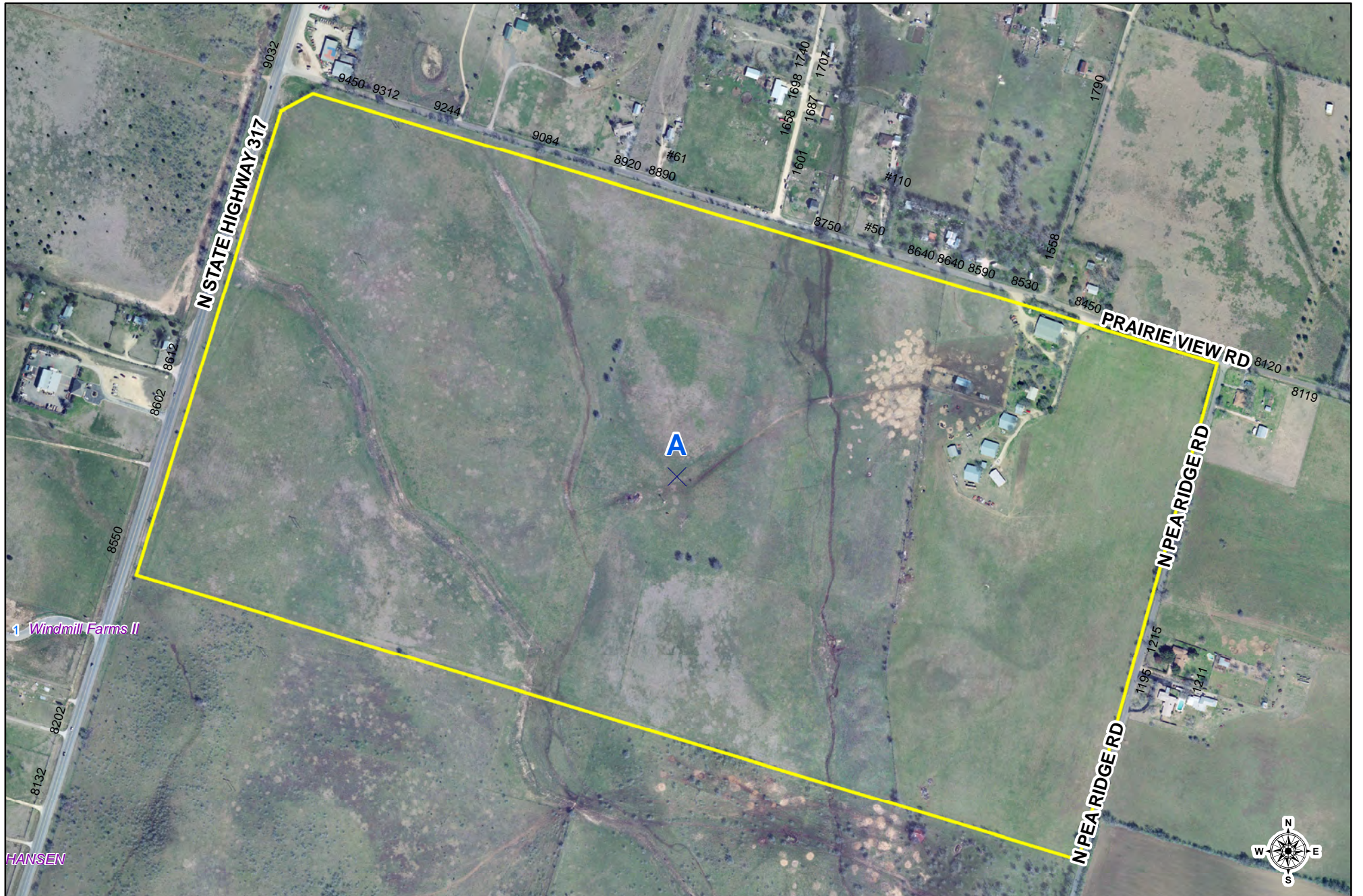
Aerial
Land Use and Character Map
Zoning Map
Utility Map
Thoroughfare Plan Map
Notice Map
P&Z Staff Report (Z-FY-11-29B)
P&Z Minutes (6/06/11)
Ordinance



Z-FY-11-29B

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

8857 Prairie View Rd



 Z FY 11-29

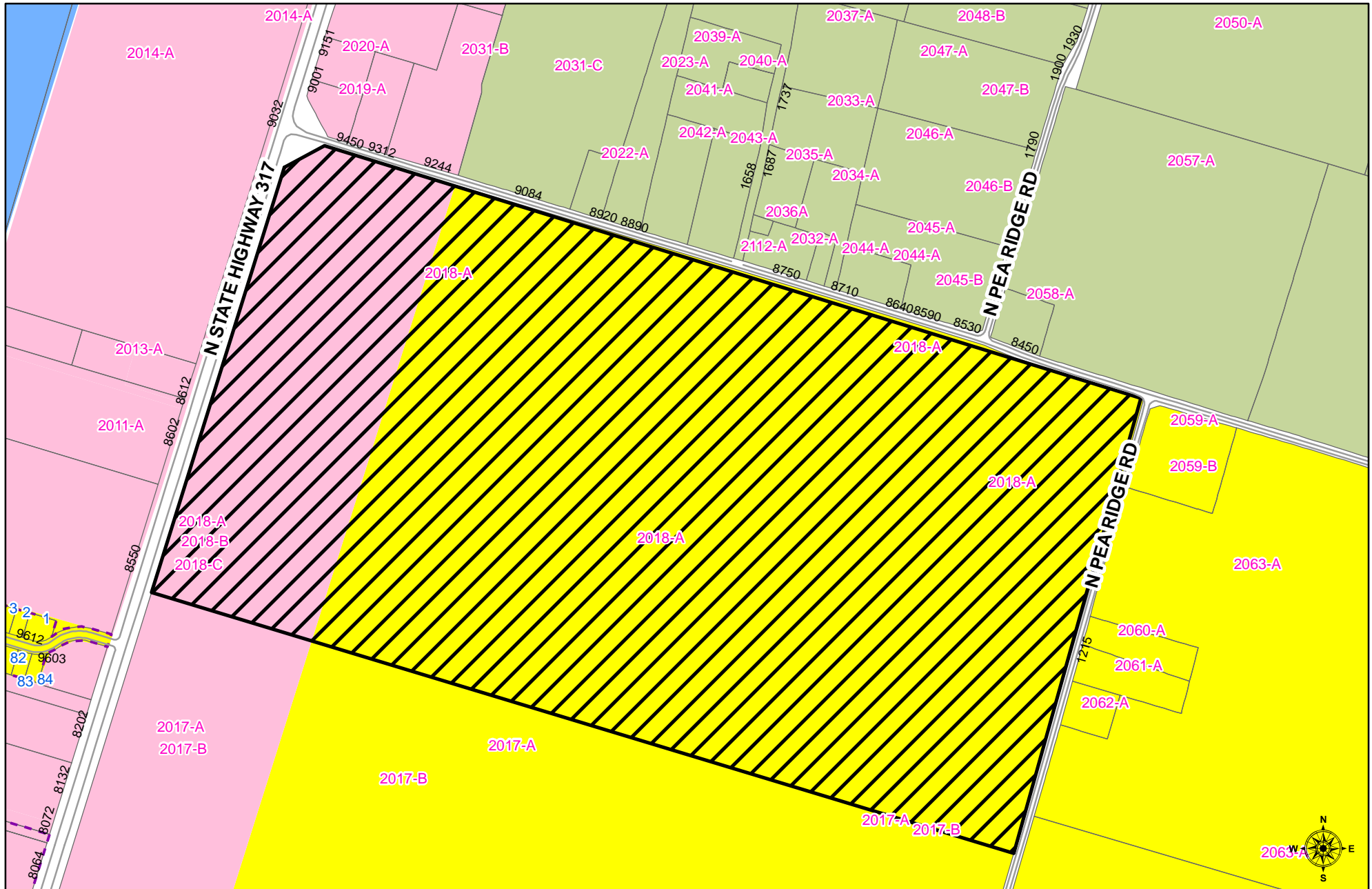
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LMatlock 05.10.11



Z-FY-11-29B Outblock 2018-A
Between SH 317 & 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

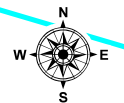
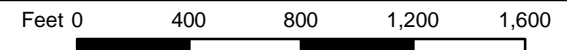
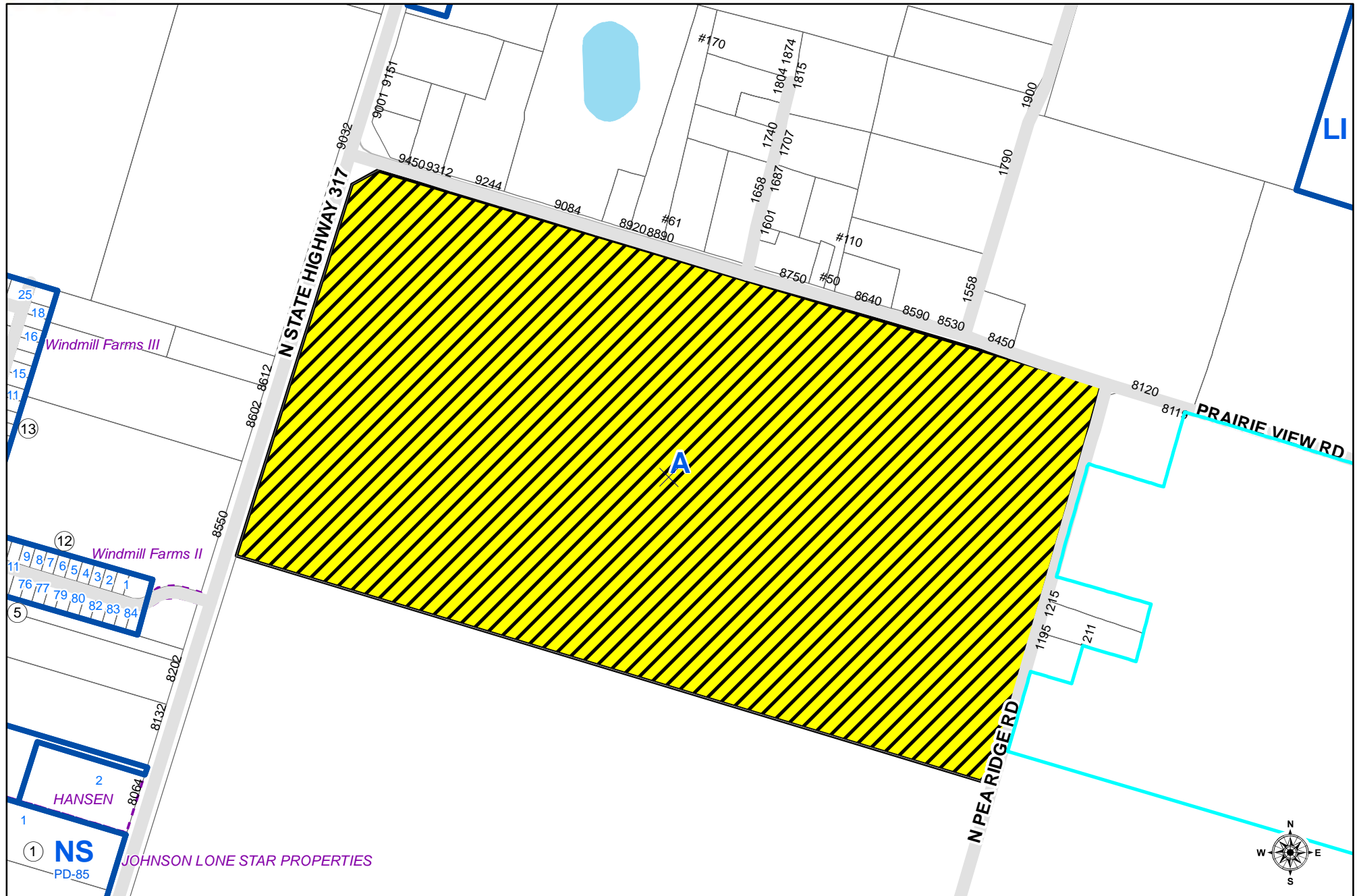
TLyerly Planning 5.26.11



Z-FY-11-29B

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

8857 Prairie View Rd



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

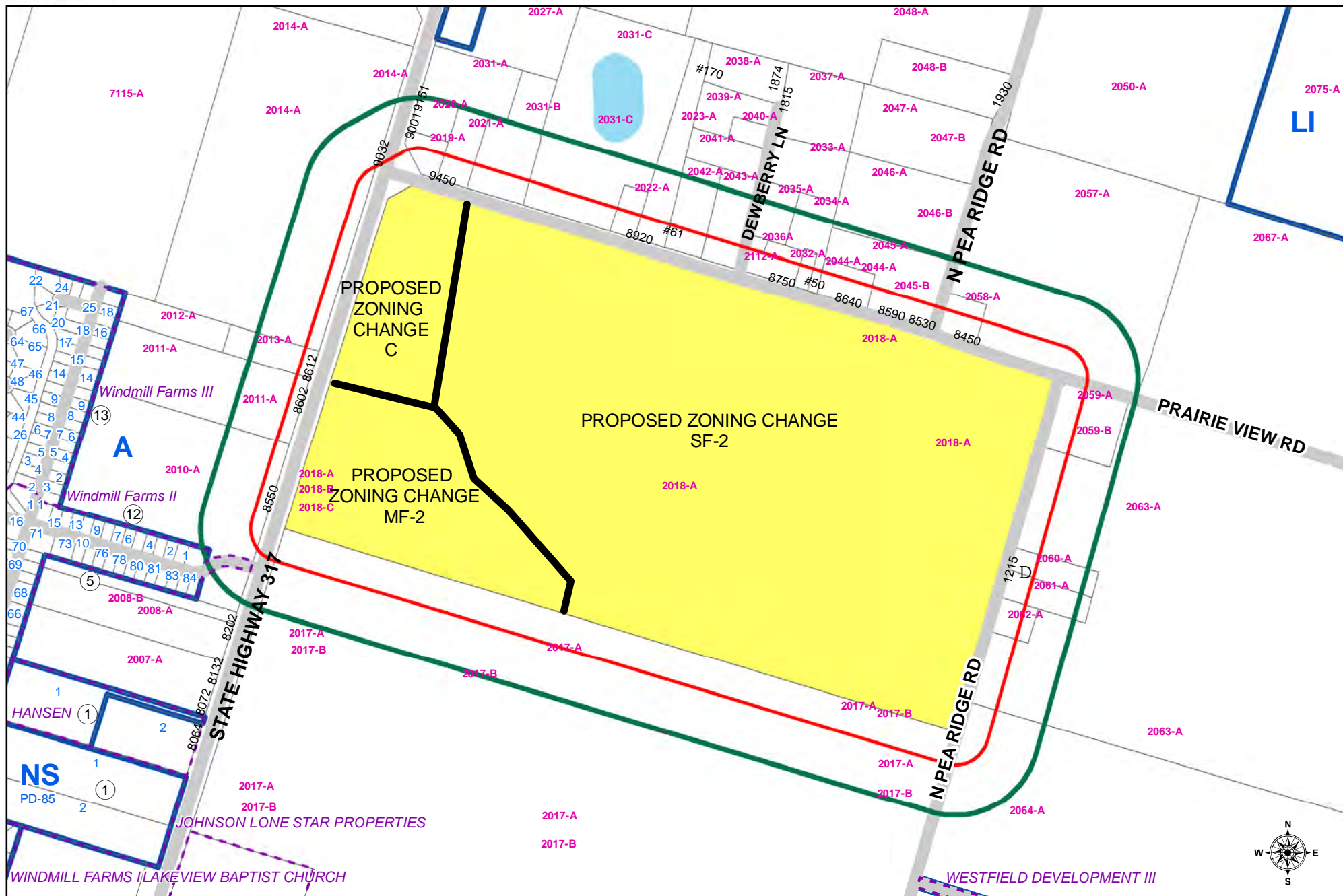
LMatlock 05.10.11



Z-FY-11-29B

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

8857 Prairie View Rd



- 200 ft buffer
- 500 ft Courtesy Buffer

C - Commercial District
SF-2 - Single Family Two District
MF-2 - Multi Family Two District

Feet 0 300 600 900 1,200 1,500

LMatlock 05.11.11



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

07/21/11
Item #7(M)
Consent 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: SECOND READING – 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: Adopt ordinance as presented in item description, on second and final reading.

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
Proposed Chapter 27 Storm Water Management – Erosion & Sedimentation



COUNCIL AGENDA ITEM MEMORANDUM

07/21/11
Item #7(N)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney

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

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](#)



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

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Item #7(O-1)
Consent Agenda
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DEPT./DIVISION SUBMISSION & REVIEW:

Traci L. Barnard, Director of Finance

ITEM DESCRIPTION: SECOND READING – Consider adopting an ordinance authorizing amendments to the Tax Increment Financing Reinvestment Zone No. 1 Financing and Project Plans to reallocate funding 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: Adopt ordinance as presented in item description on second and final reading.

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. A budget adjustment is attached for Council's approval appropriating the funds as outlined above.

ATTACHMENTS:

[Financing Plan](#)
[Summary Financing Plan with Detailed Project Plan](#)
[Budget Adjustment](#)
[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

FY 2011**BUDGET ADJUSTMENT FORM**

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

Adjustments should be rounded to the nearest \$1.

			+		-	
ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE		DECREASE	
795-9500-531-65-57	100810	OUTER LOOP (WENDLAND TO IH 35N)	1,200,000			
795-0000-358-11-10		UNDESIGNATED FUND BALANCE			1,200,000	
795-9500-531-65-58	100811	AIRPORT CORPORATE HANGAR DEV	\$1,300,000			
795-0000-411-01-11		AD VALOREM TAXES	558,506			
795-9500-531-65-57	100810	OUTER LOOP (WENDLAND TO IH 35N)	-		741,494	
		DO NOT POST				
TOTAL.....			\$3,058,506		\$1,941,494	

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

To reprioritize projects per the amendment to the Financing/Project plans. This amendment was approved by the Zone Board on 06/29/11. First reading of ordinance was approved by Council on 07/07/11. Second & final reading presented to Council on 07/21/11.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒

Yes

☐

No

DATE OF COUNCIL MEETING

7/21/2011

WITH AGENDA ITEM?

☒

Yes

☐

No

Department Head/Division Director

Date

☐

Approved

☐

Disapproved

Finance

Date

☐

Approved

☐

Disapproved

City Manager

Date

☐

Approved

☐

Disapproved

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

07/21/11
Item #7(O-2)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Sharon Rostovich, Airport Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick & Associates, LP, for design, bidding, construction administration, special services and on-site representation of the corporate hangar development project phase 1 at the Draughon-Miller Central Texas Regional Airport in the amount of \$191,965.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: In 2005, it was determined that the Reinvestment Zone's vision and the Airport Master Plan needed review to insure compatibility for future growth and development. The Reinvestment Zone Board and the Airport Advisory Board were in agreement that both plans should merge. In April 2007, City Council contracted with Leslie Sagar & Associates for professional planning and design services. June 2007, three development plans were accepted: Southeast Quadrant (Airport Park); Northwest Quadrant (support military growth) and General Aviation (includes corporate aviation).

The City has an immediate need to provide the necessary infrastructure to open up the corporate hangar development area. The project would allow McLane Company to construct their 25,000 square foot corporate hangar in the new development area and would allow the City to take over existing hangars, providing use for Temple Economic Development Corporation visiting prospects and others needing overnight aircraft storage. Timing of this project is critical to meet client schedule.

The specific scope of services to be provided by KPA include designing the corporate hangar area, west roadway, drainage, detention facilities, electric and wastewater relocation, connection to the General Aviation Terminal with parking, travel way and hangar taxiway for the area.

Design:	\$101,255
Bidding:	\$ 6,000
Construction Administration:	\$ 33,260
On-Site Representation:	\$ 29,250
Special Services:	\$ 22,200

Members of the Reinvestment Zone Project Committee presented a preliminary design to the Airport Advisory Board on June 27, 2011. The Reinvestment Zone No. 1 Board of Directors approved the proposal from KPA during their June 29, 2011 meeting.

FISCAL IMPACT: After the approval of the Financing Plan amendment presented to Council at the 07/21/2011 Council meeting, funding in the amount of \$191,965 is available for this professional services agreement in the Reinvestment Zone #1 Financing Plan, line 505, account 795-9500-531-6558, project 100811.

ATTACHMENTS:

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



KASBERG, PATRICK & ASSOCIATES, LP
CONSULTING ENGINEERS

Texas Firm F-510

RICK N. KASBERG, P.E.

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

THOMAS D. VALLE, P.E.

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

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

June 20, 2011

Ms. Sharon Rostovich
Airport Director
City of Temple
7720-F Airport Road
Temple, Texas 76501

Re: City of Temple
Corporate Hangar Design for the Draughton-Miller Central Texas Regional Airport

Dear Ms. Rostovich:

At the request of the City of Temple Reinvestment Zone #1 (TRZ) and the City of Temple, we are submitting this proposal for the above referenced project. This project will design the corporate hangar area, west roadway, drainage, detention facilities, electric relocation, wastewater relocation, connection to the General Aviation Terminal with parking, travel way and taxiway for the area. It will also complete environmental, geotechnical and archaeological investigations for the area. (see attached exhibit) We will also coordinate with the electric facilities to develop improvements to electrical infrastructure to allow the improvements to develop without interference with these facilities.

This project will design, prepare specifications and develop construction estimates for the project limits. The scope of work, at this time, will be plans and specifications, bidding, construction administration and on site representation. Meetings and discussions with City of Temple Staff and the Temple Reinvestment Zone #1 are included in the work as well as required information for the Federal Aviation Administration. Included in the project will be surveying, geotechnical investigations, environmental investigations, structural analysis and design for the taxiway and apron, drainage analysis and design, roadway horizontal and vertical geometry, intersection design, intersection horizontal and vertical geometry, utility design, electrical relocation design, cost estimates and specifications. The project will be complete in sixty (60) days from the notice to proceed.

This project will be developed in accordance with the Temple Reinvestment Zone 2022 Master Plan as developed by KPA and illustrated to McLane Corporation. We will keep members of the TRZ included in the entire project process. Design can be completed within sixty calendar days after the notice to proceed.

The scope of services for this project will include the following:

Final Design, Project Documents and Specifications

- Geotechnical investigations.
- Environmental investigations.
- Archaeological investigations.
- Drainage analysis for the project limits.
- Hydrological design of storm water flows within the project.
- Wastewater design.
- Electric relocation design.
- Design for storm water conveyance to existing facilities and waterways.
- Horizontal design for the intersection facilities and the connection to the General Aviation Terminal.
- Vertical design for the intersection facilities and the connection to the General Aviation Terminal.
- Plan and profile for the west roadway to the Airport.
- Roadway section design for the west roadway to the Airport.
- Meetings with City of Temple Staff, the Temple Reinvestment Zone and the Airport Advisory Board as required.
- Project specifications

Bidding

- Solicit bidders for the project.
- Hold and chair the pre-construction conference.
- Receive questions and issue all addenda.
- Receive bids and tabulate.
- Investigate the low bidders and offer a recommendation to the TRZ and City Council.
- Develop documents for award.

Construction Administration

- Hold and chair the pre-construction conference.
- Receive submittals and review.
- Review the jobsite.
- Hold progress meetings.
- Chair the project walk through.
- Develop record drawings.

Ms. Sharon Rostovich

June 20, 2011

Page Three

On Site Representation

- Provide on-site representation.
- The jobsite representation will be an average of three hours per day for the duration of the project.
- Attend progress meetings.
- Produce daily reports and submit to City Staff.

Please see the attached exhibit for the cost breakdown of the design phases of the project.

Design

Civil	\$	55,400
Taxi, Apron Electrical (PSC)	\$	45,855
Total Design Services	\$	101,255

Bidding

Bidding Services	\$	6,000
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Construction Administration

Construction Administration Services	\$	33,260
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On-Site Representation Services

On-Site Representative	\$	29,250
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Special Services

Surveys	\$	6,000
Geotechnical Investigations	\$	6,200
Environmental Investigations	\$	4,000
Archeological Investigations	\$	6,000
Total Special Services	\$	22,200

TOTAL SERVICES \$ 191,965

We can complete all the tasks represented for the lump sum cost of \$191,965. We are available to discuss the scope of the project at your convenience. Exhibit B outlines the tasks and costs associated with each task.

As always, we look forward to working with you on the project and to the enhancement that it will bring to the City of Temple.

Sincerely,



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

RDP/crc

Exhibit B

Project Name: Airport Hangar Design

Kasberg, Patrick & Associates, Temple, Texas

Task	Clerical	CADD Tech	Graduate Engineer	Project Engineer	Project Manager	Principal	Total Cost
Design							
Design surveys (All County Surveying)							\$ 6,000.00
Geotechnical investigations (Terracon)							\$ 6,200.00
Environmental investigations (Terracon)							\$ 4,000.00
Archaeological investigations (American Archaeology)							\$ 6,000.00
Taxi way, apron design and electrical relocation (PSC)							\$ 45,855.00
Incorporate survey data into surfaces & integrate with City aerials			12	0	6		\$ 3,870.00
Incorporate all existing utilities		22	10	6	2	2	\$ 3,760.00
Design wastewater relocation		22	14	6	1		\$ 4,090.00
Develop roadway sections/configurations		24	16	4	2	1	\$ 4,530.00
Develop storm water hydrology/hydraulics		12	18	10	6	2	\$ 5,480.00
Determine drainage infrastructure		22	22	4	2		\$ 4,820.00
Design stormwater detention requirements and design detention pond(s)		22	24	12	6	2	\$ 7,130.00
Design transition/connection to GA Terminal		20	14	12	10	4	\$ 6,950.00
Design west roadway		24	18	10	6	1	\$ 6,190.00
Review preliminary design with Staff and incorporate comments		4	2	0	0	2	\$ 890.00
Produce final drawings		4	6	4	3		\$ 1,950.00
Review final drawings	10	12	8	6	4		\$ 3,740.00
Prepare final documents for submission to the City							\$ 2,000.00
Deliverables							
Total Hours for Preliminary Design	10	204	164	74	48	14	
Hourly Rate	\$ 55.00	\$ 75.00	\$ 105.00	\$ 135.00	\$ 160.00	\$ 190.00	
Preliminary Design Total Cost	\$ 550.00	\$ 15,300.00	\$ 17,220.00	\$ 9,990.00	\$ 7,680.00	\$ 2,660.00	\$ 123,455.00

Task	Clerical	CADD Tech	Graduate Engineer	Project Engineer	Project Manager	Principal	Total Cost
Bidding							
Hold Pre-Bid Conference	10			4	4		\$ 1,730.00
Answer questions and issue addenda			10	6	2		\$ 2,180.00
Receive bids, tabulate and recommend bidder	4		4	2	2		\$ 1,230.00
Award bid to successful bidder	4				4		\$ 860.00
Total Hours for Preliminary Design	18	0	14	12	12	0	
Hourly Rate	\$ 55.00	\$ 75.00	\$ 105.00	\$ 135.00	\$ 160.00	\$ 190.00	
Preliminary Design Total Cost	\$ 990.00	\$ -	\$ 1,470.00	\$ 1,620.00	\$ 1,920.00	\$ -	\$ 6,000.00

Project Name: Airport Hangar Design

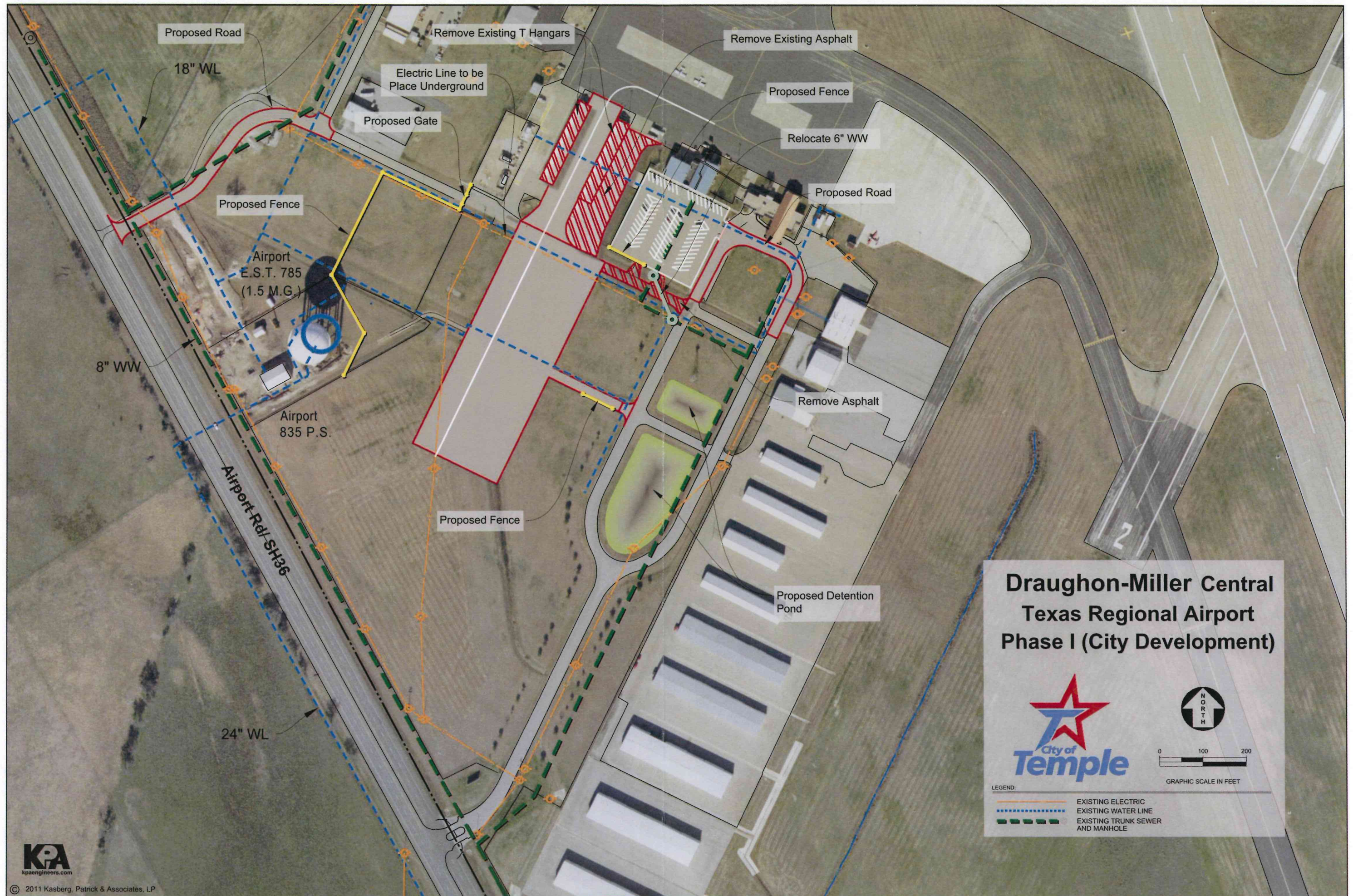
Kasberg, Patrick & Associates, Temple, Texas

Task	Clerical	CADD Tech	Graduate Engineer	Project Engineer	Project Manager	Principal	Total Cost
Construction Administration							
Prepare Contract Documents and distribute to contractor	8	16	6	4	2		\$ 3,130.00
Hold Pre-Construction Conference	2			6	4	1	\$ 1,750.00
Conduct weekly site visits			20	12	20	8	\$ 8,440.00
Hold construction progress meetings	8		12	16	14	4	\$ 6,860.00
Review submittals			28	18	8	4	\$ 7,410.00
Conduct final walk through					4		\$ 640.00
Prepare final punch list			4	4	4		\$ 1,600.00
Develop Record Drawings	6	20			10		\$ 3,430.00
Total Hours for Preliminary Design	24	36	70	60	66	17	
Hourly Rate	\$ 55.00	\$ 75.00	\$ 105.00	\$ 135.00	\$ 160.00	\$ 190.00	
Preliminary Design Total Cost	\$ 1,320.00	\$ 2,700.00	\$ 7,350.00	\$ 8,100.00	\$ 10,560.00	\$ 3,230.00	\$ 33,260.00

Task	On Site	CADD Tech	Graduate Engineer	Project Engineer	Project Manager	Principal	Total Cost
On Site Representation							
Three hours per day on average	390						\$ 29,250.00
Total Hours for Preliminary Design	390	0	0	0	0	0	
Hourly Rate	\$ 75.00	\$ 75.00	\$ 105.00	\$ 135.00	\$ 160.00	\$ 190.00	
Preliminary Design Total Cost	\$ 29,250.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 29,250.00

TOTAL PROJECT COST

\$ 191,965.00



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 DESIGN, BIDDING, CONSTRUCTION ADMINISTRATION, SPECIAL SERVICES AND ON-SITE REPRESENTATION OF THE CORPORATE HANGAR DEVELOPMENT PROJECT PHASE 1 AT THE DRAUGHON-MILLER CENTRAL TEXAS REGIONAL AIRPORT, IN AN AMOUNT NOT TO EXCEED \$191,965; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Reinvestment Zone #1 Board of Directors approved a proposal for design, bidding, construction administration, special services and on-site representation of the corporate hangar development project, Phase 1, at its meeting on June 29, 2011;

Whereas, the Staff recommends accepting the proposal submitted by Kasberg, Patrick & Associates, L.P., for this project in the amount of \$191,965;

Whereas, funds are available for this project in Account No. 795-9500-531-6558, project # 100811; 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 \$191,965, between the City of Temple, Texas, and Kasberg, Patrick & Associates, L.P., after approval as to form by the City Attorney, for design, bidding, construction administration, special services and on-site representation of the corporate hangar development project phase 1 at the Draughon-Miller Central Texas Regional Airport.

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 **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

07/21/11
Item #7(O-3)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Nicole Torralva, PE, Public Works Director

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick & Associates, LP, for engineering services required to prepare preliminary engineering design for the Outer Loop between Wendland Road to IH-35 for an amount not to exceed \$150,655.

STAFF RECOMMENDATION: Adopt resolution as presented in item description. The RZ No. 1 Board of Directors recommended approval of this agreement at its June 29th meeting.

ITEM SUMMARY: This portion of Outer Loop Road will provide a continuous connection from Wendland Road to the intersection at IH-35 (near Hart Road/Berger Road).

This project will consist of completing preliminary engineering design for the section of the Outer Loop in order to have a better understanding of cut and fill balance of roadway construction materials, primarily related to the NW Loop 363 Expansion Project. The Northwest Loop PTF (pass through funded) project is anticipated to need to remove approximately 300,000 cubic yards of excess fill material. It is anticipated that the Outer Loop Wendland to IH35 project will require most of this material in order to construct roadway embankments for the BNSF overpass and low-lying areas between two creek tributaries of Little Elm Creek.

Professional services will include horizontal and vertical geometry along the alignment of the Outer Loop to ensure compatibility with future phases. The scope of services include design surveys, geotechnical investigations, archeological investigations, preliminary bridge and drainage analysis, schematic design for storm water, horizontal and vertical alignments, intersection connection to Wendland and Berger Roads, project meetings, and final balanced material for cut/fill with quantities and specifications to be incorporated in the Loop 363 PTF project.

The proposed timeline for the design portion of this project is 30 days from the notice to proceed.

FISCAL IMPACT: The total cost of professional services for the Outer Loop Wendland Road to IH35 project is \$150,655. Funds are available in the Reinvestment Zone No.1 Financing Plan, Line 300, Acct #795-9500-531-6557, Project # 100810 for this professional services agreement after the approval of the Financing Plan amendment presented to Council at the 07/21/11 Council meeting.

ATTACHMENTS:

[KPA Engineer's Proposal](#)

[Outer Loop at Hard Road Extension Illustration](#)

[Resolution](#)



KASBERG, PATRICK & ASSOCIATES, LP

CONSULTING ENGINEERS

Texas Firm F-510

RICK N. KASBERG, P.E.

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

THOMAS D. VALLE, P.E.

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

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

June 20, 2011

Mr. Michael Newman, P.E., C.F.M.

City of Temple

3210 East Avenue H, Building A

Temple, Texas 76501

Re: City of Temple
Outer Loop from Wendland Road to IH35
Preliminary Design and Final Design

Dear Mr. Newman:

At the request of the City of Temple Reinvestment Zone #1 (TRZ), we are submitting this proposal for the above referenced project. This project will design the Outer Loop from Wendland Road to Berger Road and incorporate the plans that have already been designed for the section from Berger Road to the IH35 Intersection. (see attached exhibit) The final product will be shelf ready plans, specifications and estimates.

This project will design, prepare specifications and develop construction estimates for the project limits. The scope of work, at this time, will only include preparing shelf ready documents to be bid and constructed at a later date. Meetings and discussions with City of Temple Staff, The Temple Reinvestment Zone #1, TxDOT and BNSF Railroad, are included in the work. Included in the project will be surveying, geotechnical investigations, environmental investigations, structural analysis and design for the bridge crossing the BNSF mainline railroad, drainage analysis and design, roadway horizontal and vertical geometry, intersection design, intersection horizontal and vertical geometry, utility design, cost estimates and specifications. We have developed the cost estimate in two phases of design. Phase I will be Preliminary Design that will develop schematics and design to determine, the roadway section, geometry, bridge layout, required drainage in schematic form, surfacing, and grading to establish cuts and fills for the project. The bridge over the BNSF Railroad will be designed to incorporate the future receiving and delivery tracks that will serve the existing Rail Park. This phase will be expedited in design to determine the mass balance for the project to allow the Loop 363 Project to take advantage of material that will need to be hauled off that project to reduce costs for both projects. We will complete this phase in thirty (30) days to ensure coordination with the Loop 363 Project. Phase II of the project will be Final Design that will produce shelf ready plans and specifications for bidding the project. We will incorporate the Preliminary Engineering for the Final Engineering and the plans and specifications. The City and the TRZ can choose to just authorize the Phase I Preliminary Design to ensure coordination with the Loop 363 Project and take advantage of the excess material (if needed) for the Outer Loop from Wendland Road to IH35 Project or complete the shelf ready plans and specifications such that the project can be advertised and bid when the TRZ and City Staff choose to let the project.

This project will be developed in accordance with the Temple Reinvestment Zone 2022 Master Plan. We will keep members of the TRZ included in the entire project process. Phase I Preliminary Design can be completed within thirty calendar days after the notice to proceed. Phase II of the project can be complete and produce final plans and specification that are shelf ready within 210 calendar days from the completion of Preliminary Design. This anticipates the meetings with the various entities to complete this project and incorporate the comments into the project, provided the entities are cooperative in scheduling meetings.

The scope of services for this project will include the following:

Preliminary Design and Project Documents

- Design surveys.
- Geotechnical investigations.
- Environmental investigations.
- Archaeological investigations.
- Preliminary bridge structural analysis.
- Drainage analysis for the project limits.
- Preliminary hydrological design of storm water flows with in the project.
- Schematic design for storm water conveyance design to existing facilities and waterways.
- Schematic horizontal design for the intersection facilities.
- Schematic vertical design for the intersection facilities.
- Schematic plan and profile for the project limits.
- Schematic connection to Wendland Road
- Schematic connection to Berger Road
- Meetings with City of Temple Staff, the Temple Reinvestment Zone, BNSF and TxDOT.
- Final balanced material for cut/fill with quantities to be incorporated in the Loop 363 Project (if required).
- Project specification for fill material in the Loop 363 Project.

Final Design, Project Documents and Specifications

- Final design for storm water conveyance design to existing facilities and waterways.
- Final horizontal design for the intersection facilities.
- Final vertical design for the intersection facilities.
- Final plan and profile for the project limits.
- Final connection to Wendland Road.
- Final connection to Berger Road.
- Final design for utilities.
- Final design for the bridge and approach slabs for the bridge over the BNSF Railroad.
- Final design of the striping and signage for the project.
- Final design for the erosion control for the project.
- Final design for project phasing and traffic control.
- Development of project specifications.
- Development of final project cost estimates.
- Coordination with BNSF Railroad.

- Coordination with TxDOT.
- Production of final sets of plans on mylar ready for bidding.
- Meetings with City of Temple Staff, the Temple Reinvestment Zone, Temple College, Scott & White, other TMED Partners and TxDOT.

Phase I Preliminary Design

Design Surveys	\$	21,500
Preliminary Civil Design	\$	93,755
Preliminary Structural Design	\$	6,500
Geotechnical Investigations	\$	10,700
Environmental Investigations	\$	4,700
Archaeological Investigations	\$	13,500
Total Design Services		\$ 150,655

Phase II Final Design

Final Civil Design	\$	255,140
Final Structural Design	\$	92,400
Total Special Services		\$ 347,540

TOTAL DESIGN COST \$ 498,195

Please see the attached exhibit for the cost breakdown of the design phases of the project

We can complete all the tasks represented for the lump sum cost of \$498,195 for shelf ready plans and specifications ready to bid the project. Should the City and the TRZ decide to only authorize Phase I Preliminary Design at this time, we can complete all the tasks in the Preliminary Design Phase for the lump sum amount of \$150,655. We are available to discuss the scope of the project at your convenience. Exhibit B outlines the tasks and costs associated with each task.

As always, we look forward to working with you on the project and to the enhancement that it will bring to the City of Temple.

Sincerely,

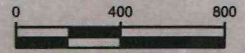
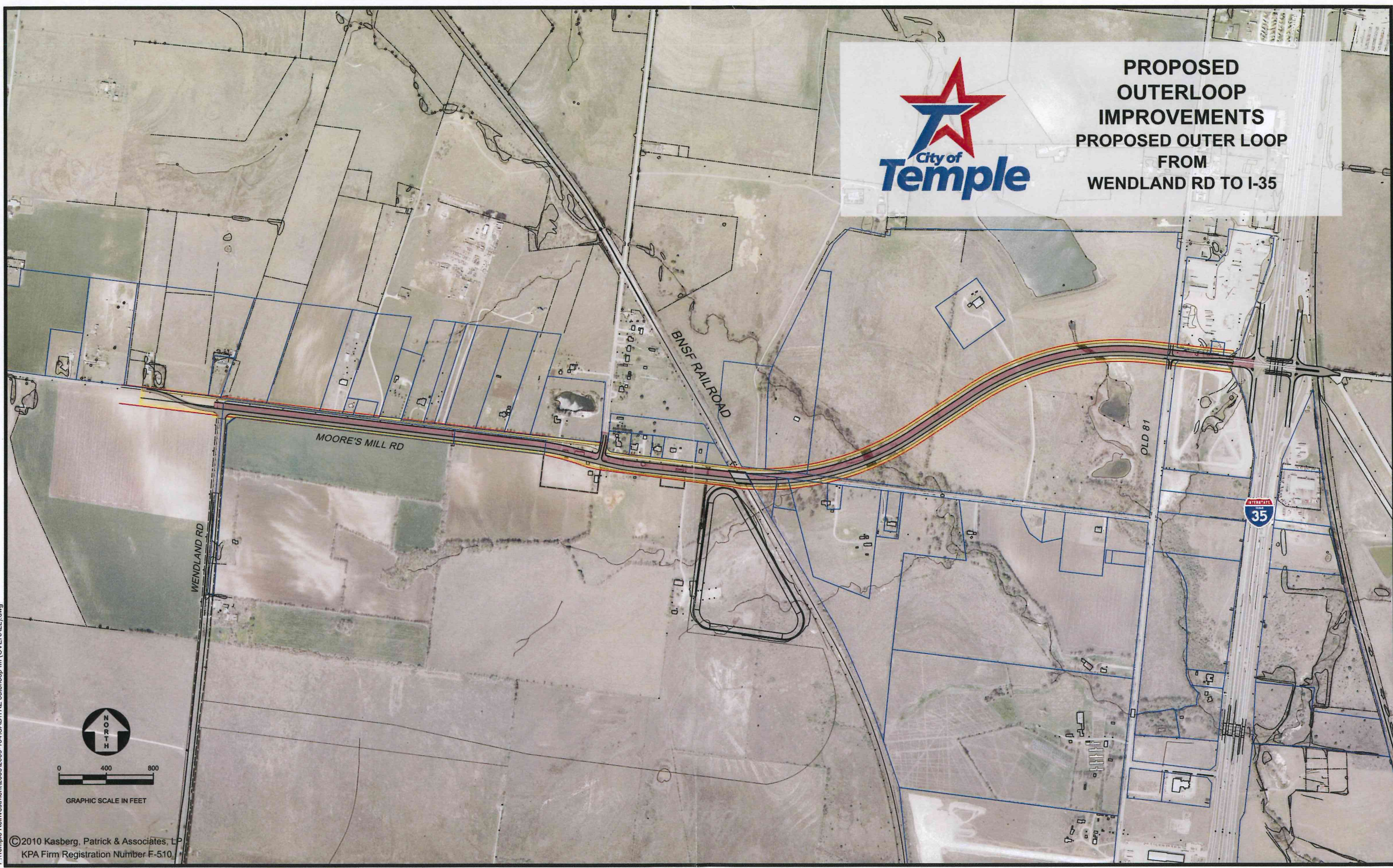


R. David Patrick, P.E., C.F.M.

RDP/crc



**PROPOSED
OUTERLOOP
IMPROVEMENTS
PROPOSED OUTER LOOP
FROM
WENDLAND RD TO I-35**



GRAPHIC SCALE IN FEET

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 ENGINEERING SERVICES REQUIRED TO PREPARE PRELIMINARY ENGINEERING DESIGN FOR THE OUTER LOOP BETWEEN WENDLAND ROAD TO IH-35, IN AN AMOUNT NOT TO EXCEED \$150,655; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the portion of the Outer Loop between Wendland Road to IH-35 will provide a continuous connection from Wendland Road to the intersection at IH-35 (near Hart Road/Berger Road)

Whereas, the Staff recommends accepting the proposal submitted by Kasberg, Patrick & Associates, L.P., for the preliminary engineering design for this project, in the amount of \$150,655;

Whereas, funds are available for this project in Account No. 795-9500-531-6557, project # 100810; 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 \$150,655, between the City of Temple, Texas, and Kasberg, Patrick & Associates, L.P., after approval as to form by the City Attorney, for engineering services required to prepare preliminary engineering design for the Outer Loop between Wendland Road to IH-35.

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 **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

07/21/11
Item #7(P)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney

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

ITEM SUMMARY: The Temple Police Association filed a petition with the City Secretary on April 1, 2011 proposing an amendment to the City Charter regarding the creation of a minimum staffing level for the number of police officers authorized for the City of Temple Police Department. 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.

The ordinance has been amended subsequent to the first reading to include required information relating to early voting and other standard election procedures. 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. 2011-4456

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

Whereas, the Temple Police Association filed a petition with the City of Temple on April 1, 2011 and the petition was verified by the City Secretary on April 4, 2011 as containing more than the required 1482 valid signatures of registered voters in the City of Temple and meeting the requirements of Texas Election Code Chapter 277 and Local Government Code Section 9.004 requiring the City Council to order a charter amendment election to be held on the next uniform election date, November 8, 2011;

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

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

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

Part 1: It is hereby ordered that a special charter amendment election be held on Tuesday, November 8, 2011, for the purpose of allowing voters to consider a proposed 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 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 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 3: Optical scan paper ballots shall be used for early voting, voting by mail and election day voting in each polling place, in conjunction with the ES&S Model Precinct Ballot Counter. The ES&S AutoMARK Voter Assist Terminal, which is Help America Vote Act (HAVA) compliant, will also be used for early voting and in each polling place on election day. Both systems of voting shall provide privacy for voters while casting their votes in accordance with Section 51.032 of the Texas Election Code. The vote for single proposition on the ballot shall be recorded in such a manner as will permit the voters to cast one vote either for or against the proposition.

Part 4: (a) **Early voting by personal appearance.** Any registered voter is eligible to vote early by personal appearance beginning on October 24, 2011, and ending on November 4, 2011, at the time, dates, and polling places as provided for in Exhibit "A" to this Ordinance.

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

(1) Applications for ballot by mail shall be mailed to Bell County Clerk, Attention Election Department, P.O. Box 480, Belton, Texas 76513, and must be received no later than November 1, 2011.

Part 5: The Mayor shall make proclamation of the November 8, 2011 election and issue, or cause to be issued, all necessary orders, writs and notices for said election and returns of said election shall be made to this the City Council immediately after the closing of the polls. The City Secretary shall cause notice of this election, in both English and Spanish, to be published and posted in compliance with Texas Election Code Section 4.003(a)(1) and 4.003(b) Local Government Code Section 9.004.

Part 6: Immediately after said election is held, the officers holding the same shall make returns on the result thereof to the Mayor of this City as required by the Election Code of this State.

Part 7: If any section or part of any section, paragraph, or clause of this resolution is declared invalid or unconstitutional for any reason, such declaration shall not be held to invalidate or impair the validity, force, or effect of any other section or sections, part of section, paragraph, or clause of this resolution.

Part 8: This ordinance shall take effect immediately from and after its passage, and it is accordingly so ordained.

Part 9: 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

Exhibit “A”

November 8, 2011 Early Voting Locations and Hours

- Belton – Bell County Courthouse Annex,
550 East 2nd Avenue
- Salado – Salado Civic Center,
601 North Main Street
- Killeen – Killeen Community Center,
2201 E. Veterans Memorial Blvd.
- Killeen – Bell County Annex,
301 Priest Drive
- Temple – Bell County Annex,
205 East Central Avenue
- Harker Heights – Parks & Recreation Center,
307 Millers Crossing

October 24, 2011 thru October 28, 2011
(Monday thru Friday) 8:00 am – 5:00 pm

October 29, 2011 (Saturday) 7:00 am – 7:00 pm

October 30, 2011 (Sunday) Noon – 5:00 pm

October 31, 2011 thru November 4, 2011
(Monday thru Friday) 7:00 am – 7:00 pm



COUNCIL AGENDA ITEM MEMORANDUM

07/21/11
Item #7(Q)
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Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Traci Barnard, Director of Finance

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

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

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

FISCAL IMPACT: The total amount of budget amendments is \$43,346.

ATTACHMENTS:

[Budget amendments](#)
[Resolution](#)

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2011 BUDGET
July 21, 2011

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
110-1400-511-2517		Election Expense (City Secretary's Office)	\$ 9,557	
110-0000-461-0865		Miscellaneous Reimbursements		\$ 9,557
<p>This budget adjustment recognizes reimbursement of election expenses from TISD in the amount of \$9,557 and appropriates the expenditures for the election expense account. The reimbursement is for expenses related to the City of Temple/TISD Joint Election in May 2011.</p>				
110-2011-521-2516		Judgments & Damages (Police Department)	\$ 356	
110-1500-515-6531		Contingency - Judgments & Damages		\$ 356
<p>Deductible reimbursement to the Texas Municipal League for attorney fees for a lawsuit filed against the City alleging unreasonable search and seizure by police officers of plaintiff's property and plaintiff's arrest on July 30, 2004.</p>				
110-2221-522-2136		Public Safety Expenditures (Fire Department)	\$ 2,322	
110-0000-313-0331		Reserve for Public Safety		\$ 2,322
<p>Appropriate Public Safety Advisory Board funds for improvements to the Fire Safety House.</p>				
110-2330-540-2516		Judgments & Damages (Solid Waste - Residential)	\$ 6,967	
110-1500-515-6531		Contingency - Judgments & Damages		\$ 6,967
<p>Deductible reimbursements to the Texas Municipal League for: (1) expenses related to an employee discrimination complaint filed against the City by a former employee (\$1,042.40); (2) damage to a parked vehicle at 325 Fallen Leaf Lane when the claw on a garbage truck failed to drop a trash can picked up by the truck (\$5,000); and (3) damage to a vehicle after it was struck by a garbage truck backing up at the intersection of Hemlock and Dove Lane (\$923.88).</p>				
110-3292-551-2513		Special Services (Recreation)	\$ 10,000	
110-3292-551-2510		Contributions/Prizes	\$ 3,100	
110-0000-445-0492		Softball Entry Fees		\$ 6,800
110-0000-445-0494		Volleyball Entry Fees		\$ 4,000
110-0000-445-0498		Soccer Entry Fees		\$ 2,300
<p>Additional funds are needed in Special Services in order to pay officials for athletic leagues. Funds are needed in Contributions/Prizes for team awards. League registrations for softball, volleyball and soccer have all increased creating an increase need for officials and prizes/awards.</p>				
110-3500-552-2516		Judgments & Damages (Parks Department)	\$ 419	
110-1500-515-6531		Contingency - Judgments & Damages		\$ 419
<p>Settlement of claim filed against the City seeking reimbursement for damage to the window on a residence at 8714 Hanson Cab Circle after it was struck by a rock thrown by a mower operated by a Parks employee on June 23, 2011.</p>				
110-3700-524-2516		Judgments & Damages (Construction Safety)	\$ 1,153	
110-1500-515-6531		Contingency - Judgments & Damages		\$ 1,153

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2011 BUDGET
July 21, 2011

			APPROPRIATIONS	
ACCOUNT #	PROJECT #	DESCRIPTION	Debit	Credit
		Deductible reimbursement to the Texas Municipal League for expenses related to a former employee's termination appeal.		
110-4000-555-2721		Food Products (Library)	\$ 500	
110-0000-461-0843		Library Reimbursements		\$ 500
		Increasing revenue account and cost of goods sold to cover coffee pods and coffee pot rental.		
240-4400-551-2117		Janitorial Supplies (Mayborn Center)	\$ 500	
240-4400-551-2618		Uniform & Supply Rental	\$ 1,100	
240-4400-551-2623		Other Contracted Services	\$ 3,000	
240-4400-551-2725		Alcohol Beverages	\$ 3,000	
240-0000-445-1072		Alcohol Revenue		\$ 3,000
240-0000-445-1021		Facility Rental Revenue		\$ 4,600
		Increased bookings have created increased costs in Other Contracted Services (temporary services), Uniform & Supply Rental (uniforms), and Janitorial Supplies. These costs can be offset by Facility Rental Revenue. Due to increased alcohol sales, more funds are needed for cost of goods sold. These added funds will be offset by Alcohol revenue.		
520-5200-535-2516		Judgments & Damages (Water Distribution)	\$ 1,372	
520-5200-535-6532		Contingency		\$ 1,372
		Deductible reimbursement to the Texas Municipal League for settlement of a claim filed against the City seeking reimbursement for damage to a vehicle after the driver of a City vehicle made an unsafe lane change and struck the vehicle in the 1100 Block of North 3rd Street.		
TOTAL AMENDMENTS			\$ 43,346	\$ 43,346
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	\$	(79,184)
		Net Balance of Judgments & Damages Contingency Account	\$	816
		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	\$	-

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2011 BUDGET
July 21, 2011

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
		Net Balance Council Contingency		\$ 56,657
		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	\$	(25,372)
		Net Balance of Contingency Account	\$	24,628
		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		\$ 24,628
		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 **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

07/21/11
Item #8
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Walter Hetzel, Animal Services Director

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING - Consider adopting an ordinance amending the Code of Ordinances, Chapter 6, “Animals and Fowl”, Sec 6-18, Definitions of Wild Animal, to amend the definition of alligator and crocodile to those over 2.5 feet long.

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance as presented in item description, on first reading, and schedule second reading and final adoption for August 4, 2011.

This Code amendment was recommended for Council approval by the Animal Services Advisory Board at its June 13th meeting.

ITEM SUMMARY: The current wording of the City ordinance prohibits the possession of any crocodile or alligator based on a danger to the public. The suggested wording would delineate, by size, which alligators and crocodiles are not allowed and still give citizens authority to possess small ones that have little potential to cause harm.

Sec. 6-18. Definitions

Wild animal. Any animal not ordinarily tame or domesticated, or which by its very nature has propensities toward inflicting serious bodily harm. Any animal or reptile which, in its natural state, possess dangerous or vicious propensities and includes, but is not limited to coyotes, wolves, bears, wildcats (puma, bobcat, lynx), lions, tigers, poisonous snakes, alligators (**over 2.5 feet long**), crocodiles (**over 2.5 feet long**), and monkeys, whether or not said animal or reptile has been tamed.

FISCAL IMPACT: None

ATTACHMENTS:

[Ordinance](#)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING CHAPTER 6, "ANIMALS AND FOWL," OF THE CODE OF ORDINANCES OF THE CITY OF TEMPLE BY AMENDING SECTION 6-18, "DEFINITIONS," TO CHANGE THE DEFINITION OF ALLIGATOR AND CROCODILE TO THOSE OVER 2.5 FEET LONG; PROVIDING A REPEALER; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Part 1: Chapter 6, "Animals and Fowl," of the Code of Ordinances of the City of Temple, Texas, is amended by amending Section 6-18, "Definitions," to change the definition of *Wild Animal*, to read as follows:

Section 6-18. Definitions.

Wild animal. Any animal not ordinarily tame or domesticated, or which by its very nature has propensities toward inflicting serious bodily harm. Any animal or reptile which, in its natural state, possess dangerous or vicious propensities and includes, but is not limited to coyotes, wolves, bears, wildcats (puma, bobcat, lynx), lions, tigers, poisonous snakes, alligators (over 2.5 feet long), crocodiles (over 2.5 feet long), and monkeys, whether or not said animal or reptile has been tamed.

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

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

Part 4: An offense under this Ordinance is a class C misdemeanor punishable in accordance with Section 1-9 of the City Code.

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 on the **21st** day of **July**, 2011.

PASSED AND APPROVED on Second and Final Reading on the **4th** day of **August**, 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

07/21/11

Item #9

Regular Agenda

Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Nicole Torralva P.E., Director of Public Works

Kenny Henderson, Superintendent of Street and Drainage Services

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING – Consider adopting an ordinance establishing the prima facie speed limit on FM 2305, within the City limits.

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance as presented in item description, on first reading, and schedule second reading and final adoption for August 4, 2011.

ITEM SUMMARY: Holy Trinity Catholic High School has requested that a School Zone be established on FM 2305 for their school. This prompted a traffic study by TxDOT to be performed. Based on Traffic Engineering Studies by the State, TxDOT has requested that the City adopt an ordinance setting the prima facie speed limits on FM 2305. The section of highway is described as follows:

Starting at M.P. 0.000, the speed limit shall be 45 MPH for a distance of 0.200 miles. The speed limit shall then be 50 MPH for a distance of 1.332 miles. The speed limit shall then be 50 MPH for a distance of 0.932 miles, except in times of ingress and egress, the speed limit shall be 35 MPH for a distance of .367 miles when flashing for School Zone. The speed limit shall then be 50 MPH for a distance of 3.216 miles, except in times of ingress and egress, the speed limit shall be 35 MPH for a distance of 0.151 miles when flashing for School Zone ending at M.P. 1.969.

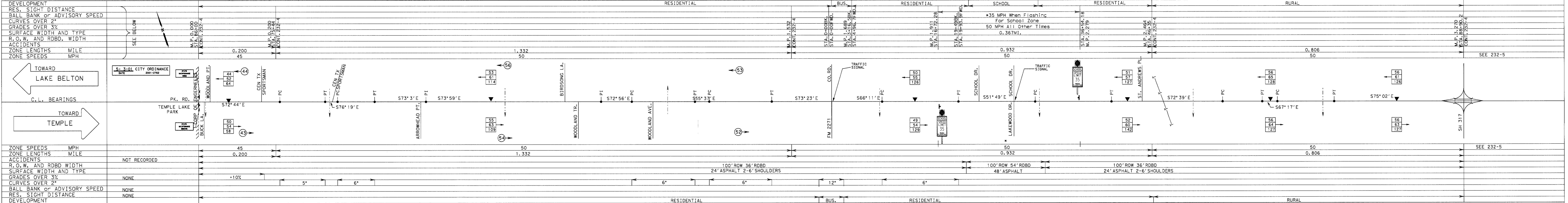
The City is required by TxDOT to re-adopt this speed limit at this time with changes being posted.

FISCAL IMPACT: The cost to install new mast arm type flashing beacons at Holy Trinity High School is \$17,518.01 which will be funded with Child Safety Fees. These fees are collected by the County on behalf of the City and must be spent on programs designed to enhance child safety.

ATTACHMENTS:

[Location Map](#)

[Ordinance](#)



DIST. WACO	COUNTY BELL	MINUTE NO. 108474	DATE 3/29/01
HIGHWAY FM 2305 CITY TEMPLE (INC.)		REPLACES 107806	DATE 3/25/99
DATE OF SURVEY 1/25/11	SCALE 1" = 400'	REPLACED BY 106847	DATE 6/18/96
LIMITS OF ZONE		CANCELED BY	DATE / /
SECTION ONE	LENGTH 1.532 MILES	SECTION TWO	LENGTH MILES
STA. OR M.P.	CONT. & SECT.	PROJECT	
BEGINS	M.P. 0.000	232-4	
	LAKE BELTON		
ENDS	M.P. 1.532	232-4	
	TEMPLE W. CITY LIMIT		

42

62

125

85 PERCENTILE SPEED
TOP SPEED MEASURED
NUMBER OF CARS CHECKED

●

●

○

—

FATAL ACCIDENT
PERSONAL INJURY ACCIDENT
PROPERTY DAMAGE ACCIDENT
INDICATES SECTION ZONED
BY COMMISSION MINUTE

SPEED ZONE

←(OO) INDICATES DRIVE THROUGH SPEED
DRIVE CONDUCTED BY: GARY SCOTT
1-26-11

MAP 2 OF 2

DEVELOPMENT
RES. SIGHT DISTANCE
BALL BANK or ADVISORY SPEED
CURVES OVER 2°
GRADES OVER 3%
SURFACE WIDTH AND TYPE
R.O.W. AND RDBD. WIDTH
ACCIDENTS
ZONE LENGTHS MILE
ZONE SPEEDS MPH

TOWARD
LAKE BELTON
C.L. BEARINGS
TOWARD
TEMPLE

ZONE SPEEDS MPH
ZONE LENGTHS MILE
ACCIDENTS
R.O.W. AND RDBD WIDTH
SURFACE WIDTH AND TYPE
GRADES OVER 3%
CURVES OVER 2°
BALL BANK or ADVISORY SPEED
RES. SIGHT DISTANCE
DEVELOPMENT

DIST. WACO COUNTY BELL		MINUTE NO.	DATE	/	/
HIGHWAY FM 2305 CITY TEMPLE (INC.)		REPLACES	DATE	/	/
DATE OF SURVEY 1 / 25 / 11 SCALE 1" = 400'		REPLACED BY	DATE	/	/
		CANCELED BY	DATE	/	/
LIMITS OF ZONE					
SECTION ONE		LENGTH	MILES	SECTION TWO	
STA. OR M.P.		CONT. & SECT.	PROJECT	STA. OR M.P.	
BEGINS				BEGINS	
ENDS				ENDS	

- 42 85 PERCENTILE SPEED
- 62 TOP SPEED MEASURED
- 125 NUMBER OF CARS CHECKED
- FATAL ACCIDENT
- PERSONAL INJURY ACCIDENT
- PROPERTY DAMAGE ACCIDENT
- INDICATES SECTION ZONED BY COMMISSION MINUTE

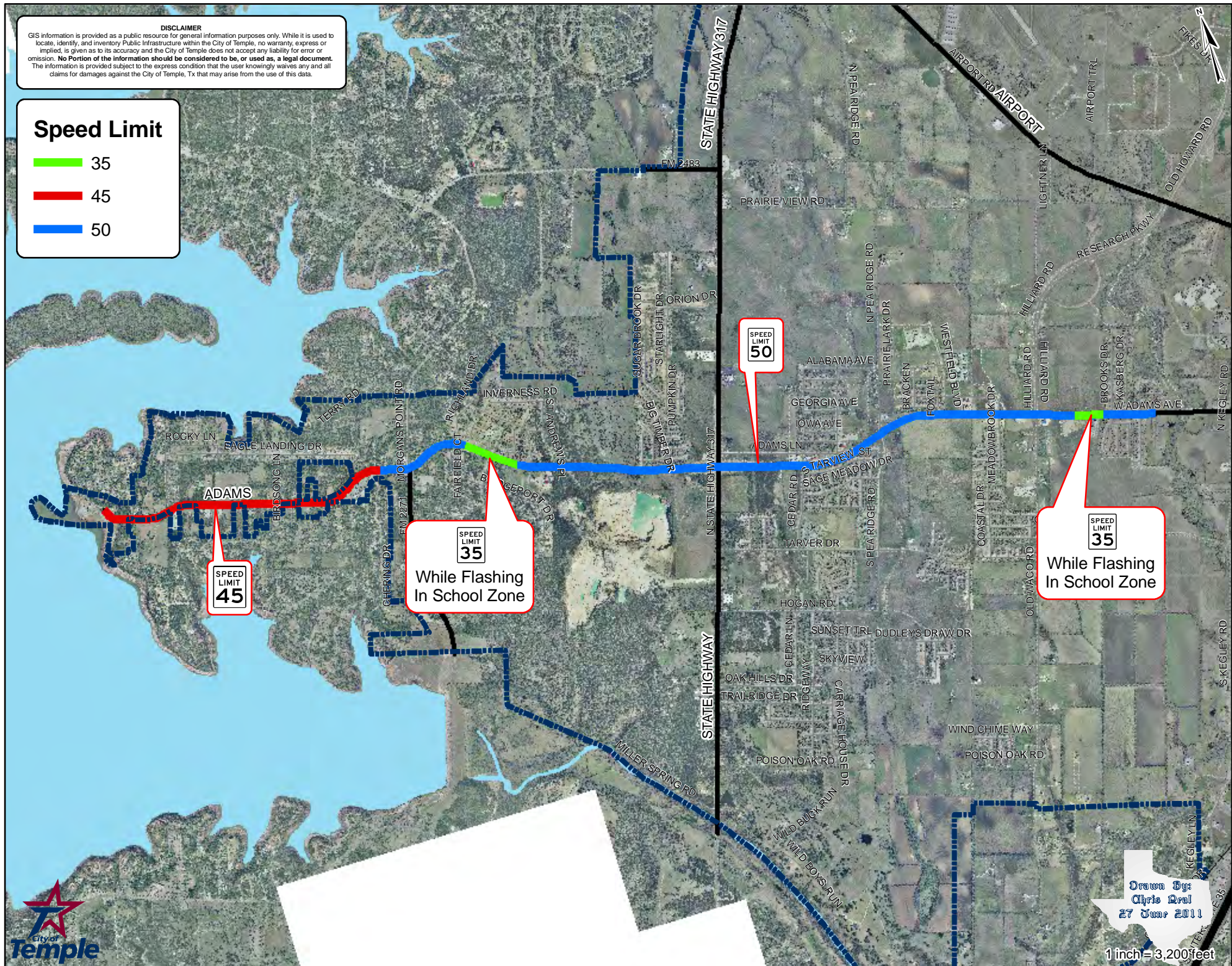
SPEED ZONE

DISCLAIMER

GIS information is provided as a public resource for general information purposes only. While it is used to locate, identify, and inventory Public Infrastructure within the City of Temple, no warranty, express or implied, is given as to its accuracy and the City of Temple does not accept any liability for error or omission. **No Portion of the information should be considered to be, or used as, a legal document.** The information is provided subject to the express condition that the user knowingly waives any and all claims for damages against the City of Temple, Tx that may arise from the use of this data.

Speed Limit

- 35
- 45
- 50



Drawn By:
Chris Drol
27 June 2011

1 inch = 3,200 feet

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, PROVIDING FOR REASONABLE AND SAFE PRIMA FACIE MAXIMUM SPEED OF MOTOR VEHICLES ON FM 2305, WITHIN THE CITY LIMITS; PROVIDING A REPEALER; PROVIDING FOR A PENALTY FOR VIOLATIONS NOT TO EXCEED \$500 FOR EACH VIOLATION; PROVIDING AN EFFECTIVE DATE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

WHEREAS, an engineering and traffic investigation has been made to determine the reasonable and prudent prima facie maximum speed for motor vehicles on FM 2305 in front of the Holy Trinity Catholic High School;

WHEREAS, these traffic investigations and engineering studies have determined the reasonable and safe prima facie maximum speed limits, as more fully described herein; and

WHEREAS, the City Council has considered the matter and deems it in the public interest to approve these speed limits for the benefit of the citizens for the promotion of the public health, welfare, and safety.

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

Part 1: The City Council finds that the reasonable and prudent prima facie maximum speed limits for vehicular traffic on FM 2305 in front of the Holy Trinity Catholic High School are as follows:

Starting at M.P. 0.000, the speed limit shall be 45 MPH for a distance of 0.200 miles. The speed limit shall then be 50 MPH for a distance of 1.332 miles. The speed limit shall then be 50 MPH for a distance of 0.932 miles, except in times of ingress and egress, the speed limit shall be 35 MPH for a distance of .367 miles when flashing for School Zone. The speed limit shall then be 50 MPH for a distance of 3.216 miles, except in times of ingress and egress, the speed limit shall be 35 MPH for a distance of 0.151 miles when flashing for School Zone ending at M.P. 1.969.

Part 2: It shall be unlawful for any person to drive or operate a motor vehicle, bicycle, or other vehicle of any kind, whether or not motor powered, on that portion of the roadways described above under the conditions described herein, at a speed greater than is reasonable and prudent under the circumstances then existing, but any speed in excess of the reasonable and prudent prima facie maximum speed limits as set forth in Part 1 hereof shall be prima facie evidence that such speed is not reasonable or prudent and that it is unlawful.

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: A person who violates a provision of this ordinance is guilty of a separate offense for each day or portion of a day which the offense is committed, continued, or permitted, and each offense is punishable by a fine not to exceed \$500.

Part 5: 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 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 on the **21st** day of **July**, 2011.

PASSED AND APPROVED on Second Reading on the **4th** day of **August**, 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

07/21/11
Item #10(A)
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

David Blackburn, City Manager

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING – Receive public comments and consider adopting an ordinance authorizing the annexation of 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.

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance as presented in item description, on first reading, and schedule second reading and final adoption for August 4, 2011.

ITEM SUMMARY: This annexation tracks with rezoning case Z-FY-11-28, a request to go from Agricultural (the default zoning district upon annexation) to Commercial.

The property is located near the intersection of State Highway 36 and Moffat Road and contains approximately three acres. The property includes an existing boat storage facility. The property owner, who signed a non-annexation agreement with the City in 2007, wishes to add more boat storage units to the property. Under the terms of the non-annexation agreement, any future development requires that the applicant submit a voluntary request for annexation.

On June 2, 2011, the City Council adopted a resolution directing City staff to create a Municipal Service Plan and public hearing schedule in anticipation of the annexation of the subject property. On June 16 and 17, City staff presented the Municipal Service Plan for the property at two public hearings. No one spoke in favor of or in opposition to the request at either hearing.

This meeting is the last opportunity for the Council to receive citizen comments regarding the proposed annexation. Following the public hearing, staff recommends the Council approve the ordinance on first reading. The second and final reading will be conducted on Thursday, August 4, 2011, at the regular City Council meeting.

FISCAL IMPACT: Future tax revenue. The Municipal Service Plan does not contain any proposal to extend water or wastewater services to the area, or any other new physical facilities to serve this small tract.

ATTACHMENTS:

Municipal Service Plan
Field Notes of Study Area
Map of Study Area
Ordinance

CITY OF TEMPLE

ANNEXATION SERVICE PLAN—VOLUNTARY ANNEXATION – LAWSON

For approximately 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, located in Bell County, and being more particularly described as Exhibit “A” and depicted as Exhibit “B” of the Annexation Ordinance (2011-####).

SERVICES TO BE PROVIDED ON THE EFFECTIVE DATE OF ANNEXATION

1. POLICE PROTECTION

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

2. FIRE PROTECTION AND AMBULANCE SERVICE

The City will provide fire protection from Station 5 to the newly-annexed area at the same or similar level of service now being provided to other areas of the City with the same or similar topography, land use and population density. The City will provide First Responder services through its Fire Department and contract for emergency medical services (EMS) through the Scott & White Hospital System.

3. SOLID WASTE COLLECTION

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

4. MAINTENANCE OF WATER AND WASTEWATER FACILITIES

Any and all water or wastewater facilities owned or maintained by the City at the time of the proposed annexation shall continue to be maintained by the City. Any and all water or wastewater facilities which may be acquired subsequent to the annexation of the proposed area shall be maintained by the City, to the extent of its ownership. Any and all water or wastewater facilities outside the extent of the ownership of the City, and owned by other water or wastewater providers shall continue to be allowed to provide those services to the newly-annexed tract.

5. MAINTENANCE OF ROADS AND STREETS

Any and all public roads, streets or alleyways which have been dedicated to the City, or which are owned by the City, shall be maintained to the same degree and extent that other roads, streets and alleyways are maintained in areas with similar topography, land use and population density. Any and all lighting of roads, streets and alleyways which may be positioned in a right-of-way, roadway or utility company easement shall be maintained by the applicable utility company servicing the City, pursuant to the rules, regulations and fees of such utility.

6. MAINTENANCE OF PUBLIC PARKS, PLAYGROUNDS AND SWIMMING POOLS

The City Council is not aware of the existence of any public parks, playgrounds or swimming pools now located in the area proposed for annexation. In the event any such parks, playgrounds or swimming pools do exist and are public facilities, the City, will maintain such areas to the same extent and degree that it maintains parks, playgrounds and swimming pools and other similar areas of the City now incorporated in the City.

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

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

8. CONSTRUCTION SAFETY

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

9. CODE ENFORCEMENT

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

10. MOWING

The City will provide right-of-way mowing services adjacent to the newly-annexed tract at the same or similar level of service now being provided to other areas of the City with the same or similar topography, land use and population density.

CAPITAL IMPROVEMENTS

1. POLICE PROTECTION, FIRE PROTECTION AND EMERGENCY MEDICAL SERVICES

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

2. ROADS AND STREETS

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

3. WATER AND WASTEWATER FACILITIES

The City of Temple has water facilities within the boundaries of the voluntary annexation, and proposes no other extension of water facilities to the area, taking into consideration the existing land use, and topography and population density relative to areas within the existing City Limits which do not have water services.

The City of Temple has no wastewater providers within the boundaries of the voluntary annexation and property owners rely on septic tank systems. The City of Temple proposes non extensions of wastewater facilities to the boundaries of the voluntary annexation taking into consideration existing service providers, the existing land use, and topography and population density relative to areas within the existing City Limits which do not have water services.

4. CAPITAL IMPROVEMENTS

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

SPECIFIC FINDINGS

The City Council finds and determines that this proposed Service Plan will not provide any fewer services, and it will not provide a lower level of service in the area proposed to be annexed than were in existence in the proposed area at the time immediately preceding the annexation process.

Because of the differing characteristics of topography, land utilization and population density, the service levels which may ultimately be provided in the newly annexed area may differ somewhat from services provided in other areas of the City. These differences are specifically dictated because of differing characteristics of the property and the City will undertake to perform consistent with this contract so as to provide the newly-annexed area with the same type, kind and quality of service presently enjoyed by the citizens of the City who reside in areas of the same or similar topography, land utilization and population density.

APPROVED ON THIS _____ DAY OF _____, 2011.

City of Temple, Texas

Mayor

ATTEST:

City Secretary

EXHIBIT A

Field Notes for a 3.00 acre tract of land out of the Sarah Fitzhenry Survey, Abstract #312, Bell County, Texas, and also being a part of a 15.00 acre tract of land described in a deed to Frank J. Lawson, recorded in Volume 4149, page 773 of the Deed Records of Bell County, Texas, said 3.000 acre tract being more fully described as follows:

Beginning at a 5/8" iron rod found in the North line of State Highway 36 for the Southwest corner of this tract of land , the Southwest corner of the aforementioned 15.00 acre tract of land and the Southwest corner of a 11.54 acre tract of land described in a deed to C. B. B. PROPERTIES, recorded in Document #2009-28362 of the Deed Records of Bell County, Texas.

Thence: North 27° 59' 04" West, 77.99 feet, (Deed North 26° 26' 29" West, 77.69 feet) with the South line of this tract of land, the South line of the aforementioned 15.00 acre tract of land and the North line of SH 36, to a Tex-Dot Monument an angle point in the South line of this tract of land, an angle point in the South line of the said 15.00 acre tract of land, and an angle point in the North line of SH 36.

Thence: North 45° 39' 51" West, 25.00 feet, (Deed North 43° 18' 49" West) continuing with the South line of this tract of land, the South line of the aforementioned 15.00 acre tract of land and the North line of SH 36 to a cotton spindle set in a gravel drive for the Southwest corner of this tract of land.

Thence: With the West line of this tract of land to wit:

North 44° 03' 04" East, 29.27 feet, an IRS w/ Cap#2181.
North 58° 39' 35" East, 81.11 feet, an IRS w/ Cap#2181.
North 30° 23' 35" East, 82.23 feet, an IRS w/ Cap#2181.
North 10° 10' 09" East, 63.25 feet, a Cotton Spindle Set.
North 47° 57' 48" East, 152.88 feet, an IRS w/ Cap#2181.
South 43° 45' 57" East, 81.28 feet, an IRS w/ Cap#2181.
North 48° 37' 31" East, 81.06 feet, an IRS w/ Cap#2181
North 41° 22' 29" West, 90.38 feet, an IRS w/ Cap#2181, and
North 48° 37' 31" East, 453.19 feet, to an IRS w/ Cap#2181 for the Northwest corner of this tract of land.

Thence: South 41° 22' 29" East, 165.00 feet with the North line of this tract of land to an iron rod set w/ cap#2181 in the East line of the aforementioned 15.00 acre tract of land and in the West line of the aforementioned 11.54 acre tract of land for the Northwest corner of this tract of land.

Thence: South 48° 37' 31" West, 943.37 feet with the East line of this tract of land, the East line of the aforementioned 15.00 acre tract of land and the West line of the aforementioned 11.54 acre tract of land to the place of BEGINNING, containing 3.00 acres.

Bearing Basis for this survey is Grid North, NAD 83, Zone 4203, Convergence = 1° 28' 54".

STATE OF TEXAS:
COUNTY OF BELL

KNOW ALL MEN BY THESE PRESENTS, that I, Carl B. Pearson, Registered Professional Land Surveyor, do hereby certify that I did cause to be surveyed on the ground on the 11th day of March, 2011, the above described tract of land and to the best of my knowledge and belief, said description is true and accurate.

IN WITNESS THEREOF, my hand and seal, this 11th day of April, 2011.

Carl B. Pearson
Registered Professional Land Surveyor
Seal No. 2181

TEMPLE CIVIL ENGINEERING
P.O. BOX 1129
TEMPLE, TEXAS 76503-1129



PART ONE - PLATS
PART TWO - FIELD NOTES
FNS - 8286

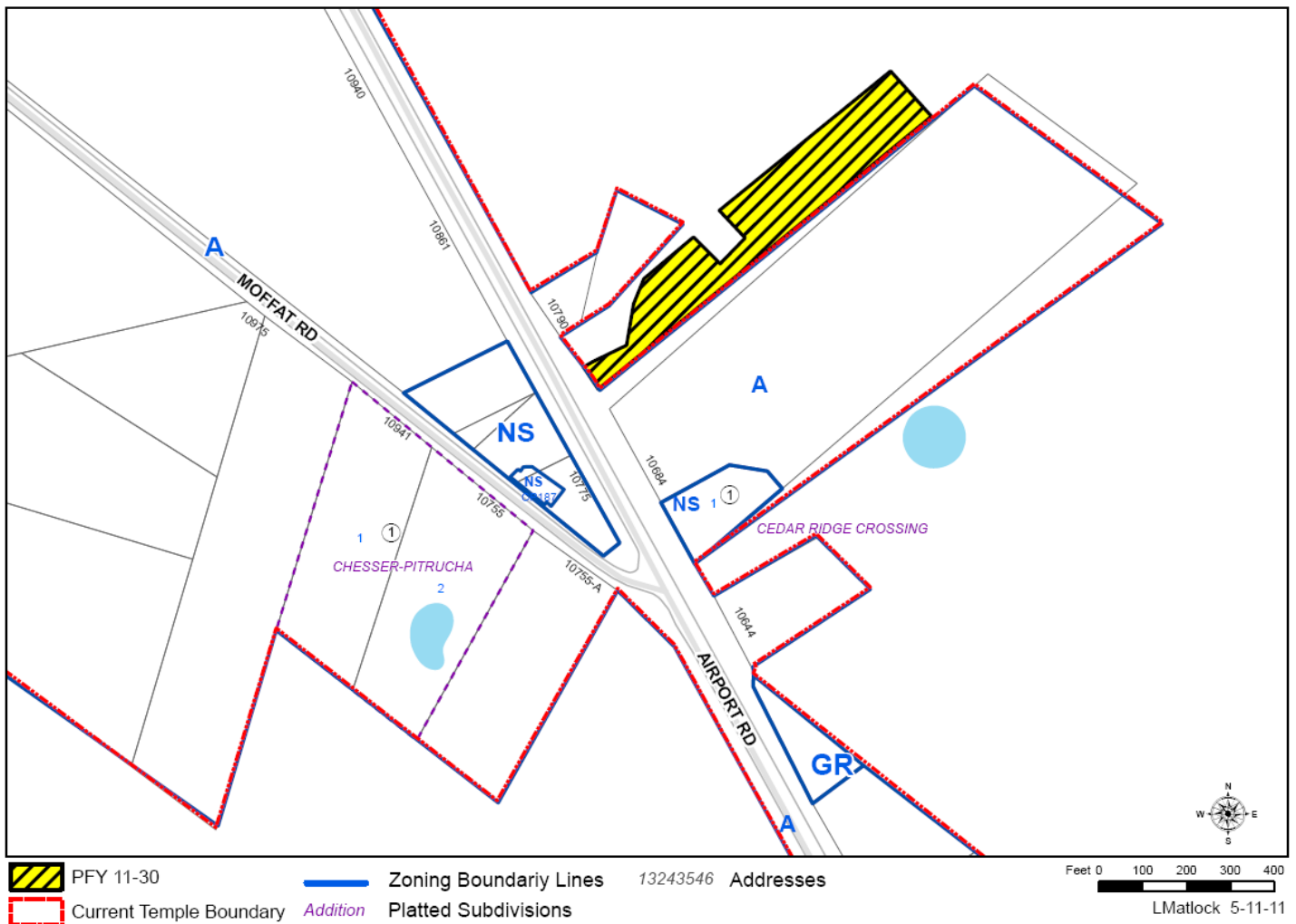


Exhibit 'B'

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF TEMPLE, TEXAS, ANNEXING ADJACENT AND CONTIGUOUS TERRITORY CONSISTING OF 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, AND APPROVING A SERVICE PLAN FOR THIS TRACT PROPOSED TO BE ANNEXED; FINDING THAT ALL NECESSARY AND REQUIRED LEGAL CONDITIONS HAVE BEEN SATISFIED; PROVIDING THAT SUCH AREA SHALL BECOME A PART OF THE CITY AND THAT THE OWNERS AND INHABITANTS THEREOF, IF ANY, SHALL BE ENTITLED TO THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BE BOUND BY THE ACTS AND ORDINANCES NOW IN EFFECT AND TO BE HEREAFTER ADOPTED; PROVIDING A ZONING CLASSIFICATION FOR SAID PROPERTY PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City of Temple is a home-rule city authorized by State law and the City Charter to annex territory lying adjacent and contiguous to the City, or portions of property currently subject to a development agreement within the City's ETJ;

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

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

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

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

Whereas, there are no dwelling units within the area to be annexed, and no inhabitants; and

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

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

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

Part 2: The property consisting of 3 acres described in Exhibit "A," attached hereto and incorporated herein for all purposes (hereinafter referred to as the "Property"), is hereby annexed and brought within the corporate limits of the City of Temple, Bell County, Texas, and is made an integral part thereof, in accordance with the request in the *Petition for Annexation* accepted by the City of Temple, Texas, attached hereto and made a part hereof for all purposes as Exhibit "B."

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

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

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

Part 6: The annexed Property shall, in compliance with the Zoning Ordinance of the City of Temple, be zoned as *Commercial District*, as shown on the map made a part hereof and attached hereto as Exhibit "D."

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

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

Part 9: If the taking of any territory annexed by this ordinance is declared by a court of competent jurisdiction to be invalid and/or illegal, it shall not affect the balance of the property annexed and attempted to be annexed, and that property shall remain as part of the City of Temple, Texas. It is the intent of this ordinance that any territory that is not lawful for the City to incorporate be excluded from this annexation and that such

exclusion be documented by having a qualified surveyor correct the property description of the annexed area to conform to the Council's intention and to insure that the boundary description closes.

Part 10: 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 11: It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading and Public Hearing on the **21st** day of **July**, 2011.

PASSED AND APPROVED on Second and Final Reading on the **4th** day of **August**, 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

07/21/11
Item #10(B)
Regular Agenda
Page 1 of 3

DEPT. / DIVISION SUBMISSION & REVIEW:

Brian Mabry, Planning Director

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING - Z-FY-11-28: Consider adopting an ordinance authorizing a zoning change from Agriculture District (AG) to Commercial District (C) on three acres out of land not presently in the Temple City Limits, being part of Sara Fitzhenry Survey, Abstract Number 312, Bell County, Texas, located on the Northeast side of State Highway 36, across from the CEFCO Convenience Store.

P&Z COMMISSION RECOMMENDATION: At its June 20, 2011, meeting, the Planning and Zoning Commission voted 8/0 to recommend approval of a rezoning from AG to C.

Commissioner Pope 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 August 4, 2011, for the following reasons:

1. The request does not comply with the Future Land Use and Character Map. However it is a smaller property with an existing use at the intersection of an Arterial and a Collector.
2. The request complies with the Thoroughfare Plan.
3. Public and private facilities are available to serve the property.

ITEM SUMMARY: Please refer to the Staff Report and draft minutes of case Z-FY-11-28, from the Planning and Zoning meeting, June 20, 2011.

This rezoning request tracks with a voluntary annexation request on which the City Council will also make a final decision (second reading) on August 4. The applicant has requested the rezoning from AG (the default zoning district upon annexation) to C as the property being voluntarily annexed contains an established boat storage facility that the owner wants to expand.

The property was subject to involuntary annexation in late 2007 but the owner, along with several others in the area, signed a non-annexation agreement that stipulates that further development automatically triggers the annexation process.

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	N*
CP	Map 5.2 - Thoroughfare Plan	Y*
CP	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities	N*
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 (FLUCM) designates the property as Agricultural. The rezoning request does not comply with the FLUCM. However, it is at the intersection of an Arterial and a Collector. This type of area within a city can easily develop into a nonresidential node, however, timing of utility and roadway infrastructure is usually a restricting factor, making a larger property expensive to service with fire and emergency service.

Staff recommends approval above due to the relatively small size of the property. However, a Commercial rezoning request for greenfield development on a larger property in the same or similar location may receive a negative Staff recommendation.

Thoroughfare Plan (CP Map 5.2)

The Thoroughfare Plan designates State Highway 36/ Airport Road as a major arterial. This road has been built for major highway speed traffic. The rezoning request complies with the Thoroughfare Plan.

Availability of Public Facilities (CP Goal 4.1)

No City of Temple water and sewer lines are currently in place to serve this property. Water is available from a rural cooperative. The development is a warehouse with no on-site employees and no septic tank facilities at the present time.

Temple Trails Master Plan Map

The Sidewalk and Trails Plan does not designate any trails in this area. This rezoning will not trigger dedication for the Trails Master Plan.

DEVELOPMENT REGULATIONS:

The C, Commercial zoning district is more intense retail district and allows for retail sales and restaurants or offices and most residential uses except apartments. It also allows more intense uses such as major vehicle repair and storage, warehousing and package stores by right. The district may allow natural resources storing/extraction, outdoor auto storage and kennels with a Conditional Use

Permit approval. There is no minimum lot area, width or depth unless bounded by a residential district. Any legal height building is allowed but could be required to be setback if over a certain height and next to a residential district.

PUBLIC NOTICE:

Two notices to property owners within 200-feet of the subject property were sent regarding the Planning and Zoning Commission public hearing. As of Wednesday, June 14th, at 5 PM, no notices were returned in favor of and no notices were returned in opposition to the request. The newspaper printed notice of the Planning and Zoning Commission public hearing on May 26th, 2011, in accordance with state law and local ordinance. Seven courtesy notices were sent out to property owners within 300 feet of the subject property.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Aerial Map
Land Use and Character Map
Zoning Map
Thoroughfare Plan Map
Utility Map
Notice Map
P&Z Staff Report (Z-FY-11-28)
P&Z Minutes (June 20, 2011)
Ordinance



Z-FY-11-28

Zoning Change AG to C
Northeast Side of SH 36
and North of Moffat Road

Proposed Lawson Annexation
3 acres - 10740 State Hwy 36



ZFY 11-28



Extra Territorial Jurisdiction



Current Temple Boundary

Feet 0 100 200 300 400

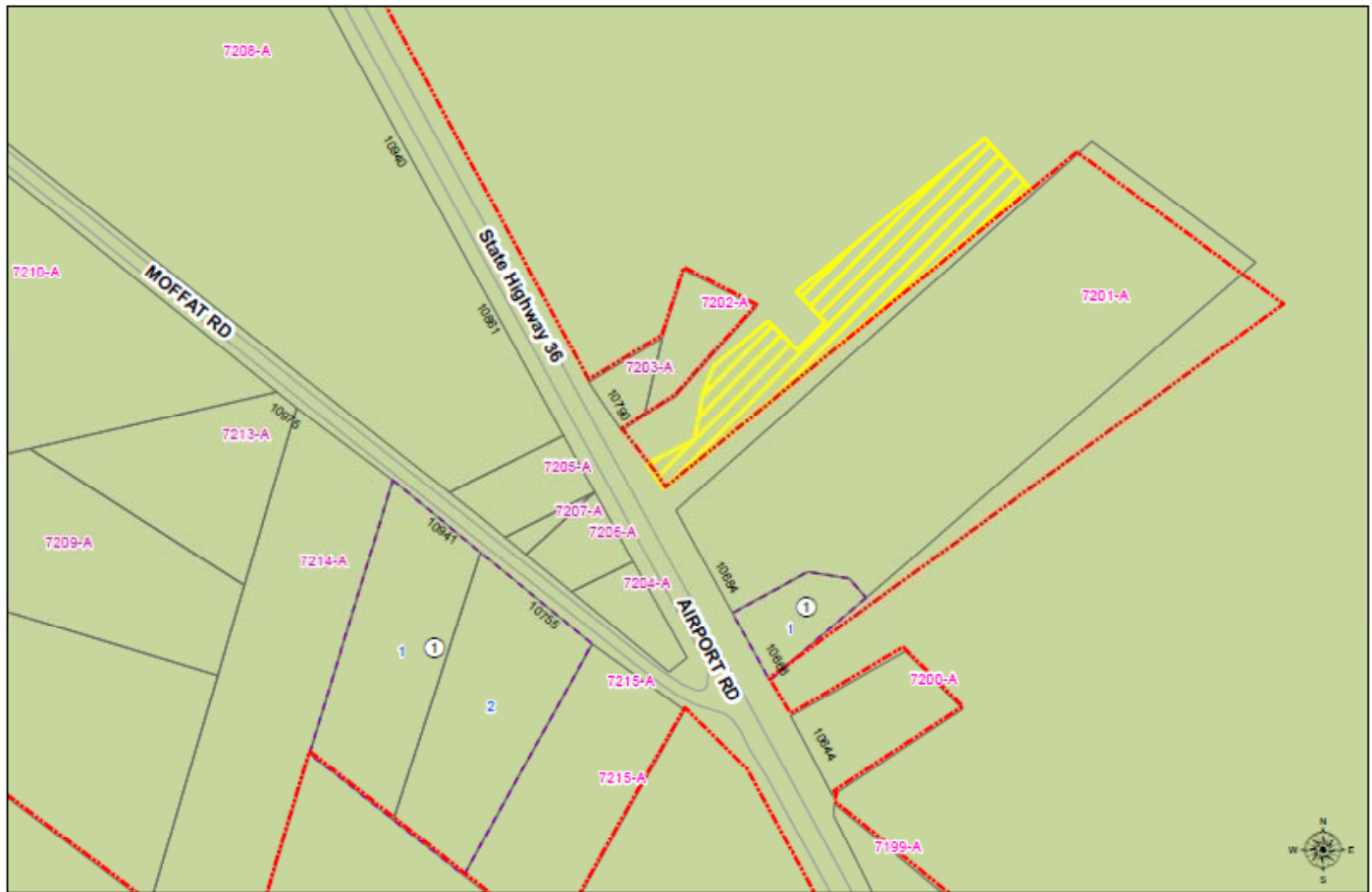
LMatlock 5-11-11



Z-FY-11-28

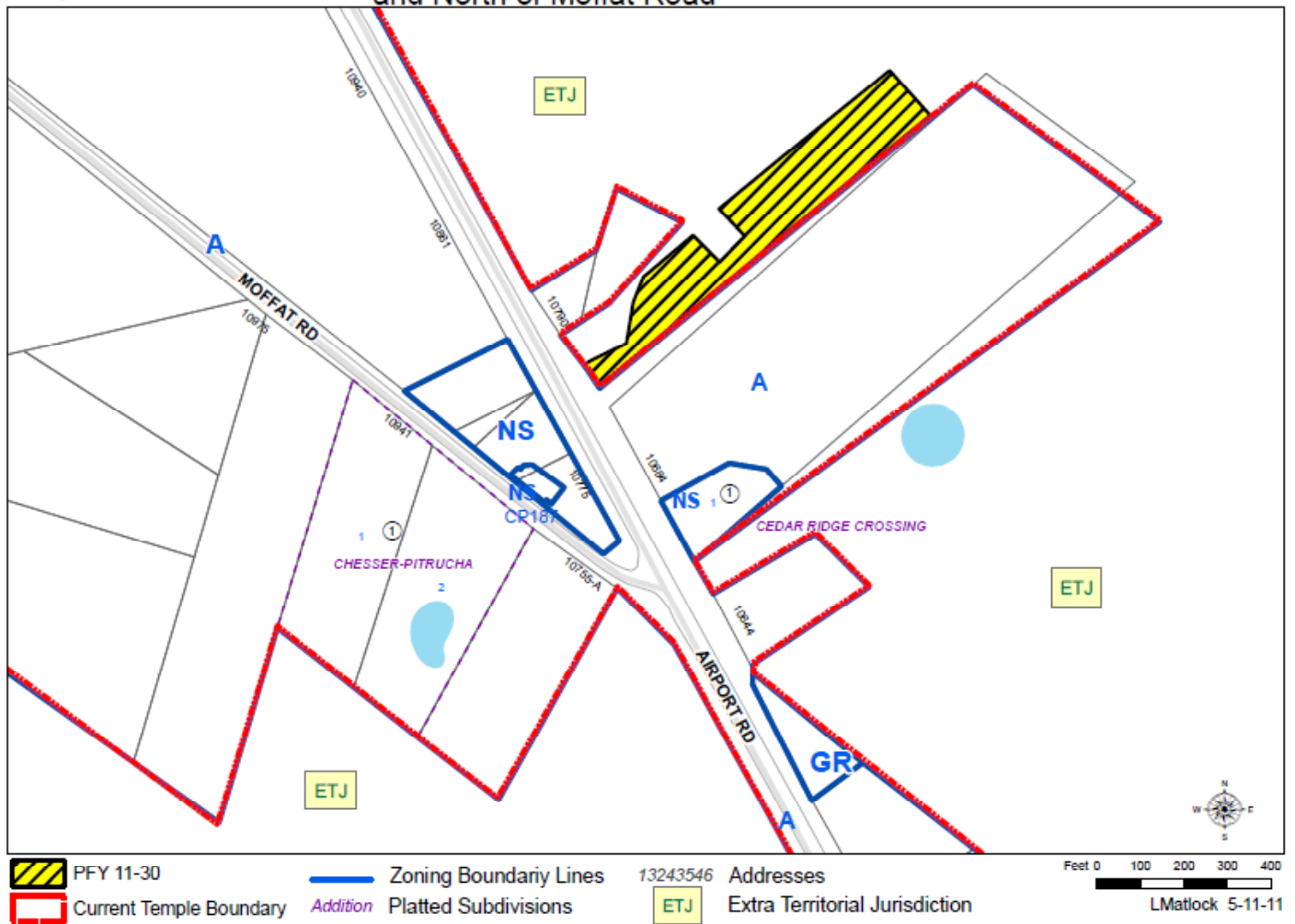
Northeast Side of SH 36
and North of Moffat Road

3 acres 10740 State Hwy 36



- | | | | | | |
|-----------------------|-------------------------|--------------------|---------------------------|-----------------------------------|--------------|
| ZFY-11-28 | 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 = 276 feet
LMatlock Planning 5.24.11





Z-FY-11-28

**Zoning Change AG to C
Northeast Side of SH 36
and North of Moffat Road**

**Proposed Lawson Annexation
3 acres - 10740 State Hwy 36**



PFY 11-28

ETJ Extra Territorial Jurisdiction

Current Temple Boundary

Major Arterial

Collector

Feet 0 100 200 300 400

LMatlock 5-11-11



Z-FY-11-28

**Zoning Change AG to C
Northeast Side of SH 36
and North of Moffat Road**

**Proposed Lawson Annexation
3 acres - 10740 State Hwy 36**



ZFY 1128

Water Lines

Fire Hydrants

Current Temple Boundary

Sewer Lines

Extra Territorial Jurisdiction

Feet 0 100 200 300 400

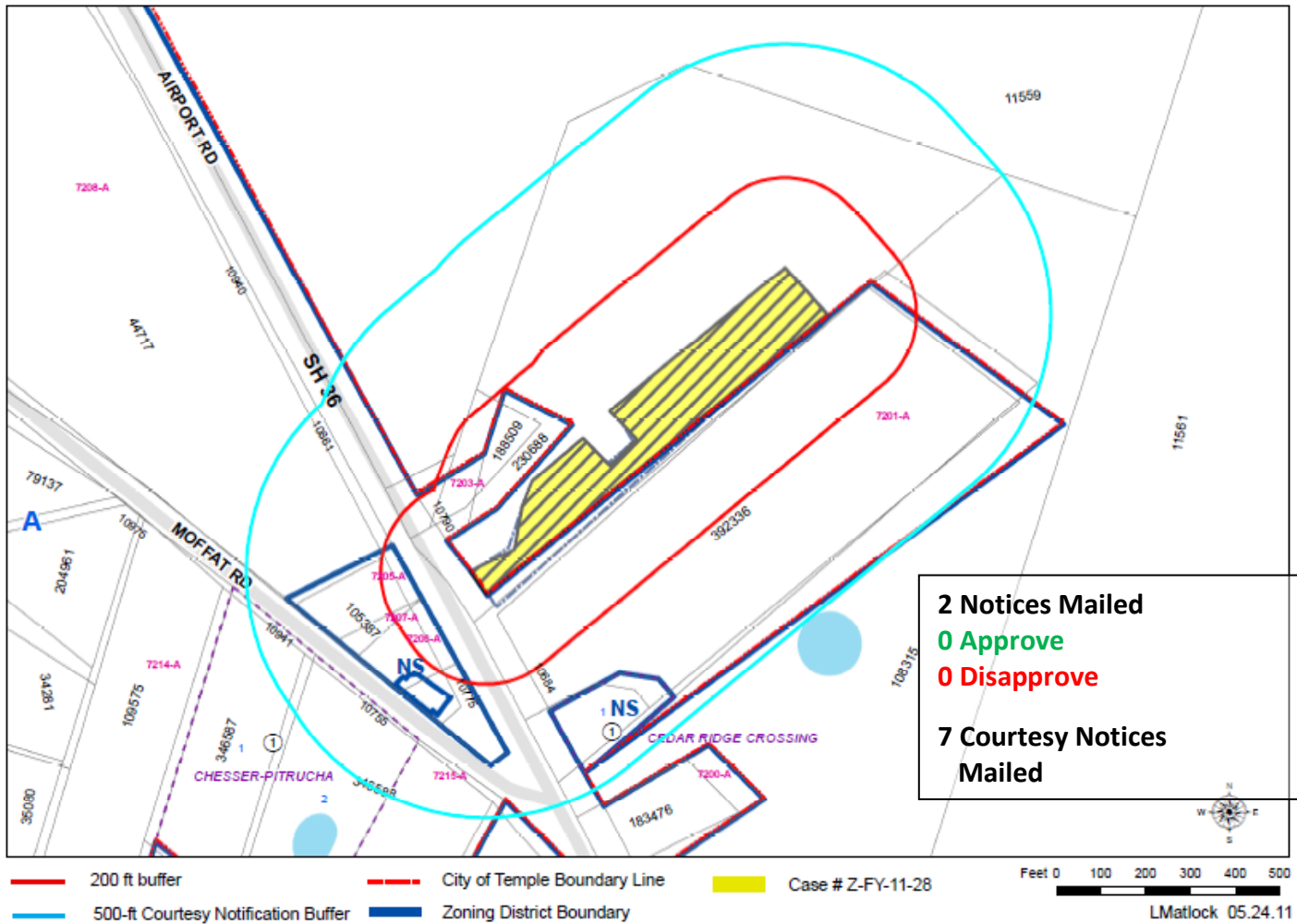
LMatlock 5-11-11



Z-FY-11-28

**Proposed Lawson Annexation
3 Acres - 10740 SH 36**

**Northeast Side of SH 36 and
North of Moffat Road**



PLANNING AND ZONING COMMISSION AGENDA ITEM

6/20/11
Item #3
Regular Agenda
Page 1 of 4

APPLICANT / DEVELOPMENT: Frank J. Lawson, Owner

CASE MANAGER: Leslie Matlock, AICP, Senior Planner


ITEM DESCRIPTION: Z-FY-11-28 Hold a public hearing to discuss and recommend action on a rezoning from Agriculture District (AG) to Commercial District (C) on three acres out of land not presently in the Temple City Limits, being part of Sara Fitzhenry Survey, Abstract Number 312, Bell County, Texas, located on the Northeast side of state Highway 36, across from the CEFCO Convenience Store.

BACKGROUND: The applicant has requested the rezoning from AG to C as the property being voluntarily annexed contains established commercial development that the owner wants to expand. This rezoning request tracks with a voluntary annexation request on which the City Council will make a final decision on August 4. The property was subject to involuntary annexation in late 2007 but the owner, along with several others in the area, signed a non-annexation agreement that stipulates that further development will automatically trigger the annexation process.

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 (C proposed)	Existing Self Storage Business and undeveloped land. (pad site on far northern side started for additional storage building)	

Direction	Zoning	Current Land Use	Photo
North	Temple ETJ	Undeveloped Land	
South	NS	Fuel Station and Convenience Store	
East	AG	Contractor/ Warehouse - type Business Uses	

Direction	Zoning	Current Land Use	Photo
West	Temple ETJ	Residential Uses and Undeveloped Land (One house and two manufactured homes)	

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	N*
CP	Map 5.2 - Thoroughfare Plan	Y*
CP	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities	N*
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 (FLUCM) designates the property as Agricultural. The rezoning request does not comply with the FLUCM. However, it is at the intersection of an Arterial and a Collector. This type area within in a city can easily develop into a nonresidential node, however, timing of utility and roadway infrastructure is usually a restricting factor, making a larger property expensive to service with fire and emergency service.

Staff recommends approval below due to the relatively small size of the property. However, a Commercial rezoning request for greenfield development on a larger property in the same or similar location would likely receive a negative Staff recommendation.

Thoroughfare Plan (CP Map 5.2)

The Thoroughfare Plan designates State Highway 36/ Airport Road as a major arterial. This road has been built for major highway speed traffic. The rezoning request complies with the T-plan.

Availability of Public Facilities (CP Goal 4.1)

No City of Temple water and sewer lines are in place to serve this property at the present time. Water is available from a rural cooperative. The development is a warehouse with no facilities at the present time.

Temple Trails Master Plan Map

The Sidewalk and Trails Plan does not designate any trails in this area. This rezoning will not trigger dedication for the Trails Master Plan.

DEVELOPMENT REGULATIONS:

The C, Commercial zoning district is more intense retail district and allows for retail sales and restaurants or offices and most residential uses except apartments. It also allows more intense uses such as major vehicle repair and storage, warehousing and package stores by right. The district may allow natural resources storing/extraction, outdoor auto storage and kennels with a Conditional Use Permit approval. There is no minimum lot area, width or depth unless bounded by a residential district. Any legal height building is allowed but could be required to be setback if over a certain height and next to a residential district.

PUBLIC NOTICE:

Two notices to property owners within 200-feet of the subject property were sent regarding the Planning and Zoning Commission public hearing. As of Wednesday, June 14th, at 5 PM, no notices were returned in favor of and no notices were returned in opposition to the request. The newspaper printed notice of the Planning and Zoning Commission public hearing on May 26th, 2011, in accordance with state law and local ordinance. Seven courtesy notices were sent out to property owners within 500 feet of the subject property.

STAFF RECOMMENDATION: Staff does recommends approval of the rezoning for case Z-FY-11-28 for the following reasons:

1. The request does not comply with the Future Land Use and Character Map. However it is a smaller property with an existing use at the intersection of an Arterial and a Collector.
2. The request complies with the Thoroughfare Plan.
3. Public and private facilities serve the property.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

[Aerial](#)

[Land Use and Character Map](#)

[Zoning Map](#)

[Thoroughfare Plan Map](#)

[Utility Map](#)

[Flood Plain Map](#)

[Notice Map](#)

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

MONDAY, JUNE 20, 2011

ACTION ITEMS

Item 3: Z-FY-11-28 - Hold a public hearing to discuss and recommend action on a rezoning from Agriculture District (AG) to Commercial District (C) on three acres out of land not presently in the Temple City Limits, being part of Sara Fitzhenry Survey, Abstract Number 312, Bell County, Texas, located on the Northeast side of state Highway 36, across from the CEFCO Convenience Store. (Frank Lawson)

Ms. Leslie Matlock, Senior Planner, stated this was a rezoning request from Agricultural (AG) to Commercial (C) on property already half developed with storage warehouses. During the 2008 involuntary annexation the applicant had a non-expansion agreement and was purposely omitted from the annexation. The applicant would like to expand his storage warehouses with four additional buildings and is now voluntarily asking to be annexed. The annexation and zoning request will track together.

Newly annexed territory is normally given a temporary zoning of AG and a permanent zoning can be established as the land is being annexed. The permanent zoning must be requested before any building permit or Certificate of Occupancy can be applied for.

Surrounding properties include agricultural uses to the north (in the ETJ), contractor offices to the south, Cefco Convenience Store to the east, and two mobile homes to the west (outside of City limits). The Future Land Use and Character Map designate this area as being AG, which includes the Commercial uses.

The Thoroughfare Plan shows Highway 36 to be a major arterial and Moffat Road as a collector. There are no City services to this point but there is a rural water supply that services the area and at present, lots that required sewage have septic.

Two notices were mailed along with seven courtesy notices. No notices have been received in response to this item.

Staff recommends approval of this request from AG to C. Even though it does not comply with the Future Land Use and Character Map, it does have an existing use. The business is located at the intersection of a major arterial and a collector and complies with the Thoroughfare Plan. Services are available to the area.

The public hearing for this matter was left opened from the last meeting so Chair Talley asked if there were any speakers. There being none, Chair Talley closed the public hearing.

Commissioner Sears made a motion to approve Z-FY-11-28 from Agricultural to Commercial and Commissioner Rhoads made a second.

Motion passed: (8:0)

Commissioner Pope absent

ORDINANCE NO. _____

[PLANNING NO. Z-FY-11-28]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A REZONING FROM AGRICULTURE DISTRICT (AG) TO COMMERCIAL DISTRICT (C) ON THREE ACRES OF LAND, BEING PART OF THE SARA FITZHENRY SURVEY, ABSTRACT NUMBER 312, BELL COUNTY, TEXAS, LOCATED ON THE NORTHEAST SIDE OF STATE HIGHWAY 36, ACROSS FROM THE CEFCO CONVENIENCE STORE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Part 1: The City Council approves a rezoning from Agriculture District (AG) to Commercial District (C) on three acres of land, being part of the Sara Fitzhenry Survey, Abstract Number 312, Bell County, Texas, located on the northeast side of State Highway 36, across from the CEFCO Convenience Store, 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 **21st** day of **July**, 2011.

PASSED AND APPROVED on Second Reading on the **4th** day of **August**, 2011.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

Clydette Entzminger, City Secretary

ITEM DESCRIPTION: Consider adopting a resolution appointing 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) Temple Public Safety Advisory Board – two members to fill unexpired terms through September 1, 2011 and September 1, 2013
- (C) Citizen Advisory Committee on Redistricting – one member to fill vacated District 2 representative position

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) 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.

(C) Citizen Advisory Committee on Redistricting – Joyce Maze was appointed to this committee but has since advised us of her inability to serve. We recommend the appointment of one resident to this fill this position.

FISCAL IMPACT: N/A

ATTACHMENTS:

[Board member lists](#)

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.

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

