



**MEETING OF THE  
TEMPLE CITY COUNCIL**

**MUNICIPAL BUILDING**

**2 NORTH MAIN STREET**

**3<sup>rd</sup> FLOOR – CONFERENCE ROOM**

**THURSDAY, SEPTEMBER 1, 2011**

**3:00 P.M.**

**WORKSHOP AGENDA**

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, September 1, 2011.
2. Discussed proposed Unified Development Code ordinance pertaining to outside storage in semi-trailers, shipping containers and portable storage containers.
3. Discuss proposed amendments to the Strategic Investment Zone (SIZ) grant program.
4. Discuss implementation of SB 100 by the City, including the timing and frequency of the election of Councilmembers.

5:00 P.M.

**MUNICIPAL BUILDING**

**2 NORTH MAIN STREET  
CITY COUNCIL CHAMBERS – 2<sup>ND</sup> FLOOR**

**TEMPLE, TX**

**TEMPLE CITY COUNCIL**

**REGULAR MEETING AGENDA**

**I. CALL TO ORDER**

1. Invocation
2. Pledge of Allegiance

**II. PUBLIC COMMENTS**

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

**III. PROCLAMATIONS & SPECIAL RECOGNITIONS**

3. (A) [National Preparedness Month](#) [September 2011](#)

**IV. BUDGET ITEMS**

4. [2011-6384-R](#): PUBLIC HEARING – Conduct a public hearing and consider a resolution adopting the City's budget for fiscal year beginning October 1, 2011 and ending September 30, 2012, including the Operating Budget for 2011-2012, Capital Improvement Program, Fiscal and Budgetary Policy, and Investment Policy.
5. [2011-4471](#): FIRST & FINAL READING – PUBLIC HEARING - Consider adopting an ordinance approving the tax roll and authorizing calculation of the amount of tax that can be determined for all real and personal property in the City for the tax year 2011 (fiscal year 2012), to be considered on an emergency basis.

6. [2011-4472](#): FIRST & FINAL READING – PUBLIC HEARING –Consider adopting an ordinance levying taxes and setting a tax rate for the City for the tax year 2011, making the appropriation for the regular operation of the City, to be considered on an emergency basis.
7. [2011-6385-R](#): Consider adopting a resolution setting drainage fees.

## **V. CONSENT AGENDA**

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

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

### **Minutes**

- (A) [August 18, 2011 Special Called and Regular Meeting](#)

### **Contracts, Leases & Bid**

- (B) [2011-6386-R](#): Consider adopting a resolution authorizing the following related to the City's commercial card (procurement card) program:
  1. An extension of an interlocal agreement with the City of Fort Worth to allow for the utilization of Fort Worth's commercial card (procurement card) agreement with JP Morgan Chase; and
  2. Execution of a Participation Agreement with JP Morgan Chase that will allow for the City to be a participant in the City of Fort Worth's commercial card agreement with JP Morgan Chase.
- (C) Consider adopting resolutions authorizing FY 2012 contract renewals for the following:
  1. [2011-6387-R](#): Library Materials – Baker & Taylor, in the estimated annual amount of \$105,000
  2. [2011-6388-R](#): Oils and Lubricants - Brazos Valley Lubricants, in the estimated annual amount of \$55,000
  3. [2011-6389-R](#): Automotive Repair Parts – UniSelect USA, Inc dba Main Auto Parts/Auto Plus, in the estimated annual amount of \$55,000
  4. [2011-6390-R](#): Hot Mix Asphalt – APAC Texas, Inc, in the estimated annual amount of \$50,000
  5. [2011-6391-R](#): Aggregate Base – Lhoist North America, in the estimated annual amount of \$40,000
  6. [2011-6392-R](#): Electric Motor and Pump Repair Services – Austin Armature Works, LP, in the estimated annual amount of \$120,000
  7. [2011-6393-R](#): Electrical Services – T. Morales Company, in the estimated annual amount of \$70,000
  8. [2011-6394-R](#): HVAC Repair Services – Temple Heat & Air, in the estimated annual amount of \$300,000

9. [2011-6395-R](#): Plumbing Services – C.A.P.’s Mechanical, in the estimated annual amount of \$40,000
  10. [2011-6396-R](#): Plumbing Supplies – Temple Winnelson, in the estimated annual amount of \$30,000
  11. [2011-6397-R](#): Janitorial Supplies – Gulf Coast Paper, in the estimated annual amount of \$85,000
  12. [2011-6398-R](#): Work Boots/Shoes – Cochran, Blair & Potts, in the estimated annual amount of \$25,000
  13. [2011-6399-R](#): Printing of Play-by-Play brochures - Liberty Press, in the estimated annual amount of \$25,000
  14. [2011-6400-R](#): Cellular Services, Data Services, and Related Equipment Acquisitions – Verizon Wireless, in the estimated annual amount of \$167,000
- (D) [2011-6401-R](#): Consider adopting a resolution authorizing an annual contract with Palousek Overhead Door of Temple for overhead door repair services in the estimated annual amount of \$25,000.
- (E) [2011-6402-R](#): Consider adopting a resolution authorizing an annual purchase agreement with Crafcot Texas, Inc. of San Antonio for hot crack sealant at \$22.88 per 40-pound box in the estimated annual amount of \$40,000.
- (F) [2011-6403-R](#): Consider adopting a resolution authorizing a five-year extension to the contract for third party payment processing services with Western Union Financial Services of Englewood, Colorado.
- (G) [2011-6404-R](#): Consider adopting a resolution authorizing the City Manager to enter into an agreement with Temple Independent School District regarding the continuing participation in the extended life of Tax Increment Financing Reinvestment Zone No. 1.

### **Ordinances – Second & Final Reading**

- (H) [2011-4462](#): SECOND READING – A-FY-11-06: Consider adopting an ordinance abandoning 245.70 feet of West Irvin Avenue with an 80-foot right-of-way, between North 33<sup>rd</sup> Street and North 31<sup>st</sup> Street, located between the north portions of Lots 1 and 2, Block 1 and the south portions of Lots 1 and 2, Block 3 of Keaton Addition; and reserving a public drainage and utility easement in the entire abandoned right-of-way.
- (I) [2011-4466](#): SECOND READING – Z-FY-11-36: Consider adopting an ordinance authorizing a zoning change from General Retail District (GR) to Multiple Family Three (MF-3) on 12.15 ± acres of land, located on the west side of Hilliard Road, 1,095 ± feet from the intersection of West Adams Avenue and Hilliard Road. **(Note: Approval of this item on consent agenda will rezone the subject property to MF-2 as approved on first reading by the City Council and with concurrence of applicant.)**
- (J) [2011-4467](#): SECOND READING – Z-FY-11-38: Consider adopting an ordinance authorizing a Conditional Use Permit for the sale of alcoholic beverages for on-premise consumption with more than 50% and less than 75% revenue from alcohol sales in a proposed pool hall located at 102 South General Bruce Drive.



- (K) [2011-4468](#): SECOND READING – Z-FY-11-39: Consider adopting an ordinance authorizing an amendment to Ordinance No. 2010-4398, originally approved October 21, 2010, Planned Development Single Family One (PD-SF1), to allow a change in the lot layout on a 10-acre tract of land in the Maximo Moreno Survey, Abstract No. 14, City of Temple, Bell County Texas, located on the north side of West FM 93, adjacent to and west of Ridgewood Estates.

### **Ordinance – Second Reading**

- (L) [2011-4465](#): SECOND READING - Consider adopting an ordinance granting a franchise to AM Construction to provide for construction job site cleaning, rental and setting of fifteen(15) yard dumpsters, and hauling and disposing of construction site waste within the City of Temple.

### **Misc.**

- (M) [2011-6405-R](#): A-FY-11-13: Consider adopting a resolution abandoning a 4,341 square foot utility easement on property originally dedicated as Avenue O right-of-way, being a portion of the property addressed as 1404 South 1<sup>st</sup> Street, located south of Lots 9 and 10, Block 3 of Eugenia Terrace Addition.
- (N) [2011-6406-R](#): Consider adopting a resolution authorizing budget amendments for fiscal year 2010-2011.

## **VI. REGULAR AGENDA**

### **ORDINANCES**

9. [2011-4469](#): SECOND READING – Z-FY-11-40: Consider adopting an ordinance authorizing a zoning change from General Retail District (GR) to Commercial District (C) on Lots 1 & 2, Block 1, Garden Estates of Temple Texas Addition, being 7.22-acres located on the northwest corner of 205 Loop and 5400 block of West Adams Avenue, east of North Kegley Road.
10. [2011-4470](#): SECOND READING – Z-FY-11-41: Consider adopting an ordinance authorizing a zoning change from Agricultural District (AG) to Commercial District (C) on 29.548 acres in Nancy Chase Survey, Abstract No. 5, located at the southwest corner of Kegley Road and the 5600 block of West Adams Avenue.
11. [2011-4473](#): FIRST READING – PUBLIC HEARING - Z-FY-10-21: Consider adopting an ordinance:

(A) Repealing Ordinance No. 99-2603, dated February 18, 1999, to reflect a change from the existing Planned Development General Retail District (PD-GR) to an updated Planned Development General Retail District (PD-GR) on 2.1 +/- acres; and

(B) Authorizing a rezoning from Urban Estate District (UE) and Two Family District (2F) to Planned Development General Retail District (PD-GR) on 11.6 +/- acres; and on a total of 13.7± acres out of the G.W. Lindsey Survey, Abstract. No. 912, located 810± feet south of Northcliffe Drive, along the west side of FM 2271.

12. [2011-4474](#): FIRST READING – PUBLIC HEARING – Consider adopting an ordinance:
- (A) Changing the classification title of Fire Control and Rescue Officer to that of Firefighter; and
  - (B) Establishing the civil service classifications and the number of positions in each classification for the Temple Fire Department and the Temple Police Department.
13. [2011-4475](#): FIRST READING – PUBLIC HEARING –Consider adopting an ordinance amending Section 1-5, "Voting District," Chapter 1, "General Provisions," of the City Code by establishing new boundaries for the City's four single member districts.

## **RESOLUTIONS**

14. [2011-6407-R](#): Consider adopting a resolution authorizing the City Manager to enter into a Chapter 380 development agreement between the City and HEB Grocery Company.

## **BOARD APPOINTMENTS**

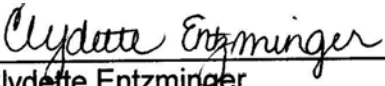
15. [2011-6408-R](#): Consider adopting a resolution appointing one member to the Temple Public Safety Advisory Board to fill an expiring term through September 1, 2014.
16. [2011-6409-R](#): Consider adopting a resolution appointing one member to the Development District of Central Texas.
17. [2011-6410-R](#): Consider adopting a resolution appointing one alternate member to the Central Texas Council of Governments Executive Committee.

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

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I hereby certify that a true and correct copy of this Notice of Meeting was posted in a public place at 2:45 PM, on August 26, 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**

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**DEPT./DIVISION SUBMISSION & REVIEW:**

William A. Jones, III, Mayor

**ITEM DESCRIPTION:** Presentation of Proclamation:

National Preparedness Month                      September, 2011

**STAFF RECOMMENDATION:** Present proclamation as presented in item description.

**ITEM SUMMARY:**

This proclamation was requested by, and will be received by representatives from Temple Fire & Rescue. The proclamation encourages residents to prepare their homes, businesses, and communities for any type of emergency including natural disasters or potential terrorists attacks.

**FISCAL IMPACT:** None

**ATTACHMENTS:** None



## **COUNCIL AGENDA ITEM MEMORANDUM**

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### **DEPT./DIVISION SUBMISSION & REVIEW:**

David Blackburn, City Manager  
Traci L. Barnard, Director of Finance

**ITEM DESCRIPTION:** PUBLIC HEARING – Conduct a public hearing and consider a resolution adopting the City's budget for fiscal year beginning October 1, 2011 and ending September 30, 2012, including the Operating Budget for 2011-2012, Capital Improvement Program, Fiscal and Budgetary Policy, and Investment Policy.

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

**ITEM SUMMARY:** This item is to conduct a public hearing and adopt the 2011-2012 proposed budget. Attached is a list of changes, for all funds, that have been made since the budget was filed with the City Secretary on June 24, 2011. The changes are a result of Council work sessions, public input and updated information since the Council last reviewed the budget.

The ad valorem tax rate is proposed to stay the same as the prior year's rate of \$0.5679. This proposed tax rate is comprised of a decrease in the maintenance and operation rate of \$0.0060 and an increase in the debt service rate of \$0.0060. The proposed Maintenance and Operation rate (M&O) is \$0.3240 and the Interest and Sinking fund rate (I&S) is \$0.2439 for a total rate of \$0.5679. The proposed rate is 1.94% above the effective tax rate of \$0.5571.

The proposed Budget with the subsequent changes as listed on the attached page remains balanced with the use of Undesignated Fund Balance-Capital Projects and meets the operational needs as requested.

The budget is summarized below by fund.

### FY 2012 Proposed Annual Budget

(As Compared to Adopted FY 2011 Budget)

Revenues/Other Sources	Adopted Budget FY 2011	PROPOSED Budget FY 2012	% Increase/ (Decrease)
General Fund	\$ 52,857,911	\$ 55,711,585	5.40%
Water & Wastewater Fund	26,388,878	26,847,261	1.74%
Debt Service Fund	7,614,585	8,061,085	5.86%
Hotel/Motel Tax Fund	1,260,750	1,399,450	11.00%
Federal/State Grant Fund	615,438	523,888	-14.88%
Drainage Fund	999,373	1,089,967	9.07%
Internal Service Fund	-	2,552,768	0.00%
Reinvestment Zone No. 1 Fund	4,615,077	5,405,956	17.14%
<b>Total Revenues/Other Sources</b>	<b>\$ 94,352,012</b>	<b>\$ 101,591,960</b>	<b>7.67%</b>

Expenditures/Transfers	Adopted Budget FY 2011	PROPOSED Budget FY 2012	% Increase/ (Decrease)
General Fund	\$ 54,861,735 <sup>(1)</sup>	\$ 58,730,477 <sup>(2)</sup>	7.05%
Water & Wastewater Fund	26,489,243	27,237,261	2.82%
Debt Service Fund	7,914,745	8,361,085	5.64%
Hotel/Motel Tax Fund	1,260,750	1,399,450	11.00%
Federal/State Grant Fund	615,438	523,888	-14.88%
Drainage Fund	1,199,873	1,756,471	46.39%
Internal Service Fund	-	2,884,039	0.00%
Reinvestment Zone No. 1 Fund	4,592,675	6,606,653	43.85%
<b>Total Expenditures/Transfers</b>	<b>\$ 96,934,459</b>	<b>\$ 107,499,324</b>	<b>10.90%</b>

<sup>(1)</sup> Includes \$2,003,824 in Capital (\$995,000); TEDC Matrix allocation (\$295,068); Strategic Investment Zone (\$85,000); and Self Insurance Start Up Cost (\$628,756) funded with Undesignated Fund Balance - Capital Projects

<sup>(2)</sup> Includes \$3,018,892 in Capital (\$1,519,400); TEDC Matrix allocation (\$399,492); Strategic Investment Zone (\$100,000); and Street Improvements (\$1,000,000) funded with Undesignated Fund Balance - Capital Projects

### **FISCAL IMPACT:**

N/A

### **ATTACHMENTS:**

[Budget Transmittal Letter](#)

[Schedule of adjustments to the proposed budget filed with City Secretary on June 24, 2011](#)

[Fiscal & Budgetary Policy - to be provided](#)

[Investment Policy](#)

[Resolution](#)



June 24, 2011

Honorable Mayor and City Council,

I am pleased to present the Preliminary Fiscal Year 2011-2012 Budget (FY 2012 Budget) for the City of Temple totaling \$108,857,594 for all funds. Of this amount, \$100,616,684 is proposed for the operations and maintenance budget which includes debt service and transfers and \$8,240,910 is proposed for routine capital for the general operating budget which includes equipment and public infrastructure projects. In accordance with current fiscal and financial policies, \$4,976,601 of the routine capital is funded with fund balance or retained earnings. The breakdown of this amount is as follows:

- ▶ \$2,400,697 – Reinvestment Zone No. 1
- ▶ \$1,519,400 – General Fund
- ▶ \$666,504 – Drainage Fund
- ▶ \$390,000 – Water & Sewer Unreserved Retained Earnings

As in previous years, the FY 2012 Preliminary Budget is a balanced budget under the policies and parameters discussed in earlier planning sessions with the City Council.

In addition, \$8,218,990 is proposed for capital improvements programs (CIP). The CIP allocated in FY 2012 can be divided into four categories:

- ▶ Routine Capital Recommended for Limited Tax Note Funding (L.T.N. CIP) - \$2,075,000
- ▶ Multi-year Non-Routine Capital Recommended for Utility Revenue Bond Funding (U.R. CIP) - \$1,600,000 (Proposed projects will be funded with project savings)
- ▶ Multi-year Non-Routine Capital Recommended for General Obligation Bond Funding (G.O.CIP) - \$933,990 (Proposed projects will be funded with project savings)
- ▶ Multi-year Non-Routine Capital Recommended for Water and Sewer Unreserved Retained Earnings Funding- \$3,610,000

The FY 2012 Preliminary Budget recommends no increases in the tax rate, water & sewer rates, or solid waste rates.

## **Budget Development & Background**

**Budget Process-** The budget is now a year round process and the framework for the development of this budget continued to be very similar to previous budgets. Planning and work for this budget began in late 2010 with the City Manager working on timelines and issue identification. Through late 2010 and early 2011, the Manager worked with Finance to develop the budget calendar and process for the FY 2012 Budget.

In January, the City Manager held a planning retreat with Departments to identify and discuss issues for the upcoming budget and in February, City Manager and Finance staff met with Departments to conduct a status review of current year budget and performance indicators and provide initial direction regarding issues identified in the planning retreat.

In mid February, the City Council held a strategic planning retreat to review and, as might be needed, update the City's strategic plan, "Temple Tomorrow: Strategic Vision and Plan". This plan establishes the mission and vision of the City, identifies four major areas of focus, and establishes the City's goals and objectives. The areas of focus identified in the Plan are: Expand the Tax Base, Grow Health and Bioscience, Improve the Transportation Infrastructure, and Nurture our Community. These focus areas and their associated goals and objectives guided the development of the FY 2012 Budget. During the planning retreat, Council also reviewed the budget calendar and parameters and received information regarding potential budget issues identified by staff.

From February through the delivery of the FY 2012 Budget, staff has worked countless hours on preparing, reviewing, researching and responding to questions from Finance and the Manager relating to the programs and services this Preliminary Budget recommends.

**Budget Approach-** The FY 2012 Budget continues the 'activity-based' perspective began in FY 2010. Each Department was asked to identify each and every activity that they provide. They were also asked to identify the cost for providing each activity. This 'activity-based' approach allows for better identification of the services and service levels that we provide. While this approach serves our processes well during any budget process, I believe the approach is particularly helpful in times where resources are challenged.

**Budget Challenges & Opportunities** - The national recession that began in 2008 continues to have an impact on our local economy and has impacted the development and content of the FY 2012 Budget. While Temple's diverse economy has proved more stable than many, our community has not been immune from the continuing recession and the challenges resulting from such.

Sales Tax revenue, our single largest source of revenue for the General Fund, had experienced decline in FY 2009 and FY 2010. Overall budgeted sales tax revenues in the General Fund were down 3.15% from FY 2009 to FY 2010. Accordingly, FY 2011 General Fund budgeted revenues for sales tax were down 3.27% as compared to FY 2010 Adopted Budget.

Property tax revenue, the second major source of revenue for the General Fund, has also been impacted over the past couple of budgets. In fact, the FY 2011 Budget saw, for the first time in modern history, a tax roll that presented lower overall property values than in the previous years' tax roll. While the percentage decrease (0.59%) was relatively minor, the significance of 'a' decrease in property values cannot be overstated. Thus, overall budgeted revenues for property tax revenues for the past couple of fiscal years has been, at best, somewhat flat.

Accordingly, FY 2011 General Fund budgeted revenues were down 0.84% as compared to FY 2010 Adopted Budget.

As a result of these revenue forecasts, and a directive to maintain the tax rate, Departments were asked to 'hold the line' for the past couple of budgets.. 'Hold the line' meant we were to strive to maintain current service levels within existing budgeted resources. Departments responded with even more conservative budgets that held expenditures down to a degree that allowed us the opportunity to continue to rely upon the flat, or in some instances, decreased revenue streams without significant impacts to our programs and services.

While there are signs that the national, state and local economies are rebounding, they have still not returned to 2008 levels. Accordingly, the directive to 'hold the line' for existing programs and services was issued once again for the development of the FY 2012 Budget.

This being said, the FY 2012 Budget does forecast revenue increases in sales and property tax revenues. The increase in sales tax revenue is forecasted based upon the trend we have seen developing over the past several months, an average of 6.04% increase over last year's sales tax revenue. The increase in property tax revenue is based upon new construction and new valuations, which should result in a net increase to the property tax rolls. Accordingly, the FY 2012 Budget forecasts a 4.3% increase in property tax values.

Both of these sets of numbers, for sales tax and property tax, provide basis for a more optimistic outlook for the FY 2012 Budget, and more specifically, for the revenue forecasts associated with the FY 2012 Budget.

Finally, with regard to budget challenges, a statement about the financial condition of the City is merited. While certainly affected by the recession, the City of Temple continues to be in a strong financial position. The reason we have continued to weather this recession as well as we have has been due, in no small way, to conservative budgeting policies and practices, a diverse economy, strong bond ratings, and healthy fund balances

***Budget 'Fence Posts'***- This year's budget, as with every budget I have presented you, has been developed within the framework of the strategic plan priorities adopted by the City Council and the budget parameters, or 'fence posts', that were briefed to the Council at the February 10 planning retreat and the March 3 and May 19, 2011 work sessions. Those 'fence posts' are:

1. Maintain fiscal soundness;
2. Maintain core services;
3. Focus on people;
4. Align strategic, financial & tactical plan.

### **Significant Budget Highlights**

With this background, I would like to highlight a few areas of general priority and significant issues addressed in the FY 2012 Budget.



### ***Property Tax Rate-***

***The preliminary tax rate for FY 2012 is proposed at 56.79¢ per \$100 valuation; this rate reflects no change from the current tax rate.***

This rate is based on a preliminary appraisal of \$3,339,664,110 (net taxable value not adjusted for frozen values). The tax rate is comprised of two components, the Maintenance and Operations rate (M&O) and the Interest Sinking rate (I&S). This year's proposed tax rate is 32.62¢ for the M&O rate and 24.17¢ for the I&S rate.

The following chart presents the components of the total proposed tax rate for FY 2012 and the actual tax rate for the past two years.

<b><i>TAX RATE BY FUND</i></b>	<b><i>Fiscal Year 09-10</i></b>	<b><i>Fiscal Year 10-11</i></b>	<b><i>Fiscal Year 11-12</i></b>	<b><i>RATE CHANGE</i></b>
<b>General (M&amp;O)</b>	31.73¢	33.00¢	32.62¢	(0.38¢)
<b>Debt (I&amp;S)</b>	24.73¢	23.79¢	24.17¢	0.38¢
<b>TOTAL (Per \$100 Valuation)</b>	56.46¢	56.79¢	56.79¢	0.00¢

The certified appraisal roll for Ad Valorem taxes will not be available from the Appraisal District of Bell County until late July. Therefore, the proposed tax rate is based on assumptions and may require adjustments prior to the final adoption of the budget to reflect the current parameters set forth by Council. Depending upon the Appraisal District's final roll, your July 28<sup>th</sup> Budget Work Session and your August 4<sup>th</sup> meeting where you set the preliminary tax rate could be significant, substantive meetings.

Property tax is a significant source of revenue for the City. In the FY 2012 Budget, property tax accounts for 20.07% of the General Fund budgeted revenues and is the second largest revenue source of the General Fund.

***Sales Tax Revenue-*** While much attention is focused on the property tax rate number, our single largest source of revenue for the General Fund continues to be sales tax revenue. In the FY 2012 Budget, sales tax is projected to account for 28% of the General Fund budgeted revenues and continues to be the single largest revenue source of the General Fund.

As noted in the introduction, our sales tax revenues over the past couple of budgets has experienced actual declines. But, over the course of the past 5 years, our sales tax revenue has increased an average of 2.93%. In addition, the trend over the current fiscal year is good. The FY 2011 Budget is currently forecasting a 6.04% increase in sales tax revenue compared to FY 2010 actual sales tax revenue.

Accordingly, the FY 2012 Budget estimates \$15,800,000 in sales tax revenue, a 6.76% increase in sales tax revenue over budgeted FY 2011 sales tax revenue.

**Sammons Golf Course-** The FY 2011 Budget included funding in the amount of \$591,363 for the improvements to the Golf Course. This funding was allocated from the General Obligation Bond approved by the voters in November 2007 and from unreserved fund balance designated for capital expenditures. The course improvements include: 1) re-surfacing all 18 greens; 2) upgrading the irrigation system for the golf course; and 3) redesigning the course and adding much needed length. These improvements are both significant and critical to our long term success in providing golf recreation to our residents.

In January 2011, the Golf Course was closed in order to allow the improvements to begin. The timing and execution of these improvements was just as critical as the improvements themselves. In order to minimize impacts on play and budget, the improvements were scheduled in concert with a public works project, Bird Creek Wastewater Line Phase 1, which replaced a deteriorated sewer pipe that ran through the course.

The FY 2012 Budget reflects the reopening of the course and the second phase of a three phase plan to transition the golf course to a self-sustaining operation.

**Street Maintenance-** Temple maintains 942 lane miles of streets and paved alleys. In FY 2010, Temple's Street Department completed a year-long comprehensive Pavement Condition Assessment ('PCA') for all city streets and alleys. (State maintained roads were not included in the assessment.) The PCA found the overall condition of our streets to be in good condition. The PCA also found significant challenges ahead for the City to maintain the overall good condition of the majority of our streets and recommended investing approximately \$3,000,000 a year in maintenance in order to maintain current conditions.

The report recommends, among other things, a comprehensive street maintenance program that includes several more aggressive maintenance approaches including activities such as crack seal, seal coat, overlay, and reconstruction. Routine and preventative maintenance strategies such as crack seal and seal coat provide an extended pavement life at a cost that is far less than street rehabilitation and reconstruction. The goal of the maintenance strategy is to get arterials, collectors and locals on 30, 36, 45 year overlay cycles, respectively, by implementing a systematic crack seal and seal coat program.

The FY 2011 Budget funded the first phase of a multi-year approach to work toward the recommended maintenance strategy. The first phase of that strategy was the establishment of a five member year-round crack sealing crew. The second phase, an enhanced seal coat program in the amount of \$1,000,000 from unreserved fund balance designated for capital expenditures is recommended in the FY 2012 Budget. This funding will allow approximately 60 additional lane miles of streets to be seal coated.

We have not been, and this budget does not propose, funding street maintenance at a level which will provide sustainable infrastructure. Current revenues and available resources simply do not allow for such. However, the phased multi-year approach began in FY 2011 and continued in this FY 2012 Budget continues to take meaningful and significant steps toward providing a sustainable approach to maintenance of our streets.

**Our Primary Asset: Our People-** You have heard me say many times that our most important asset isn't our brick and mortar, it isn't our trucks or tools...it is our people. The City of Temple is a service based organization and our people are our number one asset. What we are and the priority we place on our people doesn't change with the economy. However, personnel-related expenditures are also our largest category of expenses and, as such, one of the most significant impacts that can be made to align our expenditures with our available resources is in this area.

Health Insurance. The offering of group health insurance is a key and critical benefit for the organization. The City has generously provided for a group health insurance plan for many years. The plan design has been modified many times over the years to align costs with available resources. In FY 2011, the City transitioned to a self-funded insurance plan in an effort to allow the City, and the employees, to take greater ownership and management of our health insurance benefit. The FY 2011 Budget included the first year of start up costs for the self funded plan by using a portion of the unallocated fund balances in each of the major funds. To date, the self-funding plan is performing very well with claims below expected levels. This budget recommends that the City continue with the self funded approach begun in the past fiscal year.

While our self funding approach has, and will, help us manage our costs relating to the provision of group health insurance, costs are expected to rise. The FY 2012 Budget proposes that both the City and employees participate equally in the increased cost for health insurance. Accordingly, the budget includes a 6% increase in the contribution to our group health insurance.

Retirement Fund. Another key benefit area is the TMRS employee retirement fund. Thanks to the work and strategies that began in the FY 2009 Budget, and the work of TMRS in past and current Legislative Sessions, funding and benefits for the fourth year of an eight year plan are being recommended. The FY 2012 Budget recommends funding in the amount of \$4,380,923 for the 4<sup>th</sup> year of the 8 year installment plan that we have committed to fund with TMRS. Substantial work still remains ahead in coming budget years to insure both benefit and funding levels are sustainable, but the presence of our City Attorney on the TML Advisory Board relative to TMRS issues should position us well to both advocate and impact the process.

Compensation. For two consecutive years no compensation adjustments have been provided to general government employees. During this period the only adjustments in pay have been for step increases for eligible civil service employees in police and fire. The FY 2012 Budget recommends a one-time lump sum payment equal to 3% of salary for all regular full-time employees.

**Police** - Past increases in staffing levels for sworn police officers have relied on Federal grant programs. While this has been a successful strategy in the past, it is my belief that this is no longer a viable strategy. Current grant program criteria are focused toward communities who have laid off police officers and whose local economic conditions are generally very poor and neither of these conditions is true for Temple.

Currently under development is a multi-year staffing plan for the Police Department. I anticipate presenting Council with the staffing needs and plan later this summer or early this fall. In the meantime, I have included in the FY 2012 Budget a recommendation for staffing- an additional two officers to enhance the Traffic Enforcement Unit. The addition of the Traffic Enforcement Unit in FY 2003 has proven to be very successful. In 2002, the year prior to establishing the unit, there were 2,195 traffic collisions and 16 traffic fatalities. In 2010, there were 1,740 collisions and 4 traffic fatalities, a decline of 21% and 75% respectively. The enhancement to the Traffic Enforcement Unit will continue these efforts to provide a safer traveling environment for both citizens and visitors of Temple.

The FY 2012 Budget also continues a commitment to the take home police car program and has programmed the replacement of 10 patrol vehicles at a cost of \$350,000. In addition, the FY 2012 Budget proposes to replace 8 unmarked units in the Police Department at a cost of \$128,000.

**Fire** - In May 2008, the voters of Temple approved a General Obligation bond which included funding for the construction of a new fire facility. This facility will include Station 8 as well as a new training center and emergency operation center for Temple. The facility is located on Airport Road and construction is scheduled for completion in Summer 2011.

The FY 2012 Budget includes funding for the staffing of Station 8 as well as for the fire apparatus needed to provide emergency fire and medical response. In 2009, the City received a federal grant for 4 firefighters to assist in the staffing of the station. The City has filed subsequent grant applications for the remaining firefighters needed; however those grant applications have not been successful. Much like in the police staffing area, current grant program criteria are focused toward communities who have laid off firefighters and it is my belief that relying on grant funding for the remaining personnel needed to staff Station 8 is not viable.

This budget recommends funding the additional personnel needed to staff the station, at a cost of \$178,967. While this staffing level does not meet the goals set out in the Fire Master Plan, it is consistent with current staffing levels and will allow us to open Station 8.

In addition, this Preliminary Budget recommends purchasing the engine needed for Station 8 (\$650,000) and a 'Quick Response Vehicle', or 'QRV' (\$142,000). A second QRV purchase is also recommended, bringing the total fire apparatus recommendations to \$934,000.

**Municipal Court.** The FY 2012 Budget recommends funding to support a full time municipal judge and a juvenile case manager. The total new funding allocated for these additions is \$65,103.

**Other New Programs and Increasing Costs-** In addition to the specific areas mentioned above, the FY 2012 Budget includes funding for several program areas with new or increased costs not included in the past years adopted budget. These include such areas as the mowing of TxDOT right of way areas; additional funding for maintenance of the illumination of TxDOT roadways; opening of Clark Swimming Pool; and the continuation of the reinstated contract with the state lobbyist. Also reflected in the FY 2012 Budget is the increased cost of fuel which affects the majority of the programs and service areas of the City from solid waste collection, police patrol, code enforcement, metering, etc.

The impact and significance of the new programs and increased costs for maintaining our existing programs cannot be overstated. Costs for both are substantial. The increased costs associated with fuel alone are \$435,850.

### **Highlights by Fund**

**General Fund Revenues-** Total revenues for the FY 2012 General Fund Budget are presented at \$55,869,855, an increase of 5.7% compared to the FY 2011 adopted budget. As already mentioned, the increase in revenues can be attributable to increases in sales tax revenue and property tax values.

The three largest sources of revenue for the General Fund are sales tax, property tax, and solid waste charges. As mentioned above, sales tax is the single largest source of revenue for the General Fund and is projected to account for \$15,800,000 or 28% of budgeted revenues. This represents a 6.76% increase from the FY 2011 sales tax revenue adopted budget of \$14,800,000.

Property tax revenue is the second largest source of revenue for the General Fund and is projected to account for \$11,213,134 and 20.07% of budgeted revenues. This represents a 3.18% increase from the FY 2011 property tax revenue adopted budget of \$10,867,304. FY 2012 property tax revenue will be generated from a proposed tax rate of 56.79¢ per \$100 valuation.

Charges associated with solid waste services represent the third largest source of revenue for the General Fund and are projected to account for 15.05% of total General Fund revenues. \$8,409,750 in solid waste revenue is projected for FY 2012, representing a 3.13% increase from the FY 2011 solid waste revenue adopted budget of \$8,154,636. These revenues are based on rates that remain unchanged from current year.

**General Fund Expenditures-** Total expenditures for the FY 2012 General Fund Budget are presented at \$58,888,747, an increase of 7.34% compared to the FY 2011 adopted budget. As noted above, two significant areas of emphasis in the FY 2012 Budget have contributed to almost half of this increase...streets maintenance and public safety.

In addition to 'holding the line' for services provided directly by the City, the FY 2012 Budget for funding provided to Public Service Agencies ('PSAs') is also proposed to be maintained at a comparable level as compared to FY 2011. As you are aware, the PSAs provide much needed services to the community and our support to them 'leverages' their resources with ours. It is a 'win-win' situation. However, just as City departments have been impacted by constrained resource levels, the recommended funding levels for our PSAs in the FY 2012 Budget are also impacted. The FY 2011 adopted budget included \$586,862 in funding to thirteen public service agencies. In FY 2012, sixteen public service agencies requested \$762,112 in funding. The FY 2012 Budget recommends \$589,252 in funding for thirteen organizations. Many of these organizations are funded through the City's General Fund. Organizations whose services are eligible for funding by hotel/motel tax revenues are funded through the City's Hotel/Motel Tax Fund.

One of the strategic focus areas identified in our Strategic Plan is to 'expand the tax base'. In order for us to continue to meet the demands for current service, and in order for us to meet the needs of projected growth and development, it is critical that this objective be met. As Council will recall, the FY 2008 Budget set historic, unprecedented levels of funding for economic development. The funding levels were increased by almost 100%, from around \$1,000,000 annually to almost \$2,000,000 annually. This increase also included funding a 'matrix incentive pool' at \$800,000. This 'matrix incentive pool' was intended to be funding for economic development incentives relating to economic development agreements with new and/or expanding businesses. The commitment made in the FY 2008 Budget was to maintain this matrix incentive pool at a level of \$800,000. The FY 2012 Budget continues that commitment and includes a \$399,492 'placeholder' investment to maintain the matrix funding level. It is anticipated that additional discussions with TEDC will clarify the actual level of funding needed and that such discussions will occur between the filing of this Preliminary Budget and adoption of the final FY 2012 Budget in September.

**Capital Improvements Program-** The City of Temple continues to manage the largest capital improvement program in the history of the community. As of March 31, 2011, a total of \$109,238,541 has been allocated for various capital projects including such improvements as water and sewer infrastructure, transportation infrastructure, parks improvements, and public safety infrastructure. Funding sources for these projects can be identified in eight major areas:

- ▶ Utility Revenue Bonds
- ▶ General Obligation Bonds
- ▶ Certificates of Obligation
- ▶ General Operating Budget Funding
- ▶ Limited Tax Notes
- ▶ TxDOT Pass Through Finance Agreement
- ▶ Grants
- ▶ Reinvestment Zone No. 1

During FY 2011, several major capital projects are underway or have been completed such as the Lions Park Multi-Use Fields, Golf Course Improvements, 5<sup>th</sup> Street Hike & Bike Trail, 1<sup>st</sup> Street Improvements, Central Fire Station, Fire Station 8/Training Center/EOC, Library Improvements, Bird Creek Wastewater Interceptor, and TBRSS Wastewater Plant Expansion preliminary design.

These improvements were funded by CO bonds, GO bonds, utility revenue bonds, grants, Reinvestment Zone funding, and general operating capital.

During FY 2012, the City of Temple is anticipated to begin construction on the single largest capital improvement project ever undertaken by the community- the expansion of the NW Loop 363. This is a significant project for the City and one that has been a desire of the community for many decades. The project includes upgrading approximately four miles of the existing two lane NW Loop from just west of the BNSF railroad crossing to FM 2305. This will create a continuous four lane highway from the NW Loop at I-35 to the SW Loop at I-35. The project includes grade separated interchanges at both SH 36/Airport Road and Wendland Road.

Current project cost estimates are in the \$46,000,000 range, with approximately \$35 million funded through TxDOT (Category 12 and Pass-Thru Financing funds) and approximately \$11 million funded through the City of Temple. The project is scheduled to be completed in Summer 2014.

The FY 2012 Budget includes \$8,240,910 for routine capital for the general operating budget which includes equipment and public infrastructure projects that are underway and/or planned for this fiscal year. In accordance with current fiscal and financial policies, \$4,976,601 of the routine capital is funded with fund balance or retained earnings. The breakdown of this amount is as follows:

- ▶ \$2,400,697 – Reinvestment Zone No. 1
- ▶ \$1,519,400 – General Fund
- ▶ \$666,504 – Drainage Fund
- ▶ \$390,000 – Water & Sewer Unreserved Retained Earnings

Within the Capital Improvement Projects section of this document, the specific projects recommended are listed within three categories. The categories are routine capital, multi-year non-routine capital, and projects identified for future funding.

**Water and Wastewater Fund-** Total revenues for the FY 2012 Water and Wastewater Fund Budget are presented at \$26,847,261, an increase of 1.74% compared to the FY 2011 adopted budget. No rate changes are proposed for water and wastewater service.

Expenses, capital improvements, and debt service for the FY 2012 Water and Wastewater Fund Budget are presented at \$27,237,261, an increase of 2.82% compared with prior year. The capital improvements include the allocation of \$1,770,750 to continue the long-term replacement program of water and sewer infrastructures and equipment needs.

**Hotel and Motel Fund-** Total revenues and expenditures for Hotel/Motel Fund Budget are presented at \$1,399,450, an increase of 11.00% compared to the FY 2011 adopted budget. Funding for the Mayborn Center program as well as the Tourism/Marketing program are funded through the Hotel/Motel Tax Fund. Public Service Agencies whose services are eligible for funding by hotel/motel tax revenues are also funded through the Hotel/Motel Tax Fund.

**Federal and State Grant Fund-** Total revenues and expenditures for Federal and State Grant Fund Budget are presented at \$523,888, a decrease of 14.88% compared to the FY 2011 adopted budget. Total revenues include the award of the Community Development Block Grant (CDBG) at \$466,842. The proposed allocation of CDBG funds are as follows: public service agencies \$60,000, code enforcement \$100,000, sidewalk improvements \$123,475, park improvements \$90,000, and general administration \$93,367. The FY 2012 Budget proposes that the administration of the CDBG program no longer be contracted out, but instead be conducted in-house.

Also included in the Grant Fund are revenues and expenses related to the Energy Efficiency and Conservation Block Grant at \$57,046. These funds have been awarded for the Sustainability and Grant Manager position and for the construction of the 5<sup>th</sup> Street Hike & Bike Trail.

**Drainage Fund-** Total revenues are presented at \$1,089,967, a 9.07% increase from prior year. Expenditures are presented at \$1,756,471, an increase of 46.39% compared to the FY 2011 adopted budget. The expenditures of the drainage fund represent personnel, operational, and capital cost related to maintenance of existing drainage systems.

FY 2012 is the fourth year of the Texas Pollutant Discharge Elimination System ('TPDES') program that is required by the Texas Commission on Environmental Quality ('TCEQ'). As I mentioned in the past, I consider this program to be an unfunded mandate from the State. The multi-year plan required by the State, and adopted by Council in 2008, includes fee increases over several years to fund this program. In FY 2009, the first drainage fee increase was implemented. The FY 2010 and FY 2011 Budget did not include a fee increase and the FY 2012 Preliminary Budget also proposes no increase to the drainage fee for the purpose of funding the TPDES plan.

However, a 25¢ increase to the drainage fee is included in the FY 2012 Budget in order to fund the Drainage Fund's portion of the mowing crew that was established mid-year in FY 2011 and will divide time between mowing of TxDOT right-of-ways and maintaining drainage channels.

## **Conclusion**

I have attempted to provide you with a brief synopsis of the Preliminary Budget for FY 2012. Developing the budget is a team effort that requires participation and input by citizens, City Council and City staff. My thanks to all of the Department and Division Heads who helped put this Preliminary Budget together. Their ability to respond, many times on short notice, to my inquiries and requests for additional information was appreciated and helpful.

I also want to extend a special word of appreciation to Director of Finance, Traci Barnard and her staff for the many hours of work and effort they put in toward the development of this Preliminary Budget. Of special note is the work done by Assistant Finance Director Melissa Przybylski, Budget Analyst Miranda Hennig, Senior Accountant Kiyoko McDonald, and Accountant Stacey Hawkins. I also need to recognize Assistant City Manager Kim Foutz, Assistant to the City Manager Brynn Reynolds for their work and input into the development of this Preliminary FY 2012 Budget. Quite simply, this document could not have been produced without them.

I look forward to the coming weeks of discussion, review, and direction by Council.

Respectfully Submitted,



David Blackburn  
City Manager  
City of Temple, Texas



FY 2012

GENERAL FUND PROPOSED BUDGET

SCHEDULE OF ADJUSTMENTS AFTER FILING PROPOSED BUDGET

	Proposed Budget		Increase (Decrease)
	Filed Copy as of 6-24-11	Current as of 9-1-11	
Projected Revenues	\$ 55,869,855	\$ 55,711,585	\$ (158,270) <sup>A</sup>
Proposed Budget Expenditures	58,766,003	58,607,733	(158,270) <sup>B</sup>
Excess Revenues Over (Under) Expenditures	<u>(2,896,148)</u>	<u>(2,896,148)</u>	<u>-</u>
Transfers In (Out):			
Less: Transfer Out To Debt Service Fund -			
Energy Loan	(98,438)	(98,438)	-
Mobile Data Laptop Replacements	(5,780)	(5,780)	-
Commercial Solid Waste Trucks	(18,526)	(18,526)	-
Total Transfer In (Out)	<u>(122,744)</u>	<u>(122,744)</u>	<u>-</u>
<b>Excess Revenues Over (Under) Expenditures for FY 2012</b>	<b><u>\$ (3,018,892)</u></b>	<b><u>\$ (3,018,892)</u></b>	<b><u>\$0.00</u></b>
Recommended Use of Undesignated Fund Balance-Capital Projects			
-Capital Equipment Funding	\$ 1,519,400	\$ 1,519,400	\$ -
-TEDC Matrix Funding	399,492	399,492	-
-Strategic Investment Zone Funding	100,000	100,000	-
-Street Improvements	1,000,000	1,000,000	-
	<u>\$ 3,018,892</u>	<u>\$ 3,018,892</u>	<u>\$ -</u>

**Explanation of Changes from Filed Budget to Proposed Budget @ 9/1/2011:**

<sup>A</sup> **Revenue Changes:**

Required adjustment from preliminary to certified roll	\$ (158,270)
<b>Total Revenue Changes</b>	<u>\$ (158,270)</u>

<sup>B</sup> **Expenditure Changes:**

Police budget changes for operational items - correction	\$ (17,835)
Operational expenses related to new Fire Fighter positions - correction	25,293
Increase to Compensation Contingency to include Regular Part-Time positions with benefits	23,600
City Secretary position	(28,747)
Net change to Council Contingency	(56,859)
Decrease Seal Coating Program	(103,722)
<b>Total Expenditures Changes</b>	<u>\$ (158,270)</u>
<b>Net Revenue Over (Under) Expenditures</b>	<u>\$ -</u>

**FY 2012**

**WATER & WASTEWATER FUND PROPOSED BUDGET**

**SCHEDULE OF ADJUSTMENTS AFTER FILING PROPOSED BUDGET**

	Proposed Budget		Increase (Decrease)
	Filed Copy as of 6-24-11	Current as of 9-1-11	
Projected Revenues	\$ 26,847,261	\$ 26,847,261	\$ -
Proposed Budget Expenses	27,237,261	27,237,261	-
<b>Net Revenues for FY 2012</b>	<b>(\$390,000)</b>	<b>(\$390,000)</b>	<b>\$0.00</b>
Recommended Use of Unreserved Retained Earnings			
-Capital Equipment Funding (Partial)	390,000	390,000	-
	<u>\$ 390,000</u>	<u>\$ 390,000</u>	<u>\$ -</u>

FY 2012

DEBT SERVICE FUND PROPOSED BUDGET

SCHEDULE OF ADJUSTMENTS AFTER FILING PROPOSED BUDGET

	Proposed Budget		Increase (Decrease)
	Filed Copy as of 6-24-11	Current as of 9-1-11	
Projected Revenues	\$ 7,917,970	\$ 7,917,970	\$ - <sup>A</sup>
Proposed Budget Expenditures	8,361,085	8,361,085	-
Excess Revenues Over (Under) Expenditures	<b>\$ (443,115)</b>	<b>\$ (443,115)</b>	-
Transfers In (Out):			
Plus: Transfer In From Hotel/Motel Fund [Energy Program]	20,371	20,371	-
Plus: Transfer In From General Fund -			
Energy Loan	98,438	98,438	
Mobile Data Laptop Replacements	5,780	5,780	
Commercial Solid Waste Trucks	18,526	18,526	-
<b>Excess Revenues Over (Under) Expenditures for FY 2012</b>	<b>\$ (300,000)</b>	<b>\$ (300,000)</b>	<b>\$ -</b>
Recommended Use of Undesignated Fund Balance			-
	<b>\$ (300,000)</b>	<b>\$ (300,000)</b>	<b>\$ -</b>

**Explanation of Changes from Filed Budget to Proposed Budget @ 9/1/2011:**

<sup>A</sup> **Revenue Changes:**

Required adjustment from preliminary to certified roll	\$ (509)
Increased line item for penalty and interest (offset for property tax adjustment)	509
<b>Total Revenue Changes</b>	<b>\$ -</b>

<sup>B</sup> **Expenditure Changes:**

<b>Total Expenditures Changes</b>	<b>\$ -</b>
<b>Net Revenue Over (Under) Expenditures</b>	<b>\$ -</b>

**FY 2012**

**HOTEL/MOTEL TAX FUND PROPOSED BUDGET**

**SCHEDULE OF ADJUSTMENTS AFTER FILING PROPOSED BUDGET**

	Proposed Budget		Increase (Decrease)
	Filed Copy as of 6-24-11	Current as of 9-1-11	
Projected Revenues	\$ 1,399,450	\$ 1,399,450	\$ -
Proposed Budget Expenditures	1,379,079	1,379,079	-
Excess Revenues Over (Under) Expenditures	<b>\$ 20,371</b>	<b>\$ 20,371</b>	-
Transfers In (Out):			
Less: Transfer Out To Debt Service [Energy Loan]	(20,371)	(20,371)	-
Total Transfer In (Out)	<b>(20,371)</b>	<b>(20,371)</b>	-
Excess Revenues Over (Under) Expenditures for FY 2012	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>

**FY 2012**

**FEDERAL/STATE GRANT FUND PROPOSED BUDGET**

**SCHEDULE OF ADJUSTMENTS AFTER FILING PROPOSED BUDGET**

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	Proposed Budget		Increase (Decrease)
	Filed Copy as of 6-24-11	Current as of 9-1-11	
Projected Revenues	\$ 523,888	\$ 523,888	\$ -
Proposed Budget Expenditures	523,888	523,888	-
Excess Revenues Over (Under) Expenditures for FY 2012	<u>\$0.00</u>	<u>\$0.00</u>	<u>\$0.00</u>

FY 2012

DRAINAGE FUND PROPOSED BUDGET

SCHEDULE OF ADJUSTMENTS AFTER FILING PROPOSED BUDGET

	Proposed Budget		Increase (Decrease)
	Filed Copy as of 6-24-11	Current as of 9-1-11	
Projected Revenues	\$ 1,089,967	\$ 1,089,967	\$ -
Proposed Budget Expenditures	1,756,471	1,756,471	-
Excess Revenues Over (Under) Expenditures for FY 2012	<u>\$ (666,504)</u>	<u>\$ (666,504)</u>	<u>\$0.00</u>
Recommended Use of Undesignated Fund Balance-Capital Projects			
-Capital Project Funding	666,504	666,504	-
	<u>\$ 666,504</u>	<u>\$ 666,504</u>	<u>\$ -</u>

**FY 2012**

**REINVESTMENT ZONE NO. 1 FUND PROPOSED BUDGET  
SCHEDULE OF ADJUSTMENTS AFTER FILING PROPOSED BUDGET**

	Proposed Budget <sup>1</sup>		Increase (Decrease)
	Filed Copy as of 6-24-11	Current as of 9-1-11	
Projected Revenues	\$ 5,405,956	\$ 5,405,956	\$ - <sup>A</sup>
Proposed Budget Expenditures	7,806,653	6,606,653	(1,200,000) <sup>B</sup>
<b>Excess Revenues Over (Under) Expenditures for FY 2012</b>	<b>\$ (2,400,697)</b>	<b>\$ (1,200,697)</b>	<b>\$ 1,200,000</b>

<sup>1</sup> - As amended in Financing Plan approved by Council on July 21, 2011

**Explanation of Changes from Filed Budget to Proposed Budget @ 9/1/2011:**

<sup>A</sup> **Revenue Changes:**

**Total Revenue Changes**

**\$ -**

<sup>B</sup> **Expenditure Changes:**

Reallocated funding for Outer Loop from FY 2012 to FY 2011

**\$ (1,200,000)**

**Total Expenditures Changes**

**\$ (1,200,000)**

**Net Revenue Over (Under) Expenditures**

**\$ 1,200,000**

**FY 2012**

**INTERNAL SERVICE FUND PROPOSED BUDGET**

**SCHEDULE OF ADJUSTMENTS AFTER FILING PROPOSED BUDGET**

	Proposed Budget		Increase (Decrease)
	Filed Copy as of 6-24-11	Current as of 9-1-11	
Projected Revenues	\$ 2,552,768	\$ 2,552,768	\$ -
Proposed Budget Expenses	2,884,039	2,884,039	-
<b>Net Revenues for FY 2012</b>	<b>(\$331,271)</b>	<b>(\$331,271)</b>	<b>\$0.00</b>
Recommended Use of Unreserved Fund Balance			
-Estimated Claims - Supplement	331,271	331,271	-
	<u>\$ 331,271</u>	<u>\$ 331,271</u>	<u>\$ -</u>



# Fiscal and Budgetary Policy Statement

## I. STATEMENT OF PURPOSE

The broad purpose of the following Fiscal and Budgetary Policy Statements is to enable the City to achieve and maintain a long-term stable and positive financial condition. The watchwords of the City's financial management include integrity, prudent stewardship, planning, accountability, full disclosure and communication.

The more specific purpose is to provide guidelines to the Director of Finance in planning and directing the City's day-to-day financial affairs and in developing recommendations to the City Manager and City Council.

The scope of these policies generally spans, among other issues, accounting, auditing, financial reporting, internal controls, operating and capital budgeting, revenue management, cash and investment management, expenditure control, asset management, debt management, and planning concepts, in order to:

- A. present fairly and with full disclosure the financial position and results of the financial operations of the City in conformity to generally accepted accounting principles (GAAP) and;
- B. determine and demonstrate compliance with finance-related legal and contractual issues in accordance with provisions of the Texas Local Government Code and other pertinent legal documents and mandates.

The City Council will annually review and approve the Fiscal and Budgetary Policy Statements as part of the budget process.

## II. OPERATING BUDGET

- A. **Preparation** – Budgeting is an essential element of the financial planning, control, and evaluation process of municipal government. The “operating budget” is the City's annual financial operating plan. The annual budget includes all of the operating departments of the general fund, proprietary fund, the debt service fund, special revenue funds, and capital project funds of the City. The budget is prepared by the City Manager and Director of Finance with the cooperation of all City Departments, on a basis which is consistent with generally accepted accounting principles. The City Manager presents the budget to the City Council and in accordance with Article 12 of the Charter, files a copy with the City Secretary and the Director of Finance. The budget should be presented to the City Council no later than the 1<sup>st</sup> day of August and should be enacted by the City Council on or before the fifteenth day of the last month of the preceding fiscal year.
  - 1. **Proposed Budget** – A proposed budget shall be prepared by the City Manager with the participation of all the City's Department Heads within the provisions of the City Charter.
    - a. The budget shall include four basic segments for review and evaluation. These segments are: (1) revenues, (2) personnel costs, (3) operations and maintenance costs, and (4) capital and other (non-capital) project costs.

- b. The budget review process shall include City Council participation in the development of each of the four segments of the proposed budget and Public Hearings to allow for citizen participation in the budget preparation.
  - c. The budget process shall span sufficient time to address policy and fiscal issues by the City Council.
  - d. A copy of the proposed budget shall be filed by the City Manager with the City Secretary, Director of Finance when it is submitted to the City Council in accordance with the provisions of the City Charter.
2. Adoption – Upon the presentation by the Director of Finance of a proposed budget document to the City Council, the City Council shall call and publicize a public hearing. The City Council will subsequently adopt by Ordinance such budget, as it may have been amended, as the City's Annual Budget effective for the fiscal year beginning October 1<sup>st</sup>.
- B. Balanced Budget – The operating budget will be balanced with current revenues, which may include beginning fund balances less required reserves as established by City Council, greater than or equal to current expenditures/expenses.
- C. Planning – The budget process will be coordinated so as to identify major policy issues for City Council consideration several months prior to the budget approval date. This will allow adequate time for appropriate decisions and analysis of financial impacts.
- D. Reporting – Periodic financial reports will be prepared by the Director of Finance to enable the Department Managers to manage their budgets and to enable the Director of Finance to monitor and control the budget as authorized by the City Manager. Summary financial and budgetary reports will be presented by the Director of Finance to the City Council to understand the overall budget and financial status.
- E. Control and Accountability – The Department Heads of each department will be solely responsible to insure that their department budgets will not exceed budgeted amounts. In addition, each Department Head will be solely responsible to achieve budgeted revenues that are generated by activities of that department. Failure to achieve budgetary control of their individual expenditure and revenue budgets will be evaluated and investigated by the City Manager.
- F. Expenditure Requests – The Finance Department will evaluate expenditure requests from departments to ensure that the requests are in the amount and kind originally budgeted in those departments and that adequate funds are available to comply with individual expense request. The Director of Finance will make every effort to assist departments in obtaining purchases to accomplish the goals and objectives delineated in the budget information for each department set forth in the current yearly adopted budget.
- G. Contingent Appropriation – The City Manager should establish an adequate contingent appropriation in each of the operating funds. Expenditures from this appropriation shall be made only in cases of emergency or an unforeseen/unusual need. A detailed account shall be recorded and reported. The transfer of this budget appropriation shall be under the control of the City Council. Any transfer of contingency must be expressly approved in advance by the City Council.

All transfers from the contingent appropriation will be evaluated using the following criteria:

1. Is the request of such an emergency nature that it must be made immediately?
2. Why was the item not budgeted in the normal budget process?
3. Why the transfer cannot be made within the division or department?

### **III. REVENUE POLICIES**

A. **Characteristics** – The City Finance Department will strive for the following optimum characteristics in its revenue system:

1. **Simplicity** – The City, where possible and without sacrificing accuracy, will strive to keep the revenue system simple in order to reduce compliance costs for the taxpayer or service recipient. A corresponding decrease in the City's cost of collection and a reduction in avoidance to pay should result.
2. **Certainty** – A knowledge and understanding of revenue sources increases the reliability of the revenue system. The City will understand its revenue sources and enact consistent collection policies to provide assurances that the revenue base will materialize according to budgets and plans.
3. **Equity** – The City shall make every effort to maintain equity in its revenue system structure; i.e., the City should seek to minimize or eliminate all forms of subsidization between entities, funds, services, utilities, and customer classes.
4. **Revenue Adequacy** – The City should require that there be a balance in the revenue system; i.e., the revenue base will have the characteristics of fairness and neutrality as it applies to cost of service, willingness to pay, and ability to pay.
5. **Administration** – The benefits of a revenue source should exceed the cost of levying and collecting that revenue. The cost of collection should be reviewed annually for cost effectiveness as a part of the indirect cost of service analysis. Where appropriate, the City will use the administrative processes of State, Federal or Local Governmental collection agencies in order to reduce administrative cost.
6. **Diversification and Stability** – A diversified revenue system with a stable source of income shall be maintained. This will help avoid instabilities in two particular revenue sources due to factors such as fluctuations in the economy and variations in the weather.

B. **Issues** – The following considerations and issues will guide the City Finance Department in its revenue policies concerning specific sources of funds:

1. **Cost/Benefit of Abatement** – The City will use caution in the analysis of tax or fee incentives that are used to encourage development. Ideally, a cost/benefit (fiscal impact) and analysis should be performed as part of such caution.

2. Non-Recurring Revenues – One-time or non-recurring revenues should not be used to finance current ongoing operations. Non-recurring revenues should be used only for non-recurring expenditures and not be used for budget balancing purposes.
3. Property Tax Revenues – All real and business personal property located within the City shall be valued at 100% of the fair market value for any given year based on the current appraisal supplied to the City by the Bell County Tax Appraisal District. Reappraisal and reassessment shall be done every third year.

Conservative budgeted revenue estimates result in a projected ninety-eight percent (98%) budgeted collection rate for current ad valorem taxes. Two percent (2%) of estimated current ad valorem taxes will be projected and used as the budget for delinquent ad valorem tax collections. The combined ad valorem tax collections budgeted each fiscal year will be no less than one hundred percent (100%) of the tax levy and should insure that ad valorem tax collection projections will not be over estimated.

The Finance Department will endeavor with the Tax Assessor Collector to collect ad valorem taxes in excess of ninety-seven percent (97%) of total ad valorem tax levy with a goal of one hundred percent (100%) collection of actual ad valorem taxes levied in each fiscal year.

All delinquent taxes shall be aggressively pursued each year by the Tax Assessor/Collector. Tax accounts delinquent greater than 90 days shall be submitted for collection each year to an attorney selected by the Bell County Tax Appraisal District. A penalty shall be assessed on all delinquent property taxes, which shall include all court costs, as well as an amount for compensation of the attorney as permitted by State law and in accordance with the attorney's contract with the County. Annual performance criteria will be developed for the attorney and reported to the City Council.

4. Interest Income – Interest earned from investment of available monies, whether pooled or not, will be distributed to the funds in accordance with the equity balance of the fund from which monies were provided to be invested.
5. User-Based Fees and Service Charges – For services associated with a user fee or charge, the direct and indirect costs of that service will be offset by a fee where possible. There will be an annual review by all Department Heads of fees and charges to ensure that fees provide adequate coverage of cost of services for their respective departments.

The City Council will determine how much of the cost of a service should be recovered by fees and charges.

6. Enterprise Fund Rates – The Director of Utilities will review rates annually, and the City Council will adopt rates that will generate revenues sufficient to cover operating expenses, meet the legal restrictions of all applicable bond covenants, and provide for an adequate level of working capital.

Additionally, enterprise activity rates and other legal funds of the City will include transfers to and receive credits from other funds as follows:

- a. General and Administrative Charges – Administrative costs should be charged to all funds for services of general overhead, such as administration, finance, customer billing, personnel, data processing, engineering, and legal counsel, and other costs as appropriate. The charges will be determined by the Director of Finance through an indirect cost allocation following accepted practices and procedures not to exceed 9%.
- b. Payment in-lieu-of-costs – This transfer will be made in accordance with the following methods, not to exceed 5% of the total estimated operating revenues of the respective fund.
  - (1) *In-Lieu-of-franchise-fee.* In-lieu-of-franchise fee will be included as a part of the rate computation of gross sales consistent with the franchise rates charged to investor owned utility franchises to operate within the City. Currently, the City levies a 5% franchise fee.
  - (2) *Payment-in-lieu-of-ad valorem tax.* Rates will be calculated so as to include a fee equal to the ad valorem taxes lost as a result of municipal ownership of the various utility and other enterprise activities owned by the City. Net book value will be used as a basis, barring absence of known market value and applied only to capital assets actually within the incorporated City limits.
- 7. Intergovernmental Revenues (Federal/State/Local) – All potential grants will be examined for matching requirements and the source of the matching requirements. These revenue sources will be expended only for intended purpose of grant aid. It must be clearly understood that operational requirements set up as a result of a grant or aid could be discontinued once the term and conditions of the project have terminated.
- 8. Revenue Monitoring – Revenues actually received will be compared to budgeted revenues by the Director of Finance and any variances considered to be material will be investigated. This process will be summarized in the appropriate budget report. The Director of Finance will report results of that investigation to the City Manager and City Council.

#### IV. EXPENDITURE POLICIES

- A. Appropriations – The point of budgetary control is at the department level budget for all funds. When budget adjustments among Departments and/or funds are necessary, they will be made in accordance with the City Charter. Budget appropriation amendments at lower levels of control shall be made in accordance with the applicable administrative procedures.
- B. Central Control – No recognized or significant salary or capital budgetary savings in any Department shall be spent by the Department Head without the prior authorization of the City Manager. This control will realize budget savings each year that will be recognized in the approved budget as “unexpended appropriations” or contingency “sweep” accounts. The City Manager is authorized, without further City Council action, to transfer appropriations within individual department budgets for each fund from line item to line item greater than \$5,000 provided that the total funds appropriated by the City Council for each individual department budget are neither increased nor decreased. The Director of Finance is authorized without

further City Council action, to transfer appropriations within individual department budgets for each fund from line item to line item less than \$5,000 provided that the total funds appropriated by the City Council for each individual department budget are neither increased nor decreased.

- C. **Purchasing** – All City purchases of goods or services will be made in accordance with the City's current Purchasing Manual.
- D. **Prompt Payment** – All invoices approved for payment by the proper City authorities shall be paid by the Finance Department within thirty (30) calendar days of receipt in accordance with the provisions of Article 601f, Section 2 of the State of Texas Civil Statutes.

The Director of Finance shall establish and maintain proper procedures which will enable the City to take advantage of all purchase discounts, when possible, except in the instance where payments can be reasonably and legally delayed in order to maximize the City's investable cash.

- E. **Reporting** – Quarterly reports will be presented by the Director of Finance in open Council meetings describing the financial and budgetary conditions of the City. Comparisons of actual to budget and actual to prior year, appropriate ratios and graphs to fully disclose and present meaningful information will be used whenever possible.

## **V. CAPITAL BUDGET AND PROGRAM**

- A. **Preparation** – The City's Capital Budget will include all capital project funds and all capital resources. The budget will be prepared annually and on a project basis. The Capital Budget will be prepared by the City Manager with the involvement of responsible departments.
- B. **Control** – All capital project expenditures must be appropriated in the Capital Budget. The Finance Department must certify the availability of resources before any capital project contract is presented to the City Council for approval.
- C. **Program Planning** – The Capital Budget will be taken from capital improvements plan for future years. The planning time frame for the capital improvements project plan should normally be five years, but a minimum of at least three years. The replacement and maintenance for capital items should also be projected for the next ten (10) years. Future maintenance and operational costs will be considered so that these costs can be included in the operating budget.
- D. **Financing Programs** – Where applicable, assessments, impact fees, pro rata charges, or other fees should be used to fund capital projects which have a primary benefit to specific, identifiable property owners.

Recognizing that long-term debt is usually a more expensive financing method, alternative-financing sources will be explored before debt is issued. When debt is issued, it will be used to acquire major assets with expected lives that equal or exceed the average life of the debt issue. The exceptions to this requirement are the traditional costs of marketing and issuing the debt, capitalized labor for design and construction of capital projects, and small component parts which are attached to major equipment purchases.

- E. **Timing** – The Financial Analyst will work with Department Heads during the budget preparation to schedule the timing of capital equipment purchases to insure funds availability. The final schedule of capital purchases will be given to Directors or Department Heads to assist them in timing purchase requests to the Purchasing Department.
- F. **Infrastructure Maintenance** – The City recognizes the deferred maintenance increases future capital costs. Therefore, a portion of all individual funds with infrastructure should be budgeted each year to maintain the quality of the City's infrastructure. Replacement schedules should be developed in order to anticipate the deterioration and obsolescence of infrastructure.
- G. **Reporting** – Periodic financial reports will be prepared by the Director of Finance to enable the Department Heads to manage their capital budgets and to enable the Finance Department to monitor and control the capital budget as authorized by the City Manager.

## **VI. ACCOUNTING, AUDITING, AND FINANCIAL REPORTING**

- A. **Accounting** – The City Finance Department is solely responsible for the reporting of the financial affairs, both internally and externally. The Director of Finance is the City's Chief Fiscal Officer and, through responsibility delegated to the Assistant Director of Finance, is responsible for establishing the Chart of Accounts and for properly recording financial transactions.
- B. **Auditing** –
  - 1. **Qualifications of the Auditor** – In conformance with the City's Charter and according to the provisions of Texas Local Government Code, Title 4, Chapter 103, the City will be audited annually by outside independent accountants ("auditor"). The auditor must be a CPA that can demonstrate that it has the breadth and depth of staff to conduct the City's audit in accordance with generally accepted auditing standards and contractual requirements. The auditor must hold a license under Article 41a-1, Section 9, of the Civil Statutes of Texas, capable of demonstrating that it has sufficient staff which will enable it to conduct the City's audit in accordance with generally accepted auditing standards as required by the City Charter and applicable state and federal laws. The auditor's report on the City's financial statement will be completed within 120 days of the City's fiscal year end, and the auditor will jointly review the management letter with the City Council within 30 days of its receipt by the staff.

In conjunction with their review, the Director of Finance shall respond within 100 days in writing to the City Manager and City Council regarding the auditor's Management Letter, addressing the issues contained therein. The City Council shall schedule its formal acceptance of the auditor's report upon the resolution of any issues resulting from the joint review.
  - 2. **Responsibility of Auditor to City Council** – The auditor is retained by and is accountable directly to the City Council and will have access to direct communication with the City Council if the City Staff is unresponsive to auditor recommendations or if the auditor considers such communication necessary to fulfill its legal and professional responsibilities.

## C. **Financial Reporting** –

1. **External Reporting** – The City Finance Department shall prepare a written Comprehensive Annual Financial Report (CAFR) which shall be presented to the City's auditor within 60 days of the City's fiscal year end. Accuracy and timeliness of the CAFR is the responsibility of the City staff. The CAFR will be prepared in accordance with generally accepted accounting principles (GAAP). If City staffing limitations preclude such timely reporting, the Director of Finance will inform the City Council of the delay and the reasons therefore. Upon the completion and acceptance of the CAFR, the City's auditor shall present the audited CAFR to the City Council within 120 days of the City's fiscal year end.
2. **Internal Reporting** – The Finance Department will prepare internal financial reports, sufficient to plan, monitor, and control the City's financial affairs. Internal financial reporting objectives are addressed throughout these policies. As the Finance Department strives for excellence in financial reporting, the following Qualitative Characteristics of Accounting Information will be incorporated in all reports and policies that are prepared or implemented.

### **Definitions of Qualitative Characteristics of Accounting Information:**

- **Bias** – Bias in measurement is the tendency of a measure to fall more often on one side than the other of what it represents instead of being equally likely to fall on either side. Bias in accounting measures means a tendency to be consistently too high or too low. Financial reporting will strive to eliminate bias in accounting data.
- **Comparability** – The quality of information that enables users to identify similarities in and differences between two sets of economic phenomena.
- **Completeness** – The inclusion in reported information of everything material that is necessary for faithful representation.
- **Conservatism** – A prudent reaction to uncertainty to try to insure that uncertainty and risks inherent in financial situations are adequately considered.
- **Consistency** – Conformity from period to period with unchanging policies and procedures.
- **Feedback Value** – The quality of information that enables users to confirm or correct prior expectations.
- **Materiality** – The magnitude of an omission or misstatement of accounting information that, in light of surrounding circumstances, makes it probable that the judgment of a reasonable person relying on the information would have been changed or influenced by the omission or misstatement.
- **Neutrality** – Absence in reported information of bias intended to attain a predetermined result or to induce a particular mode of behavior.



- **Predictive Value** – The quality of information that helps users to increase the likelihood of correctly forecasting the outcome of past or present events.
- **Relevance** – The capacity of information to make a difference in a decision by helping users to form predictions about the outcomes of past, present, and future events or to confirm or correct prior expectations.
- **Reliability** – The quality of information that assures that information is reasonably free from error and bias and faithfully represents what it purports to present.
- **Representational Faithfulness** – Correspondence or agreement between a measure or description and the phenomenon that it purports to represent (sometimes called validity).
- **Timeliness** – Having information available to a decision-maker before it loses its capacity to influence decisions.
- **Understandability** – The quality of information that enables users to perceive its significance.
- **Verifiability** – The ability through consensus among measurers to insure that information represents what it purports to represent or that the chosen method of measurement has been used without error or bias.

## **VII. ASSET MANAGEMENT**

- A. **Investments** – The Director of Finance shall promptly deposit all City funds with the City's Depository Bank in accordance with the provisions of the current Bank Depository Agreement. The Director of Finance will then promptly invest all funds in any negotiable instrument that the Council has authorized under the provisions of the Public Funds Investment Act, and in accordance with the City Council approved Investment Policies.
- B. **Cash Management** – The City's cash flow will be managed to maximize the cash available to invest. Such cash management will entail the centralization of cash collections, where feasible, utility bills, building and related permits and licenses, and other collection offices as appropriate.

The Finance Department shall use the facsimile check-signing machine, bearing the signatures of the City Manager and Director of Finance.

The Director of Finance may transfer funds, via electronic transfer, through verbal or electronic instructions to the City's Depository only for payment of any obligation of the City under the conditions applicable to the use of the facsimile machine. Payment authorization shall be in accordance with the pay authorization criteria as defined in the current Bank Depository Agreement, approved by Council, stipulating the conditions and control procedures on such activity.

## VIII. TREASURY

**Cash/Treasury Management** – Periodic review of each cash flow position will be performed to determine performance of cash management and investment policies. A detailed policy structure will be followed with respect to Cash/Treasury Management. The underlying theme will be that idle cash will be invested with the intent to 1) safeguard assets, 2) maintain liquidity, and 3) maximize return. Where legally permitted, pooling of investments will be done.

The City will adhere to the investments authorized through the Public Funds Investment Act and any amendments to such act and will additionally establish a comprehensive Investment Policies and Guidelines. Such policies will clarify acceptable investment securities, brokers, terms, and other pertinent investment information.

## IX. DEBT MANAGEMENT

A. **Policy Statement** – The City of Temple recognizes the primary purpose of capital facilities is to support provision of services to its residents. Using debt financing to meet the capital needs of the community must be evaluated according to two tests – efficiency and equity. The test of efficiency equates to the highest rate of return for a given investment of resources. The test of equity requires a determination of who should pay for the cost of capital improvements. In meeting the demand for additional capital facilities, the City will strive to balance the load between debt financing and “pay as you go” methods. The City realizes failure to meet the demands of growth may inhibit its continued economic viability, but also realizes that too much debt may have detrimental effects. Through the rigorous testing of the need for additional debt financed facilities and the means by which the debt will be repaid, the City Director of Finance will strike an appropriate balance between service demands and the amount of debt.

### B. **Types of Debt** –

1. **General Obligation Bonds (GO's)** – General obligation bonds will be used only to fund capital assets of the general government, are not to be used to fund operating needs of the City and are backed by the full faith and credit of the City as well as the ad valorem taxing authority of the City as prescribed by law. The term of a bond issue will not exceed the useful life of the asset(s) funded by the bond issue and will generally be limited to no more than twenty years. General obligation bonds must be authorized by a vote of the citizens of the City of Temple.
2. **Revenue Bonds (RB's)** – Revenue bonds will be issued to provide for the capital needs of any activities where the capital requirements are necessary for continuation or expansion of a service which produces a revenue and for which the asset may reasonably be expected to provide for a revenue stream to fund the debt service requirements. The term of the obligation may not exceed the useful life of the asset(s) to be funded by the bond issue and will generally be limited to no more than twenty years.
3. **Certificates of Obligation, Contract Obligations, etc. (CO's)** – Certificates of Obligations or Contract Obligations will be used in order to fund capital requirements which are not otherwise covered under either Revenue Bonds or General Obligation Bonds. Debt service for CO's may be either from general revenues or backed by a specific revenue stream or streams or by a combination of both. Generally CO's will be used to fund capital assets

where full bond issues are not warranted as a result of cost of the asset(s) to be funded through the instrument. The term of the obligations may not exceed the useful life of the asset(s) to be funded by the proceeds of the debt issue and will generally be limited to no more than twenty years.

4. **Method of Sale** – The Director of Finance will use a competitive bidding process in the sale of bonds unless the nature of the issue warrants a negotiated bid. In situations where a competitive bidding process is not elected, the Director of Finance will publicly present the reasons why, and the Director of Finance will participate with the financial advisor in the selection of the underwriter or direct purchaser.
- C. **Analysis of Financing Alternatives** – Finance Staff will explore alternatives to the issuance of debt for capital acquisitions and construction projects. These alternatives will include, but are limited to: 1) grants-in-aid, 2) use of reserves/designations, 3) use of current revenues, 4) contributions from developers and others, 5) leases, and 6) impact fees.
- D. **Conditions for using debt** – Debt financing of capital improvements and equipment will be done only when the following conditions exist:
  - When non-continuous projects (those not requiring continuous annual appropriations) are desired;
  - When it can be determined that future users will receive a benefit from the improvement;
  - When it is necessary to provide basic services to residents and taxpayers (for example, purchase of water rights);
  - When total debt, including that issued by overlapping governmental entities, does not constitute an unreasonable burden to the residents and taxpayers.
- E. **Federal Requirements** – The City Finance Department will maintain procedures to comply with arbitrage rebate and other Federal requirements **related to the issuance of bonds.**

The City Finance Department will maintain post-issuance compliance written procedures for bonds and financed projects. The City will monitor the use of proceeds and expenditures from the Construction/Project Fund for all bond issues. The City will retain various records with respect to each series of Bonds.
- F. **Sound Financing of Debt** – When the City utilizes debt financing, it will ensure that the debt is soundly financed by:
  - Conservatively projecting the revenue sources that will be used to pay the debt;
  - Financing the improvement over a period not greater than the useful life of the improvement;
  - Determining that the benefits of the improvement exceed the costs, including interest costs;

- Maintaining a debt service coverage ratio which ensures that combined debt service requirements will not exceed revenues pledged for the payment of debt; and
- Evaluating proposed debt against the target debt indicators.

G. **Financing Methods** – The City maintains the following policies in relation to methods of financing used to issue debt:

- An Ad Valorem tax rate of \$1.20 per \$100 of assessed value is the maximum municipal tax rate (by City Charter) that may be levied for all General Fund tax supported expenditures and debt service;
- Where possible, the City will use revenue or other self-supporting bonds in lieu of General Obligation Bonds;
- When appropriate, the City will issue non-obligation debt, for example, Industrial Development Revenue bonds, to promote community stability and economic growth; and
- Staff will maintain open communications with bond rating agencies about its financial condition and whenever possible, issue rated securities.

H. **Elections** – The Charter also regulates which securities may be issued only after a vote of the electors of the City and approved by a majority of those voting on the issue.

1. **Election Required** – Securities payable in whole or in part from Ad Valorem taxes of the City except issues such as tax increment securities, certificates of obligation, and contractual obligations.

2. **Election Not Required** –

- Short-term notes (12 months or less) issued in anticipation of the collection of taxes and other revenues.
- Securities issued for the acquisition of water rights or capital improvements for water treatment.
- Securities payable solely from revenue other than Ad Valorem taxes of the City.
- Refunding securities issued to refund and pay outstanding securities.
- Securities for any special or local improvement district, such as a Public Improvement District (PID).
- Tax increment securities payable from Ad Valorem tax revenue derived from increased valuation for assessment of taxable property within a plan of development or other similar area as defined by applicable State Statutes.
- Securities issued for the acquisition of equipment or facilities pursuant to a lease-purchase contract.

## X. FINANCIAL CONDITIONS, RESERVES, AND STABILITY RATIOS

- A. **Operational Coverage** – (No Operating Deficits) – The City's Proprietary Utility fund will comply with all bond covenants and maintain an operational coverage of at least 125%, such that current operating revenues will exceed current operating expenses.

Deferrals, short-term loans, or one-time sources will be avoided as budget balancing techniques. Reserves will be used for emergencies or non-recurring expenditures, except when balances can be reduced because their levels exceed guideline minimums as stated in Paragraph B, following.

~~B. **Operating Reserves/Fund Balances** –~~

- ~~1. The General Fund's **fund balance** should be at least 33% of the General Fund's annual operating expenditures. This percentage is the equivalent of four months operational expenditures.~~
- ~~2. The Enterprise Fund **working capital** should be maintained at 33% of total operating expenses or the equivalent of four months.~~

- B. **Fund Balance Policies** – The City's Fund Balance is the accumulated difference between assets and liabilities within governmental funds, and it allows the City to meet its contractual obligations, fund disaster or emergency costs, provide cash flow for timing purposes and fund non-recurring expenses appropriated by Council. This policy establishes limitations on the purposes for which Fund Balances can be used in accordance with Governmental Accounting Standards Board (GASB) Statement Number 54.

The City's Fund Balance will report up to five components:

- ~~1. **Non-spendable Fund Balance** – amounts that are not in a spendable form or are required to be maintained intact. Assets included in this category are prepaid items, inventory, and non-financial assets held for resale.~~
- ~~2. **Restricted Fund Balance** – represents the portion of fund balance that is subject to legal restrictions, such as grants or hotel/motel tax and bond proceeds.~~
- ~~3. **Committed Fund Balance** – describes the portion of fund balance that is constrained by limitations that the Council has imposed upon itself, and remains binding unless the Council removes the limitation.~~
- ~~4. **Assigned Fund Balance** – is that portion of fund balance that reflects the City's *intended* use of the resource and is established in a less formal method by the City for that designated purpose.~~
- ~~5. **Unassigned Fund Balance** – represents funds that cannot be properly classified in one of the other four categories.~~

C. **Operating Reserves/Fund Balances** –

- ~~1. The General Fund's Unassigned Fund Balance should be at least 33% of the General Fund's annual operating expenditures. This percentage is the equivalent of four months operational expenditures. The General Fund's annual operating expenditures are defined as all personnel and operations expenditures less those related to the operation of the sanitation department and golf course. It also excludes the cost of goods component of the Airport's operational budget.~~

Any expenditure funded with General Fund Balance is also excluded from this calculation.

2. The General Fund's Assigned for Technology Fund Balance is replenished each year at a level sufficient for the City's technology needs based on a recommendation by Management.
3. The General Fund's Assigned for Capital Projects Fund Balance is adopted by Council with the acceptance of the fiscal year end financial statements. At the end of each fiscal year, any available fund balance that is not restricted or allocated to technology is added to the balance of the General Fund's Assigned for Capital Projects Fund Balance.
4. The Enterprise Fund working capital should be maintained at 33% of total operating expenses or the equivalent of four months.

- D. **Liabilities and Receivables** – Procedures will be followed to maximize discounts and reduce penalties offered by creditors. Current liabilities will be paid within 30 days of receiving the invoice. Accounts Receivable procedures will target collection for a maximum of 30 days from service. Receivables aging past 120 days will be sent to a collection agency. The Finance Director is authorized to write-off non-collectible accounts that are delinquent for more than 180 days, provided proper delinquency procedures have been followed. The Finance Director will make an annual report to the City Council of the status of delinquent write-offs of non-collectible accounts.

E. **Capital and Debt Service Funds** –

1. Monies in the Capital Projects Funds should be used within 24 months of receipt or within a reasonable time according to construction schedule. Balances will be used to generate interest income to offset construction cost. Any unused monies can be used to fund similar projects as outlined by bond covenants and remaining excess funds will be transferred to the Debt Service Fund, provided that this complies with the bond covenant.

Revenues in the Debt Service Fund are based on property tax revenues, interest earnings and transfers from other funds. Reserves in the Debt Service Fund are designed to provide funding between the date of issuance of new debt and the time that property tax levies are adjusted to reflect the additional debt. Reserve levels should not exceed one month of average annual debt service.

2. Revenue obligations will maintain debt coverage ratios as specified by the bond covenants.

F. **Ratios/Trend Analysis** –

Ratios and significant balances will be incorporated into monthly, quarterly and financial reports. This information will provide users with meaningful data to identify major trends of the City's finances through analytical procedures. We have selected the following ratios/balances as key indicators:

- Fund Balance/Equity:  
FB/E                      Assets – liabilities  
AL (Acceptable level)  $\geq 33.0\%$  of operations
- Working Capital:  
CA – CL                      Current assets less current liabilities  
AL  $\geq 33.0\%$  of operations
- Current Ratio:  
CA/CL                      Current assets divided by current liabilities  
AL  $> 1.00$
- Quick Ratio:  
Liquid CA/CL                      “Liquid” current assets divided by current liabilities  
AL  $> 1.00$
- Debt/Assessed  
Ad Valorem Taxes:  
D/AV                      Debt divided by assessed Ad Valorem value  
AL  $< 5$
- Debt Ratio (%):  
CL+LTL/TA                      Current liabilities plus long term liabilities divided by total assets  
AC  $< 1.00$
- Enterprise Operational  
Coverage:  
OR/OE                      Operating revenue divided by operating expense  
AL  $> 1.25$

Our goal is to develop minimum/maximum levels for the ratios/balances above through analyzing City of Temple historical trends and anticipated future trends. We will also analyze/compare City of Temple to other municipalities to develop these acceptable levels.

## XI. INTERNAL CONTROLS

- A. **Written Procedures** – Wherever possible, written procedures will be established and maintained by the Director of Finance for all functions involving cash handling and/or accounting throughout the City. These procedures will embrace the general concepts of fiscal responsibility set forth in this policy statement.
- B. **Department Heads Responsibilities** – Each Department Head is responsible to ensure that good internal controls are followed throughout their Department, that all Finance Department directives or internal controls are implemented, and that all independent auditor internal control recommendations are addressed.

## XII. STAFFING AND TRAINING

- A. **Adequate Staffing** – Staffing levels will be adequate for the fiscal functions of the City to operate effectively. Overtime shall be used only to address temporary or seasonal demands that require excessive hours. Workload allocation alternatives will be explored before adding staff.
- B. **Training** – The City will support the continuing education efforts of all financial staff members including the investment in time and materials for maintaining a current perspective concerning financial issues. Staff will be held accountable for communicating, teaching, and sharing with other staff members all information and

training materials acquired from seminars, conferences, and related education efforts.

- C. **Awards, Credentials, Recognition** – The Finance Department will support efforts and involvement which result in meeting standards and receiving exemplary recitations on behalf of any of the City's fiscal policies, practices, processes, products, or personnel. Staff certifications may include Certified Public Accountant, Management Accountant, Certified Internal Auditor, and Certified Cash Manager.

The Finance Department will strive to maintain a high level of excellence in its accounting policies and practices as it prepares the CAFR. The CAFR will be presented annually to the Governmental Finance Officers Association for evaluation and consideration for the Certificate of Achievement for Excellence in Financial Reporting. The Budget will also be submitted to the GFOA for evaluation and consideration of the Distinguished Budget Presentation Award.



# **Investment Policy**

The Public Funds Investment Act, Chapter 2256, Texas Government Code, as amended, prescribes that each City is to adopt rules governing its investment practices and to define the authority of the investment officer. The following Investment Policy addresses the methods, procedures, and practices, which must be exercised to ensure effective and judicious fiscal management of the City's funds.

The Director of Finance is designated as the investment officer of the City of Temple, Texas, and is responsible for all investment decisions and activities.

## **I. Scope**

This Policy applies to all investment activities of the City's funds under its control, except those subject to other investment covenants, or excluded by contract. The Investment Policy will govern the activities of the Director of Finance and designated deputies in their management of all public funds covered by this Investment Policy.

In order to make effective use of the City's resources, all funds shall be pooled for investment purposes, except for those funds required to be accounted for in other accounts as stipulated by applicable laws, bond covenants, contracts or City policy. The pooled funds will include, but are not limited to, the funds of the General Fund, Water & Wastewater, GO Interest & Sinking, Hotel/Motel, Capital Projects, Federal/State Grant, Drainage, and Tax Increment Funds. The Firemen's Pension Fund, Deferred Compensation Plans, and any investments donated to the City for a particular purpose, or under terms of use specified by the donor, are outside the scope of this Investment Policy.

This Policy also requires the formal adoption of an Investment Strategy that specifically addresses each of the City's fund groups. (See Attachment A)

## **II. Objectives**

The primary objectives of the City investment activities, in order of priority, shall be:

- A. Safety – Investments shall be undertaken in a manner that seeks to ensure the preservation of principal.
- B. Liquidity – The City's investment portfolio will remain sufficiently liquid to enable the City to meet all operating requirements, which might be reasonably anticipated.
- C. Yield – The City's investment strategy is conservative. Given this strategy, the benchmark used by the Director of Finance to determine whether market yields are being achieved shall be the 90-day T-bill rate. Return on investment is of least importance compared to the safety and liquidity objectives.

Each investment transaction shall seek to first ensure that principal losses are avoided, whether they are from security defaults or erosion of market value.

## **III. Delegation Of Authority**

The Director of Finance may designate deputies to assist with the management of the investment portfolio.

The Director of Finance or designated deputy shall be responsible for all transactions, compliance with internal controls, and insuring that all safekeeping, custodial, and collateral duties are in compliance with this investment policy and other applicable laws and regulations.

IV. **Standard Of Care**

Investments shall be made with judgment and care, under prevailing circumstances, that a person of prudence, discretion, and intelligence would exercise in the management of the person's own affairs, not for speculation, but for investment, considering the probable safety of capital and the probable income to be derived. This investment principle shall be applied in the context of managing the overall investment portfolio.

The Director of Finance or designated deputy, acting in accordance with written procedures and exercising due diligence, shall not be held personally responsible for an individual security's credit risk or market price changes, provided that deviations from expectations are reported in a timely manner to the City Manager, and appropriate action is taken to control adverse developments.

V. **Ethics And Conflicts Of Interest**

The Director of Finance and designated deputies shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions. An individual who has a personal business relationship with a business organization offering to engage in an investment transaction with the City shall file a statement with the Texas Ethics Commission and the City Council disclosing that personal business interest. A disclosure statement will also be filed if the Director of Finance or any designated deputy is related within the second degree by affinity of consanguinity, as determined under Chapter 573, to an individual seeking to sell an investment to the City.

For the purpose of this section, an individual has a personal business relationship with a business organization if:

- A. The individual owns 10 percent or more of the voting stock or shares of the business organization, or owns \$5,000 or more of the fair market value of the business organizations;
- B. Funds received by the individual from the business organization exceed 10 percent of the individual's gross income for the previous year; or
- C. The individual has acquired from the business organization during the previous year investments with a book value of \$2,500 or more for the personal account of the individual.

VI. **Accounting/Reporting**

The Director of Finance shall, not less than quarterly, prepare and submit to the City Council a written report of investment transactions for all funds covered by this investment policy for the preceding reporting period. The report should:

- A. Describe the investment position of the entity on the date of the report;
- B. Be prepared and signed by the Director of Finance and Treasury Manager;
- C. Contain a summary statement prepared in compliance with generally accepted accounting principles that states the beginning market values, additions and changes to the market value, ending market value and fully accrued interest for the reporting period;

- D. State the book value and market value of each separately invested asset at the beginning and end of the reporting period by type of asset and fund type invested;
- E. State the maturity date of each separately invested asset that has a maturity date;
- F. State the compliance of the investment portfolio as it relates to the City's Investment Policy, the City's Investment Strategy and the Public Funds Investment Act; and
- G. The reports should be formally reviewed at least annually by an independent auditor.

The method used to monitor the market price of acquired investments is to obtain market rates for the total portfolio from at least two independent brokers or from a recognized entity that provides a similar service.

## **VII. Internal Controls**

The management of the City of Temple, Texas, is responsible for establishing and maintaining an internal control structure. In fulfilling this responsibility, estimates and judgments by management are required to assess the expected benefits and related costs of internal control structure policies and procedures. The objective of an internal control structure is to provide management with reasonable, but not absolute, assurance that assets are safeguarded against loss from unauthorized use or disposition, and that transactions are executed in accordance with management's authorization and recorded properly to permit the preparation of financial statements in accordance with generally accepted accounting principles. Because of inherent limitations in any internal control structure, errors or irregularities may nevertheless occur and not be detected. Also, projection of any evaluation of the structure to future periods is subject to the risk that procedures may become inadequate because of changes in conditions or that the effectiveness of the design and operation of policies and procedures may deteriorate.

For the purpose of this policy, we have identified procedural controls for the purchase of investments (See Attachment B). Significant internal control structure policies and procedures are beyond the scope of this policy. The Director of Finance shall comply with the City's Internal Control Policies and Procedures at all times.

## **VIII. Diversification**

The City will diversify use of investment types and issuers to avoid incurring unreasonable risks inherent in over-investment in specific instruments, individual issuers or maturities.

The investment portfolio shall not exceed the following guidelines without prior approval of the City Manager:

- A. With the exception of U.S. Treasury securities and authorized pools, no more than 50% of the total investment portfolio will be invested in a single investment type.
- B. Investment in any one single U.S. Agency Issue shall not exceed 30% of the total investment portfolio.
- C. Commercial Paper shall not exceed more than 5% of the total investment portfolio.
- D. With the exception of U.S. Treasury securities, no more than 40% of the total investment portfolio shall be invested with a single issuer.
- E. Investment with maturities of three years shall be limited to a maximum of 20% of the total portfolio.

- F. The minimum maturity on any individual investment shall be one day (overnight). Maturities will be scheduled to meet liquidity and operating requirements.
- G. The maximum maturity for each investment and the total portfolio will be timed to maturity to meet cash flow needs established by the cash flow analysis. The maximum maturity of any individual investment shall not exceed three (3) years.
- H. The maximum dollar-weighted average maturity of the total investment portfolio is 270 days.

Maturity schedules shall be timed according to anticipated liquidity needs. Investments, from time to time, may be liquidated before maturity for cash-flow purposes. To meet these disbursement schedules, market gains or losses may be required. Any losses for early maturity liquidation should be minimized, and they should be reported as such to the City Manager in a timely manner. Actual risk of default shall be minimized by adequate collateralization. Market risk shall be minimized by diversification of investment type and maturity.

The Director of Finance shall routinely monitor the contents of the investment portfolio, the available markets and the relative values of competing instruments, and shall adjust the investment portfolio accordingly, keeping in mind the overall objectives of the investments.

#### **IX. Cash Flow Analysis**

The Director of Finance will develop and maintain a comprehensive cash flow analysis for all of the City's fund types. The purposes will be to determine liquidity needs and the available funds for investing. The summarized cash flow analysis reports will be provided to the City Council and the City Manager on a quarterly basis.

#### **X. Authorized Investments**

The following is a list of authorized investments:

- A. Obligations issued, guaranteed, insured by, or backed by the full faith and credit of the United States or its agencies and instrumentalities (i.e. U.S. Treasury and Agency Issues).
- B. Certificates of Deposit, which are guaranteed or insured by the Federal Deposit Insurance Corporation or its successor or the National Credit Union Share Insurance Fund or its successor and are secured by obligations of the United States or its agencies and instrumentalities, that have a market value of not less than the principal amount of the certificates.
- C. Fully collateralized repurchase agreements that have a defined termination date and are secured by obligations of the United States or its agencies and instrumentalities. The securities purchased by the City must be pledged to the City, held in the City's name and deposited at the time the investment is made with the City's custodial bank. Repurchase agreements can only be placed through primary government securities dealers or financial institutions doing business in Texas. The maximum term for repurchase agreements is ninety (90) days from the date the reverse security repurchase agreement is delivered and securities held as collateral must not mature later than the agreement's expiration date.
- D. Commercial paper with a stated maturity of 270 days or less from the date of issuance. Must be rated not less than A-1 or P-1, or an equivalent, by at least two nationally recognized credit rating agencies or rated by one credit rating agency plus fully secured by an irrevocable letter of credit issued by a domestic bank.

- E. Investment pools that are authorized by Council, invest only in investments approved by the Public Funds Investment Act, have an advisory board and are continuously rated no lower than AAA or AAA-m or at an equivalent rating by at least one nationally recognized rating agency. Investment pools must provide an offering circular, investment transaction confirmations, and monthly reports.
- F. S.E.C. registered no-load money market mutual funds that have a dollar-weighted average stated maturity of ninety (90) days or less and include in its investment objectives the maintenance of a stable net asset value of \$1 for each share.

An investment that requires a minimum rating under this policy does not qualify as an authorized investment during the period the investment does not have the minimum rating. The Director of Finance will take all prudent measures that are consistent with this policy to liquidate an investment that does not have the minimum rating; however, the Director of Finance will not be required to liquidate investments that were authorized investments at the time of purchase.

The Director of Finance is specifically prohibited from investing in:

- A. Structured notes, investments with inverse-floaters, collateralized mortgage obligations, or any other form of derivatives;
- B. Any investment not authorized by this Policy or the Public Funds Investment Act;
- C. Any instrument for which there would not be a ready market for immediate resale;
- D. Any investment pool in which the City would own more than 20% of the market value of the pool;
- E. Highly sophisticated investments not freely conducted in the marketplace e.g., derivatives; and
- F. Any one mutual fund in which the City would own more than 10% of the total assets of the mutual fund.

The Director of Finance is also specifically prohibited from borrowing funds for the purpose of reinvesting the funds to leverage return.

#### **XI. Eligible Institutions**

The following financial institutions are eligible for consideration for investment transactions by the Director of Finance:

- A. State or national banks domiciled in the State of Texas.
- B. Savings banks domiciled in the State of Texas.
- C. State or federal credit unions domiciled in the State of Texas.
- D. Brokers approved and designated as primary dealers by the Federal Reserve Bank of New York.
- E. Secondary or regional brokers who meet the following requirements:
  - 1. National Association of Security Dealers certified;

2. Carry Texas State Registration;
3. Have net capital of \$1 million or more for Delivery Versus Payment investment transactions or net capital of \$50 million or more for Repurchase Agreement transactions; and
4. Have at least five (5) years of operation.

F. Local government investment pools, i.e. Texpool, TexSTAR, etc.

G. S.E.C. registered money market mutual funds.

Due to possible conflicts of interest, we feel that it is in the best interest of the City for the City's depository to be ineligible for quote-qualified investment transactions. Other routine investment transactions, not covered in the scope of this policy such as sweep accounts, certificates of deposit, and float interest earnings, would be allowed with the City's depository.

A written copy of the City's investment policy shall be presented to any financial institution offering to engage in an investment transaction with the City. The qualified representative of the financial institution offering to engage in an investment transaction with the City shall execute an Investment Policy Certification substantially to the effect that the financial institution has:

- A. Received and reviewed the City's investment policy; and
- B. Acknowledged that the financial institution has implemented reasonable procedures and controls in an effort to preclude investment transactions conducted between the City and the institution that are not authorized by the City's investment policy, except to the extent that this authorization is dependent on an analysis of the makeup of the City's entire portfolio or requires an interpretation of subjective investment standards.

A list of individual qualified institutions authorized to engage in investment transactions with the City shall, at least annually, be reviewed, revised, and adopted by the City Council. (See Attachment C)

All broker/dealers will have on file, with the City, Trading Authorization Agreements.

## **XII. Security Purchases/Trades**

The City will purchase securities on an "as needed" basis only. The City will determine investment requirements based on cash flow analysis and current cash positions. The City will evaluate all bids given for determination of the securities best suited for the City's requirements.

Security selections and term will be determined in accordance with, (1) safety of principal, (2) cash flow needs, (3) investment type as a percentage of total investment portfolio and (4) yield.

Brokers/dealers are not encouraged to contact the City on currently available securities that the broker/dealers believe are items of interest to the City.

All securities placed will be solicited from no less than three qualified institutions. The Treasury Manager will obtain the quotes and get approval from the Director of Finance or a designated deputy prior to making any investment decision. All security purchases and trades conducted through the City will be settled with the City's third party custodial bank. The use of Delivery versus Payment (DVP) for investment transactions/purchases, except with investment pools and money market mutual funds, will be continually used by the Director of Finance at the City's third party custodian bank.

The Director of Finance, Assistant Director of Finance, Treasury Manager, Senior Accountant, City Manager, and City Secretary are the only individuals authorized to wire funds for the City. Dual authorization shall be used for all nonrepetitive wire transfers.

The City must approve any Substitution of securities on repurchase agreements. The City will only enter repurchase agreements under the terms of the Public Securities Agreement (PSA) – Master Repurchase Agreement format.

### **XIII. Collateralization Requirements**

Consistent with the requirements of the Public Funds Collateral Act, Chapter 2257, Texas Government Code, as amended, the City will require full collateralization of all deposits with depository institutions. In order to anticipate market changes and provide a level of security, the collateralization level will be 102% of market value of principal and accrued interest on the deposits less the amount insured by the Federal Deposit Insurance Corporation. Securities pledged as collateral shall be held in the City's name by an independent third party with whom the City has a current custodial agreement. A clearly marked evidence of ownership must be supplied to the City for retention. The City must approve any release and/or substitution of collateral before such action is taken. Collateral shall be reviewed daily to assure that the market value of the securities pledged equals or exceeds the related deposit.

Securities authorized by the Public Funds Collateral Act are acceptable for collateralization purposes.

Private insurance coverage is not an acceptable collateralization form.

### **XIV. Investment Training**

The Director of Finance and designated deputies shall attend:

- A. At least one training session relating to the Director of Finance or designated deputies' responsibilities within 12 months after taking office or assuming duties.
- B. Investment training sessions not less than once in a two year period and receive not less than ten (10) hours of instruction relating to investment responsibilities.

Training must include education in investment controls, security risks, strategy risks, market risks, diversification of the investment portfolio, and compliance with the Public Funds Investment Act.

All training shall be from an independent source on the list of approved training seminar sponsors. (See Attachment D)

### **XV. Conclusion**

The Director of Finance and designated deputies will adhere to the investment policy in all investment decisions of the City. The Director of Finance will provide quarterly written reports to the City Manager and City Council on the investment activity of the City's investment portfolio.

All current investment activity, which does not comply with the above stated policy, will be allowed to mature, and all future investment activity will be negotiated under the terms of the stated policy.

In conjunction with the annual financial audit, a compliance audit will be performed on management controls and adherence to this policy.

An annual review of the Investment Policy and Strategy will be conducted by the Director of Finance. The Investment Policy and Strategy, with any changes, will then be presented for the City Council to review. Formal adoption of the Investment Policy and Strategy will be documented in the minutes of the City Council meeting and the adopting ordinance.

## **INVESTMENT STRATEGY –**

## ***Attachment A***

The investment strategy of the City of Temple, Texas, is adopted to provide investment guidelines that will minimize the risk of loss. In order to make effective use of the City's resources, all monies shall be pooled into one fund, except for those monies required to be accounted for in other accounts as stipulated by applicable laws, bond covenants, contracts or City policy. Investment priorities (in order of importance) are as follows:

- A. Suitability – Any investment allowed by the Investment Policy is suitable. Maturity schedules shall be timed according to anticipated needs.
- B. Safety of Principal – All investments should be of high quality with no perceived default risk.
- C. Liquidity – Local government investment pools and mutual funds shall provide daily liquidity. Fixed maturity investments shall provide liquidity as required by anticipated needs.
- D. Marketability – Investments should have an active and efficient secondary market to enable the City to liquidate investments prior to the maturity for unanticipated cash requirements.
- E. Diversification – The City will diversify use of security types, issuers and maturities. With the exception of U.S. Treasury securities and authorized pools, no more than 50% of the total investment portfolio shall be invested in a single security type. With the exception of U.S. Treasury securities, no more than 40% of the total investment portfolio shall be invested with a single issuer. Maturity schedules shall be timed according to anticipated liquidity needs. The maximum dollar-weight average maturity is 270 days.
- F. Yield – The City's investment strategy is conservative. The benchmark used by the Director of Finance to determine whether market yields are being achieved shall be the 90-day T-bill rate.

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## **INVESTMENT PURCHASING PROCEDURAL CONTROLS –**

## ***Attachment B***

- A. Director of Finance, or designated deputy, and Treasury Manager shall analyze cash flow and determine specific cash flow needs of the City before any current securities mature or any new money is invested.
- B. Director of Finance and Treasury Manager agree to type of security (as allowed or as authorized by law, contract, or investment policy), denominations, and duration.
- C. Treasury Manager
  - Obtains three (3) net quotes for securities from authorized brokers listed on Attachment C;
  - Prepares quote listing with relevant information from the offerers;
  - Submits quote listing with recommendation for best responsible net offerer to Director of Finance or designated deputy;
  - Director of Finance or designated deputy approves best responsible net offerer; and
  - Contacts selected offerer with instructions to buy.



- D. Broker faxes or calls Treasury Manager with details of the purchase (disc, etc.).
- E. Treasury Manager contacts safekeeping with details, and faxes copy of CUSIP to safekeeping for security verification.
- F. Safekeeping compares CUSIP to delivered securities to initiate payment. The purchase of individual securities shall be executed "delivery versus payment" (DVP) through the Federal Reserve System. By so doing, City funds are not released until the City has received, through the Federal Reserve wire, the securities purchased.
- G. A letter is prepared with Director of Finance and Treasury Manager's signature stating all details of the purchase, and is sent to the broker.
- H. The broker must verify the letter for understanding and correctness of securities purchased, sign it, and return it to the City of Temple.
- I. The investment portfolio and cash flow documents are updated to reflect security transactions. The Treasury Manager reconciles the investment portfolio with the general ledger daily. The reconciliation is reviewed and approved by the Assistant Director of Finance.
- J. Safekeeping receipts are received by a Finance employee who is independent from the initiating or approval of the purchase, and are verified with the Daily Balance Report; if correct, the receipts are filed for documentation upon arrival.

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**LIST OF QUALIFIED INSTITUTIONS –**

***Attachment C***

A list of institutions that are authorized to engage in investment transactions with the City shall, at least annually, be reviewed, revised, and adopted. The following institutions, listed by type, are authorized for use by the Investment Officer:

**Brokers/Dealers:**

Duncan Williams  
First Southwest Company  
Frost National Bank  
Seattle Northwest Securities  
Simmons First National Bank  
Vining-Sparks IBG  
Wachovia Securities Financial Network  
Zions First National Bank

**Local government investment pools:**

Texpool  
TexSTAR  
CLASS by MBIA Municipals Investors Service  
Cooperation Great Pacific Securities

This list shall be revised when necessary throughout the year to account for additions and deletions.

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**TRAINING SEMINAR SPONSORS –**

***Attachment D***

All investment training shall be from an independent source approved by the City Council. The following sponsors are hereby approved:

- A. Government Finance Officer's Association (GFOA);
- B. Texas Society of Certified Public Accountants (TSCPA);
- C. Texas Municipal League (TML);
- D. Government Treasurer's Organization of Texas (GTOT);
- E. Sponsors approved by the TSCPA and GFOA, GFOAT, GTOT, to provide CPE credits; or
- F. Other sponsors approved on an individual basis by the Director of Finance.

**RESOLUTION NO. \_\_\_\_\_**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, RATIFYING THE PROPERTY TAX INCREASE REFLECTED IN THE BUDGET, AND ADOPTING THE CITY BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2011, AND CLOSING SEPTEMBER 30, 2012, INCLUDING THE FOLLOWING COMPONENTS: OPERATING BUDGET FOR 2011-2012, CAPITAL IMPROVEMENT PROGRAM, FISCAL AND BUDGETARY POLICY STATEMENT, AND INVESTMENT POLICY; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, after notice and a public hearing has been held as required by law and after considering the comments of the public at such public hearing, the City Council desires to adopt the budget for the fiscal year 2011-2012, Capital Improvement Program, Fiscal and Budgetary Policy, and Investment Policy.

Whereas, the proposed budget will require raising more revenue from property taxes than in the previous year;

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

**Part 1:** The City Council ratifies the property tax increase reflected in the budget.

**Part 2:** The first public hearing was held on August 4, 2011, at 5:00 p.m., and after the conclusion of the public hearing held at 5:00 p.m. on the 1<sup>st</sup> day of September, 2011, the budget for the City of Temple for the fiscal year beginning October 1, 2011, and closing September 30, 2012, together with the changes and amendments adopted by the City Council, on file in the Office of the City Secretary, is hereby adopted and approved.

**Part 3:** The City Council adopts the Capital Improvement Program, Fiscal and Budgetary Policy Statement, and the Investment Policy, all on file in the Office of the City Secretary.

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

PASSED AND APPROVED on this the 1<sup>st</sup> day of **September**, 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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09/01/11  
Item #5  
Regular Agenda  
Page 1 of 2

### **DEPT./DIVISION SUBMISSION & REVIEW:**

Traci L. Barnard, Director of Finance

**ITEM DESCRIPTION:** FIRST & FINAL READING – PUBLIC HEARING - Consider adopting an ordinance approving the tax roll and authorizing calculation of the amount of tax that can be determined for all real and personal property in the City for the tax year 2011 (fiscal year 2012), to be considered on an emergency basis.

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

**ITEM SUMMARY:** The proposed ordinance will adopt the ad valorem property tax roll certified by the Tax Appraisal District of Bell County, in the amount of **\$3,447,325,162**. The total 2011 taxable value is as follows:

Taxable Value –

	Certified <u>Taxable Value</u>	% of +/- <u>from Prior Year</u>
City of Temple	\$2,975,721,895	3.57%
Frozen Taxable*	335,537,968	2.01%
Tax Increment District (Reinvestment Zone No. 1)	<u>136,065,299</u>	<u>5.25%</u>
Total Taxable Value	<u><u>\$3,447,325,162</u></u>	<u><u>3.48%</u></u>

**FISCAL IMPACT:** The tax levy at the proposed tax rate of \$0.5679 in the 2011-2012 fiscal year is:

	<u>TAX RATE</u>	<u>TAX LEVY <sup>1</sup></u>
General Fund (M&O)	\$0.3240	\$ 9,544,926
Debt Service (I&S)	0.2439	7,257,786
Frozen Taxes*	--	1,669,938
<b><u>Total</u></b>	<b><u>\$0.5679</u></b>	<b><u>\$18,472,650</u></b>
 Tax Increment District (Reinvestment Zone No. 1)	 <u>\$0.5679</u>	 <u>\$ 772,715</u>

\* - Frozen taxable value = \$335,537,968

<sup>1</sup> – Assuming 99% collection of maintenance & operation revenue

**ATTACHMENTS:**

[2011 Certified Tax Roll  
Ordinance](#)

**2011 CERTIFIED TOTALS**

Property Count: 33,519

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Grand Totals

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Land		Value			
Homesite:		209,945,850			
Non Homesite:		267,142,372			
Ag Market:		43,348,824			
Timber Market:		0	<b>Total Land</b>	(+)	520,437,046
Improvement		Value			
Homesite:		1,715,417,762			
Non Homesite:		1,254,091,292	<b>Total Improvements</b>	(+)	2,969,509,054
Non Real		Count	Value		
Personal Property:	3,262		911,181,711		
Mineral Property:	0		0		
Autos:	1,305		9,906,491	<b>Total Non Real</b>	(+)
				<b>Market Value</b>	=
					921,088,202
					4,411,034,302
Ag		Non Exempt	Exempt		
Total Productivity Market:	43,348,824		0		
Ag Use:	2,560,161		0	<b>Productivity Loss</b>	(-)
Timber Use:	0		0	<b>Appraised Value</b>	=
Productivity Loss:	40,788,663		0		4,370,245,639
				<b>Homestead Cap</b>	(-)
				<b>Assessed Value</b>	=
					7,005,234
					4,363,240,405
Exemption	Count	Local	State	Total	
AB	13	42,164,234	0	42,164,234	
CH	6	640,457	0	640,457	
CHODO(Partial)	2	3,029,955	0	3,029,955	
DP	387	3,497,955	0	3,497,955	
DV1	270	0	1,819,214	1,819,214	
DV1S	33	0	165,000	165,000	
DV2	136	0	1,113,000	1,113,000	
DV2S	12	0	83,300	83,300	
DV3	188	0	1,625,592	1,625,592	
DV3S	26	0	250,000	250,000	
DV4	438	0	3,491,001	3,491,001	
DV4S	111	0	1,305,994	1,305,994	
DVHS	233	0	27,740,797	27,740,797	
EX	2,284	0	470,466,058	470,466,058	
EX(Prorated)	1	0	19,920	19,920	
EX366	29	0	4,819	4,819	
HS	13,173	306,418,716	0	306,418,716	
OV65	4,234	41,040,888	0	41,040,888	
OV65S	230	2,284,857	0	2,284,857	
PC	31	8,753,486	0	8,753,486	<b>Total Exemptions</b>
					(-)
					915,915,243
				<b>Net Taxable</b>	=
					3,447,325,162
Freeze	Assessed	Taxable	Actual Tax	Ceiling	Count
DP	29,766,252	17,404,612	89,733.55	102,956.33	357
OV65	466,824,962	318,133,356	1,597,072.22	1,657,616.65	4,212
<b>Total</b>	<b>496,591,214</b>	<b>335,537,968</b>	<b>1,686,805.77</b>	<b>1,760,572.98</b>	<b>4,569</b>
<b>Tax Rate</b>	<b>0.567900</b>				
				<b>Freeze Taxable</b>	(-)
					335,537,968

**2011 CERTIFIED TOTALS**

Property Count: 33,519

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Grand Totals

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Transfer	Assessed	Taxable	Post % Taxable	Adjustment	Count			
OV65	3,411,819	2,363,699	1,978,089	385,610	25			
<b>Total</b>	<b>3,411,819</b>	<b>2,363,699</b>	<b>1,978,089</b>	<b>385,610</b>	<b>25</b>	<b>Transfer Adjustment</b>	<b>(-)</b>	<b>385,610</b>
<b>Freeze Adjusted Taxable</b>							<b>=</b>	<b>3,111,401,584</b>

APPROXIMATE LEVY = (FREEZE ADJUSTED TAXABLE \* (TAX RATE / 100)) + ACTUAL TAX  
19,356,455.37 = 3,111,401,584 \* (0.567900 / 100) + 1,686,805.77

Tif Zone Code	Tax Increment Loss
TETIF1	134,616,077
TETIF2	1,449,222
Tax Increment Finance Value:	136,065,299
Tax Increment Finance Levy:	772,714.83

**2011 CERTIFIED TOTALS**

Property Count: 33,519

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Grand Totals

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**State Category Breakdown**

State Code	Description	Count	Acres	New Value Market	Market Value
A	SINGLE FAMILY RESIDENCE	18,656		\$51,580,343	\$2,004,995,356
B	MULTIFAMILY RESIDENCE	658		\$3,609,861	\$187,398,196
C	VACANT LOT	2,626		\$0	\$39,974,808
D1	QUALIFIED AG LAND	570	14,835.2667	\$0	\$43,348,824
D2	NON-QUALIFIED LAND	365	4,267.3180	\$0	\$17,066,978
E	FARM OR RANCH IMPROVEMENT	283		\$231,914	\$29,808,110
F1	COMMERCIAL REAL PROPERTY	1,754		\$12,457,456	\$494,762,025
F2	INDUSTRIAL REAL PROPERTY	117		\$27,849,018	\$174,490,987
J1	WATER SYSTEMS	2		\$0	\$40,575
J2	GAS DISTRIBUTION SYSTEM	7		\$0	\$5,280,726
J3	ELECTRIC COMPANY (INCLUDING CO-OP)	29		\$0	\$44,363,476
J4	TELEPHONE COMPANY (INCLUDING CO-O	13		\$0	\$11,681,082
J5	RAILROAD	36		\$0	\$24,706,543
J6	PIPELAND COMPANY	49		\$0	\$1,403,820
J7	CABLE TELEVISION COMPANY	3		\$0	\$6,649,581
L1	COMMERCIAL PERSONAL PROPERTY	4,010		\$0	\$279,322,372
L2	INDUSTRIAL PERSONAL PROPERTY	307		\$17,505,269	\$520,338,205
M1	TANGIBLE OTHER PERSONAL, MOBILE H	426		\$315,303	\$3,822,636
O	RESIDENTIAL INVENTORY	1,613		\$9,986,062	\$30,344,463
S	SPECIAL INVENTORY TAX	44		\$0	\$20,124,205
X	TOTALLY EXEMPT PROPERTY	2,319		\$1,414,173	\$471,111,334
<b>Totals</b>			19,102.5847	\$124,949,399	\$4,411,034,302



**2011 CERTIFIED TOTALS**

Property Count: 33,519

TTE - CITY OF TEMPLE  
Effective Rate Assumption

7/19/2011

7:03:04AM

**New Value**

<b>TOTAL NEW VALUE MARKET:</b>	<b>\$124,949,399</b>
<b>TOTAL NEW VALUE TAXABLE:</b>	<b>\$91,220,333</b>

**New Exemptions**

Exemption	Description	Count		
EX	TOTAL EXEMPTION	33	2010 Market Value	\$1,726,024
<b>ABSOLUTE EXEMPTIONS VALUE LOSS</b>				<b>\$1,726,024</b>

Exemption	Description	Count	Exemption Amount
DP	DISABILITY	22	\$218,960
DV1	Disabled Veterans 10% - 29%	16	\$108,000
DV1S	Disabled Veterans Surviving Spouse 10% - 29%	3	\$15,000
DV2	Disabled Veterans 30% - 49%	18	\$157,500
DV2S	Disabled Veterans Surviving Spouse 30% - 49%	2	\$15,000
DV3	Disabled Veterans 50% - 69%	15	\$156,000
DV3S	Disabled Veterans Surviving Spouse 50% - 69%	1	\$10,000
DV4	Disabled Veterans 70% - 100%	34	\$396,000
DV4S	Disabled Veterans Surviving Spouse 70% - 100%	8	\$96,000
DVHS	Disabled Veteran Homestead	32	\$3,752,224
HS	HOMESTEAD	459	\$12,351,244
OV65	OVER 65	166	\$1,601,820
OV65S	OVER 65 Surviving Spouse	19	\$190,000
<b>PARTIAL EXEMPTIONS VALUE LOSS</b>		<b>795</b>	<b>\$19,067,748</b>
<b>TOTAL EXEMPTIONS VALUE LOSS</b>			<b>\$20,793,772</b>

**New Ag / Timber Exemptions****New Annexations**

Count	Market Value	Taxable Value
1	\$43,722	\$43,722

**New Deannexations****Average Homestead Value****Category A and E**

Count of HS Residences	Average Market	Average HS Exemption	Average Taxable
13,012	\$119,584	\$24,049	\$95,535

**Category A Only**

Count of HS Residences	Average Market	Average HS Exemption	Average Taxable
12,861	\$119,211	\$23,971	\$95,240

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING THE TAX ROLL AND AUTHORIZING CALCULATION OF THE AMOUNT OF TAX THAN CAN BE DETERMINED FOR ALL REAL AND PERSONAL PROPERTY IN THE CITY FOR THE TAX YEAR 2011; AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS AS MAY BE REQUIRED BY THE TAX APPRAISAL DISTRICT OF BELL COUNTY; PROVIDING AN EFFECTIVE DATE; PROVIDING A SEVERABILITY CLAUSE; DECLARING FINDINGS OF FACT; PROVIDING AN OPEN MEETINGS CLAUSE; AND DECLARING AN EMERGENCY.

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WHEREAS, the Chief Appraiser has determined the total appraised value, the total assessed value, and the total taxable value of property taxable within the City of Temple, Texas, in order to submit the Tax Appraisal Roll to the City Council as required by Article 26.04 of the Property Tax Code;

WHEREAS, the Chief Appraiser has presented evidence that in order to verify all calculations of the Tax Appraisal District of Bell County and to fully comply with the legal requirements of the City Charter and State law, that September 1, 2011, is the date that is as soon as practicable after August 1, 2011, to present the Tax Appraisal Roll to the City Council, and the City Council after a public hearing has determined this to be true; and

WHEREAS, the City Council desires to approve the Tax Roll for tax year 2011 and to authorize calculation of the amount of tax that can be determined as a prerequisite to adopting the tax rate for the tax year 2011 as submitted by the Tax Appraisal District of Bell County.

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

**Part 1:** The City Council approves the Tax Appraisal Roll, as previously submitted by the Tax Appraisal District of Bell County, showing the total taxable assessed value of all real and personal property within the limits of the City of Temple, Texas, at **\$3,447,325,162**, more particularly shown on the attached Exhibit A, which is made a part of this ordinance for all purposes as if written word for word herein, and authorizing assessment at 100% of market value.

**Part 2:** The City Council authorizes the Mayor of the City of Temple, Texas, to execute all documents as may be required to calculate the amount of tax that can be determined as a prelude to adopting the tax rate for the tax year 2012 for the City of Temple, Texas, as may be required by the Tax Appraisal District of Bell County.

**Part 3:** The declarations, determinations, and findings declared, made and found in the preamble of this ordinance are hereby adopted, restated and made a part of the operative provisions hereof.

**Part 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.

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

**Part 7:** The fact that the tax roll must be approved prior to the start of the 2011-2012 fiscal year and in conjunction with the adoption of a tax rate creates an emergency and an urgent public necessity requiring the suspension of the charter rule which requires that all ordinances be passed on two separate readings and such rule is hereby suspended and this ordinance is finally passed on the date of its introduction as an emergency ordinance.

PASSED AND APPROVED On First and Final Reading on this the **1<sup>st</sup>** day of **September**, 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

09/01/11  
Item #6  
Regular Agenda  
Page 1 of 2

### DEPT./DIVISION SUBMISSION & REVIEW:

Traci L. Barnard, Director of Finance

**ITEM DESCRIPTION:** FIRST & FINAL READING - PUBLIC HEARING - Consider adopting an ordinance levying taxes and setting a tax rate for the City for the tax year 2011, making the appropriation for the regular operation of the City, to be considered on an emergency basis.

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

**ITEM SUMMARY:** The Fiscal 2011-2012 budget will require adoption of a property tax rate of \$0.5679 per \$100 of taxable assessed property value. The proposed tax rate will generate \$16,899,125 of property tax levy when applied to an ad valorem tax base of \$3,311,259,863 less \$335,537,968 of frozen taxable value. In addition, there will be \$1,686,806 in frozen tax levy for a total property tax levy of \$18,585,931. Assuming 99% collection of maintenance & operation and frozen tax revenue, the total budgeted property tax revenue is \$18,472,650. The proposed tax rate of \$0.5679 is no change over last year's tax rate of \$0.5679 and represents a 1.94% increase over the effective tax rate of \$0.5571.

The fiscal year 2011-2012 tax rate is comprised of the Maintenance and Operation rate and the Debt Service rate. These two components are as follows:

TAX RATE			TAX LEVY		
	FY 2012	FY 2011		FY 2012	FY 2011
Maintenance & Operations	\$ 0.3240	\$ 0.3300	Maintenance & Operations	\$ 9,641,339	\$ 9,481,053
Debt Service	0.2439	0.2379	Debt Service	7,257,786	6,834,977
	--	--	Frozen Taxes*	1,686,806	1,641,477
Total Tax Rate	<u>\$ 0.5679</u>	<u>\$ 0.5679</u>	Total Tax Levy	<u>\$ 18,585,931</u>	<u>\$ 17,957,507</u>
			Budget w/M&O at 99% Collection	<u>\$ 18,472,650</u>	<u>\$ 17,846,281</u>
Tax Increment District			Tax Increment District		
(Reinvestment Zone No. 1)			(Reinvestment Zone No. 1)		
Total Tax Rate	<u>\$ 0.5679</u>	<u>\$ 0.5679</u>	Total Tax Levy	<u>\$ 772,715</u>	<u>\$ 734,194</u>

\* - Frozen value = \$335,537,968

The residential homestead exemption for property owners is \$5,000 or 20% of the assessed value whichever is greater. In addition to the homestead exemption, property owners 65 years of age or older will continue to receive an additional \$10,000 exemption and all disabled individual property owners will receive an exemption of \$10,000 in accordance with Texas Tax Code Section 11.13.

The ad valorem tax freeze on the residence homestead of a person who is disabled or sixty-five (65) years of age or older (as approved in an election held in the City of Temple on May 7, 2005) applies to Tax Year 2006 (FY 2007). The amount of the qualifying homeowners tax ceiling was determined on the Tax Year 2005 (FY 2006). Future city taxes on that homestead cannot exceed the 2005 tax amount (but may be less). The tax limitation, however, may be adjusted higher for an increase in improvements to the homestead, other than repairs and those improvements made to comply with governmental regulations.

The motion to adopt an ordinance setting a tax rate is as follows: **"I move that the ordinance setting the 2011-2012 tax rate in the amount of \$0.5679 per \$100 valuation comprised of \$0.3240 for maintenance and operations and \$0.2439 for debt service be adopted."**

Pursuant to Section 11.20 of the City Charter, all taxpayers shall be allowed discounts for the payment of taxes due to the City if such taxes are paid in the year for which such taxes are due as follows: 3% in October; 2% in November; and 1% in December.

#### **FISCAL IMPACT:**

##### **Example 1 – Annual Property Tax - \$100,000 Taxable Value:**

With the proposed tax rate of 56.79 cents per \$100 valuation, the cost to a homeowner with a taxable value of \$100,000 would not change if there was no change in taxable value from the prior year. If a homeowner with a taxable value of \$100,000 in 2011 experienced an increase in taxable value of 0.81% (average increase in appraised value), the annual property tax would increase by \$4.60.

##### **Example 2 – Annual Property Tax – Average Taxable Value for City of Temple:**

The preceding tax year's average taxable value for of a residence homestead in Temple is \$94,590. In the current tax year, the average taxable value of a residence homestead in Temple is \$95,535. With the proposed tax rate of 56.79 cents per \$100 valuation, there would be an annual increase of \$5.36 in taxes.

#### **ATTACHMENTS:**

[Assessed Value of Taxable Property](#)  
[Tax Rate FY 2003-2012](#)  
[Ordinance](#)

**CITY OF TEMPLE, TEXAS**  
**Assessed Value of Taxable Property**  
**Last Ten Fiscal Years**

<u>Fiscal Year Ending September 30,</u>	<u>Taxable Property Valuation <sup>(6)</sup></u>	<u>Percent (%) Increase (Decrease)</u>
2003	\$2,081,235,886	7.50%
2004	2,152,111,633	3.41%
2005	2,307,589,214	7.22%
2006	2,441,277,465	5.79%
2007	2,622,803,439 <sup>(5)</sup>	7.44%
2008	2,854,755,588 <sup>(5)</sup>	8.84%
2009	3,100,594,231 <sup>(4)</sup>	8.61%
2010	3,221,022,514 <sup>(3)</sup>	3.88%
2011	3,201,978,908 <sup>(2)</sup>	-0.59%
<b>2012</b>	<b>3,311,259,863 <sup>(1)</sup></b>	<b>3.41%</b>

<b>Average Annual Increase</b>	<b>5.55%</b>
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<sup>(1)</sup> **Source Document:** Tax Appraisal District of Bell County - Certified Tax Roll - July 18, 2011  
Net taxable value not adjusted for frozen values - frozen levy \$1,686,806

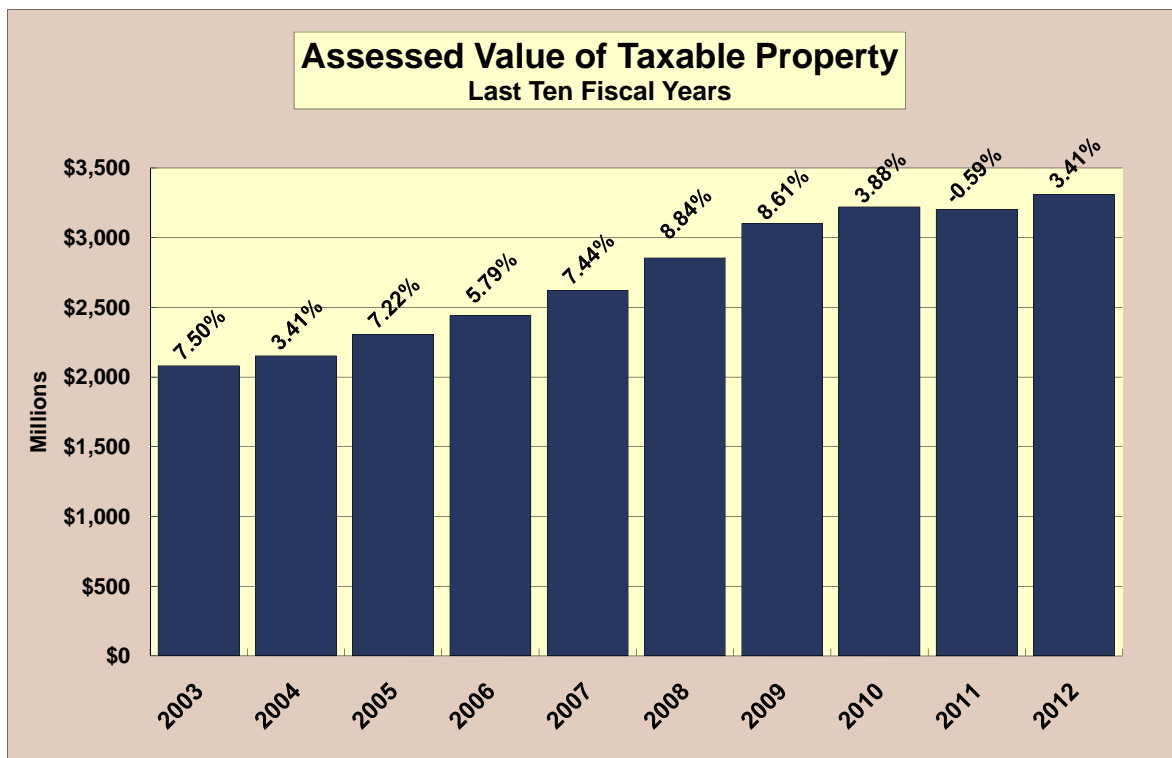
<sup>(2)</sup> **Source Document:** Tax Appraisal District of Bell County - Certified Tax Roll - July 19, 2010  
Net taxable value not adjusted for frozen values - frozen levy \$1,641,477

<sup>(3)</sup> **Source Document:** Tax Appraisal District of Bell County - Certified Tax Roll - July 20, 2009  
Net taxable value not adjusted for frozen values - frozen levy \$1,593,291

<sup>(4)</sup> **Source Document:** Tax Appraisal District of Bell County - Certified Tax Roll - July 21, 2008  
Net taxable value not adjusted for frozen values - frozen levy \$1,540,393

<sup>(5)</sup> Net taxable value not adjusted for frozen values

<sup>(6)</sup> Excludes amount applicable to the Tax Increment District (Reinvestment Zone No. 1)



**CITY OF TEMPLE, TEXAS**  
**ADOPTED TAX RATE VS. EFFECTIVE TAX RATE**

Fiscal Year	Adopted Tax Rate			Effective Tax Rate	Adopted Rate v. Effective Tax Rate	
	I & S	M & O	Total		\$	%
2003	\$0.2620	\$0.3273	\$0.5893	\$0.5722	0.0171	2.99%
2004	0.2537	0.3510	0.6047	0.5972	0.0075	1.26%
2005	0.2349	0.3674	0.6023	0.5731	0.0292	5.10%
2006	0.2199	0.3546	0.5745	0.5579	0.0166	2.98%
2007	0.2339	0.3395	0.5734	0.5568	0.0166	2.98%
2008	0.2289	0.3392	0.5681	0.5516	0.0165	2.99%
2009	0.2273	0.3322	0.5595	0.5433	0.0162	2.98%
2010	0.2473	0.3173	0.5646	0.5511	0.0135	2.45%
2011	0.2379	0.3300	0.5679	0.5742	-0.0063	-1.10%
<b>2012<sup>1</sup></b>	<b>0.2439</b>	<b>0.3240</b>	<b>0.5679</b>	<b>0.5571</b>	<b>0.0108</b>	<b>1.94%</b>

<sup>1</sup> - PROPOSED Tax Rate

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, LEVYING TAXES AND SETTING A TAX RATE FOR THE CITY OF TEMPLE FOR THE TAX YEAR 2011, MAKING APPROPRIATIONS FOR THE REGULAR OPERATION OF THE CITY AND FOR THE OPERATION OF ITS WATER AND SEWER SYSTEMS; DECLARING FINDINGS OF FACT; PROVIDING AN EFFECTIVE DATE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN OPEN MEETINGS CLAUSE; AND DECLARING AN EMERGENCY.

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WHEREAS, the City Council held a public hearing on the proposed FY 2011-2012 budget on August 4, 2011, and at that meeting discussed the tax rate and took a record vote to set the meeting for adoption of the proposed tax rate of \$0.5679 per \$100 valuation for September 1, 2011;

WHEREAS, the City Council also took record vote at the August 4, 2011, City Council meeting to set the public hearings on the proposed tax rate of \$0.5679 per \$100 valuation for August 12, 2011, special meeting and August 18, 2011, regular meeting;

WHEREAS, the City Council did hold the two public hearings on the proposed tax rate for tax year 2011 as scheduled;

WHEREAS, at each public hearing the City Council did announce the 1<sup>st</sup> day of September, 2011, at 5:00 p.m. as the date and time for a vote on the proposed tax rate;

WHEREAS, the City Council did set and announce the 1<sup>st</sup> day of September, 2011, at 5:00 p.m. as the date and time for a public hearing on the proposed budget for the fiscal year beginning October 1, 2011, and ending September 30, 2012, and in accordance with the City Charter requirements, notice was published in the TEMPLE DAILY TELEGRAM that the hearing on the proposed budget would be held on the 1<sup>st</sup> day of September, 2011, at 5:00 p.m.;

WHEREAS, the City Council did consider and adopt the City Budget for the fiscal year beginning October 1, 2011, and ending September 30, 2012; and

WHEREAS, the City Council did approve the tax appraisal roll and authorize the collection of the total amount of tax that can be determined for the tax year 2011 and wishes to establish the tax rate on \$100 valuation of all property; real, personal, and mixed, subject to taxation for that tax year that would result in a tax rate of \$0.5679 per \$100 of assessed property valuation.

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



**Part 1:** The following tax rate on \$100 valuation for the City of Temple, Texas, be and is hereby levied and adopted for the tax year 2011 as follows:

For the purpose of maintenance and operation; \$ 0.3240

For the payment of principal and interest on  
bonds, warrants and certificates of obligation \$ 0.2439  
and other debt of this City;

TOTAL TAX RATE \$0.5679 per each \$100 of assessed  
property valuation

Total Estimated Tax Levy (100%) \$18,585,931

Total Estimated Tax Levy –  
(Tax Increment District for City of Temple) \$772,715

**THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE  
AND OPERATIONS THAN LAST YEAR'S TAX RATE.**

The above tax rate is hereby levied and adopted on the assessed valuation of all property, real, personal and mixed, subject to taxation by the City of Temple for the tax year 2011, for the City's departmental purposes for interest and sinking fund accounts in accordance with the budget adopted by the City Council on the 1<sup>st</sup> day of September, 2011, to-wit: and all such ad valorem taxes shall become due on the 31<sup>st</sup> day of January, 2012, and shall, unless paid, become delinquent on the 1<sup>st</sup> day of February, 2012.

**Part 2:** The Director of Finance is hereby authorized to assess and collect the taxes of the City of Temple employing the above tax rate.

**Part 3:** The *Residential Homestead Exemption* for property owners shall remain at \$5,000 or 20% of the assessed value whichever is greater. The *Over 65 Residential Homestead Exemption* shall remain at \$10,000. The *Disabled Individual Property Owners Exemption* shall be \$10,000 (as authorized by an ordinance passed by the City Council on July 3, 2003, and in accordance with Texas Tax Code Section 11.13).

**Part 4:** The ad valorem tax freeze on the residence homestead of a person who is disabled or sixty-five (65) years of age or older shall also be effective (as authorized in an election held in the City of Temple on May 7, 2005). The amount of tax year 2005 City taxes will set the qualifying homeowners tax ceiling amount. Future City taxes on that homestead cannot exceed the tax year 2005 tax amount (but may be less). The tax limitation, however, may be adjusted higher for an increase in improvements to the homestead, other than repairs and those improvements made to comply with governmental regulations.

**Part 5:** All monies on hand on the 1st day of October, 2011, belonging to the City of Temple, Texas, and other than monies belonging to the credit of its Water and Sewer Departments, and all monies received by the City during the fiscal year 2010, other than monies received from operation of its Water and Sewer Department, be and are hereby appropriated for the several purposes other than its water and sewer systems and in the respective amounts set forth in the budget adopted by the City Council on the 1<sup>st</sup> day of September, 2011.

**Part 6:** Any funds needed for carrying out the budget shall be financed by deficiency warrants, and authority is hereby given to the City Manager and the Mayor to issue deficiency warrants, if necessary, to defray the current expenses for the City during the ensuing fiscal year in such amounts and at such times as shall be necessary in the judgment of the City Council.

**Part 7:** The declarations, determinations, and findings declared, made and found in the preamble of this ordinance are hereby adopted, restated and made a part of the operative provisions hereof.

**Part 8:** 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.

**Part 9:** If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not effect 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 10:** It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

**Part 11:** The fact that it is necessary to immediately prepare 2011 tax statements and billings, creates an emergency and imperative necessity which authorize and require that all Charter provisions, ordinances, and rules commanding the reading of ordinances on two separate regular meetings of the City Council, and prohibiting the passage of an ordinance on the date of its introduction be suspended and they are hereby suspended, and this ordinance is hereby passed as an emergency ordinance on the date of its introduction and shall be in effect from and after its adoption.

PASSED AND APPROVED on First and Final Reading and Public Hearing on this the 1<sup>st</sup> day of **September**, 2011.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

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Clydette Entzminger  
City Secretary

APPROVED AS TO FORM:

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Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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09/01/11  
Item #7  
Regular Agenda  
Page 1 of 2

### **DEPT./DIVISION SUBMISSION & REVIEW:**

Traci L. Barnard, Director of Finance

**ITEM DESCRIPTION:** Consider adopting a resolution setting drainage fees.

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

**ITEM SUMMARY:** An increase to the drainage fee is included in the FY 2012 Budget in order to fund the Drainage Fund's portion of the mowing crew that was established mid-year in FY 2011 and will divide time between mowing of TxDOT right-of-ways and maintaining drainage channels.

This resolution will increase residential and commercial rates as follows:

#### **Single-Family Residential Property:**

From \$2.75 to **\$3.00** per monthly billing cycle per single family dwelling unit

(The \$3.00 per month billing cycle drainage fee will be waived during any billing cycle in which the owner of the a single-family residential unit uses less than 2,000 gallons of water as reflected in the records of the City.)

#### **Developed Property other than Single-Family Residential Property:**

	Current	<b><i>PROPOSED</i></b>
<u>Building Size</u>	<u>Monthly Billing Cycle</u>	<u>Monthly Billing Cycle</u>
Per Unit Rate (maximum 4 units)	\$ 2.75	\$ 3.00
0 – 2,500 sq. ft.	\$ 6.88	\$ 7.15
2,501 – 10,000 sq. ft.	\$13.75	\$14.00
10,001 – 50,000 sq. ft.	\$34.38	\$34.65
50,001 – 100,000 sq. ft.	\$51.56	\$51.80
100,001 sq. ft. & above	\$68.75 (maximum)	\$69.00 (maximum)

**FISCAL IMPACT:** The proposed rate increase will generate approximately \$54,000 in additional revenue.

**ATTACHMENTS:**

[Resolution](#)

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
TEMPLE, TEXAS, SETTING DRAINAGE FEES; AND PROVIDING  
AN OPEN MEETINGS CLAUSE.

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**Whereas**, Ordinance No. 2008-4250 establishes a Special Revenue Drainage Fund and associated drainage functions in order to protect the public health and safety within the City from the loss of life and property caused by surface water overflows, surface water stagnation, and pollution arising from nonpoint source runoff within the boundaries of the service area of the special revenue drainage fund;

**Whereas**, the ordinance provides that drainage fees shall be set by resolution approved by the City Council and shall apply to single-family residential and other than single-family residential properties; and

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

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

**Part 1:** The following drainage fees are hereby adopted by the City of Temple, Texas:

**Single-Family Residential Property:**

~~\$2.75~~ **\$3.00** per monthly billing cycle per single-family dwelling unit

(The ~~\$2.75~~ **\$3.00** per month billing cycle drainage fee will be waived during any billing cycle in which the owner of the single-family residential unit uses less than 2,000 gallons of water as reflected in the records of the City.)

**Developed Property other than Single-Family Residential Property:**

Building Size	Monthly Building Cycle
---------------	------------------------

Per Unit Rate (maximum 4 units)	\$2.75	\$3.00
0 – 2,500 sq. ft.	\$6.88	\$7.15
2,501 – 10,000 sq. ft.	\$13.75	\$14.00
10,001 – 50,000 sq. ft.	\$34.38	\$34.65
50,001 – 100,000 sq. ft.	\$51.56	\$51.80
100,000 sq. ft. & above	\$68.75 (maximum)	\$69.00 (maximum)

**Part 2:** The new drainage fees will take effect on October 1, 2011.

**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 1<sup>st</sup> day of **September**, 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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09/01/11  
Item #8(A)  
Consent Agenda  
Page 1 of 1

**DEPT./DIVISION SUBMISSION & REVIEW:**

Clydette Entzminger, City Secretary

**ITEM DESCRIPTION:** Approve Minutes:

(A) August 18, 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:**

[August 18, 2011 Special Called and Regular Meeting](#)



## TEMPLE CITY COUNCIL

**AUGUST 18, 2011**

The City Council of the City of Temple, Texas conducted a Special Meeting on Thursday, August 4, 2011, at 3:30 P.M., at the Municipal Building, 2 North Main Street, in the 3rd Floor Conference Room.

**Present:**

Councilmember Perry Cloud

Councilmember Danny Dunn

Mayor Pro Tem Russell T. Schneider

Councilmember Judy Morales

Mayor William A. Jones, III

- 1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, August 18, 2011.**

Mayor Pro Tem Schneider asked that items 5(F) and (L) be removed from the Consent Agenda during the regular meeting as he would abstain from voting on these items.

- 2. Receive report regarding FY 2011-2012 Temple Housing Authority activity and request for down payment assistance funding.**

Traci Barnard, Director of Finance, stated item 5(O) on the Consent Agenda, budget amendments, includes an item to provide \$35,000 in matching funds to the Temple Housing Authority for downpayment assistance.

Barbara Bozon, Executive Director, Central Texas Housing Consortium, addressed the City Council. She explained the mission of the Housing Authority. Mrs. Bozon also provided information about their rental housing program and Kaleidoscope Early Childhood Development Center. The homeownership program began in 1997 and to date has a total value of \$25,716,138, based on original construction values. Mrs. Bozon explained the program and the forgivable loans. The City of Temple has partnered with the Temple Housing Authority by providing downpayment assistance matching funds and Mrs. Bozon requested the City provide funding in the amount of \$35,000 for FY 2012. This funding will provide \$2500 in downpayment assistance for 14 homeowners.

- 3. Discuss proposed Donation Drop Box ordinance.**

Autumn Speer, Director of Community Services, presented this item to the City Council. She displayed photos of the types of containers referred to as outdoor collection boxes. There are about 30 of these containers throughout the community and about 75% are not from local charities. Mrs. Speer reviewed the proposed requirements for outdoor collection boxes which would limit their placement to the immediate site of an operating non-profit faith based organization, institutional use or school. She explained that only one collection box would be allowed per any 500 linear feet of street frontage, and they would not be permitted in required parking spaces or in landscaped areas. Mrs. Speer explained the proposed dimensions and specifications for these boxes, noting an annual permit would be required. The

proposed ordinance was recommended for approval by the Planning and Zoning Commission.

The City Council discussed sign requirements for these containers, both form and content. Mrs. Speer stated this is not provided for in the current proposed ordinance but could be included.

David Blackburn, City Manager, stated the storage container ordinance will also be presented to Council soon for their review and consideration.

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

There was no information presented regarding this item.

**5. Discuss third quarter financial results for fiscal year 2011.**

Traci Barnard, Director of Finance, presented the third quarter financial results to the City Council. She discussed the General Fund revenues, focusing on sales tax. General Fund expenditures total 71% at 75% of the year and several areas were highlighted, such as fuel cost and sick/vacation payout. Mrs. Barnard also provided a General Fund forecast which indicates a \$1.7M fund balance at year-end. The Water and Wastewater Fund revenues and expenses were also presented, as well as the City's investments and capital improvement program.

**6. Discuss upcoming appointments to various City boards and commissions.**

Mayor Jones reviewed the various boards with terms expiring September 1st. He noted the board application forms on file for each board and discussed recommendations for appointment.

The City Council of the City of Temple, Texas conducted a Regular Meeting on Thursday, August 18, 2011 at 5:00 PM in the Council Chambers, Municipal Building, 2nd Floor, 2 North Main Street.

**Present:**

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

**I. CALL TO ORDER**

**1. Invocation**

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

**2. Pledge of Allegiance**

Patrick M. Reilly, U.S. Marine Corps Retired, led the Pledge of Allegiance.

## **II. PUBLIC COMMENTS**

Zora Hutchison, 2413 Pin Oak, addressed the Council. She made a couple of suggestions relating to the increased traffic between Oak View and Forest Trail. The speed bumps in this location are useless, she stated. Ms. Hutchison asked the Council to consider having people move their garbage cans to one side of the street. Ms. Hutchison also suggested that parking more than 18 inches from the curb be considered illegal parking as a safety measure.

## **III. PROCLAMATIONS & SPECIAL RECOGNITIONS**

### **3. Recognize the Texas Vietnam War Bronze Maquette**

Mayor Jones presented this proclamation to Retired Vietnam Veteran and U.S. Marine Corps Patrick M. Reilly, and Retired U.S. Army 1st Sergeant Fred G. Hudgeons.

## **IV. BUDGET ITEMS**

### **4. PUBLIC HEARING - Conduct the second of two public hearings to receive comments on the proposed tax rate of 56.79 cents per \$100 valuation for fiscal year 2012 (2011 tax year), and announce meeting to adopt the proposed tax rate on September 1, 2011.**

David Blackburn, City Manager, presented this item to the City Council. At the August 4, 2011 regular meeting, the Council discussed the proposed tax rate of 56.79 cents per \$100 valuation and adopted a resolution scheduling the adoption of the proposed tax rate for September 1, 2011, and setting public hearings for August 12th and August 18th on the proposed tax rate for FY 2011-2012. Following this action, notices were published to comply with Truth-In-Taxation requirements set forth by State law and the City Charter.

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

There being no comments, Mayor Jones closed the public hearing and announced the meeting to adopt the proposed tax rate was scheduled for September 1, 2011, 5:00 p.m., City Council Chambers.

## **V. CONSENT AGENDA**

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

**(A) May 5, 2011 Special Called and Regular Meeting May 17, 2011 Special Called Meeting May 19, 2011 Special Called and Regular Meeting August 4, 2011 Special Called Meeting**

**(B) 2011-6370-R: 1. Consider adopting a resolution authorizing a Chapter 380 cost sharing agreement between the City and Scott and White for the extension of Pepper Creek Trail from the trail near Research Boulevard to an existing trail at the Scott & White Health Plan Facility.**

**(C) 2011-6372-R: Consider adopting a resolution ratifying an emergency construction contract with Bell Contractors of Belton for repair of approximately 35 water leaks in various locations throughout the City in the amount of \$70,072.**

**(D) 2011-6373-R: Consider adopting a resolution authorizing a professional services agreement between the City of Belton, the City of Temple and Kasberg, Patrick & Associates, LP, (KPA) for engineering services required for preliminary design of the Temple-Belton Wastewater Treatment Plant (T-B WWTP) in an amount not to exceed \$1,194,265, of which the City of Temple's portion is not to exceed \$895,698.75.**

**(E) 2011-6374-R: Consider adopting a resolution authorizing an Interlocal Cooperation Contract with the Texas Department of Public Safety for the purchase of alcohol and drug testing supplies by the Temple Police Department.**

**(F) 2011-6375-R: Consider adopting a resolution authorizing a flooring project scope change order to the Police Headquarters construction contract with American Constructors, Inc. (ACI) of Austin in an estimated amount of \$35,000.**

**(G) 2011-6376-R: Consider adopting a resolution authorizing the extension of the professional services agreement with Traylor and Associates of Tyler for administration and management of the CDBG grant program through December 31, 2011 with a monthly amount of \$7,350.**

**(H) 2011-4461: SECOND READING - Consider adopting an ordinance approving rate tariffs that reflect the negotiated rate change between the City and Atmos Mid-Tex pursuant to the Rate Review Mechanism (RRM) process.**

**(I) 2011-4463: SECOND READING - Z-FY-11-32: Consider adopting an ordinance authorizing a zoning change from Agricultural District (AG) to General Retail District (GR) on Outblock 2064-A and from Agricultural District (AG) to Single Family Two (SF2) on Outblock 2065-A, Baldwin Robertson Survey, Abstract 17, on 15.922 acres, located southeast corner of North Pea Ridge Road and Stonehollow Drive.**

**(J) 2011-4464: SECOND READING - Z-FY-11-34: Consider adopting an ordinance authorizing a zoning change from Agriculture District (AG) to Commercial District (C) on 4.699 acres located on the south side of SM 2305, west of Arrowhead Point Road, more commonly known as 13721 West Adams Avenue. (Note: Approval of this item on consent agenda will rezone the subject property to PD-NS with the Storage Warehouse use permitted in addition to the uses permitted in the base NS zoning district, as approved on first reading by the City Council and with concurrence of applicant.)**

**(K). 2011-4465: FIRST READING - Consider adopting an ordinance**

**granting a franchise to AM Construction to provide for construction job site cleaning, rental and setting of fifteen(15) yard dumpsters, and hauling and disposing of construction site waste within the City of Temple.**

**(L) 2011-6377-R: Consider adopting a resolution dedicating right-of-way consisting of 2.77 acres for the construction of Panda Drive and 0.701 acre for extension of Lorraine Avenue.**

**(M) 2011-6378-R: Consider adopting a resolution authorizing conveyance of two tracts of land from the City of Temple to the State of Texas for construction of the Pass-Through Financing Project along NW Loop 363 from FM 2305/West Adams north up to the BNSF main line.**

**(N) 2011-6379-R: Consider adopting a resolution approving third quarter financial results for Fiscal Year 2011.**

**(O) 2011-6380-R: Consider adopting a resolution authorizing budget amendments for fiscal year 2010-2011.**

Motion by Councilmember Danny Dunn to adopt resolution approving the Consent Agenda, with the exception of items (F), (L), and (N), seconded by Councilmember Russell Schneider.

Motion passed unanimously.

**(F) 2011-6375-R: Consider adopting a resolution authorizing a flooring project scope change order to the Police Headquarters construction contract with American Constructors, Inc. (ACI) of Austin in an estimated amount of \$35,000.**

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

Councilmember Russell Schneider abstained. The other Councilmembers voted aye. The motion passed.

**(L) 2011-6377-R: Consider adopting a resolution dedicating right-of-way consisting of 2.77 acres for the construction of Panda Drive and 0.701 acre for extension of Lorraine Avenue.**

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

Councilmember Russell Schneider abstained. The other Councilmembers voted aye. The motion passed.

**(N) 2011-6379-R: Consider adopting a resolution approving third quarter financial results for Fiscal Year 2011.**

Traci Barnard, Director of Finance, presented the third quarter financial report to the

City Council. She discussed the General Fund revenues, highlighting sales tax numbers and comparing our collections to other cities in our region. General Fund expenditures are at 71% of budget with 75% of the year complete. Water and Wastewater Fund revenues are at 74% and expenses are at 72%. Mrs. Barnard also provided a brief overview of the City's capital improvement program, noting projects that are completed, scheduled and underway.

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

Motion passed unanimously.

## VI. REGULAR AGENDA

### ORDINANCES

6. **2011-4462: FIRST READING - PUBLIC HEARING - A-FY-11-06:**  
**Consider adopting an ordinance abandoning 245.70 feet of West Irvin Avenue with an 80-foot right-of-way, between North 33rd Street and North 31st Street, located between the north portions of Lots 1 and 2, Block 1 and the south portions of Lots 1 and 2, Block 3 of Keaton Addition; and reserving a public drainage and utility easement in the entire abandoned right-of-way.**

Brian Mabry, Planning Director, presented this case to the City Council. This item was presented to the City Council for first reading at the August 4th meeting but was tabled. Mr. Mabry displayed an aerial photo of the property showing the area of abandonment. The purpose of the abandonment is to allow for a driveway and storage area for Vanguard Construction. There are no objections from public utility companies. A broker's opinion was obtained in the amount of \$11,000. The abutting property owners to the north do not object to the abandonment but may wish to purchase their portion of the abandoned right of way. There is no time limit for them to make that decision. Staff recommended approval of the proposed abandonment.

Mayor Jones reopened the public hearing which was suspended at the August 4, 2011 meeting 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 September 1, 2011, seconded by Councilmember Judy Morales.

Motion passed unanimously.

7. **2011-4466: FIRST READING - PUBLIC HEARING - Z-FY-11-36:**  
**Consider adopting an ordinance authorizing a zoning change from General Retail District (GR) to Multiple Family Three (MF-3) on 12.15**

**± acres of land, located on the west side of Hilliard Road, 1,095 ± feet from the intersection of West Adams Avenue and Hilliard Road.**

Brian Mabry, Planning Director, presented this case to the City Council. This is the location of a future apartment complex. The original request was for MF-3 zoning but the Planning and Zoning Commission recommended MF-2 and the applicant is in agreement. This property was rezoned in 2006 as a possible site for a grocery store. General Retail zoning will remain on Adams Avenue and Hilliard. Mr. Mabry displayed an aerial photo of the subject property. He also showed the zoning for the surrounding area and photos of surrounding properties. The request complies with the Future Land Use and Character Map and Thoroughfare Plan and public utilities are available to serve the property. Mr. Mabry reviewed the MF-2 standards regarding density, lot size and setbacks. Eight notices were mailed to surrounding property owners, with one being returned in disapproval and none in approval.

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

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

Motion by Councilmember Danny Dunn to adopt ordinance, with second reading and final adoption set for September 1, 2011, seconded by Councilmember Russell Schneider.

Motion passed unanimously.

- 8. 2011-4467: FIRST READING - PUBLIC HEARING - Z-FY-11-38: Consider adopting an ordinance authorizing a Conditional Use Permit for the sale of alcoholic beverages for on-premise consumption with more than 50% and less than 75% revenue from alcohol sales in a proposed pool hall located at 102 South General Bruce Drive.**

Brian Mabry, Planning Director, presented this case to the City Council. The property is zoned Commercial and is part of the IH-35 overlay. There is a proposed change in use but no building expansion so the IH-35 requirements are not triggered by this request. The subject property is located next to a package store and bingo hall in the former Albertson's shopping center. Mr. Mabry showed photos of surrounding properties and discussed the separation requirements in place for alcohol sales and other protected uses, which are exceeded by this building. Mr. Mabry presented the floor plan as submitted by the applicant, showing parking layout, signs, and landscaping. Five notices were mailed to surrounding property owners, with none being returned. Mr. Mabry presented the UDC criteria for conditional use permits regarding compatibility and safety. The Planning and Zoning Commission approved the Conditional Use Permit request with the accompanying site plan and elevations.

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

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

Motion by Councilmember Danny Dunn to adopt ordinance, with second reading and final adoption set for September 1, 2011, seconded by Councilmember Russell Schneider.

Motion passed unanimously.

9. **2011-4468: FIRST READING - PUBLIC HEARING - Z-FY-11-39: Consider adopting an ordinance authorizing an amendment to Ordinance No. 2010-4398, originally approved October 21, 2010, Planned Development Single Family One (PD-SF1), to allow a change in the lot layout on a 10-acre tract of land in the Maximo Moreno Survey, Abstract No. 14, City of Temple, Bell County Texas, located on the north side of West FM 93, adjacent to and west of Ridgewood Estates.**

Brian Mabry, Planning Director, presented this case to the City Council. The request is to amend an approved Planned Development street layout approved in 2010 that had a 30-lot maximum. The proposed change will improve circulation, provide for 6 double-fronting lots, and provide screening. Plats and building permits must comply with the Planned Development. Mr. Mabry showed an aerial of the subject property, photos of surrounding properties, the original site plan and the proposed modified plan. Thirteen notices were mailed to surrounding property owners with none being returned in approval or disapproval. Twenty-seven courtesy notices were also mailed. The Planning and Zoning Commission approved the requested zoning.

Mayor Pro Tem Schneider asked who maintains the area between the fence and curb.

Mr. Mabry replied the property owner does. The fence is on the property line.

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

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

Motion by Councilmember Perry Cloud to adopt ordinance, with second reading and final adoption set for September 1, 2011, seconded by Councilmember Judy Morales.

Motion passed unanimously.

10. **2011-4469: FIRST READING - PUBLIC HEARING - Z-FY-11-40: Consider adopting an ordinance authorizing a zoning change from General Retail District (GR) to Commercial District (C) on Lots 1 & 2, Block 1, Garden Estates of Temple Texas Addition, being 7.22-acres**



**located on the northwest corner of 205 Loop and 5400 block of West Adams Avenue, east of North Kegley Road.**

Brian Mabry, Planning Director, presented this case to the City Council. The purpose is to add to the possible uses on the property. This case is related to the following one, Mr. Mabry explained, and is in the same vicinity. He outlined the possible new uses, including building material sales, mini storage, cabinet shop, welding and machine shop, contractor storage, wholesale storage, etc. Mr. Mabry also displayed an aerial photo of the subject property and photos of surrounding properties. The request is consistent with the Future Land Use and Character Map, the surrounding zoning, the Thoroughfare Plan, the City-Wide Trails Plan, and public utilities serve the tract. Nine notices were mailed to surrounding property owners, with one being returned in approval and none in opposition. The Planning and Zoning Commission approved the requested rezoning.

Mayor Pro Tem Schneider asked if residential uses are allowed,

Mr. Mabry stated yes, duplexes are an allowed use.

Mayor Pro Tem Schneider stated he would like to remove duplexes as an allowed use in this location.

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

Thomas Baird, 707 West Thompson, addressed the Council representing the property owner. He asked for the Council's support of the request.

Mayor Pro Tem Schneider asked if the property owner would object to removing duplexes as an allowed use.

Mr. Baird replied no.

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

Motion by Councilmember Russell Schneider to adopt ordinance approving a Planned Development-Commercial zoning omitting duplexes as an allowed use, with second reading and final adoption set for September 1, 2011, seconded by Councilmember Danny Dunn.

Motion passed unanimously.

- 11. 2011-4470: FIRST READING - PUBLIC HEARING - Z-FY-11-41: Consider adopting an ordinance authorizing a zoning change from Agricultural District (AG) to Commercial District (C) on 29.548 acres in Nancy Chase Survey, Abstract No. 5, located at the southwest corner of Kegley Road and the 5600 block of West Adams Avenue.**

Brian Mabry, Planning Director, presented this case to the City Council. This location is close to the property presented in the previous item. The

current use is agricultural and the request is to add to the possible uses on the property. Mr. Mabry showed photos of the surrounding properties. The request does not comply with the Future Land Use and Character Map but staff would recommend amendment in the future considering the arterial frontage and the undeveloped properties. The request is consistent with the Thoroughfare Plan and the property is served by public utilities. The continuation of the existing Pepper Creek Trail is planned for the corner of the property. Eight notices were mailed to surrounding property owners, with three returned in approval and none in disapproval. The Planning and Zoning Commission approved the requested rezoning.

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

Thomas Baird, 707 West Thompson, addressed the Council representing the property owner. He asked for the Council's support of this request.

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

Motion by Councilmember Russell Schneider to adopt ordinance approving Planned Development-Commercial zoning omitting duplexes as an allowed use, with second reading and final adoption set for September 1, 2011, seconded by Councilmember Judy Morales.

Motion passed unanimously.

## RESOLUTIONS

12. **2011-6381-R: P-FY-11-33: Consider adopting a resolution authoring the Final Plat of Carroll Estes Industrial Subdivision, a 61.50-acre, 3-lot nonresidential subdivision located on the east side of I-35 at the northern City Limits, including a portion of the Temple ETJ, with developer's requested exception to Section 8.2.7.E of the Unified Development Code requiring fire hydrants to comply with the City's Fire Code.**

Brian Mabry, Planning Director, presented this item to the City Council. He showed the vicinity map which is the northern City limits and a portion in the ETJ. Mr. Mabry also displayed the actual plat containing three large lots on 50 + acres, and an aerial photo of the subject property which is currently used as auto storage. The purpose of the plat is for taxing purposes and there will be no effect on the existing use. The Planning and Zoning Commission recommended approval of the final plat with the developer requested exceptions. The property is served by water from the Little Elm Valley Water Supply but the line is not adequate to provide fire protection.

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

Motion passed unanimously.

- 13. 2011-6382-R: P-FY-11-35: Consider adopting a resolution authorizing the Preliminary Plat and Final Plat of Alta Vista II, a 46.56±-acre, 245-lot residential subdivision located on the east side of South 5th Street, south of Echo Village Subdivision and across from Wyndham Hill Parkway, with developer requested exception to Section 8.3.2:Cash Instead of Land Dedication.**

Brian Mabry, Planning Director, presented this item to the City Council. This plat contains 245 residential lots. He displayed an aerial photo of the subject property and the plat of the subdivision which contains 45.56 acres zoned SF 2. Park fees for this plat total \$55,125. The Planning and Zoning Commission approved the plat but without the requested exception for park fees. The developer has requested the ability to provide park facilities within Alta Vista 1. Staff does not support the requested exception.

Garrett Nordyk, W&B Development, provided some background information regarding this subdivision and the surrounding ones. He stated they have started the park and would like to finish its development.

Mayor Pro Tem Schneider stated in Alta Vista 1 on the east and west is a large ravine along the subgrade going west to 5th Street. Will culvert piping be provided?

Mr. Nordyk replied yes, and he explained the design.

Ken Cicora, Director of Parks and Leisure Services, stated this proposed park area is only 1/4 acre. There are 240+ houses in the area, too small for a neighborhood park. It needs to contain 3 to 5 acres and he would consider the addition of more land. The park dedication fees would be used in South Temple Park which would better serve the people in that area. The resulting green space in this development would allow a street crossing.

Motion by Councilmember Russell Schneider to adopt resolution, requiring the payment of park fees as recommended by Staff and the Planning and Zoning Commission, seconded by Councilmember Perry Cloud.

Motion passed unanimously.

## **BOARD APPOINTMENTS**

- 14. 2011-6383-R: Consider adopting a resolution appointing members to the following City boards and commissions:**

**(A) Airport Advisory Board - two members to fill expiring terms through September 1, 2014**

It was recommended that William Maedgen, III and Brad Phillips be reappointed to this board.

**(B) Animal Services Advisory Board - one member to fill expiring term through September 1, 2014 and appoint Chair for the period of September 1, 2011 through August 31, 2012**

It was recommended that Patrick Marcon be appointed to this board and that Krissy Whittington be appointed as the Chair for the upcoming year.

**(C) Civil Service Commission - one member to fill expiring term through September 1, 2014**

It was recommended that Gary DeSalvo be reappointed to this board.

**(D) Community Services Advisory Board - three members to fill expiring terms through September 1, 2014**

It was recommended that Melissa Bragg and Dee Blackwell be reappointed and Kevin Pitts be appointed to this board.

**(E) Library Board - three members to fill expiring terms through September 1, 2014**

It was recommended that Jean Kubala be reappointed and that Margaret Goodwin and Peggy McIlvanie be appointed to this board.

**(F) Planning & Zoning Commission - three members to fill expiring terms through September 1, 2014**

It was recommended that Barbara Brown, Greg Rhoads, and David Jones be reappointed to this board.

**(G) Reinvestment Zone No. 1 Board of Directors - five members to fill expiring terms through September 1, 2013**

It was recommended that Jay Bojorquez, Bob Browder and Thomas Baird be reappointed and that Wendell Williams and Pat Patterson be appointed to this board.

**(H) Temple Economic Development Corporation - three members to fill expiring terms through September 1, 2014**

It was recommended that Kenny Martin be reappointed to an at-large position, George Lee be appointed to a Chamber of Commerce position and that Hugh Shine be appointed to the RZ No. 1 position.

**(I) Temple Public Safety Advisory Board - four members to fill expiring terms through September 1, 2014**

It was recommended that Jeff Blackwell, Bennie Trevino, John Barina and Billy Rowton be reappointed with one position remaining to be filled.

**(J) Transit Advisory Committee - three members to fill expiring terms**

**through September 1, 2013**

It was recommended that Peggy McIlvanie be appointed to this board.

Motion by Councilmember Danny Dunn to adopt resolution approving recommendations for appointments, seconded by Councilmember Judy Morales.

Motion passed unanimously.

ATTEST:

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William A. Jones, III, Mayor

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Clydette Entzminger  
City Secretary



## **COUNCIL AGENDA ITEM MEMORANDUM**

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Item #8(B)  
Consent Agenda  
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### **DEPT./DIVISION SUBMISSION & REVIEW:**

Belinda Mattke, Director of Purchasing

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the following related to the City's commercial card (procurement card) program:

1. An extension of an interlocal agreement with the City of Fort Worth to allow for the utilization of Fort Worth's commercial card (procurement card) agreement with JP Morgan Chase; and
2. Execution of a Participation Agreement with JP Morgan Chase that will allow for the City to be a participant in the City of Fort Worth's commercial card agreement with JP Morgan Chase.

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

**ITEM SUMMARY:** On December 16, 2010, the City Council authorized an interlocal agreement with the City of Fort Worth to allow for the utilization of Fort Worth's commercial card (procurement card) agreement with JP Morgan Chase.

The City currently utilizes a Procurement Card (P-Card) program to supplement and enhance the procurement of low-value, maintenance, repair, and operational expenses. P-Cards are not intended to replace effective procurement planning or void any purchasing policies or procedures, but are used to reduce internal purchasing restrictions and to delegate authority. The City currently has 367 P-Cards. For the 12 months ended July 31, 2011, \$3,120,956 of City purchases were procured using P-Cards.

The current contract expired on August 30, 2011 with one (1) one-year renewal still available. The City of Ft Worth has extended the contract with JP Morgan Chase for an additional year.

**FISCAL IMPACT:** There is no fiscal impact with respect to City expenditures. Annual rebates will be paid to the City at a 1.59% rate based upon the individual participant's annual volume spend as well as the combined consortium annual spend.

### **ATTACHMENTS:**

[Resolution](#)

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE EXTENSION OF AN INTERLOCAL AGREEMENT WITH THE CITY OF FORT WORTH TO ALLOW FOR THE UTILIZATION OF FORT WORTH'S COMMERCIAL CARD (PROCUREMENT CARD) AGREEMENT WITH JP MORGAN CHASE; AUTHORIZING THE EXECUTION OF A PARTICIPATION AGREEMENT WITH JP MORGAN CHASE THAT WILL ALLOW FOR THE CITY TO BE A PARTICIPANT IN THE CITY OF FORT WORTH'S COMMERCIAL CARD AGREEMENT WITH JP MORGAN CHASE AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on December 16, 2010, the City Council authorized an interlocal agreement with the City of Fort Worth to allow for the utilization of Fort Worth's commercial card (procurement card) agreement with JP Morgan Chase;

**Whereas**, the current contract expired on August 30, 2011, with one 1-year renewal still available – the City of Fort Worth has extended the contract with JP Morgan Chase for an additional year;

**Whereas**, there is no fiscal impact with respect to City expenditures – annual rebates will be paid to the City at a 1.59% rate based upon the original participant's annual volume spend as well as the combined consortium annual spend; 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 one year extension to the interlocal agreement with the City of Fort Worth, after approval as to form by the City Attorney, to allow for the utilization of Fort Worth's commercial card (procurement card) agreement with JP Morgan Chase.

**Part 2:** The City Council authorizes the City Manager, or his designee, to execute a Participation Agreement with JP Morgan Chase, after approval as to form

by the City Attorney, that will allow the City to be a participant in the City of Fort Worth's commercial card agreement with JP Morgan Chase.

**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 **1<sup>st</sup>** day of **September**, 2011.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Clydetta Entzminger  
City Secretary

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Jonathan Graham  
City Attorney





## COUNCIL AGENDA ITEM MEMORANDUM

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Consent Agenda  
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**DEPT./DIVISION SUBMISSION & REVIEW:**

Judy Duer, Library Director  
Belinda Mattke, Director of Purchasing

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a one-year renewal to the annual purchase agreement for library materials with Baker & Taylor of Charlotte, North Carolina, for FY 2012 in the estimated annual amount of \$105,000.

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

**ITEM SUMMARY:** On September 18, 2008, the City Council authorized an annual purchase agreement with Baker & Taylor for the purchase of the following library materials:

1. General Trade Books, 45% discount from publisher's price list
2. Paperbacks (Mass Market and Trade), 40.8% discount from publisher's price list
3. Library Bindings, 24.1% discount from publisher's price list
4. Books on CD, 45.6% discount from publisher's price list
5. Playaways, 21.8% discount from publisher's price list
6. DVD's, 31.6% discount from publisher's price list
7. Compact Disks, 27.1% discount from publisher's price list

The current contract will expire on September 30, 2011. The original bid allowed for four (4) additional one-year extensions. In order to renew the contract, the vendors must agree to hold their prices firm for an additional year, which Baker & Taylor has agreed to do.

Staff is pleased with the services provided by Baker & Taylor and recommends Council authorize an extension to the contract. This will be the third renewal available under this contract, with one year remaining.

**FISCAL IMPACT:** The Library's FY 2012 proposed budget includes funding for the materials procured under this contract in the following accounts: 110-4000-555-22-25, 110-4000-555-22-26 & 110-4000-555-25-22. Estimated annual expenditure: \$105,000.

**ATTACHMENTS:**

[Resolution](#)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE-YEAR RENEWAL TO THE PURCHASE AGREEMENT WITH BAKER & TAYLOR OF CHARLOTTE, NC, FOR THE PURCHASE OF LIBRARY BOOKS, DVDs, BOOKS ON CD AND COMPACT DISCS FOR FISCAL YEAR 2012, IN THE ESTIMATED ANNUAL AMOUNT OF \$105,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on September 18, 2008, the City Council authorized an annual purchase agreement with Baker & Taylor of Charlotte, NC, for the purchase of library books, DVD's, books on CD and compact disks;

**Whereas**, the original bid allowed for 4 one-year extensions to the purchase agreement and the Staff recommends extending the agreement with Baker & Taylor;

**Whereas**, the estimated annual expenditure for these materials is \$105,000, and funds are available in Account Nos. 110-4000-555-2225, 110-4000-555-2226, and 110-4000-555-2522; 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 approves a one-year extension to the purchase agreement with Baker and Taylor of Charlotte, NC, for the purchase of library books, DVDs, books on CD and compact discs (estimated expenditure \$105,000).

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

**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 1<sup>st</sup> day of **September**, 2011.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Clydette Entzminger  
City Secretary

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Jonathan Graham  
City Attorney



## **COUNCIL AGENDA ITEM MEMORANDUM**

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09/01/11  
Item #8(C-2)  
Consent Agenda  
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**DEPT./DIVISION SUBMISSION & REVIEW:**

Nicole Torralva, PE, Director of Public Works  
Sam Weed, Superintendent of Fleet Services

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a one-year renewal to the annual purchase agreement of oil and lubricants with Brazos Valley Lubricants of College Station for FY 2012 in the estimated annual amount of \$55,000.

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

**ITEM SUMMARY:** On September 18, 2008, the City Council authorized an annual purchase agreement with Brazos Valley Lubricants for the purchase of oil and lubricants. On September 3, 2009, and September 2, 2010, Council authorized one-year renewals to the contract. The current contract will expire on September 30, 2011. The original bid allowed for four (4) additional one-year extensions. In order to renew the contract, the vendor must agree to hold their prices firm for an additional year, which they are willing to do.

Staff is satisfied with the products provided by Brazos Valley Lubricants, and based on price research conducted, staff believes that we have a good value with the current contracted prices. Accordingly, staff recommends Council authorize an extension to the contract. This will be the third one-year renewal authorized under this contract, with one year remaining.

**FISCAL IMPACT:** Departments have budgeted for oils and lubricants in their departmental automotive repairs & maintenance accounts. Purchases under this contract will be purchased into a Fleet Maintenance inventory account and charged out to the various department accounts upon use by Fleet Services. Estimated annual expenditure: \$55,000.

**ATTACHMENTS:**

[Resolution](#)

**RESOLUTION NO. \_\_\_\_\_**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE-YEAR RENEWAL TO THE PURCHASE AGREEMENT FOR FISCAL YEAR 2012 FOR OILS AND LUBRICANTS WITH BRAZOS VALLEY LUBRICANTS OF BRYAN, TEXAS, FOR AN ESTIMATED EXPENDITURE OF \$55,000; PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on September 18, 2008, the City Council authorized an annual purchase agreement with Brazos Valley Lubricants of Bryan, Texas, for oils and lubricants for FY2009;

**Whereas**, the original bid allowed for 4 one-year extensions, and the Staff recommends extending the agreement for one additional year;

**Whereas**, these items will be purchased as needed and charged to departmental expenditure accounts for vehicles and equipment that are serviced by the Fleet Services – estimated annual expenditure is \$55,000; 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 one-year renewal to the purchase agreement with Brazos Valley Lubricants, after approval as to form by the City Attorney, for the purchase of oil and lubricants for FY 2012 in the estimated annual amount of \$55,000.

**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 **1<sup>st</sup>** day of **September**, 2011.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Clydette Entzminger  
City Secretary

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Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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09/01/11  
Item #8(C-3)  
Consent Agenda  
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### **DEPT./DIVISION SUBMISSION & REVIEW:**

Nicole Torralva, PE, Director of Public Works  
Sam Weed, Superintendent of Fleet Services

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a one-year renewal to the annual purchase agreement for automotive repair parts with UniSelect USA Inc. dba Main Auto Parts/Auto Plus of Temple for FY 2012 in the estimated amount of \$55,000.

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

**ITEM SUMMARY:** On September 16, 2010, the City Council authorized an annual purchase agreement with UniSelect USA Inc. dba Main Auto Parts/Auto Plus for the purchase of automotive repair parts. The current contract will expire on September 30, 2011. The original bid allowed for four (4) additional one-year extensions. In order to renew the contract, the vendor must agree to hold their prices firm for an additional year, which they are willing to do.

Staff is satisfied with the products provided by UniSelect USA Inc. dba Main Auto Parts/Auto Plus. Staff recommends Council authorize an extension to the contract. This will be the first one-year renewal authorized under this contract, with three years remaining.

**FISCAL IMPACT:** The automotive repair parts will be purchased on an as needed basis and are charged to departmental expenditure accounts for vehicles and equipment that are serviced by Fleet Services. Departments have budgeted for automotive repairs in their departmental accounts. Estimated annual expenditure: \$55,000.

### **ATTACHMENTS:**

[Resolution](#)

**RESOLUTION NO. \_\_\_\_\_**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE-YEAR RENEWAL TO THE ANNUAL PURCHASE AGREEMENT WITH UNISELECT USA, INC., D/B/A MAIN AUTO PARTS/AUTO PLUS OF TEMPLE, TEXAS, FOR AUTOMOTIVE REPAIR PARTS FOR FISCAL YEAR 2012, IN THE ESTIMATED AMOUNT OF \$55,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas,** on September 16, 2010, the City Council authorized an annual purchase agreement for the purchase of automotive repair parts with UniSelect USA, Inc., dba Main Auto Parts/Auto Plus;

**Whereas,** the original bid allowed for 4 one-year extensions to the purchase agreement, and the Staff recommends extending the agreement with UniSelect USA, Inc., dba Main Auto Parts/Auto Plus, for Fiscal Year 2012 in the estimated amount of \$55,000;

**Whereas,** each department with vehicles has budgeted for repair parts, and these parts will be ordered on an "as needed" basis throughout the year; 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 one-year renewal to the annual purchase agreement with UniSelect USA, Inc., d/b/a Main Auto Parts/Auto Plus of Temple, Texas, for automotive repair parts for Fiscal Year 2011, in the estimated amount of \$55,000.

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

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

PASSED AND APPROVED this the 1<sup>st</sup> day of **September**, 2011.

THE CITY OF TEMPLE, TEXAS

\_\_\_\_\_  
WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Clydetta Entzminger  
City Secretary

\_\_\_\_\_  
Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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09/01/11  
Item #8(C-4)  
Consent Agenda  
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**DEPT./DIVISION SUBMISSION & REVIEW:**

Nicole Torralva, PE, Director of Public Works  
Kenny Henderson, Superintendent of Streets & Drainage

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a one-year renewal to the annual purchase agreement for hot mix asphalt with APAC Texas, Inc. of Belton for FY 2012 at a price of \$46 per ton in the estimated annual amount of \$50,000.

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

**ITEM SUMMARY:** On September 16, 2010, the City Council authorized an annual purchase agreement with APAC Texas, Inc. for the purchase of hot mix asphalt. The current contract will expire on September 30, 2011. The original bid allowed for four (4) additional one-year extensions. In order to renew the contract, the vendor must agree to hold their prices firm for an additional year, which they are willing to do.

Staff is satisfied with the products and service provided by APAC Texas Inc. Staff continues to believe that \$46 per ton is a good value. Accordingly, staff recommends Council authorize an extension to the contract. This will be the first one-year renewal authorized under this contract, with three years remaining.

**FISCAL IMPACT:** This annual contract is utilized primarily by the Street Department. The Street Department has funding designated in their Repairs & Maintenance account for the purchase of hot mix asphalt. In addition, other departments, including the Reinvestment Zone, may utilize this contract for needs as they arise. Estimated annual expenditure: \$50,000.

**ATTACHMENTS:**

[Resolution](#)

**RESOLUTION NO. \_\_\_\_\_**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN ANNUAL PURCHASE AGREEMENT FOR THE PURCHASE OF HOT MIX ASPHALT FOR FISCAL YEAR 2011 WITH APAC TEXAS, INC., OF BELTON, TEXAS, AT \$46 PER TON, IN THE ESTIMATED AMOUNT OF \$46,000; PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on September 16, 2010, the City Council authorized an annual purchase agreement with APAC Texas, Inc., for the purchase of hot mix asphalt;

**Whereas**, the original bid allowed for 4 one-year extensions to the purchase agreement, and the Staff recommends extending the agreement for Fiscal Year 2012 in the estimated amount of \$50,000;

**Whereas**, the materials will be purchased on an "as needed" basis throughout the year by various departments, and funds are budgeted for this expenditure in various accounts; 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 one-year renewal to the annual purchase agreement with APAC Texas, Inc., of Belton, Texas, for the purchase of hot mix asphalt at \$46 per ton for Fiscal Year 2012, in the estimated annual amount of \$50,000.

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

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

PASSED AND APPROVED this the **1<sup>st</sup>** day of **September**, 2011.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Clydette Entzminger  
City Secretary

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Jonathan Graham  
City Attorney





## **COUNCIL AGENDA ITEM MEMORANDUM**

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09/01/11  
Item #8(C-5)  
Consent Agenda  
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**DEPT./DIVISION SUBMISSION & REVIEW:**

Nicole Torralva, PE, Director of Public Works  
Kenny Henderson, Superintendent of Streets & Drainage

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a one-year renewal to the annual purchase agreement for aggregate base with Lhoist North America of Belton for FY 2012 in the estimated annual amount of \$40,000.

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

**ITEM SUMMARY:** On September 16, 2010, the City Council authorized an annual purchase agreement with Lhoist North America for the purchase of aggregate base. The current contract will expire on September 30, 2011. The original bid allowed for four (4) additional one-year extensions. In order to renew the contract, the vendor must agree to hold their prices firm for an additional year, which they are willing to do.

Staff is satisfied with the products and service provided by Lhoist North America. Staff recommends Council authorize an extension to the contract. This will be the first one-year renewal authorized under this contract, with three years remaining.

The prices are as follows:

- \$5.25 per ton for 25-ton loads delivered;
- \$6.75 per ton for 13-ton loads delivered; and
- \$2.75 per ton if City picks up at Lhoist's site

**FISCAL IMPACT:** This annual contract is utilized primarily by the Street and Utility Departments. Funding is designated in their respective repairs & maintenance, and when applicable, capital accounts. Estimated annual expenditure: \$40,000.

**ATTACHMENTS:**

[Resolution](#)

**RESOLUTION NO. \_\_\_\_\_**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE-YEAR RENEWAL TO THE ANNUAL PURCHASE AGREEMENT FOR THE PURCHASE OF AGGREGATE BASE FOR FISCAL YEAR 2012 WITH LHOIST NORTH AMERICA OF BELTON, TEXAS, IN THE ESTIMATED AMOUNT OF \$40,000; PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on September 16, 2010, the City Council authorized an annual purchase agreement with Lhoist North America for the purchase of aggregate base;

**Whereas**, the original bid allowed for 4 one-year extensions to the purchase agreement, and the Staff recommends extending the agreement for Fiscal Year 2012;

**Whereas**, the materials will be purchased on an "as needed" basis throughout the year by various departments, and funds are budgeted for this expenditure in various accounts (annual estimated expenditure of \$40,000); 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 one-year renewal to the annual purchase agreement with Lhoist North America of Belton, Texas, for the purchase of aggregate base as follows: \$5.25 per ton for 25-ton loads delivered; \$6.75 per ton for 13-ton loads delivered; and \$2.75 per ton if picked up at site.

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

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

PASSED AND APPROVED this the 1<sup>st</sup> day of **September**, 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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09/01/11  
Item #8(C-6)  
Consent Agenda  
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**DEPT./DIVISION SUBMISSION & REVIEW:**

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

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a one-year renewal to the annual construction agreement for electric motor and pump repair services needed at the Water Treatment Plant with Austin Armature Works, LP of Buda for FY 2012 in the estimated annual amount of \$120,000.

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

**ITEM SUMMARY:** On October 7, 2010, the City Council authorized an annual contract for electric motor and pump repair services with Austin Armature Works, LP. The current contract will expire on September 30, 2011. The original bid allowed for four (4) additional one-year extensions. In order to renew the contract, the vendor must agree to hold their prices firm for an additional year, which they are willing to do.

Staff is pleased with the services provided by Austin Armature Works, LP and recommends that Council authorize an extension to the contract. This will be the first renewal available under this contract, with three years remaining.

**FISCAL IMPACT:** The FY 2012 recommended budget for the Water Treatment Plant includes funding designated in capital and repairs & maintenance accounts for pump and motor repairs. This contract will be used on an as-needed basis. Estimated annual expenditure: \$120,000.

**ATTACHMENTS:**

[Resolution](#)

**RESOLUTION NO. \_\_\_\_\_**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE-YEAR RENEWAL TO THE ANNUAL CONTRACT FOR ELECTRIC MOTOR AND PUMP REPAIR SERVICES NEEDED AT THE WATER TREATMENT PLANT FOR FISCAL YEAR 2012 WITH AUSTIN ARMATURE WORKS, LP, OF BUDA, TEXAS, IN THE ESTIMATED ANNUAL AMOUNT OF \$120,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on October 7, 2010, the City Council authorized an annual contract for electric motor and pump repair services with Austin Armature Works, LP, of Buda, Texas,

**Whereas**, the original bid allowed for 4 one-year extensions to the agreement, and the Staff recommends extending the agreement for Fiscal Year 2012;

**Whereas**, funds are budgeted in the Water Treatment Plant Fiscal Year 2012 budget for these services (estimated annual expenditure of \$120,000); 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 renewal to the annual contract for electric motor and pump repair services on an as-needed basis for the Water Treatment Plant for Fiscal Year 2012 with Austin Armature Works, LP, of Buda, Texas, for an estimated annual expenditure of \$120,000.

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

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

PASSED AND APPROVED this the 1<sup>st</sup> day of **September**, 2011.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Clydette Entzminger  
City Secretary

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Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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09/01/11  
Item #8(C-7)  
Consent Agenda  
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### **DEPT./DIVISION SUBMISSION & REVIEW:**

Belinda Mattke, Director of Purchasing

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a one-year renewal to the annual construction contract for electrical services with T. Morales Company of Florence for FY 2012 in the estimated annual amount of \$70,000.

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

**ITEM SUMMARY:** On September 6, 2007, the City Council authorized an annual construction contract for electrical services to T. Morales Company. On September 4, 2008, September 3, 2009 and September 2, 2010, the City Council authorized one-year extensions to the contract.

The current contract will expire on September 30, 2011. The original bid allowed for four (4) additional one-year extensions. In order to renew the contract, the vendor must agree to hold their prices firm for an additional year, which they are willing to do again this year.

Staff is pleased with the services provided by T. Morales Company and recommends Council authorize an extension to the contract. This will be the last renewal available under this contract..

**FISCAL IMPACT:** Departments have budgeted for electrical plumbing services in several departmental accounts. This contract will be used on an as-needed basis. Estimated annual expenditure: \$70,000.

### **ATTACHMENTS:**

[Resolution](#)

**RESOLUTION NO. \_\_\_\_\_**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS,  
AUTHORIZING A ONE-YEAR RENEWAL TO THE ANNUAL CONTRACT  
WITH T. MORALES COMPANY OF FLORENCE, TEXAS, FOR ELECTRICAL  
SERVICES FOR ALL CITY FACILITIES ON AN AS-NEEDED BASIS FOR  
FY2012, IN THE ESTIMATED AMOUNT OF \$70,000; AND PROVIDING AN  
OPEN MEETINGS CLAUSE.

---

**Whereas**, on September 7, 2007, the City Council authorized an annual contract with T. Morales Company of Florence, Texas, for electrical services for all City facilities on an as-needed basis for FY2007-08 – the original bid allowed for 4 additional one-year extensions;

**Whereas**, the Staff recommends a one-year renewal with T. Morales Company for FY2012 for these services, for an estimated annual expenditure of \$70,000;

**Whereas**, funds are budgeted in several different departments' account and services will be ordered as needed; 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 one-year renewal to the annual contract for electrical services for all City facilities on an as-needed basis for FY2012 with T. Morales Company of Florence, Texas, for an estimated annual expenditure of \$70,000.

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

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

PASSED AND APPROVED this the **1<sup>st</sup>** day of **September**, 2011.

THE CITY OF TEMPLE, TEXAS

\_\_\_\_\_  
WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Clydetta Entzminger  
City Secretary

\_\_\_\_\_  
Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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09/01/11  
Item #8(C-8)  
Consent Agenda  
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### **DEPT./DIVISION SUBMISSION & REVIEW:**

Belinda Mattke, Director of Purchasing

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a one-year renewal to the annual construction contract for HVAC repair services with Temple Heat & Air of Temple for FY 2012 in the estimated annual amount of \$300,000.

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

**ITEM SUMMARY:** On September 3, 2009, the City Council authorized an annual construction contract for HVAC repair services to Temple Heat & Air. On September 2, 2010, the Council authorized a one-year extension to the contract.

The current contract will expire on September 30, 2011. The original bid allowed for four (4) additional one-year extensions. In order to renew the contract, the vendor must agree to hold their prices firm for an additional year, which they are willing to do.

Staff is pleased with the services provided by Temple Heat & Air and recommends that Council authorize an extension to the contract. This will be the second renewal available under this contract, with two years remaining.

**FISCAL IMPACT:** Each department has budgeted for HVAC repair service. This service will be ordered on an as-needed basis. Staff estimates that it will spend approximately \$300,000 in FY 2012 for HVAC repair services.

### **ATTACHMENTS:**

[Resolution](#)

**RESOLUTION NO. \_\_\_\_\_**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE-YEAR EXTENSION TO THE CONTRACT FOR HVAC REPAIR SERVICES FOR FY 2012 WITH TEMPLE HEAT & AIR OF TEMPLE, TEXAS, IN THE ESTIMATED ANNUAL AMOUNT OF \$300,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on September 3, 2009, the City Council awarded a bid to Temple Heat & Air of Temple, Texas, for HVAC repair services for 2010;

**Whereas**, the original bid allowed for four additional one-year extensions – the Staff is pleased with the services provided by Temple Heat & Air during the past year and recommends extending the contract for an additional year;

**Whereas**, each department has budgeted for HVAC repair service which will be ordered on an as-needed basis (estimated annual expenditure is \$350,000); 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 one-year extension to the contract with Temple Heat & Air of Temple, Texas, for HVAC repair services for Fiscal Year 2012, for an estimated annual expenditure of \$300,000.

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

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

PASSED AND APPROVED this the **1<sup>st</sup>** day of **September**, 2011.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Clydette Entzminger  
City Secretary

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Jonathan Graham  
City Attorney





## COUNCIL AGENDA ITEM MEMORANDUM

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09/01/11  
Item #8(C-9)  
Consent Agenda  
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### **DEPT./DIVISION SUBMISSION & REVIEW:**

Belinda Mattke, Director of Purchasing

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a one-year renewal to the annual construction contract for plumbing services with C.A.P.'s Mechanical of Moody for FY 2012 in the estimated annual amount of \$40,000.

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

**ITEM SUMMARY:** On September 16, 2010, the City Council authorized a construction contract with C.A.P.'s Mechanical for providing plumbing services on an as needed basis. The current contract will expire on September 30, 2011. The original bid allowed for four (4) additional one-year extensions. In order to renew the contract, the vendor must agree to hold their prices firm for an additional year, which they are willing to do.

Staff is satisfied with the services provided by C.A.P.'s Mechanical. Staff recommends Council authorize an extension to the contract. This will be the first one-year renewal authorized under this contract, with three years remaining.

**FISCAL IMPACT:** Departments have budgeted for plumbing services in several departmental accounts. This contract will be used on an as-needed basis. Estimated annual expenditure: \$40,000.

### **ATTACHMENTS:**

[Resolution](#)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE-YEAR RENEWAL TO THE ANNUAL CONSTRUCTION CONTRACT WITH C.A.P.S. MECHANICAL OF MOODY, TEXAS, FOR PROVIDING PLUMBING SERVICES ON AN AS-NEEDED BASIS FOR FY 2012, IN THE ESTIMATED ANNUAL AMOUNT OF \$40,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on September 16, 2010, the City Council authorized a construction contract with C.A.P.S. Mechanical for providing plumbing services on an as-needed basis for Fiscal Year 2011;

**Whereas**, the original bid allowed for 4 one-year extensions to the contract, and the Staff recommends extending the contract for Fiscal Year 2012;

**Whereas**, funds are budgeted in several different departments' account and services will be ordered as needed (estimated expenditure is \$40,000); 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 one-year renewal to the construction contract with C.A.P.S. Mechanical of Moody, Texas, after approval as to form by the City Attorney, for providing plumbing services on an as needed basis for FY 2012, in the estimated annual amount of \$40,000.

**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 1<sup>st</sup> day of **September**, 2011.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Clydette Entzminger  
City Secretary

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Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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09/01/11  
Item #8(C-10)  
Consent Agenda  
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### **DEPT./DIVISION SUBMISSION & REVIEW:**

Belinda Mattke, Director of Purchasing

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a one-year extension to the annual purchase agreement for plumbing supplies with Temple Winnelson of Temple for FY 2012 in the estimated annual amount of \$30,000.

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

**ITEM SUMMARY:** On September 16, 2010, the City Council authorized an annual purchase agreement with Temple Winnelson for the purchase of plumbing supplies. The current contract will expire on September 30, 2011. The original bid allowed for four (4) additional one-year extensions. In order to renew the contract, the vendor must agree to hold their prices firm for an additional year, which they are willing to do.

Staff is satisfied with the products and service provided by Temple Winnelson. Staff recommends Council authorize an extension to the contract. This will be the first one-year renewal authorized under this contract, with three years remaining.

**FISCAL IMPACT:** Departments have budgeted for plumbing supplies in their departmental repairs & maintenance accounts. This contract will be used on an as-needed basis. Estimated annual expenditure: \$30,000.

### **ATTACHMENTS:**

[Resolution](#)

**RESOLUTION NO. \_\_\_\_\_**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE-YEAR EXTENSION TO THE ANNUAL PURCHASE AGREEMENT WITH TEMPLE WINNELSON COMPANY OF TEMPLE, TEXAS, FOR PLUMBING SUPPLIES FOR FISCAL YEAR 2012, IN THE ESTIMATED AMOUNT OF \$30,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas,** on September 16, 2010, the City Council authorized an annual purchase agreement with Temple Winnelson for the purchase of plumbing supplies;

**Whereas,** the original bid allowed for 4 one-year extensions to the purchase agreement, and the Staff recommends extending the agreement for Fiscal Year 2012;

**Whereas,** these items will be ordered on an "as needed" basis throughout the year and departments will make sure sufficient funds are available for their purchases (estimated annual amount of \$30,000); 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 one-year extension to the annual purchase agreement with Temple Winnelson Company of Temple, Texas, for plumbing supplies for Fiscal Year 2012, in the estimated amount of \$30,000.

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

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

PASSED AND APPROVED this the **1<sup>st</sup>** day of **September**, 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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09/01/11  
Item #8(C-11)  
Consent Agenda  
Page 1 of 1

### **DEPT./DIVISION SUBMISSION & REVIEW:**

Belinda Mattke, Director of Purchasing

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the purchase of janitorial supplies for FY 2012 utilizing a BuyBoard contract with Gulf Coast Paper of Temple in the estimated annual amount of \$85,000.

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

**ITEM SUMMARY:** On February 3, 2011, the City Council authorized an annual purchase agreement with Gulf Coast Paper for the purchase of janitorial supplies.

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

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

**FISCAL IMPACT:** Janitorial supplies are purchased on an as needed basis and are charged to departmental janitorial supplies budgets when issued to the respective departments. Estimated annual expenditure: \$85,000.

### **ATTACHMENTS:**

[Resolution](#)

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

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

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

**Whereas,** the estimated amount for the supplies is \$85,000, and these items will be ordered on an as-needed basis and departments will make sure sufficient funds are available for their purchases; and

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

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

**Part 1:** The City Council authorizes the purchase of janitorial supplies from Gulf Coast Paper of Temple, Texas, through the BuyBoard Local Government Online Purchasing Cooperative, in the estimated amount of \$85,000.

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

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

PASSED AND APPROVED this the 1<sup>st</sup> day of **September**, 2011.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Clydette Entzminger  
City Secretary

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Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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09/01/11  
Item #8(C-12)  
Consent Agenda  
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### **DEPT./DIVISION SUBMISSION & REVIEW:**

Belinda Mattke, Director of Purchasing

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a one-year renewal to the annual purchase agreement for work boots/shoes with Cochran, Blair & Potts of Belton for FY 2012 in the estimated annual amount of \$25,000.

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

**ITEM SUMMARY:** On September 16, 2010, the City Council authorized an annual purchase agreement with Cochran, Blair & Potts for the purchase of work boots/shoes. The current contract will expire on September 30, 2011. The original bid allowed for four (4) additional one-year extensions. In order to renew the contract, the vendor must agree to hold their prices firm for an additional year, which they are willing to do.

Staff is satisfied with the products and service provided by Cochran, Blair & Potts. Staff recommends Council authorize an extension to the contract. This will be the first one-year renewal authorized under this contract, with three years remaining.

**FISCAL IMPACT:** Departments have budgeted for work boots/shoes in their departmental clothing & uniforms accounts. Estimated annual expenditure: \$25,000.

### **ATTACHMENTS:**

[Resolution](#)

**RESOLUTION NO. \_\_\_\_\_**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE-YEAR RENEWAL OF THE ANNUAL PURCHASE AGREEMENT WITH COCHRAN, BLAIR & POTTS OF BELTON, TEXAS, FOR THE PURCHASE OF WORK BOOTS AND SHOES FOR FY 2012, WITH ESTIMATED ANNUAL EXPENDITURES OF \$25,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on September 16, 2010, the City Council authorized an annual purchase agreement with Cochran, Blair & Potts of Belton, Texas, for the purchase of work boots/shoes;

**Whereas**, the original bid allowed for 4 one-year extensions to the purchase agreement, and the Staff recommends extending the agreement for Fiscal Year 2012;

**Whereas**, there are sufficient funds in the various departmental accounts for the purchases (estimated annual expenditure is \$25,000); 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 one-year renewal to the annual purchase agreement with Cochran, Blair & Potts of Belton, Texas, for the purchase of work boots and shoes for FY 2012, in the estimated annual amount of \$25,000.

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

**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 **1<sup>st</sup>** day of **September**, 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 #8(C-13)  
Consent Agenda  
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**DEPT./DIVISION SUBMISSION & REVIEW:**

Ken Cicora, Director of Parks and Leisure Services  
Belinda Mattke, Director of Purchasing

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a one-year renewal to the annual contract for the printing of Play-by-Play brochures with Liberty Press of Springville, Utah, for FY 2012 in the estimated annual amount of \$25,000.

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

**ITEM SUMMARY:** On September 17, 2009, the City Council authorized an annual contract for the printing of the play-by-play brochures for the Parks & Leisure Department. On September 2, 2010, the City Council authorized a one-year extension to the contract. The current contract will expire on September 30, 2011. The original bid allowed for four (4) additional one-year extensions. In order to renew the contract, the vendor must agree to hold their prices firm for an additional year, which they are willing to do.

The Play-by-Play brochure, which is printed on newspaper print paper, is created quarterly to promote activities happening throughout the City. Depending on season, the pages of the brochure may range in size from 32-36 pages. Staff estimates that 15,000 copies of the brochure will be distributed via mail to residents quarterly. The brochures are mailed by Liberty Press to residents from Utah to eliminate redundant postage charges. The postage charges are paid by the City independent of this contract.

Staff is pleased with the products and services provided by Liberty Press and recommends Council authorize a one-year extension to the contract. This will be the second one-year renewal authorized under this contract, with two remaining.

**FISCAL IMPACT:** Funding for the printing of the Play-by-Play brochures is included in the proposed FY 2012 budget in account 110-4100-551-2511. Funding for the mailing of the Play-by-Play brochures is included in the proposed FY 2012 budget in account 110-4100-551-2128. Estimated annual expenditure for printing and mailing: \$35,000.

**ATTACHMENTS:**

[Resolution](#)

**RESOLUTION NO. \_\_\_\_\_**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE-YEAR RENEWAL TO THE ANNUAL CONTRACT FOR THE PRINTING OF PLAY-BY-PLAY BROCHURES WITH LIBERTY PRESS OF SPRINGVILLE, UTAH, FOR FY 2012, IN THE ESTIMATED AMOUNT OF \$25,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on September 17, 2009, the City Council approved an annual contract with Liberty Press of Springville, Utah, for the printing of Play-by-Play brochures for the Parks and Leisure Services Department;

**Whereas**, the original bid allowed for 4 additional one-year extensions, and the Staff recommends extending the contract for one year;

**Whereas**, funds are available for the service in Account No. 110-4100-551-2511 – estimated annual expenditure is \$25,000; 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 one-year renewal to the annual contract with Liberty Press of Springville, Utah, for the printing of the Play-by-Play brochures for the Parks and Leisure Services Department for Fiscal Year 2012, in the estimated amount of \$25,000.

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

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

PASSED AND APPROVED this the 1<sup>st</sup> day of **September**, 2011.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

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Clydette Entzminger  
City Secretary

ATTEST:

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Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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Consent Agenda  
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### **DEPT./DIVISION SUBMISSION & REVIEW:**

Alan DeLoera, Director of Information Technology  
Belinda Mattke, Director of Purchasing

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing continued cellular services, data services, and related equipment acquisitions through Verizon Wireless utilizing an existing State contract for FY 2012 in the estimated annual amount of \$167,000.

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

**ITEM SUMMARY:** The City currently has 201 cellular phones, 55 smart phones, and 133 wireless data cards serviced through Verizon Wireless. The Purchasing and Information Technology Departments have reviewed the current Verizon contract and have done some comparisons with other plans and vendors and are confident that the current contract offers the lowest rates available with the best service coverage.

An administrative directive is in place that states the policies and guidelines associated with the City's wireless device program.

Staff has been pleased with the services provided by Verizon Wireless and recommends Council award extensions to the contract.

**FISCAL IMPACT:** Each department with cellular phones and wireless data cards has budgeted for these services totaling approximately \$167,000.

### **ATTACHMENTS:**

[Resolution](#)

**RESOLUTION NO. \_\_\_\_\_**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING CONTINUED CELLULAR SERVICES, DATA SERVICES, AND RELATED EQUIPMENT ACQUISITIONS THROUGH VERIZON WIRELESS UTILIZING AN EXISTING STATE CONTRACT IN THE ESTIMATED ANNUAL AMOUNT OF \$167,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, the Staff recommends that the City continue cellular services, data services, and related equipment acquisitions through Verizon Wireless;

**Whereas**, each department with cellular phones and wireless data cards has budgeted for these services – Staff estimates it will spend no more than the approximately \$167,000 budgeted for cellular services over the next 12 months; 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 continued cellular services, data services, and related equipment acquisitions through Verizon Wireless utilizing an existing State contract in the estimated annual amount of \$167,000.

**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 **1<sup>st</sup>** day of **September, 2011**.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Clydetta Entzminger  
City Secretary

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Jonathan Graham  
City Attorney



## **COUNCIL AGENDA ITEM MEMORANDUM**

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09/01/11  
Item #8(D)  
Consent Agenda  
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### **DEPT./DIVISION SUBMISSION & REVIEW:**

Belinda Mattke, Director of Purchasing

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing an annual contract with Palousek Overhead Door of Temple for overhead door repair services in the estimated annual amount of \$25,000.

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

**ITEM SUMMARY:** On August 9, 2011, the City received one (1) bid from Palousek Overhead Door of Temple for overhead door repair services. The bid is shown on the attached bid tabulation sheet. The City has not done business with Palousek Overhead Door in the past. Accordingly, references were checked and favorable feedback was received.

The City currently has a contract with Texas Best Overhead Door for overhead door repair services. Over the past several months the City has had issues with making contact with the company. It has been determined that the phone number and fax number for Texas Best Overhead Door has been disconnected. Therefore, the City has cancelled its current contract with Texas Best Overhead Door due to the lack of response and the inability to contact them.

The bid stated that the contract would commence on October 1, 2011 and continue through September 30, 2012. However, due to the loss of our current contract, we are requesting that Council authorize the contract with Palousek Overhead Door beginning September 2, 2011 through September 30, 2012. Palousek has agreed to this new contract term.

The recommended contract is for a period of thirteen (13) months commencing on September 2, 2011, with the option for four (4) one-year renewals, if so agreed to by the City and Palousek Overhead Door.

**FISCAL IMPACT:** Departments have budgeted for overhead door services in several departmental repairs & maintenance accounts. This contract will be used on an as-needed basis. Estimated annual expenditure: \$25,000.

### **ATTACHMENTS:**

[Bid Tabulation](#)  
[Resolution](#)

Tabulation of Bids Received  
on August 9, 2011 at 3:30 p.m.  
Overhead Door Repair Services  
Bid# 13-05-12

	Bidders	Memo FY 10-11 Contracted Prices
	Palousek Overhead Doors Temple, Texas	
Description		
Material (Cost plus %) \$0-\$100.99	60%	60%
Material (Cost plus %) \$101-\$500.99	60%	60%
Material (Cost plus %) \$501-\$1000.99	55%	60%
Material (Cost plus %) \$1001-\$5000.99	50%	40%
Material (Cost plus %) \$5001-and up	50%	40%
Rental Equipment (Cost plus %)	10%	40%
Labor (Straight Time)	\$90.00	\$100.00
Labor (Nights and Weekends)	\$125.00	\$135.00
Labor (Holidays)	\$150.00	\$150.00
Exceptions	None	
Local Preference	Yes	Planholders
Insurance Affidavit	Yes	Palousek Overhead Door
Credit Check Authorization	Yes	Prime Vendor

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

*Belinda Mattke*

*9-Aug-11*

Belinda Mattke, Director of Purchasing

Date

*Note: Highlighted bid is recommended  
for Council approval.*

**RESOLUTION NO. \_\_\_\_\_**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN ANNUAL CONTRACT WITH PALOUSEK OVERHEAD DOOR OF TEMPLE, TEXAS, FOR OVERHEAD DOOR REPAIR SERVICES FOR FISCAL YEAR 2011-12, IN THE ESTIMATED ANNUAL AMOUNT OF \$25,000; PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, on August 9, 2011, the City received 1 bid for overhead door repair services for Fiscal Year 2011-12;

**Whereas**, the Staff recommends accepting the bid from Palousek Overhead Door of Temple, Texas;

**Whereas**, departments have budgeted for overhead door services in several departmental repairs and maintenance accounts (estimated annual expenditure is \$25,000); 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 an annual contract with Palousek Overhead Door of Temple, Texas, for overhead door repair services for Fiscal Year 2011-12, in the estimated amount of \$25,000.

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

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

PASSED AND APPROVED this the **1<sup>st</sup>** day of **September**, 2011.

THE CITY OF TEMPLE, TEXAS

\_\_\_\_\_  
WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Clydette Entzminger  
City Secretary

\_\_\_\_\_  
Jonathan Graham  
City Attorney



## **COUNCIL AGENDA ITEM MEMORANDUM**

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Consent Agenda  
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### **DEPT./DIVISION SUBMISSION & REVIEW:**

Nicole Torralva, PE, Director of Public Works  
Belinda Mattke, Director of Purchasing

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing an annual purchase agreement with Crafcot Texas, Inc. of San Antonio for hot crack sealant at \$22.88 per 40-pound box in the estimated annual amount of \$40,000.

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

**ITEM SUMMARY:** In 2010 the City began a year round crack seal program with a five man crew. The purpose of this program is to seal the cracks on paved City streets to help prolong the life of the pavement. The City currently has a Crafcot hot pour crack seal machine that was purchased in October 2010. The trailer mounted machine heats the sealant up then it is distributed through a hose and wand. Hot crack sealant is used during the warmer months during the year. Cold pour sealant is used during the colder months.

On August 9, 2011, the City received one (1) bid for the purchase of hot crack sealant. The bid is shown on the attached tabulation sheet. Even though there was only one (1) bidder, staff believes the pricing is a good value based on the latest purchase price through informal quotes being \$1.32 per box higher than the new annual contract price of \$22.88 per box.

The City has done business with Crafcot Texas, Inc. in the past and finds them to be a responsible bidder.

The proposed purchase agreement commences immediately upon award and shall continue through September 30, 2012, with the option to extend the agreement for four (4) additional one-year periods, if so agreed to by both parties.

**FISCAL IMPACT:** The Street Department is the primary department that utilizes this contract. The Street Department has budgeted for the purchase of hot crack sealant in account 110-3400-531-2316. Estimated annual expenditure: \$40,000.

### **ATTACHMENTS:**

[Bid Tabulation](#)  
[Resolution](#)



Tabulation of Bids Received  
on August 9, 2011 at 2:00 p.m.  
Hot Crack Sealant  
Bid No. 34-05-11

		<b>Bidders</b>	
		<b>Crafco Texas, Inc. San Antonio, TX</b>	
<b>Description</b>	<b>Qty</b>	<b>Unit Price</b>	<b>Total Price</b>
Hot Crack Sealant (Per Box)	1728	\$22.88	\$39,536.64
Delivery		Yes	
Local Preference		No	
Credit Check Authorization		Yes	
Exceptions		None	

<i>Memo 2010-2011 Contracted Prices</i>
<b>New Product (not bid last year)</b>

<b>Planholders</b>
Crafco Texas, Inc.
Onvia, Inc.
Prime Vendor
Seal Master

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

*Belinda Mattek*

*9-Aug-11*

Belinda Mattek, Director of Purchasing

Date

**Note: Highlighted bid is recommended  
for Councils approval**

**RESOLUTION NO. \_\_\_\_\_**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE,  
TEXAS, AUTHORIZING AN ANNUAL PURCHASE AGREEMENT WITH  
CRAFCO TEXAS, INC., OF SAN ANTONIO, TEXAS, FOR HOT CRACK  
SEALANT AT \$22.88 PER 40-POUND BOX, IN THE ESTIMATED ANNUAL  
AMOUNT OF \$40,000; PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, on August 9, 2011, the City received 1 bid for the purchase of hot crack sealant for Fiscal Year 2011-12;

**Whereas**, the Staff recommends accepting the bid from Crafcro Texas, Inc., of San Antonio, Texas, at \$22.88 per 40-pound box;

**Whereas**, the Street Department has budgeted for the purchase of hot crack sealant in Account No. 110-3400-531-2316 (estimated annual expenditure is \$40,000); 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 an annual purchase agreement with Crafcro Texas, Inc., of San Antonio, Texas, for hot crack sealant at \$22.88 per 40-pound box for Fiscal Year 2011-12, in the estimated annual amount of \$40,000.

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

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

PASSED AND APPROVED this the **1<sup>st</sup>** day of **September**, 2011.

THE CITY OF TEMPLE, TEXAS

\_\_\_\_\_  
WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Clydette Entzminger  
City Secretary

\_\_\_\_\_  
Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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Consent Agenda  
Page 1 of 1

**DEPT./DIVISION SUBMISSION & REVIEW:**

Heather Mikulas, Water Business Manager  
Belinda Mattke, Director of Purchasing

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a five-year extension to the contract for third party payment processing services with Western Union Financial Services of Englewood, Colorado.

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

**ITEM SUMMARY:** On August 17, 2006, the City Council authorized a five-year contract for third party payment processing with Western Union Financial Services of Englewood, Colorado.

This contract allows customers to pay their utility bills at the following locations:

- First Convenience Bank (inside Wal-Mart) at 3401 South 31<sup>st</sup> Street;
- First Convenience Bank (inside HEB) at 1314 West Adams Ave;
- First Finance Furniture at 108 South Main Street; and
- HEB Grocery at 3002 South 31<sup>st</sup> Street

The current contract will expire on September 30, 2011. The original bid allowed for one additional five-year extension.

Staff is pleased with the services provided by Western Union Financial Services and recommends that Council authorize an extension to the contract.

**FISCAL IMPACT:** There is no cost to the City for this service. However, there is a \$1.00 convenience fee charged to the customer.

**ATTACHMENTS:**

[Resolution](#)

**RESOLUTION NO. \_\_\_\_\_**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A FIVE-YEAR EXTENSION TO THE CONTRACT FOR THIRD PARTY PAYMENT PROCESSING SERVICES BETWEEN THE CITY OF TEMPLE, TEXAS, AND WESTERN UNION FINANCIAL SERVICES, INC., OF ENGLEWOOD, COLORADO; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, on August 17, 2006, the City Council authorized a contract for third party payment processing services with Western Union Financial Services of Englewood, Colorado, which allows customers to pay their utility bills at four different locations;

**Whereas**, the contract will expire on September 30, 2011, and the Staff recommends a five-year extension to the contract since the additional bid allowed for one additional five-year extension;

**Whereas**, there is no cost to the City for this service, however, there is a \$1.00 convenience fee charged to the customer;

**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 five-year extension to the contract for third party payment processing services between the City of Temple, Texas, and Western Union Financial Services, Inc., of Englewood, Colorado, 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 **1<sup>st</sup>** day of **September**, 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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09/01/11  
Item #8(G)  
Consent Agenda  
Page 1 of 2

### **DEPT./DIVISION SUBMISSION & REVIEW:**

Jonathan Graham, Attorney

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the City Manager to enter into an agreement with Temple Independent School District regarding the continuing participation in the extended life of Tax Increment Financing Reinvestment Zone No. 1.

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

**ITEM SUMMARY:** When the City took action last fall to extend the life of TIFRZ#1 through December 31, 2062, the impact of that decision was only to obligate the City to contribute its increment to TIFRZ#1 beyond the original expiration of the Zone (December 2022). Other taxing entities were not legally compelled to do so unless they entered into an agreement with the City to do so. To date we have secured agreements with Temple College, Elm Creek Watershed, Belton ISD, and Troy ISD to participate in TIFRZ#1 through December 2062. We did not bring those agreements to the City Council for authorization because they could be executed without City Council approval (they did not involve the expenditure of public funds by the City). We have now received an executed agreement back from Temple ISD, and we are bringing that agreement back to you for authorization because it does involve the expenditure of public funds (through the Financing Plan for TIFRZ#1).

Because TISD contributes about 60-65% of the increment received by TIFRZ#1, they incur legal and administrative expenses related to their participation in Zone, that are greater than the other participating taxing entities. Our past agreement with TISD recognized this, and the Financing Plan for the Zone had previously set aside about \$174,000 to compensate TISD for their costs of participation in the Zone. Superintendent Battershell has supplied the City with a letter stipulating that \$174,779 or more has in fact been spent by TISD in administration of the TIFRZ. We anticipate that TISD will annually incur a small amount of additional administrative expense each year which will continue to be identified in the Financing Plan for the Zone

Your authorization to enter into the agreement will not only allow TISD to be reimbursed in the amount of \$174,779 for past administrative expenses, but will allow us to reimburse TISD for future annual costs.

**FISCAL IMPACT:** The Reinvestment Zone No. 1 Financing Plan, line 62, has \$174,779 available to reimburse TISD for past administrative expenses. The funds are available in account 795-9500-531-2627.

A future Financing Plan amendment will be necessary to adjust the amounts available in years beginning FY 2012 and beyond to reconcile with the amounts provided by TISD. Beginning in FY 2012, and every three years thereafter, the amount calculated will be based on a three year rolling average of expenses incurred by TISD related to their participation in the TIFRZ#1. TISD is estimating the first calculation to be approximately \$24,000 per year in annual administrative costs. The Reinvestment Zone No. 1 Financing Plan for FY 2012 currently has \$22,873 available to fund this cost.

**ATTACHMENTS:**

[Resolution](#)

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE TEMPLE INDEPENDENT SCHOOL DISTRICT REGARDING THE CONTINUING PARTICIPATION IN THE EXTENDED LIFE OF TAX INCREMENT FINANCING REINVESTMENT ZONE NO. 1; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on November 4, 2010, the City Council passed Ordinance No. 2010-4404, extending the life of City of Temple Tax Increment Financing Reinvestment Zone Number One through December 31, 2062;

**Whereas**, other taxing entities were not legally compelled to do so unless they entered into an agreement with the City to do so – to date agreements have been signed with Temple College, Elm Creek Watershed, Belton ISD, and Troy ISD (none of which involve the expenditure of public funds by the City) to participate in the TIFRZ#1 through December, 2062;

**Whereas**, an executed agreement was received by the Temple Independent School District which does involve the expenditure of public funds through the Financing Plan for TIFRZ#1 – the Staff recommends approval of the agreement which will allow TISD to be reimbursed for past administrative expenses and future annual costs;

**Whereas**, the Reinvestment Zone No. 1 Financing Plan has funds available for this purpose in Account No. 795-9500-531-2627; and

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

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

**Part 1:** The City Council authorizes the City Manager, or his designee, to execute an agreement, after approval as to form by the City Attorney, regarding the continuing participation in the extended life of Tax Increment Financing Reinvestment Zone No. 1.

**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 **1<sup>st</sup>** day of **September**, 2011.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Clydette Entzminger  
City Secretary

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Jonathan Graham  
City Attorney





## **COUNCIL AGENDA ITEM MEMORANDUM**

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09/01/11  
Item #8(H)  
Consent Agenda  
Page 1 of 2

### **DEPT./DIVISION SUBMISSION & REVIEW:**

Brian Mabry, Planning Director

**ITEM DESCRIPTION:** SECOND READING – A-FY-11-06: Consider adopting an ordinance abandoning 245.70 feet of West Irvin Avenue with an 80-foot right-of-way, between North 33<sup>rd</sup> Street and North 31<sup>st</sup> Street, located between the north portions of Lots 1 and 2, Block 1 and the south portions of Lots 1 and 2, Block 3 of Keaton Addition; and reserving a public drainage and utility easement in the entire abandoned right-of-way.

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

**ITEM SUMMARY:** This item was presented for first reading and public hearing before the City Council on August 4<sup>th</sup>, 2011. An abutting property owner to the north may be interested in purchasing his adjacent half of the subject right-of-way. The representative for the abutting owner was out of town on August 4<sup>th</sup> so the abutting owner requested, and the City Council approved, tabling of the requested abandonment until August 18<sup>th</sup>, 2011.

The applicant, TomJack Investments, requests this street abandonment to allow the enlargement of its business at 820 North 31<sup>st</sup> Street. If approved, TomJack Investments plans to use the abandoned right-of-way for a storage yard and driveway. This portion of West Irvin Avenue is unimproved, as well as North 33<sup>rd</sup> Street.

Planning staff contacted all utility providers, including all divisions of the Public Works Department, the Fire Department, and Police Department regarding the proposed street abandonment. There are no objections to the abandonment request, but a public drainage and utility easement is needed to protect existing utilities in the right-of-way.

**FISCAL IMPACT:** If approved, both abutting property owners will be allowed to purchase their half of the abandoned right-of-way, which has a total fair market value of \$11,000. **As of Tuesday, August 9<sup>th</sup>, 2011, the adjacent property owner to the north does not oppose the requested abandonment but is not ready to relinquish his right to purchase his half (40') of the abandoned right-of-way, if approved.**

**ATTACHMENTS:**

[Aerial](#)

[Vicinity Map](#)

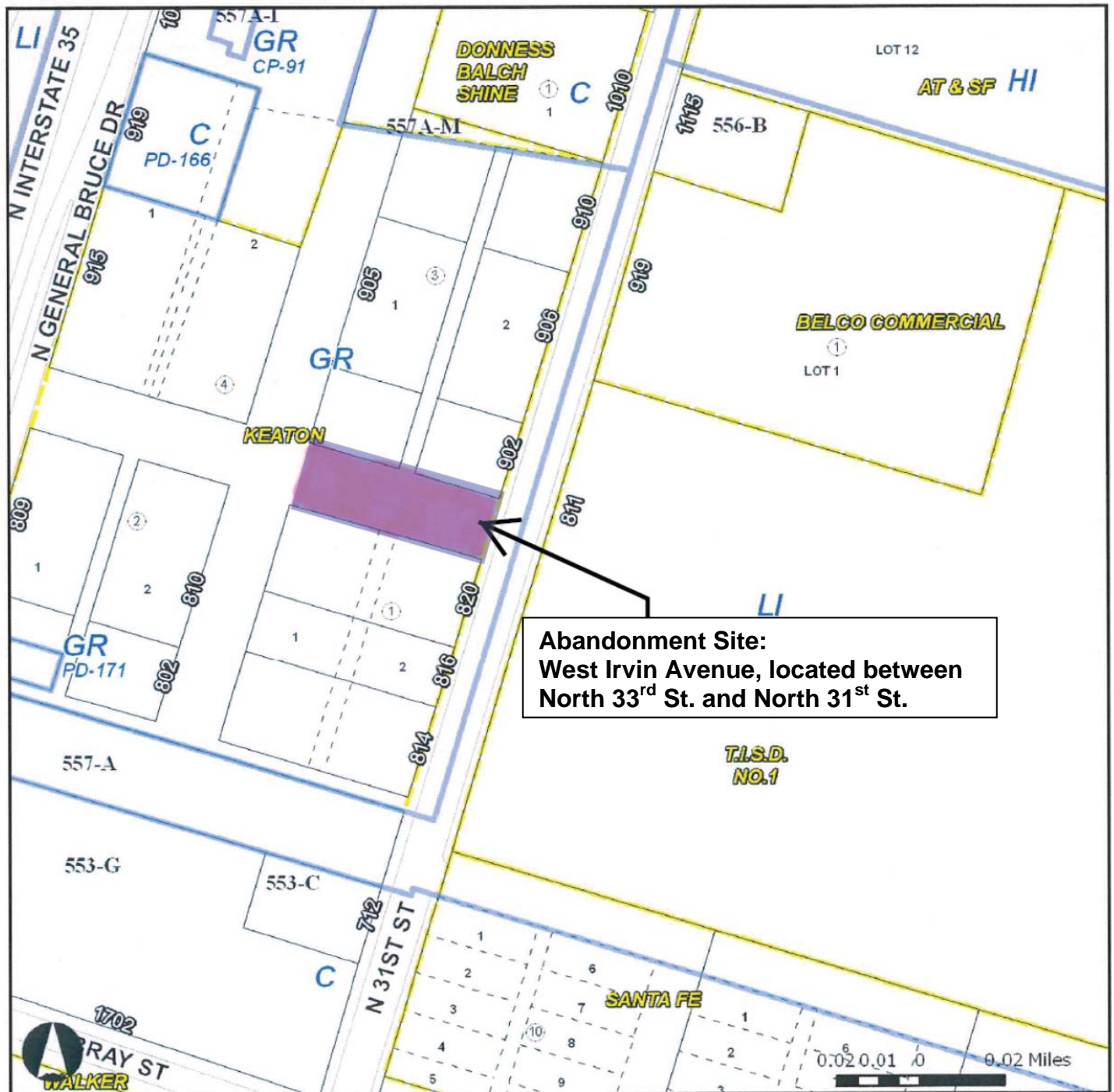
[Survey](#)

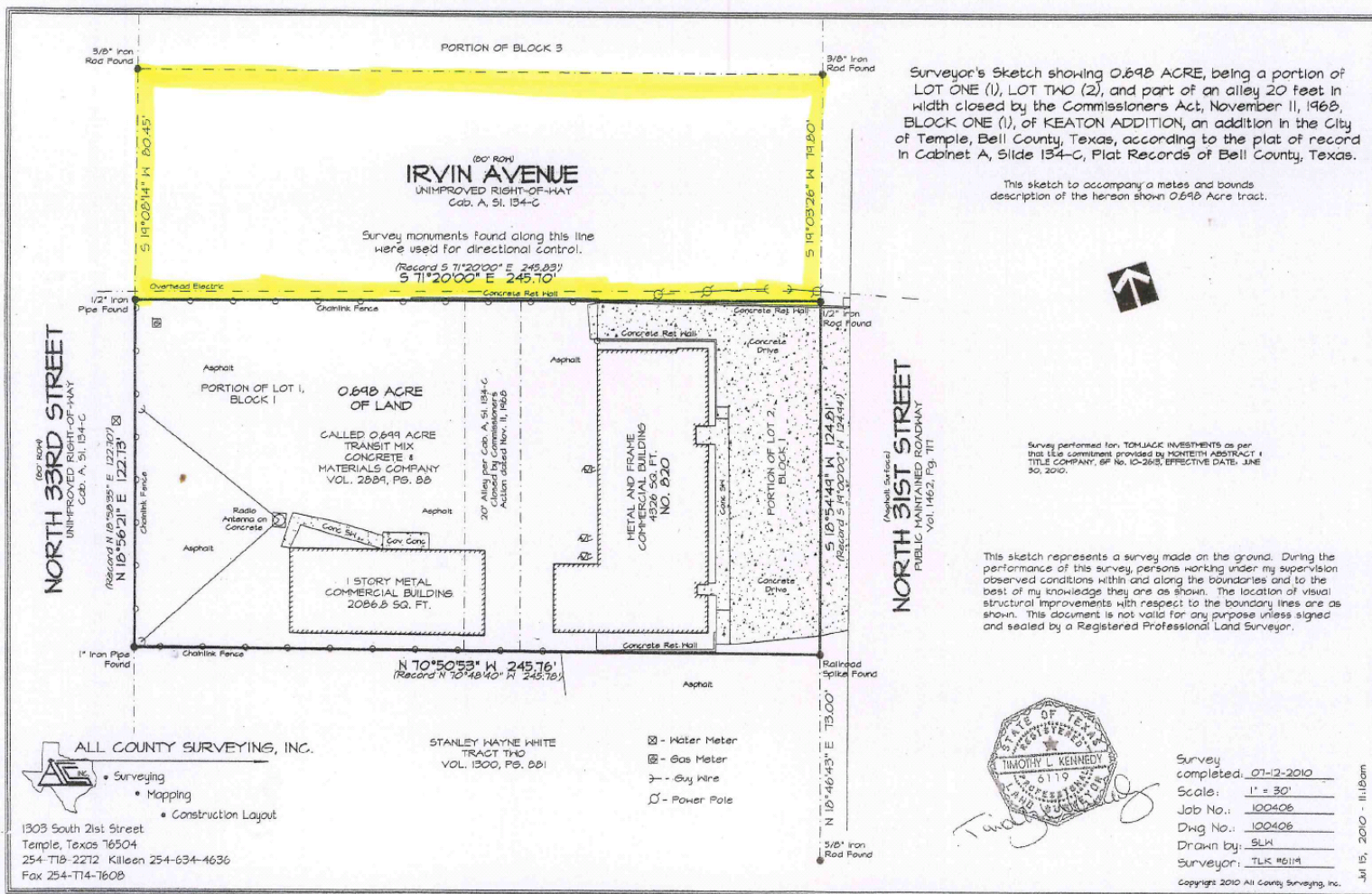
[Ordinance](#)

# City of Temple









ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, ABANDONING 245.70 FEET OF WEST IRVIN AVENUE WITH AN 80-FOOT RIGHT-OF-WAY, BETWEEN NORTH 33<sup>RD</sup> STREET AND NORTH 31<sup>ST</sup> STREET, LOCATED BETWEEN THE NORTH PORTIONS OF LOTS 1 AND 2, BLOCK 1 AND THE SOUTH PORTIONS OF LOTS 1 AND 2, BLOCK 3, KEATON ADDITION; RESERVING A PUBLIC DRAINAGE AND UTILITY EASEMENT IN THE ENTIRE ABANDONED RIGHT-OF-WAY; DECLARING FINDINGS OF FACT; AUTHORIZING CONVEYANCE OF SUCH PROPERTY BY A DEED WITHOUT WARRANTY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, the City has a request from TomJack Investments to abandon 245.70 feet of West Irvin Avenue with an 80-foot right-of-way, between North 33<sup>rd</sup> Street and North 31<sup>st</sup> Street, located between the north portions of Lots 1 and 2, Block 1 and the south portions of Lots 1 and 2, Block 3 of Keaton Addition;

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

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

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

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

**Part 1:** The City Council abandons 245.70 feet of West Irvin Avenue with an 80-foot right-of-way, between North 33<sup>rd</sup> Street and North 31<sup>st</sup> Street, located between the north portions of Lots 1 and 2, Block 1 and the south portions of Lots 1 and 2, Block 3 of Keaton Addition, more fully described by metes and bounds contained in field notes in Exhibit A, attached hereto for all purposes, and reserves a public drainage and utility easement in the entire abandoned right-of-way.

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

**Part 3:** As consideration for the conveyance described in Part 2 hereof, the abutting property owners shall pay, proportionately, to the City of Temple the fair market value of \$11,000.

**Part 4:** If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **4<sup>th</sup>** day of **August**, 2011.

PASSED AND APPROVED on Second Reading the **18<sup>th</sup>** day of **August**, 2011.

THE CITY OF TEMPLE, TEXAS

\_\_\_\_\_  
WILLIAM A. JONES, III, Mayor

ATTEST:

ATTEST:

\_\_\_\_\_  
Clydetta Entzminger  
City Secretary

\_\_\_\_\_  
Jonathan Graham  
City Attorney

STATE OF TEXAS           §

COUNTY OF BELL           §

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

\_\_\_\_\_  
Notary Public, State of Texas



## COUNCIL AGENDA ITEM MEMORANDUM

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09/01/11  
Item #8(I)  
Consent Agenda  
Page 1 of 3

### **DEPT./DIVISION SUBMISSION & REVIEW:**

Brian Mabry, Planning Director

**ITEM DESCRIPTION:** SECOND READING – Z-FY-11-36: Consider adopting an ordinance authorizing a zoning change from General Retail District (GR) to Multiple Family Three (MF-3) on 12.15 ± acres of land, located on the west side of Hilliard Road, 1,095 ± feet from the intersection of West Adams Avenue and Hilliard Road. **(Note: Approval of this item on consent agenda will rezone the subject property to MF-2 as approved on first reading by the City Council and with concurrence of applicant.)**

**P&Z COMMISSION RECOMMENDATION:** At its June 18, 2011 meeting, the Planning and Zoning Commission voted 7/0 in accordance with staff recommendation to recommend approval of a rezoning from GR to MF-2.

Commissioners Rhoads and Sears were absent.

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

Staff recommends approval of a rezoning to MF-2 instead of the applicant's requested MF-3 district 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.
4. The MF-2 District is more appropriate for the adjacent single-family homes in terms of potential density and maximum height as compared to the applicant's requested MF-3 District.

**ITEM SUMMARY:** Please refer to the Staff Report and draft minutes of case Z-FY-11-36, from the Planning and Zoning Commission meeting, July 18, 2011. Hilliard Corner Partners originally requested a rezoning to Multiple Family Three (MF-3) to allow apartments at the northern edge of their proposed retail development. The property's current General Retail District (GR) does not allow apartments.



During the Planning and Zoning Commission meeting, the applicants expressed agreement with staff's recommendation for a rezoning to MF-2 instead of MF-3 because it will not hinder their development plans.

**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- A City-wide spine trail is shown along Hilliard Road. There is an existing sidewalk along the east right-of-way of Hilliard 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 reflects Suburban Commercial for the subject property. Suburban Commercial is appropriate for office, retail, and services uses adjacent to and abutting residential neighborhoods and in other areas where the community's image and aesthetic value is to be promoted, such as at gateways and high-profile corridor locations. The Choices '08 Comprehensive Plan states "Suburban Commercial development can be characterized by extensive landscaping and/or open space". Apartments are acceptable in this future land use and character designation because they have both residential and commercial aspects due to their coordinated landscaping, signs and parking.

**Thoroughfare Plan (CP Map 5.2)**

The Thoroughfare Plan classifies Hilliard Road as a major arterial. Through the platting process, the applicant is proposing the creation of a local street along the southern edge of the requested rezoning. Both are appropriate for apartment traffic.

Availability of Public Facilities (CP Goal 4.1)

Water and sewer lines are available in the area to serve this property. There is an 18-inch water line in the Hilliard Road right-of-way and an 8-inch water line to the west of the property along Honeysuckle Drive. There are 6-inch and 8-inch sewer lines near the west property line.

**DEVELOPMENT REGULATIONS:**

The property's current General Retail District (GR) has a maximum height limitation of three stories. The **MF-3 zoning district** permits conventional and high density high rise apartment development from 5 to 10 stories allowing approximately 40 units per acre. Other permitted uses include boarding house, hotel or motel and home for the aged. The size of the subject property could allow approximately 256 units with MF-3 zoning. With the Staff recommended MF-2, the subject property would allow approximately 155 units.

The purpose statement for the MF-3 zoning district in the Unified Development Code states that the district is utilized in areas intended for high intensity uses. Located along major arterials for direct vehicular access, this district is suitable near major employment centers, the downtown urban core and other high intensity areas.

For the sake of compatibility in intensity, staff recommends the MF-2 zoning district for the subject property. The applicant is aware of this recommendation and does not object.

**PUBLIC NOTICE:**

Staff mailed notices of the Planning and Zoning Commission's public hearing to the eight property owners within the 200-foot radius surrounding the rezoning site. As of Wednesday, July 27, 2011 at 2:00 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 July 7, 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-11-36)  
P&Z Minutes (7/18/11)  
Ordinance





**Z-FY-11-36**

# Portion of Outblock 1102-C, Northwest of Hilliard Road & W. Adams Avenue



Feet 0 300 600 900 1,200 1,500

 ZFY 11-36

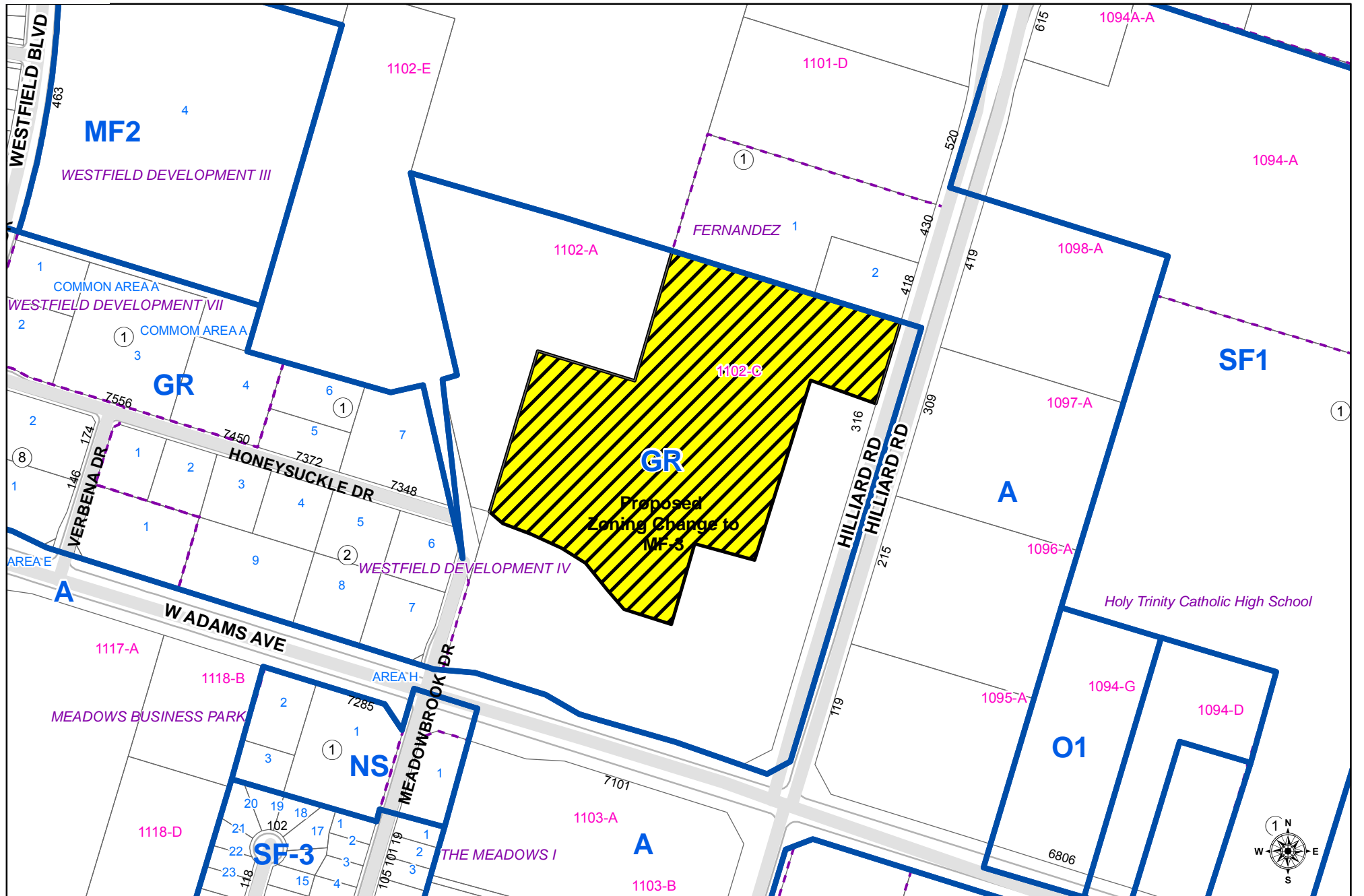






**Z-FY-11-36**

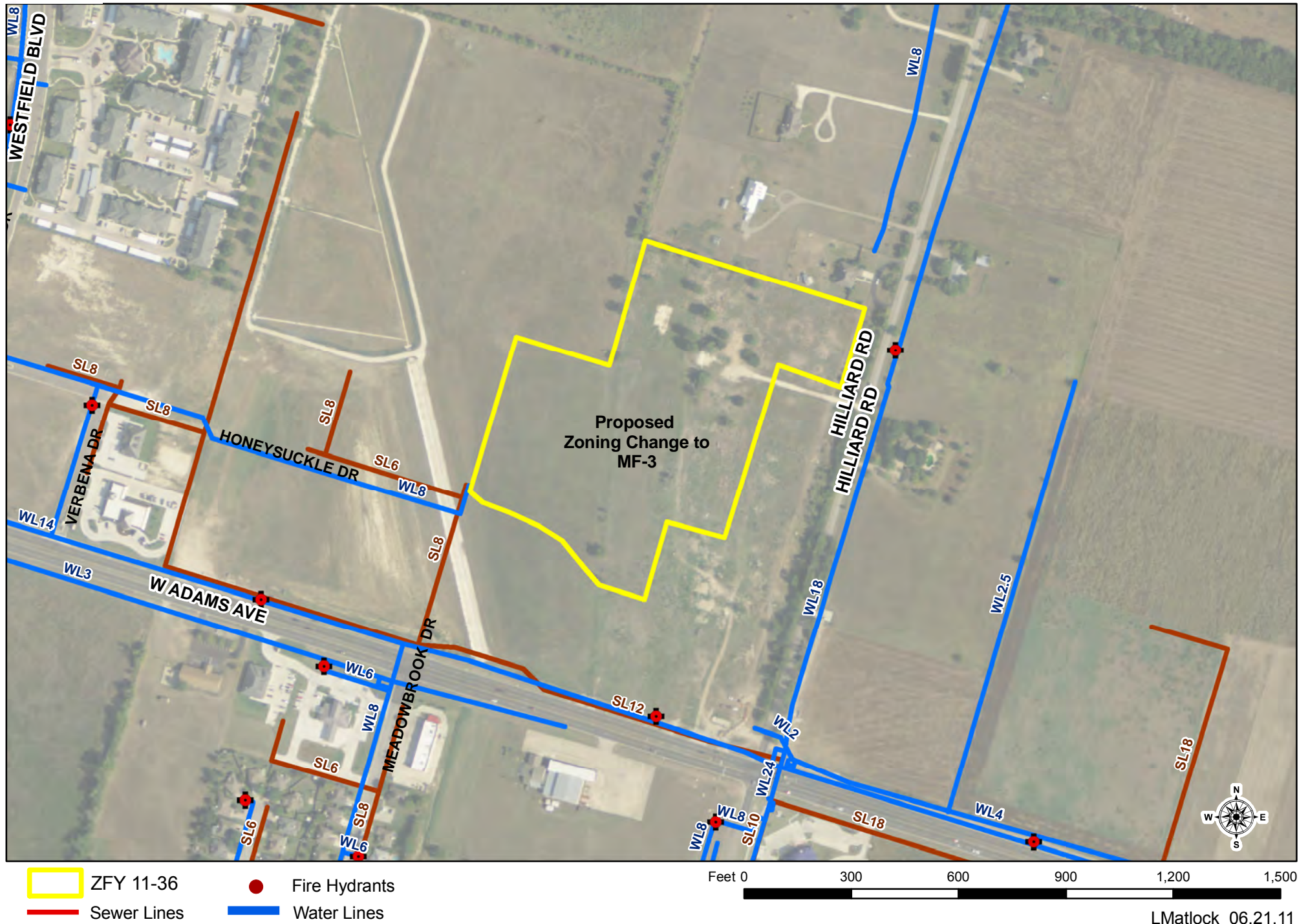
# Portion of Outblock 1102-C, Northwest of Hillard Road & W. Adams Avenue





**Z-FY-11-36**

# Portion of Outblock 1102-C, Northwest of Hilliard Road & W. Adams Avenue







**Z-FY-11-36**

# Portion of Outblock 1102-C, Northwest of Hilliard Road & W. Adams Avenue



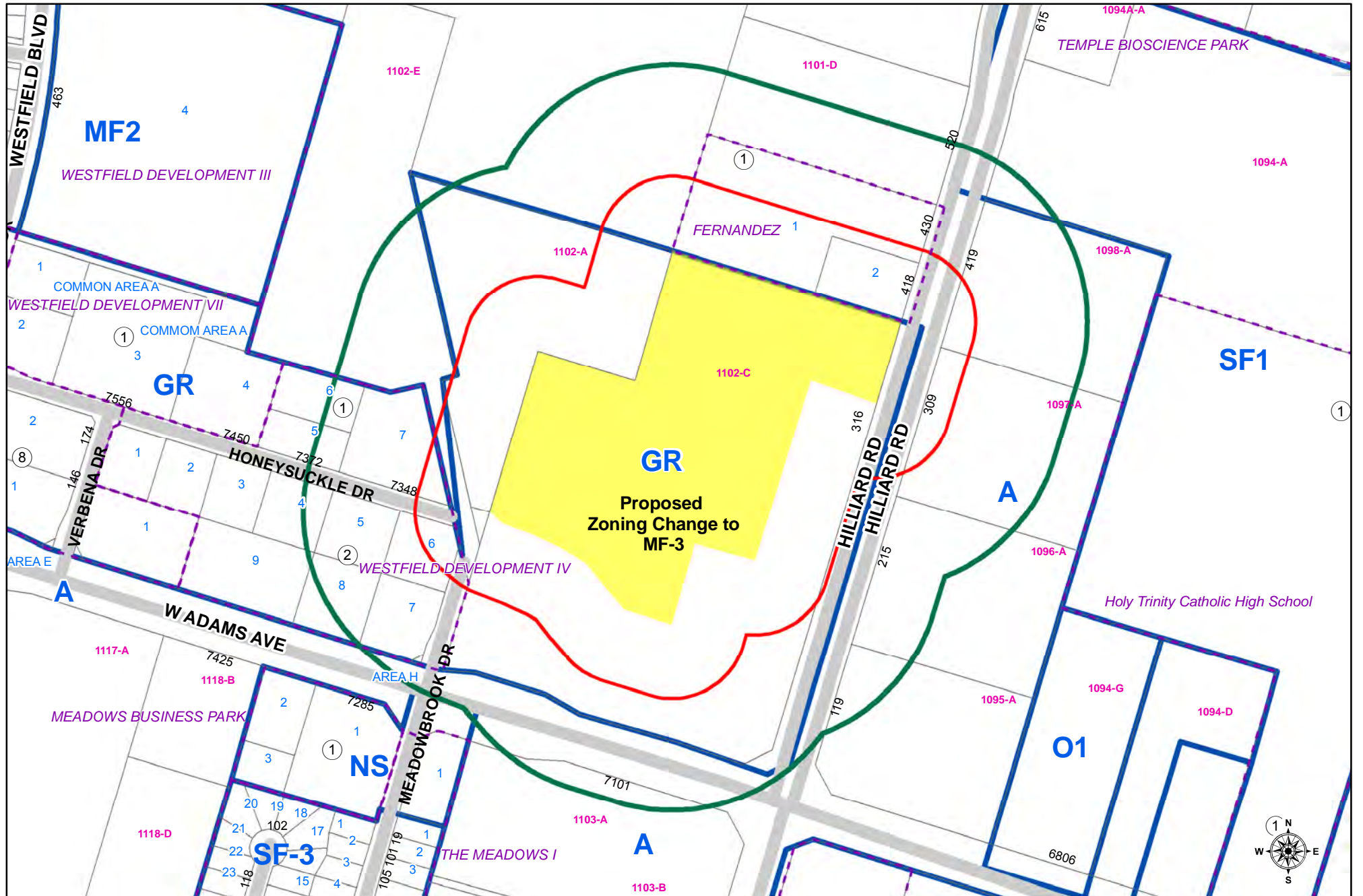
- Major Arterial
- Proposed Major Arterial
- ZFY 11-36





**Z-FY-11-36**

# Portion of Outblock 1102-C, Northwest of Hillard Road & W. Adams Avenue



- 200 ft buffer
- 500 ft Courtesy Buffer

ZFY 11-36

Feet 0 300 600 900 1,200 1,500

LMatlock 06.21.11





# PLANNING AND ZONING COMMISSION AGENDA ITEM

7/18/11  
Item #7  
Regular Agenda  
Page 1 of 6

**APPLICANT / DEVELOPMENT:** Hilliard Corner Partners


**CASE MANAGER:** Tammy Lyerly, Planner





**ITEM DESCRIPTION:** Z-FY-11-36 Hold a public hearing to discuss and recommend action on a rezoning from General Retail (GR) to Multiple Family Three (MF3) on 12.15 ± acres of land, located on the west side of Hilliard Road, 1,095 ± feet from the intersection of West Adams Avenue and Hilliard Road.



**BACKGROUND:** Hilliard Corner Partners request a zone change to Multiple Family Three (MF3) to allow apartments at the northern edge of their proposed retail development. They are currently going through the platting process for a preliminary plat known as Hilliard Crossing (P-FY 11-38). The UDC does not allow apartments in the property's current General Retail District (GR), but it does allow apartments in the requested MF3 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	GR	Undeveloped Land	

Direction	Zoning	Current Land Use	Photo
North	AG	Residential	
South	GR	Undeveloped Land	
East	AG	Agricultural and Residential	
			

Direction	Zoning	Current Land Use	Photo
West	GR	Undeveloped land/ and a Bank	
			

### **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- A City-wide spine trail is shown along Hilliard Road. There is an existing sidewalk along the east right-of-way of Hilliard 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 reflects Suburban Commercial for the subject property. Suburban Commercial is appropriate for office, retail, and services uses adjacent to and abutting residential neighborhoods and in other areas where the community's image and aesthetic value is to be promoted, such as at "gateways" and high-profile corridor locations. The Choices '08 Comprehensive Plan states "Suburban Commercial development can be characterized by extensive landscaping and/or open space". To maintain the suburban character and achieve higher quality development, design standards should also be integrated into the zoning ordinance. Apartments have a residential and a commercial character due to their coordinated landscaping, signs and parking.

### Thoroughfare Plan (CP Map 5.2)

The Thoroughfare Plan classifies Hilliard Road as a major arterial. The applicant is proposing the creation of a local street along the southern edge of the requested MF3 District. Both are appropriate for apartment traffic.

### Availability of Public Facilities (CP Goal 4.1)

Water and sewer lines are available in the area to serve this property. There is an 18-inch water line in the Hilliard Road right-of-way and an 8-inch water line to the west of the property along Honeysuckle Drive. There are 6-inch and 8-inch sewer lines near the west property line.

### **DEVELOPMENT REGULATIONS:**

The **MF-3 zoning district** permits conventional and high density high rise apartment development from 5 to 10 stories allowing approximately 40 units per acre. Other permitted uses include boarding house, hotel or motel and home for the aged. The size of the subject property could allow approximately 256 units with MF-3 zoning. With the Staff recommended MF-2, the subject property would allow approximately 155 units.

The MF3 zoning district is utilized in areas intended for high intensity uses. Located along major arterials for direct vehicular access, this district is suitable near major employment centers, the downtown urban core and other high intensity areas. See the UDC charts below for minimum lot area and setback requirements for the MF-3 zoning district.

#### **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 4.4.4F.1.d <sup>h</sup>	--	--	--
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.)	--	--	--	--	--	--	--	--	--	--	--	2,500	2,000	--	2,000	--	--	600	--	--	--
Min. Lot Width (ft.)	--	--	--	--	--	--	--	--	--	--	--	60	60	--	60	--	--	60	--	--	--
Min. Lot Depth (ft.)	--	--	--	--	--	--	--	--	--	--	--	120	120	--	120	--	--	120	--	--	--
Min. Front Yard Setback(ft.)	--	--	--	--	--	--	--	--	--	--	--	25	25*	--	25*	--	--	See 4.4.4F.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	--	--	--
Min. Rear Yard Setback(ft.)	--	--	--	--	--	--	--	--	--	--	--	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)	--	--	--	--	--	--	--	--	--	--	--	4	4*	--	4*	--	--	4	--	--	--

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

#### Article 4: Zoning Districts

Sec. 4.5. Residential Dimensional Standards

#### 4.5.7 Multiple-Family Dwelling, 5-10 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.)	--	--	--	--	--	--	--	--	--	--	--	--	1,700	--	1,700	--	--	1,700	--	--	--
Min. Lot Width (ft.)	--	--	--	--	--	--	--	--	--	--	--	--	60	--	60	--	--	60	--	--	--
Min. Lot Depth (ft.)	--	--	--	--	--	--	--	--	--	--	--	--	120	--	120	--	--	120	--	--	--
Min. Front Yard Setback(ft.)	--	--	--	--	--	--	--	--	--	--	--	--	25*	--	25*	--	--	See 4.4.4F.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	--	--	--
Min. Rear Yard Setback(ft.)	--	--	--	--	--	--	--	--	--	--	--	--	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)	--	--	--	--	--	--	--	--	--	--	--	--	10*	--	10*	--	--	10	--	--	--

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

As shown in the chart above, the applicant's requested MF-3 District has a maximum height limit of ten stories. The property's current General Retail District (GR) has a maximum height limitation of three stories, as shown in the following chart.

For the sake of compatibility in intensity, staff recommends the MF-2 zoning district for the subject property. The applicant is aware of this recommendation.

## 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 eight 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 Monday, July 11, 2011 at 5:00 PM, no notices were returned in favor of the request and none were returned in opposition to the request. The newspaper printed notice of the Planning and Zoning Commission public hearing on July 7, 2011 in accordance with state law and local ordinance

### **STAFF RECOMMENDATION:**

Staff recommends approval of a zone change to MF-2 instead of the applicant's requested MF-3 district 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.
4. The MF-2 District is more appropriate for the adjacent single-family homes because it has a height limit of four stories as compared to the applicant's requested MF-3 District with a height limit of 10 stories.

**FISCAL IMPACT:** Not Applicable

### **ATTACHMENTS:**

Aerial  
Land Use and Character Map  
Zoning Map  
Utility Map  
Thoroughfare Map  
Notice Map  
Response Letters  
Applicant's Exhibit

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

**MONDAY, JULY 18\_, 2011**

**ACTION ITEMS**

**Item 7: Z-FY-11-36** – Hold a public hearing to discuss and recommend action on a rezoning from General Retail (GR) to Multiple Family Three (MF3) on 12.15 ± acres of land, located on the west side of Hilliard Road, 1,095 ± feet from the intersection of West Adams Avenue and Hilliard Road. (Applicant: Hilliard Corner Partners)

Ms. Lyerly stated this item would go forward to City Council for first reading on August 18th and second reading and final action on September 1st.

The applicant is requesting a zone change from General Retail (GR) to a Multi-Family Three (MF3). The present GR district does not allow apartments and the developers would like to build apartments. This request is considered as a 'down-zoning' because MF3 would not allow the variety of uses as the present GR allows.

Surrounding properties include some residential uses to the north, agricultural uses with rural residential to the east, a bank to the west, and undeveloped land to the east.

The applicant is currently going through the platting process and the development is known as Hilliard Crossing. Boundaries of the MF3 request are shown. The plat proposed the creation of a local street to the south of the boundary which is appropriate for apartment uses.

The Future Land Use and Character Map designate this area as Suburban-Commercial which is characterized by extensive landscaping and open space with a variety of uses allowed. The apartment use is a combination of residential and commercial characterization.

The Thoroughfare Plan designates West Adams Avenue and Hilliard Road as major arterials. There are utilities, water, fire hydrants and sewer available to serve the property.

Criteria (height, size, etc.) for the various multiple family districts are given with MF3 being the most extensive of the designations.

Eight notices were sent out and zero notices were returned in favor and one notice was received in opposition to the apartment use.

Staff recommendation is approval for Multi-Family Two (MF2) instead of MF3 as requested 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;
3. Public facilities are available to serve the property; and
4. The MF-2 District is more appropriate for the adjacent single-family homes because it has a height limit of four stories as compared to the applicant's requested MF-3 District with a height limit of 10 stories.

Chair Talley opened the public hearing.

Mr. Brian Bridgewater, HP Civil Engineering, 5339 Alpha Road, Suite. 300, Dallas, TX, stated the applicant had no objections to Staff's recommendations since MF2 would not stop what is proposed for the area.

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

Vice-Chair Martin made a motion to approve Z-FY-11-36 with the Staff recommended MF2 zoning designation, not the requested MF3, and Commissioner Pilkington made a second.

*Motion passed: (7:0)*

Commissioners Rhoads and Sears absent.



ORDINANCE NO. \_\_\_\_\_

(PLANNING NO. Z-FY-11-36)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A REZONING FROM GENERAL RETAIL DISTRICT (GR) TO MULTIPLE FAMILY TWO (MF2) ON APPROXIMATELY 12.15 ACRES OF LAND, LOCATED ON THE WEST SIDE OF HILLIARD ROAD, APPROXIMATELY 1,095 FEET FROM THE INTERSECTION OF WEST ADAMS AVENUE AND HILLIARD 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 General Retail District (GR) to Multiple Family Two (MF2) on approximately 12.15 acres of land, located on the west side of Hilliard Road, approximately 1,095 feet from the intersection of West Adams Avenue and Hilliard 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 **18<sup>th</sup>** day of **August**, 2011.

PASSED AND APPROVED on Second Reading on the **1<sup>st</sup>** day of **September**, 2011.

THE CITY OF TEMPLE, TEXAS

---

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Clydette Entzminger  
City Secretary

---

Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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09/01/11  
Item #8(J)  
Consent Agenda  
Page 1 of 3

### **DEPT. / DIVISION SUBMISSION & REVIEW:**

Brian Mabry, Planning Director

**ITEM DESCRIPTION:** SECOND READING – Z-FY-11-38: Consider adopting an ordinance authorizing a Conditional Use Permit for the sale of alcoholic beverages for on-premise consumption with more than 50% and less than 75% revenue from alcohol sales in a proposed pool hall located at 102 South General Bruce Drive.

**P&Z COMMISSION RECOMMENDATION:** At its June 18, 2011, meeting, the Planning and Zoning Commission voted 6/0 in accordance with staff recommendation to recommend approval of the CUP as presented.

Commissioners Sears and Rhodes were absent. Vice Chair Martin removed himself because of a conflict of interest.

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

Staff recommends approval of Z-FY-11-38, the requested CUP for the subject property, subject to the improvements shown on the CUP exhibits.

**ITEM SUMMARY:** Please refer to the Staff Report and draft minutes of case Z-FY-11-38, from the Planning and Zoning meeting, July 18, 2011. The Applicant, Shane Renkel for Temple Pro Ventures, requests this CUP to establish a pool hall in an existing building with 50 to 75 percent of revenues from the sale of alcoholic beverages for on-premise consumption. The building is located just south of the Aces Bingo Hall and in recent years has housed a church and a furniture store.

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

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

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

#### Future Land Use and Character (CP Map 3.1)

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

#### Thoroughfare Plan (CP Map 5.2)

This request conforms to the Thoroughfare Plan since the subject tract has access to S. General Bruce Drive, a southbound one-way street, from W. Adams Avenue. This portion of South General Bruce Drive only serves this large shopping center, surrounded by W. Adams, designated as a Major Arterial. I-35 cannot access this corner without circling back or taking a previous exit. It has a designation of Expressway. The surrounding area to the west is residential, and can access this portion of S. General Bruce only from the north, either from N. 41<sup>st</sup> or 43<sup>rd</sup> Streets. Cars cannot reach this parking lot or the general area from the south. Traffic congestion will not be unreasonably increased by this proposed use nor will it require a change in the infrastructure surrounding this lot.

#### Availability of Public Facilities (CP Goal 4.1)

An eight-inch water line and a six-inch sewer line currently serve the site. No additional services are required for this use.

#### **CONDITIONAL USE SITE PLAN REVIEW:**

If the City Council approves this CUP request, the site must be developed according to the approved CUP site plan before the proposed business may open and serve alcohol. Below are some critical elements of the CUP site plan along with explanatory notes. Please see the P&Z Staff Report attached to this memo for more detailed explanations of these site plan elements.

#### **Land Uses - Distance from Residential**

This use will be approximately 1,690 feet from the nearest residential property, which is in excess of the 300-ft minimum proximity requirement.

### **Parking**

In Sec. 5.3.14 of the Unified Development Code (UDC), "Alcoholic Beverage Sales for On-Premise Consumption" businesses are required to have one on-site parking space per 3 seats under the maximum seating arrangement for the building. The CUP site plan shows a maximum occupancy of 150 persons which will require a minimum of 50 parking spaces. The parking shown on the site plan is sufficient.

### **Landscaping and Hardscaping**

This lot was improved at a time when landscaping was not required, and is set back from the street approximately 280-feet along the Interstate highway. Staff has requested that the applicant improve the lot at the building face and the Applicant is showing 2 total oaks and 8 total juniper bushes on either side of the front of the building in areas that are easily planted and watered. The Applicant also shows 4 large potted plants with seasonal plantings across the front of building.



Site plan and photo with proposed landscaping shown by Applicant.

**PUBLIC NOTICE:** Five notices of the Planning and Zoning Commission public hearing were sent to surrounding property owners. As of Wednesday, July 18<sup>th</sup> at 5 PM, no notice was returned in favor of and no notice was returned in opposition to the request. Two were returned as undeliverable. The newspaper printed notice of the Planning and Zoning Commission public hearing on July 7, 2011 in accordance with state law and local ordinance. 23 courtesy notices were sent to property owners within 500-ft. Two additional business owners (lessees) were also sent.

**FISCAL IMPACT:** Not Applicable

### **ATTACHMENTS:**

[Aerial Map](#)  
[Land Use and Character Map](#)  
[Zoning Map](#)  
[Thoroughfare Plan Map](#)  
[Utility Map](#)  
[Notice Map](#)  
[CUP Site Plan](#)  
[Applicant's Exhibits](#)  
[P&Z Staff Report \(Z-FY-11-38\)](#)  
[P&Z Minutes \(July 18, 2011\)](#)  
[Ordinance](#)




**Z-FY-11-38**

Tract 3, Albertson's Replat  
Proposed CUP for On-Premise Sales of Alcohol;  
>50% & <75% Revenue

102 South General  
Bruce Drive



 ZFY 11-38

LMatlock 07.11.11

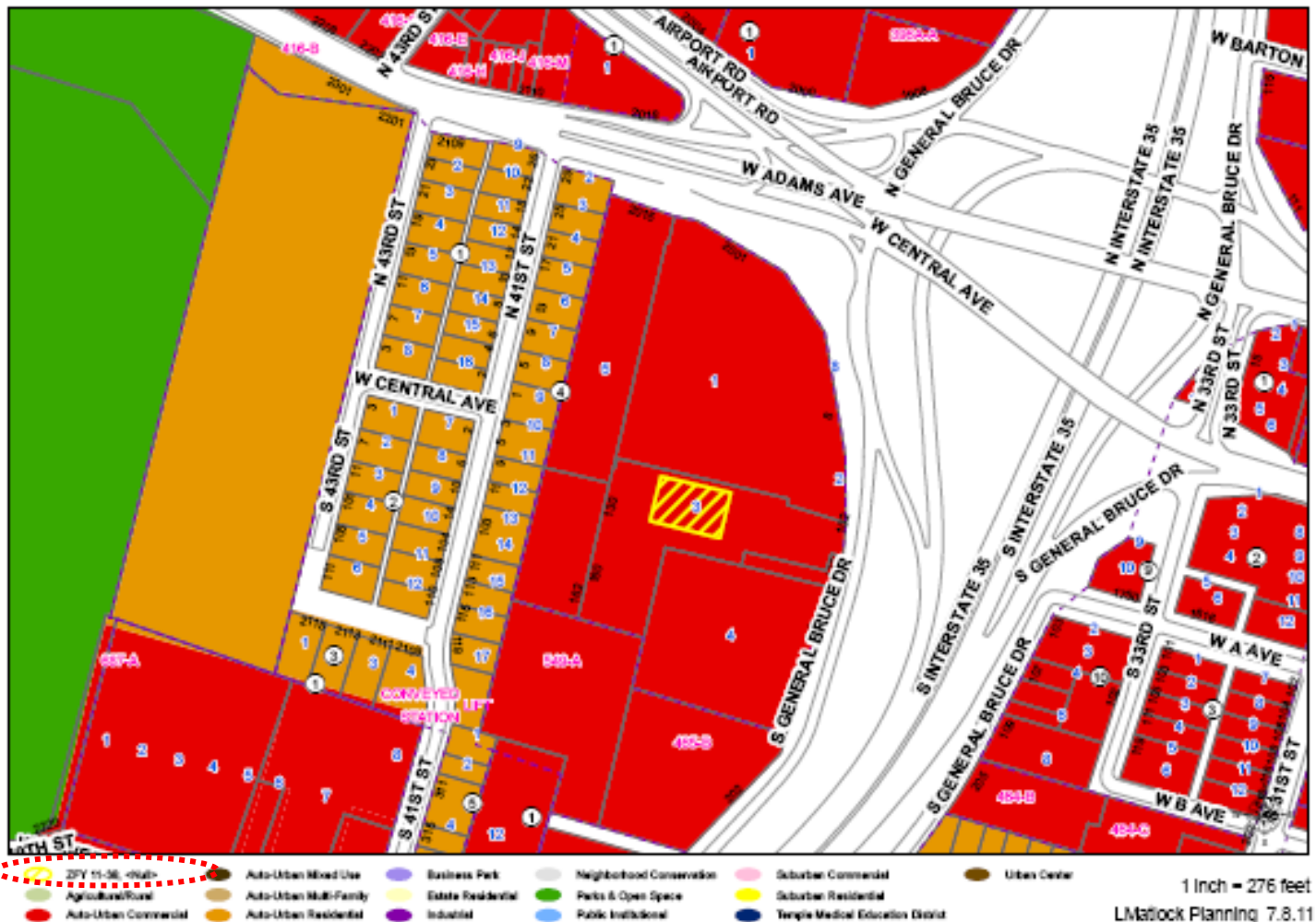




Z-FY-11-38

Tract 3, Albertson's Replat  
CUP on-premise sale of alcohol  
>50% & <75%, in a pool hall

102 S. General Bruce Drive

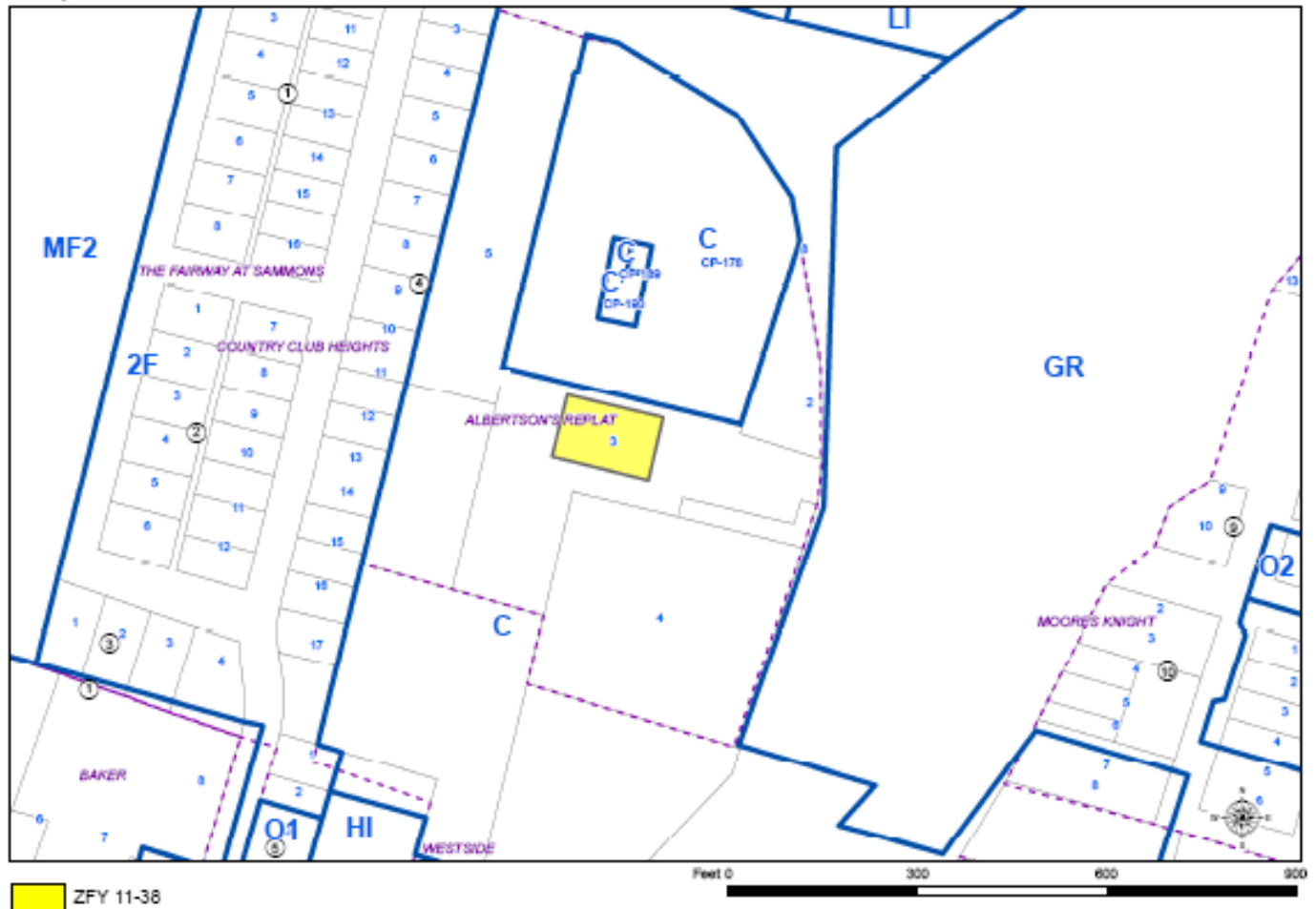




**Z-FY-11-38**

Tract 3, Albertson's Replat  
Proposed CUP for On-Premise Sales of Alcohol;  
>50% & <75% Revenue

102 South General  
Bruce Drive



LMatlock 07.11.11





**Z-FY-11-38**

Tract 3, Albertson's Replat  
Proposed CUP for On-Premise Sales of Alcohol;  
>50% & <75% Revenue

102 South General  
Bruce Drive



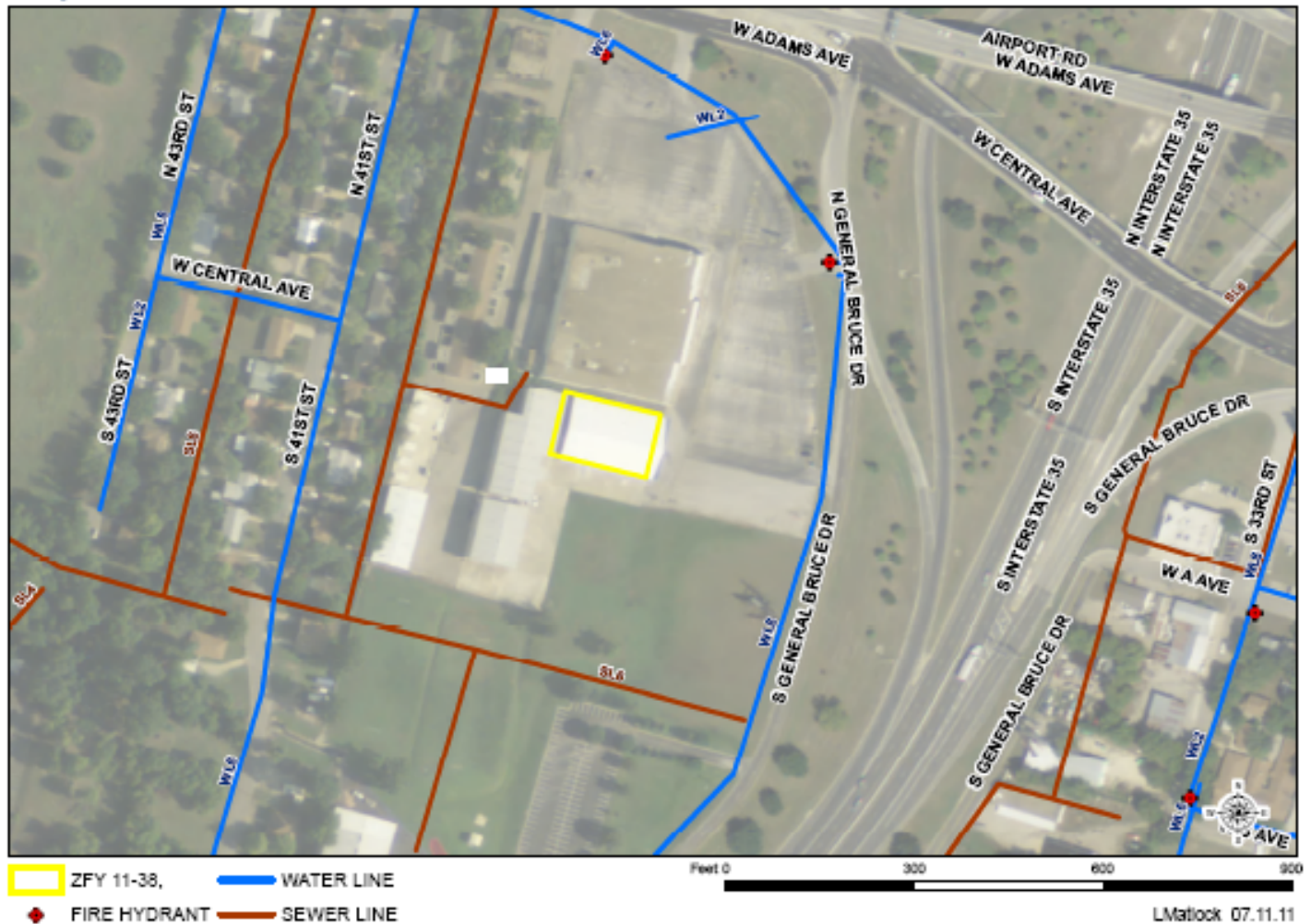
LMatlock 07.11.11



**Z-FY-11-38**

Tract 3, Albertson's Replat  
Proposed CUP for On-Premise Sales of Alcohol;  
>50% & <75% Revenue

102 South General  
Bruce Drive





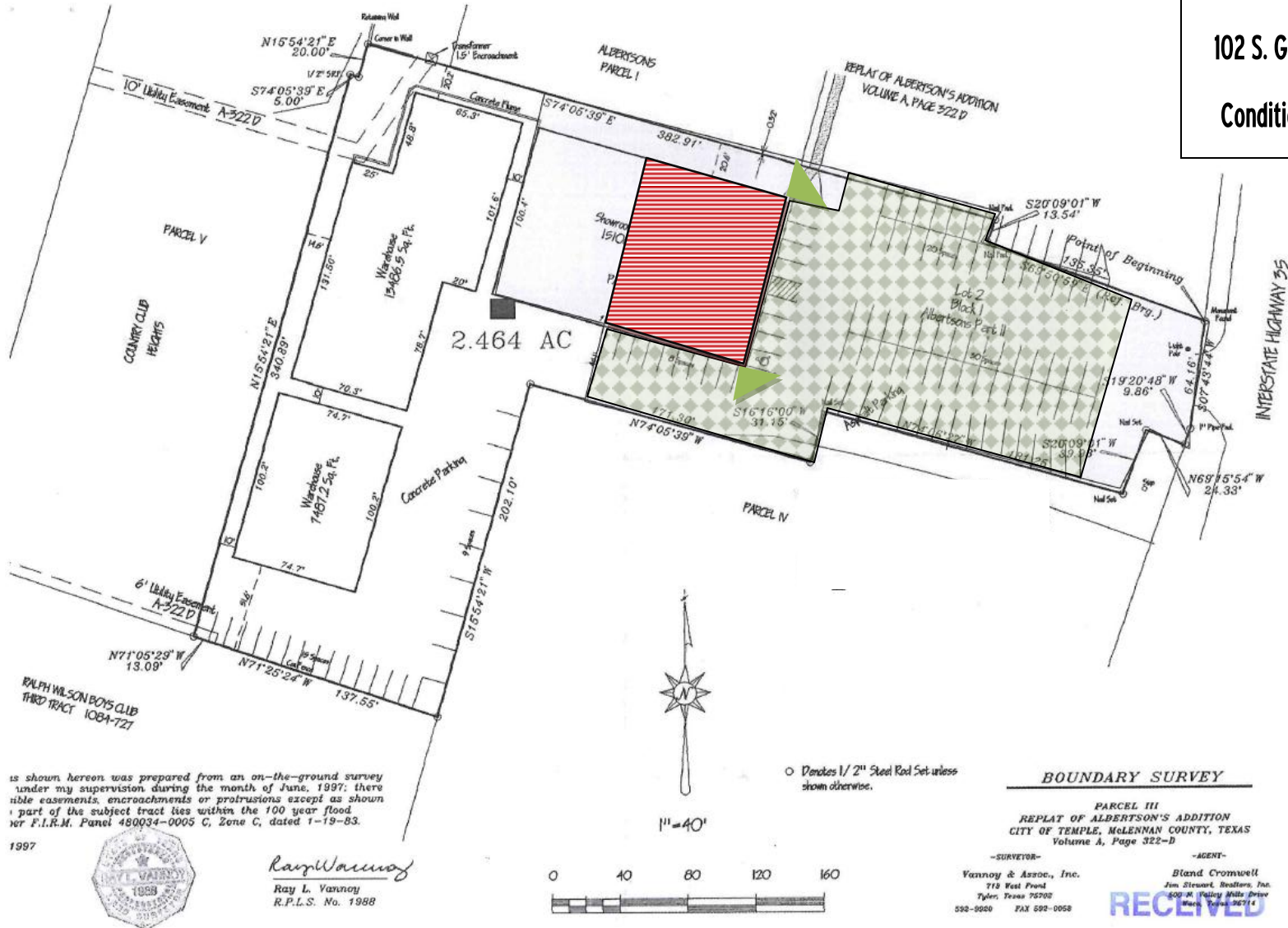


Z-FY-11-38

Future Cues Pool Hall

102 S. General Bruce Drive

Conditional Use Site Plan

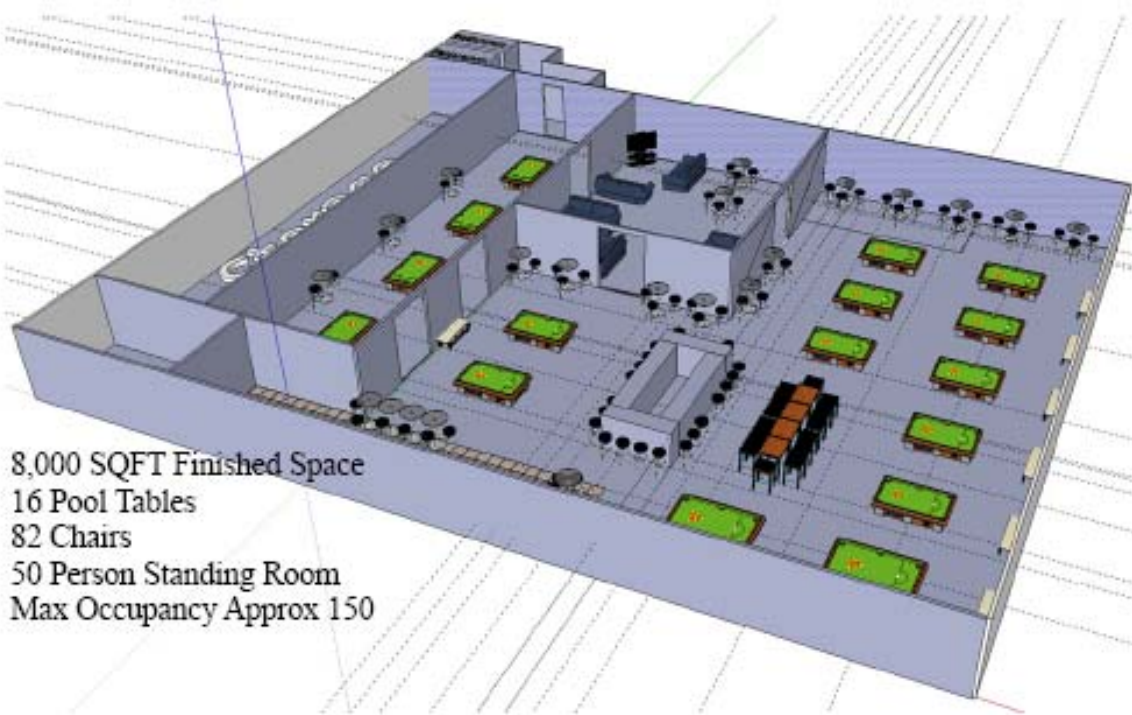


Parking area with 75 striped parking spaces



8,000-sq.ft. Pool Hall with Alcoholic Beverage  $\leq 75\%$  and  $\geq 50\%$  of total sales

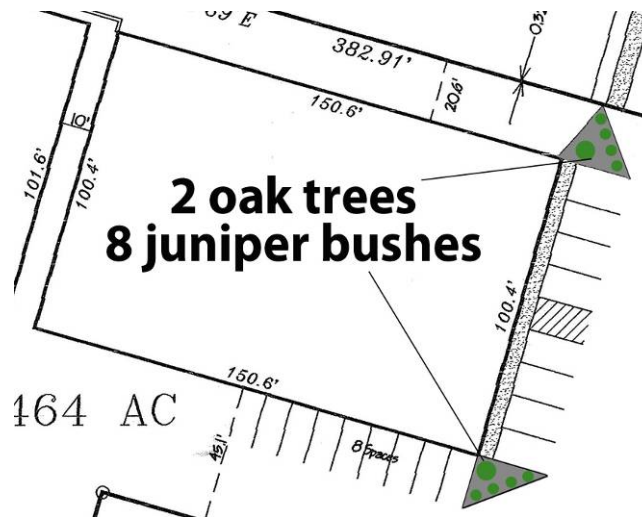
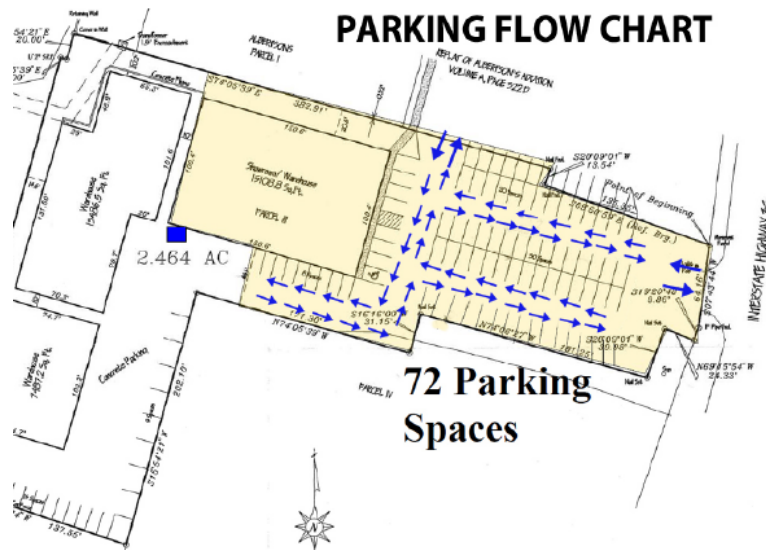
CUP Pervious Landscape Area: 2 Oak Trees, 8 Bushes





The image is a detailed zoning map of a portion of Chicago. The map shows various zoning districts, each labeled with a code such as GR, MF, C, and NS. A red arrow points to a specific parcel, which is highlighted in yellow and labeled "Subject". The map also shows major roads like W Adams Ave and W 12th St, and a large body of water on the left side. The title "Zoning Map" is prominently displayed at the top.





Landscaping Elevation and Plan



## **FUTURE CUES ACTIVITIES**

Future Cues will operate as a pool hall. We plan to host APA league sessions Tuesday, Wednesday & Thursday and host Pool Tournaments on Friday and Saturday. We plan to install 16 high quality pool tables for such activities. In addition to the billiards areas, Future Cues will have a bar and a small lounge with couches and televisions for watching sports.

Future Cues will serve Beer & Sodas with a limited selection of liquor and mixed drinks. We will have limited food items for sale, such as candy bars & chips. We will not cook food at this location.

Our location will encompass 8,000 SQFT of an existing building located at 102 S. General Bruce Drive Temple, TX 76504. There are 72 parking spaces available at this location and our maximum occupancy is estimated at 150 people.





# PLANNING AND ZONING COMMISSION AGENDA ITEM

07/18/11  
Item #8  
Regular Agenda  
Page 1 of 8

**APPLICANT:** Shane Renkel for Pro Ventures

**CASE MANAGER:** Leslie Matlock, AICP, Senior Planner



**ITEM DESCRIPTION:** Z-FY-11-38 Hold a public hearing to discuss and recommend action on a Conditional Use Permit for the sale of alcoholic beverages for on-premise consumption with more than 50% and less than 75% revenue from alcohol sales in a proposed pool hall located at 102 South General Bruce Drive.





**BACKGROUND:** This subject building is on lot that contains three separate nonresidential metal buildings, southwest of the W. Adams Avenue bridge crossing I-35 on the west side of I-35. It is the closest building to the street, and has been rented by several businesses in the last few years, the last one being a furniture store. While the subject building is metal, the front façade is covered with brick and stucco. The other two businesses behind the proposed pool hall are Ewing Irrigation and Industrial Products and Quick Supply Internet Service. Parking serves all businesses adequately and it adjoins the former Albertson's Grocery Store building and parking lot to the north.

**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	C	Vacant Building (former Furniture Store)	

Direction	Zoning	Current Land Use	Photo
North	C-PD-178, 189, & 190	Large Retail Building with various business uses with Conditional Use Permits (CUP) for an On-Premise Alcohol Consumption and for an Alcohol Package Store	
South	C	Ralph Wilson Youth Camp	

Direction	Zoning	Current Land Use	Photo
East	C	Interstate 35 Freeway – TXDoT Facility	
West	C	Two Warehouse Buildings, Apartments and Country Club Heights Single Family Residential Neighborhood	  

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

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

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

#### **Future Land Use and Character (CP Map 3.1)**

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

#### **Thoroughfare Plan (CP Map 5.2)**

This request conforms to the Thoroughfare Plan since the subject tract has access to S. General Bruce Drive, a southbound one-way street, from W. Adams Avenue. This portion of South General Bruce Drive only serves this large shopping center, surrounded by W. Adams, designated as a Major Arterial. I-35 cannot access this corner without circling back or taking a previous exit. It has a designation of Expressway. The surrounding area to the west is residential, and can access this portion of S. General Bruce only from the north, either from N. 41<sup>st</sup> or 43<sup>rd</sup> Streets. Cars cannot reach this parking lot from the south. Traffic congestion will not be unreasonably increased by this proposed use nor will it require a change in the infrastructure surrounding this lot.

#### **Availability of Public Facilities (CP Goal 4.1)**

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

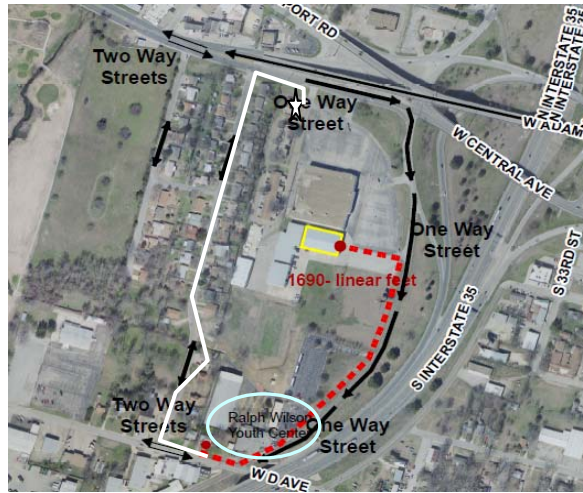
### **CONDITIONAL USE SITE PLAN REVIEW:**

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

#### **Land Uses - Distance from Residential**

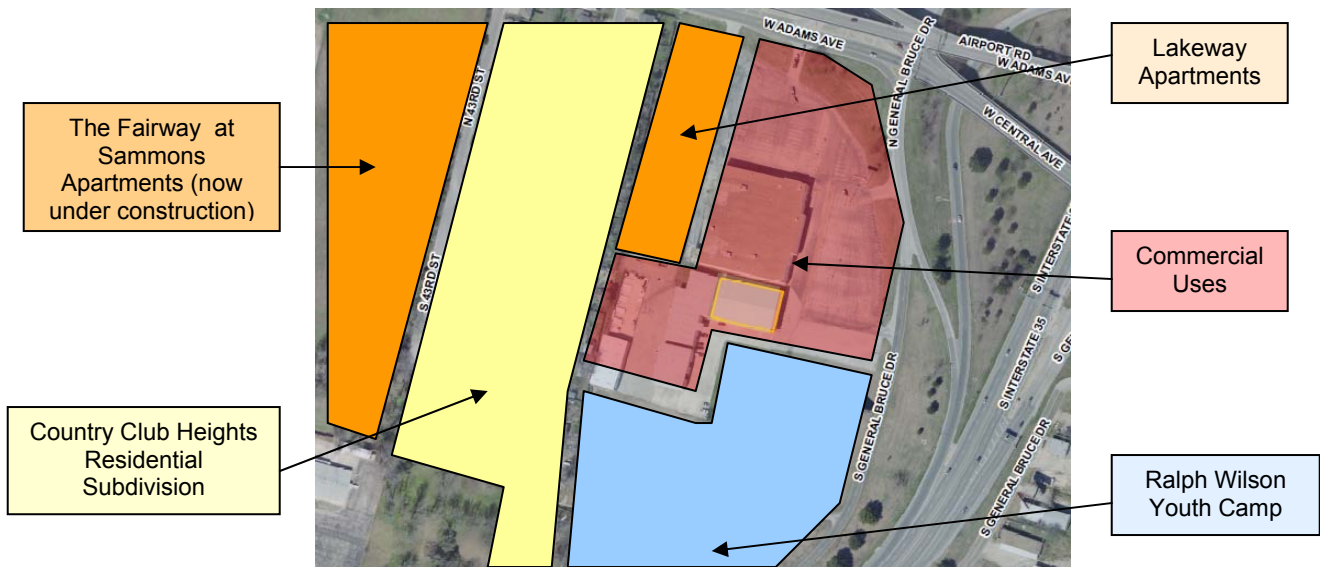
This use will be approximately 1,690 feet from the nearest residential property, which is in excess of the 300-ft minimum proximity requirement. This distance is measured by the RED dotted line, from the entrance of the facility to the property line and down a one way road along property lines and then to the nearest residence, hospital, or public school, as required by State law and City Ordinance. The yellow rectangle is the proposed pool hall location.





The Ralph Wilson Youth Camp, circled in blue, is not considered a public institution. As the crow flies, there are apartments that open onto the parking lot that is accessible to this building and apparently closer than the red line that is being used as the official measurement. These apartments are about 1,000 feet away going either north or south by foot. The required way of measurement would follow the red line and then proceed along the white line to the white star, making the apartments farther from the entrance than the residential home at the south of the Ralph Wilson Youth Camp on W. Avenue D.

The following aerial indicates surrounding Current Land Uses.



The green rectangle shows the proposed Pool Hall location



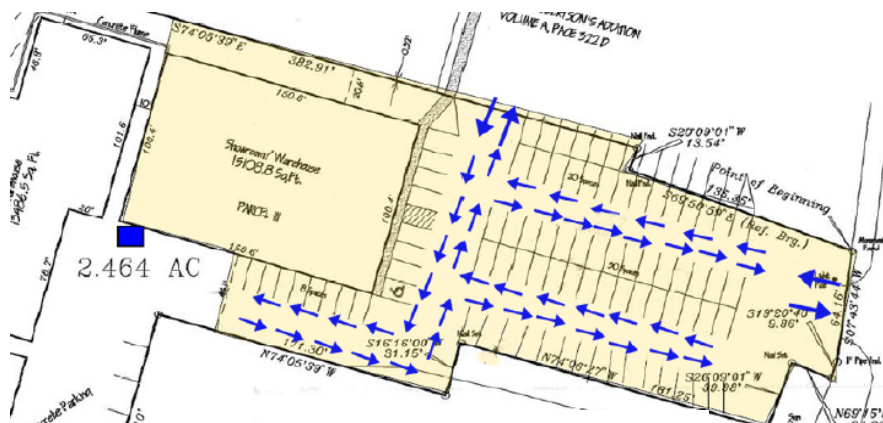
Exhibit produced by the Applicant showing the proposed “Future Cues” pool hall and its surrounding businesses.

Ace High Bingo and Charity Hall and the Point Package Store, indicated above, are holders of Conditional Use Permits for either on-premise or off-premise consumption of alcoholic products. To the south is a Youth Camp that is reportedly being relocated at a future time, and a group of apartments that are connected to the parking lots of these uses, but are at least 800 feet by foot. The area is difficult to get to by car, and could be called a “destination” as, although you can see it from many right-of-ways, the way to the entrances is not clear, and the frontage is one way from the west and to the south.

### Parking

In Sec. 5.3.14 of the Unified Development Code (UDC), “Alcoholic Beverage Sales for On-Premise Consumption” businesses are required to have one on-site parking space per 3 seats under the maximum seating arrangement for the building. The layout of the interior provided by the Applicant appears to be justifiable, as a bar, pool tables and cocktail tables will fill this space.

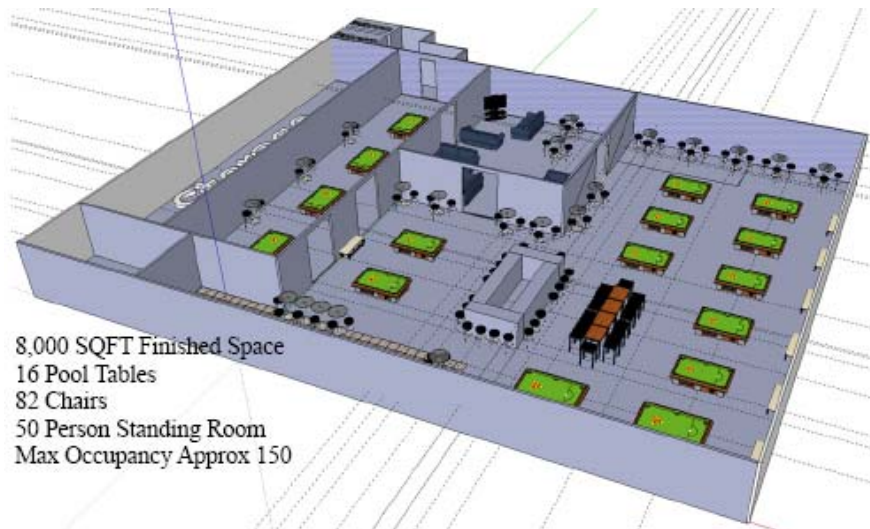
The plan shows a maximum occupancy of 150 persons which will require a minimum of 50 parking spaces. Parking for the other two daytime businesses are not included in the parking layout shown on the plan, which lays out 72 complying parking spaces. Parking complies and is not intrusive on the parking fronting the other businesses on this large lot. The entire building shows as 150,088 sq. ft., and only the front half of this building is being finished out as a pool hall. The rear portion will remain a storage warehouse.



Site plan with 72 parking spaces and traffic flow superimposed provided by Applicant







Applicant's layout of building interior showing pool tables and seating.

### Landscaping and Hardscaping

This lot was improved at a time when landscaping was not required, and is set back from the street approximately 280-feet along the Interstate highway. Staff has requested that the applicant improve the lot at the building face and the Applicant is showing 2 total burr oaks and 8 total juniper bushes on either side of the front of the building in areas that are easily planted and watered. The Applicant also shows 4 large potted plants with seasonal plantings across the front of building.



Site plan and photo with proposed landscaping shown by Applicant.

### Signs

Staff requested a mock up of the signs that the Applicant planned to install. The photos below reflect the proposed signs and will not be part of the CUP ordinance. They show that the applicant intends to place a professionally-produced signs in proportion with the size of the building and in compliance with the ordinance. These signs have not yet gone through the permitting process. No other lighting is being proposed or changed.



Applicant provided exhibit of proposed sign for building.



### Conditional Use Consideration

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

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

To date, no public input or staff analysis indicates a conflict with the criteria above.

### **PUBLIC NOTICE:**

Five notices of the Planning and Zoning Commission public hearing were sent to surrounding property owners. As of Wednesday, July 13<sup>th</sup> at 5 PM, no notice was returned in favor of and no notices were returned in opposition to the request. Two were returned as undeliverable. The newspaper printed notice of the Planning and Zoning Commission public hearing on July 7, 2011 in accordance with state law and local ordinance. 23 courtesy notices were sent to property owners within 500-ft. Two additional business owners (lessees) were also sent.

**STAFF RECOMMENDATION:** Staff recommends approval of the requested CUP subject to the improvements shown on the CUP exhibits.

**FISCAL IMPACT:** Not Applicable

### **ATTACHMENTS:**

Aerial  
Land Use and Character Map  
Zoning Map  
Thoroughfare Map  
Utility Map  
Notice Map  
CUP Exhibit (8 pages with narrative)

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

**MONDAY, JULY 18<sup>th</sup>, 2011**

**ACTION ITEMS**

**Item 8: Z-FY-11-38** – Hold a public hearing to discuss and recommend action on a Conditional Use Permit for the sale of alcoholic beverages for on-premise consumption with more than 50% and less than 75% revenue from alcohol sales in a proposed pool hall located at 102 South General Bruce Drive. (Applicant: Shane Renkel for Pro Ventures)

Vice-Chair Martin stated he had a level of interest in this item and would need to recuse himself.

Ms. Matlock stated this item was for a Conditional Use Permit (CUP) for a pool hall to be located at 102 S. General Bruce Drive (old Albertson's building), north of the Ralph Wilson Youth Club. This item would go to City Council on August 18th for first reading and September 1st for second and final reading.

The property is currently zoned Commercial (C) and there are some buildings on the lot. Surrounding properties include Ace Bingo and The Point package store to the north, I-35 to the east, Ralph Wilson Youth Club to the south, and mixed residential to the west. The proposed use is compatible with uses to the north, east and west, however, the apartments and the youth camp are less compatible and both are approximately 1,000 feet from proposed use, if walking.

Proposed Alcoholic Beverage Use must be no closer than 300 feet of a hospital, public school, church or residential use measuring from the front door to property line along right-of-way, down property lines and to the door of the use. There are no uses of this type closer than 300-feet.

The total building size is 15,108 square feet. The front area with the pool tables and the back storage area will be approximately the same size. The parking requirement is one space per three people equaling 50 parking spaces minimum. They currently have 72 spaces.

The proposed signage is shown as professionally-produced and in proportion with the size of the building. The landscaping is shown as mitigation for possible unsightly warehouse-type building as required by CUP approval criteria.

Five notices were sent out and zero were returned in favor or opposition. Twenty-three courtesy notices were mailed out.

The CUP criteria is given:

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

Mr. Mabry stated Staff is recommending approval of Z-FY-11-38 with the submitted site plan.

Chair Talley opened the public hearing.

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

Commissioner Staats made a motion to approve Z-FY-11-38 as presented and Commissioner Jones made a second.

*Motion passed: (6:0)*

Vice-Chair Martin abstained;

Commissioners Rhoads and Sears absent.

[PLANNING NO. Z-FY-11-38]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONDITIONAL USE PERMIT FOR THE SALE OF ALCOHOLIC BEVERAGES FOR ON-PREMISE CONSUMPTION WITH MORE THAN 50% AND LESS THAN 75% REVENUE FROM ALCOHOL SALES IN A PROPOSED POOL HALL LCOATED AT 102 SOUTH GENERAL BRUCE DRIVE; DECLARING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

WHEREAS, the Planning and Zoning Commission of the City of Temple, Texas, after due consideration of the conditions, operation and location at 102 South General Bruce Drive, recommends that the City Council approve the application for this Conditional Use Permit for an on-premises consumption with more than 50% alcohol and less than 75% revenue from alcohol sales in a proposed pool hall; and

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

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

**Part 1:** The City Council approves a Conditional Use Permit to allow a Conditional Use Permit for the sale of alcoholic beverages for on-premise consumption with more than 50% and less than 75% revenue from alcohol sales in a proposed pool hall located at 102 South General Bruce Drive, more fully shown on Exhibit A, attached hereto and made a part of for all purposes.

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

**General:**

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

**Specific to this CUP:**

- (k) The permittee's site plan is an exhibit to the conditional use permit, attached hereto as Exhibit B.

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

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

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

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **18<sup>th</sup>** day of **August**, 2011.

PASSED AND APPROVED on Second Reading on the **1<sup>st</sup>** day of **September**, 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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09/01/11  
Item #8(K)  
Consent Agenda  
Page 1 of 2

### **DEPT./DIVISION SUBMISSION & REVIEW:**

Brian Mabry, Planning Director

**ITEM DESCRIPTION:** SECOND READING – Z-FY-11-39: Consider adopting an ordinance authorizing an amendment to Ordinance No. 2010-4398, originally approved October 21, 2010, Planned Development Single Family One (PD-SF1), to allow a change in the lot layout on a 10-acre tract of land in the Maximo Moreno Survey, Abstract No. 14, City of Temple, Bell County Texas, located on the north side of West FM 93, adjacent to and west of Ridgewood Estates.

**P&Z COMMISSION RECOMMENDATION:** At its July 18, 2011 meeting, the Planning and Zoning Commission voted 7/0 in accordance with staff recommendation to recommend approval of the requested amendment to the Planned Development site plan.

Commissioners Sears and Rhodes were absent.

**STAFF RECOMMENDATION:** Adopt ordinance and amended Planned Development site plan as presented in item description, on second and final reading.

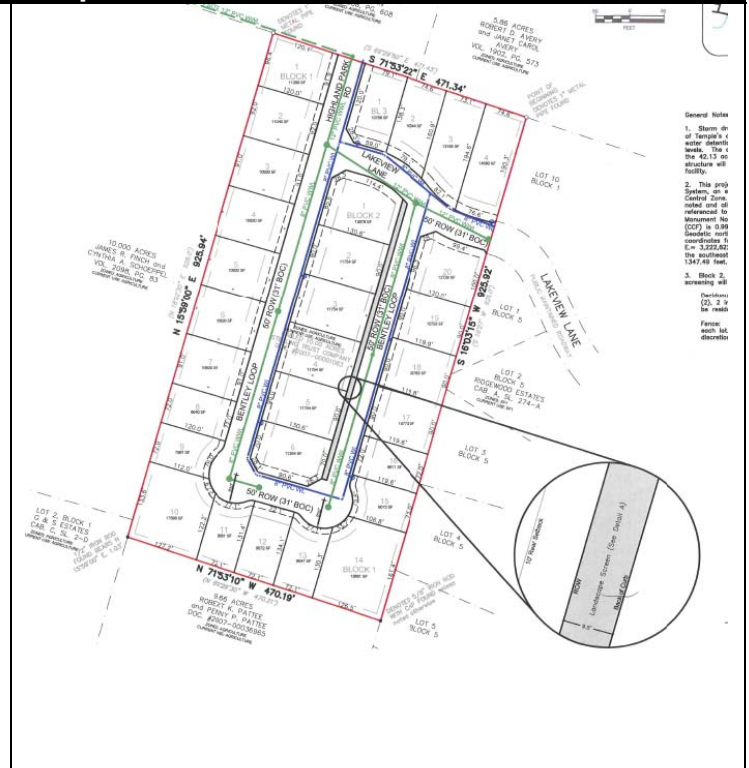
**ITEM SUMMARY:** Please refer to the Staff Report and draft minutes of case Z-FY-11-39, from the Planning and Zoning meeting, July 18, 2011. The applicant, Mark Rendon of Sterling Development, proposes to change the layout on the originally approved PD site plan, to retain the maximum lot count of 30 that City Council originally approved with the PD in October 2010, and to require a fence and landscape screen at the rear of certain “double frontage” lots described below.

The layout change results in six “double frontage” lots in the center of the subdivision. In order to curtail potential complaints to the City from residents along the east side of the development, whose front view from their house could look directly into the back yard of one of the double frontage lots, the applicant has, at Staff's request, proposed a screen at the rear of the six double frontage lots. The screen will consist of a wood fence and at least 2 retained or newly planted trees per lot on the street side of the fence.

**Original PD Site Plan**



**Proposed Modified PD Site Plan**



**PUBLIC NOTICE:**

Thirteen notices of the Planning and Zoning Commission public hearing were sent out to property owners within 200 feet of the subject property. Twenty seven additional notices were sent out to property owners within an additional 300' of the subject property. As of Wednesday, July 13, at 5 PM, no notices were returned in favor of and no notices were returned in opposition to the request. One responded sent in a comment with no recommendation. The newspaper printed notice of the Planning and Zoning Commission public hearing on July 7, 2011 in accordance with state law and local ordinance

**FISCAL IMPACT:** NA

**ATTACHMENTS:**

Aerial  
PD Site Plan  
Notice Map  
Response Letters  
P&Z Staff Report (Z-FY-11-39)  
P&Z Minutes (July 18, 2011)  
Ordinance





**Z-FY-11-39**

Proposed Amendment to  
PD-177 (SF-1)

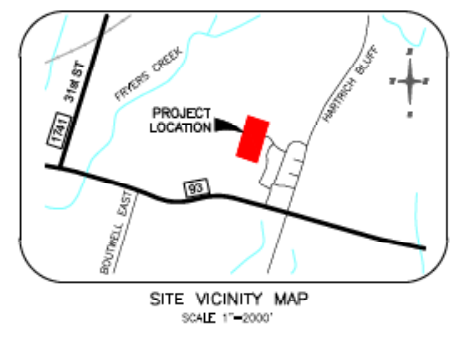
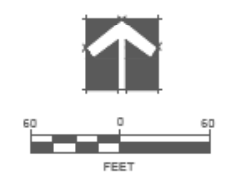
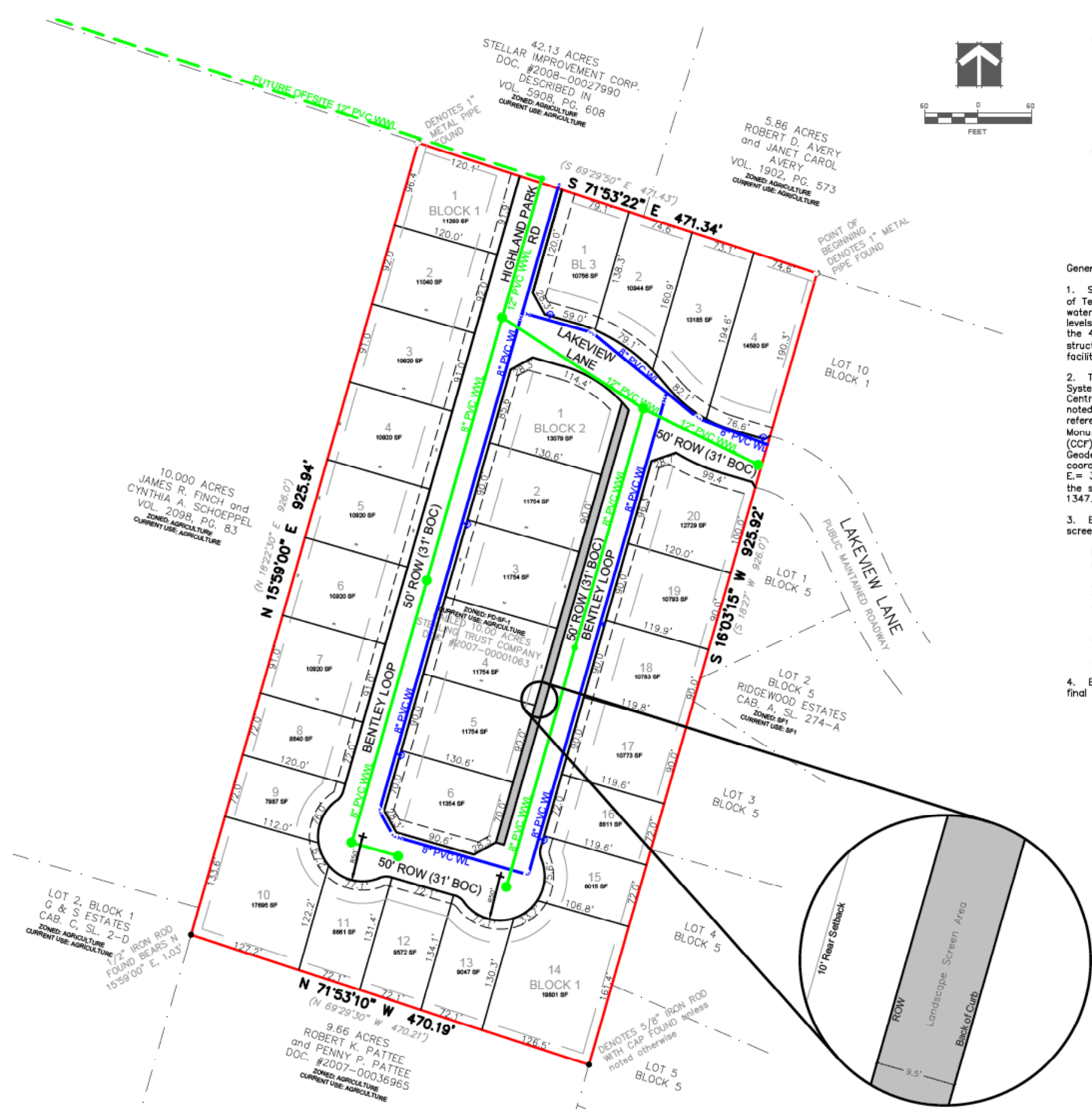
West of Lakeview Lane  
Northwest of W. FM 93  
and Hartrick Bluff Road



ZFY 11-39

Feet 0 300 600 900

LMatlock 06.29.11



General Notes:

- Storm drainage shall be designed in accordance with the City of Temple's drainage ordinance and will include a proposed storm water detention structure to release water at pre-development levels. The detention structure will be constructed offsite, within the 42.13 acre Stellar Improvement Corp. property. The drainage structure will be incorporated into a future "Regional" drainage facility.
- This project is referenced to the City of Temple Coordinate System, an extension of the Texas Coordinate System of 1983, Central Zone. All distances are horizontal surface distances unless noted and all bearings are grid bearings. All coordinates are referenced to City Monument No. 539. The theta angle at City Monument No. 539 is 01°31'23". The combined correction factor (CCF) is 0.999853. Grid distance = Surface distance X CCF. Geodetic north = Grid north + theta angle. Published City coordinates for City Monument No. 539 are N= 10,352,186.13 E= 3,222,622.54 Reference tie from City Monument No. 539 to the southeast corner of said 10.000 acre tract is N 36°05'31" W, 1347.49 feet.
- Block 2, Lots 1-6: Within the Landscape Screen area shown, screening will be as follows:  
  
Deciduous Trees: Each lot will contain a minimum of two (2), 2 inch caliper deciduous trees within the area noted as Landscape Screen Area. The proposed trees may be residual or planted at the discretion of the lot owner. All trees within the Landscape Screen Area shall be maintained by each adjacent property owners of Lots 1-6, Block 2.  
  
Fence: A six (6) ft screened fence shall be constructed on each lot. Gate openings with gates matching the screened fence, may be constructed at the discretion of the lot owner. All gates shall not interfere with street traffic.
- Bentley Loop will be renamed prior to the submission of the final plat.

HIGHLAND PARK  
10 ACRE RESIDENTIAL SUBDIVISION

Temple, Texas

07-07-2011  
THIS DOCUMENT IS  
RELEASED FOR THE  
PURPOSE OF INTERIM  
REVIEW UNDER THE  
AUTHORITY OF  
SCOTT MURRAY  
97406  
AS PER DATE ON  
DRAWING. IT IS NOT  
TO BE USED FOR  
BIDDING OR  
CONSTRUCTION.  
*Scott Murray*  
ENGINEER



PLANNED DEVELOPMENT

Project No:  
091875.00

Date:	Revisions
	Remarks:





Z-FY-11-39

Proposed Amendment to  
PD-117 (SF-1)

West of Lakeview Lane  
Northwest of W. FM 93  
and Hartrick Bluff Road

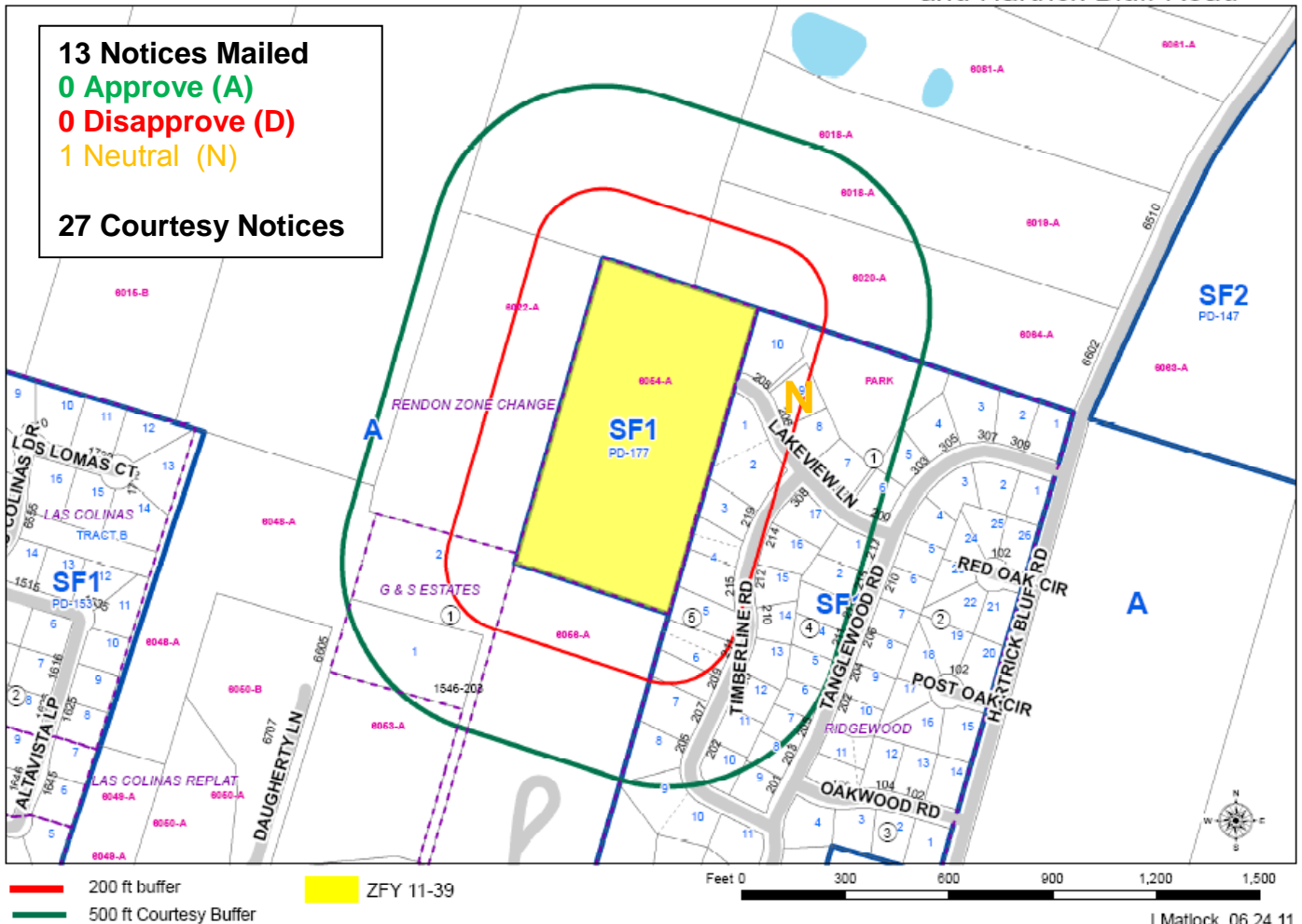
13 Notices Mailed

0 Approve (A)

0 Disapprove (D)

1 Neutral (N)

27 Courtesy Notices



LMatlock 06.24.11



**RESPONSE TO PROPOSED  
PLANNED DEVELOPMENT AMENDMENT  
REQUEST  
CITY OF TEMPLE**

Gary Lee Valentine  
209 Timberline Street  
Temple, Texas 76502

**Zoning Application Number:** Z-FY-11-39      **Project Manager:** Brian Mabry  
**Location:** North side of West FM 93, adjacent to and west of Ridgewood Estates

The proposed amendment to the site plan approved by Planned Development Ordinance No. 2010-4398, October 21, 2010 will allow a change to the lot layout. 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 amendment to the Conditional Use Permit for the property described on the attached notice, and provide any additional comments you may have.

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

**Comments:**

I understand that the proposed change calls for street  
re-alignment. I recommend approval for any changes that  
reduce traffic on Tanglewood Road and Timberline Road during  
construction and after homes are built and occupied. Otherwise,  
I have no recommendation.

Gary Valentine  
Signature

GARY VALENTINE  
Print Name

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

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

**RECEIVED**

JUL 14 2011

City of Temple  
Planning & Development



# PLANNING AND ZONING COMMISSION AGENDA ITEM

07/28/11  
Item #6  
Regular Agenda  
Page 1 of 4

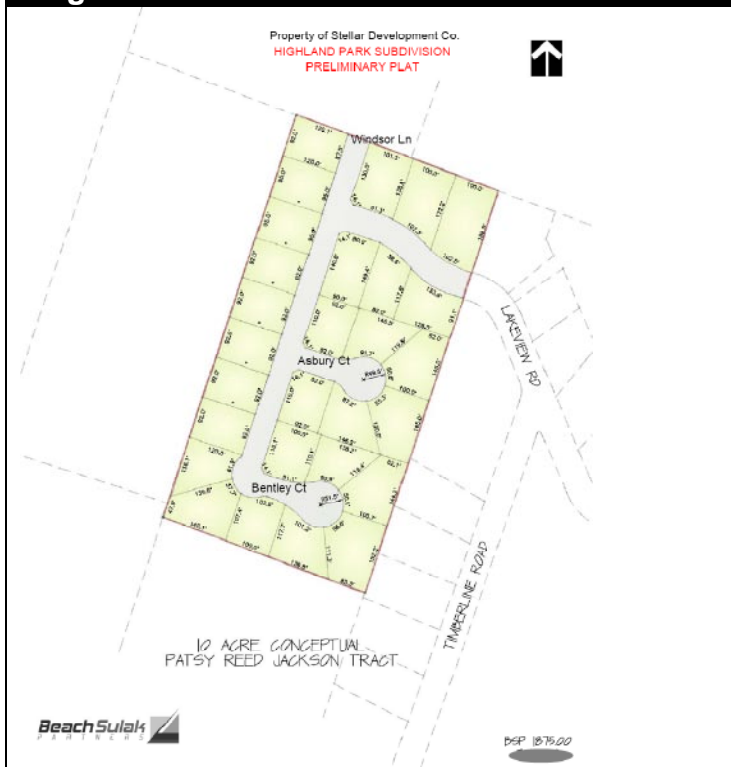
**APPLICANT:** Sterling Development

**CASE MANAGER:** Brian Mabry, AICP, Planning Director

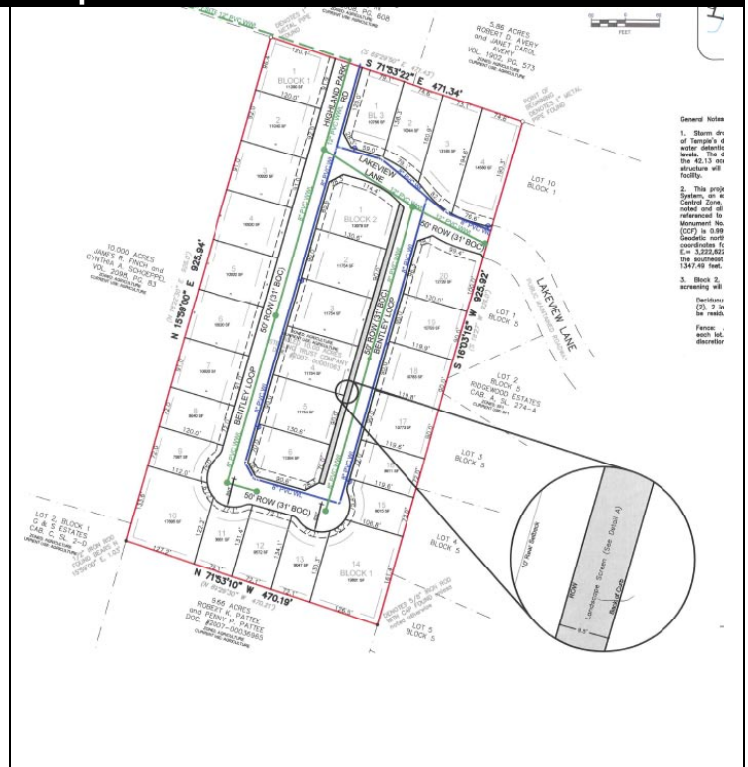
**ITEM DESCRIPTION:** Z-FY-11-39 Hold a public hearing to discuss and recommend action on an amendment to Ordinance No. 2010-4398, originally approved October 21, 2010, Planned Development Single Family One (PD-SF1), to allow a change in the lot layout on a 10-acre tract of land in the Maximo Moreno Survey, Abstract No. 14, City of Temple, Bell County Texas, located on the north side of West FM 92, adjacent to and west of Ridgewood Estates.

**BACKGROUND:** In September 2010, the Planning and Zoning Commission approved a “base” rezoning request for the subject property from AG, Agricultural to SF-1, Single Family 1 zoning district. In October of that year, City Council approved the request as a Planned Development (PD) with SF-1 as the base zoning district. As with all PDs, the Council required that future development of the property comply with the approved PD site plan. The applicant proposes to change the layout on the originally approved PD site plan, to retain the maximum lot count of 30 that was originally approved with the PD in October and to provide a require a fence and landscape screen at the rear of certain “double frontage” lots described below.

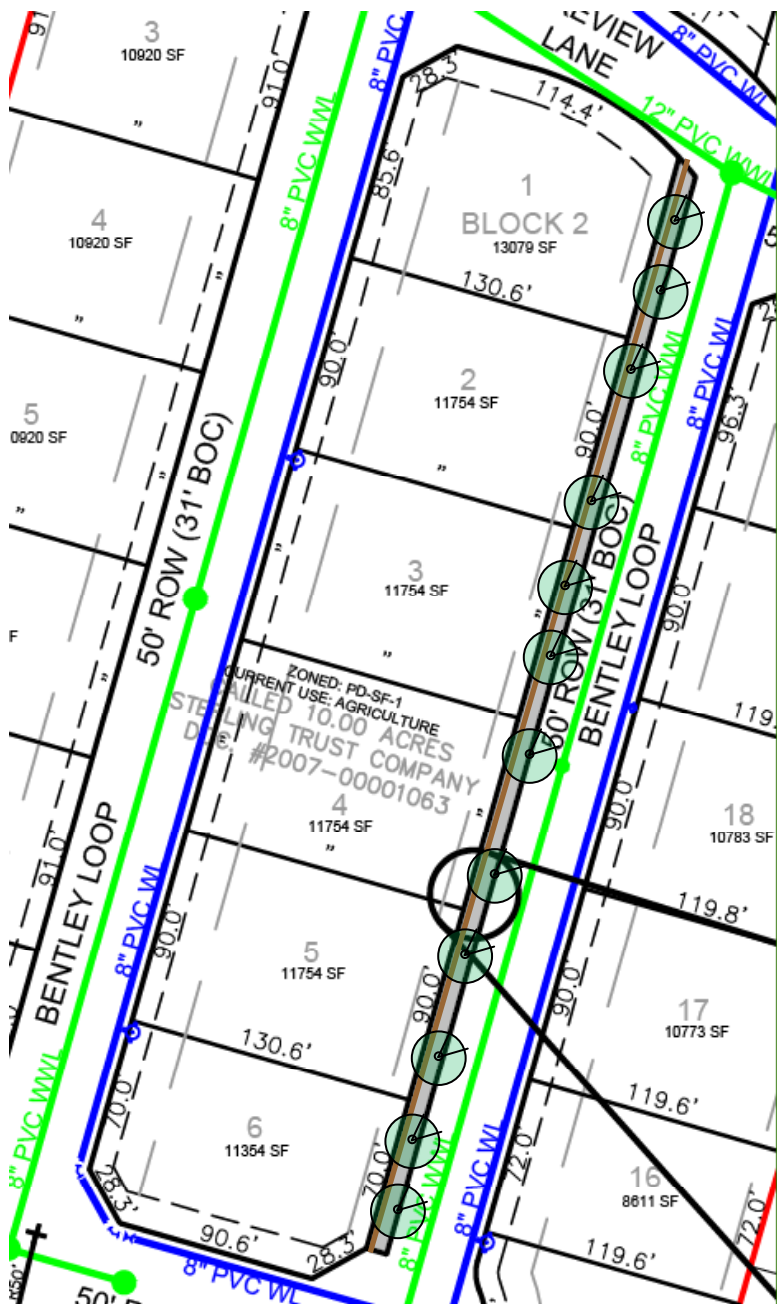
Original PD Site Plan





Proposed Modified PD Site Plan



The screen will consist of a wood fence with the possibility of gates to provide rear access to each lot. The gates must match the wood fence and must not interfere with street traffic when opened. In addition, the screen will consist of a minimum of two 2-inch caliper trees at the rear of each double frontage lot. The two trees may either be preserved or newly planted and must be located on the street side of the wood fence.






Symbol	Meaning
	Min. 2" caliper tree, either preserved or newly planted
	6' wood fence


**Tree placement is conceptual, not exact**



**SURROUNDING PROPERTY AND USES:**

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

Direction	Zoning	Current Land Use	Photo
Subject Property	A (SF-1 proposed)	Undeveloped	
West	A	Undeveloped	
North	A	Undeveloped	
South	A	Undeveloped	

Direction	Zoning	Current Land Use	Photo
East	SF-1	Single-family subdivision	

**PUBLIC NOTICE:**

Thirteen notices of the Planning and Zoning Commission public hearing were sent out to property owners within 200 feet of the subject property. Twenty seven additional notices were sent out to property owners within an additional 300' of the subject property. As of Wednesday, July 13, at 5 PM, no notices were returned in favor of and no notices were returned in opposition to the request. One responded sent in a comment with no recommendation. The newspaper printed notice of the Planning and Zoning Commission public hearing on July 7, 2011 in accordance with state law and local ordinance

**STAFF RECOMMENDATION:** Staff recommends approval of the PD amendment request subject to the revised PD site plan.

**FISCAL IMPACT:** Not Applicable

**ATTACHMENTS:**

Aerial  
PD Site Plan  
Notice Map  
Response Letters



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

**MONDAY, JULY 18<sup>th</sup>, 2011**

**ACTION ITEMS**

**Item 6:** **Z-FY-11-39** – Hold a public hearing to discuss and recommend action on an amendment to Ordinance No. 2010-4398, originally approved October 21, 2010, Planned Development Single Family One (PD-SF1), to allow a change in the lot layout on a 10-acre tract of land in the Maximo Moreno Survey, Abstract No. 14, City of Temple, Bell County Texas, located on the north side of West FM 92, adjacent to and west of Ridgewood Estates. (Applicant: Sterling Development)

Mr. Brian Mabry stated this and all other zoning related items would go to City Council on August 18<sup>th</sup> for first reading and September 1<sup>st</sup> for second and final reading.

This request is for approval of an existing Planned Development (PD) for a subdivision called Highland Park. The purpose of the request is to rearrange the lot layout on the existing approved PD which was approved in October of 2010. The applicant's request layout would improve circulation for the proposed development from the original design, however, it does create six "double frontage" lots in the middle of the subdivision (double frontage lots are lots with street frontage at the front and at the back). Staff and applicant have discussed and agreed upon screening along the rear of the double frontage lots.

The subject property is ten acres and adjacent to the Ridgewood Estates Subdivision on Lakeview Lane. Mostly undeveloped property lay to the north, west, and south and single family to the east.

The screen will consist of a wood fence with the possibility of gates to provide rear access to each lot. The gates must match the wood fence and must not interfere with street traffic when opened. In addition, the screen will consist of a minimum of two 2-inch caliper trees at the rear of each double frontage lot. The two trees may either be preserved or newly planted and must be located on the street side of the wood fence.

Thirteen notices were mailed and zero were returned. One 'neutral' response was returned which stated concerns regarding generated Lakeview Lane traffic as development occurred. Twenty-seven courtesy notices were also mailed out and zero were received back.

Staff recommendation is to approve the Planned Development amendments request subject to the revised PD site plan.

Chair Talley opened the public hearing.

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

Commissioner Staats asked if there were any regulations regarding the rear gates being opened or closed and Mr. Mabry stated no. Commissioner Staats' concern was ineffectiveness of the screening requirement if no regulations were in place. Commissioner Staats also asked if there were a size limit for the gates and Mr. Mabry stated not currently, but it is indicated they could not interfere with street traffic.

Vice-Chair Martin made a motion to approve Z-FY-11-39 and Commissioner Pope made a second.

*Motion passed: (7:0)*

Commissioners Rhoads and Sears absent.

ORDINANCE NO. \_\_\_\_\_

[PLANNING NO. Z-FY-11-39]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING PLANNED DEVELOPMENT ORDINANCE NO. 2010-4398, APPROVED OCTOBER 21, 2010, AS PLANNED DEVELOPMENT SINGLE FAMILY ONE (PD-SF1) TO ALLOW A CHANGE IN THE LOT LAYOUT ON AN APPROXIMATELY 10-ACRE TRACT OF LAND IN THE MAXIMO MORENO SURVEY, ABSTRACT NO. 14, CITY OF TEMPLE, BELL COUNTY, TEXAS, LOCATED ON THE NORTH SIDE OF WEST FM 93, ADJACENT TO AND WEST OF RIDGEWOOD ESTATES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on October 21, 2010, the City Council adopted Ordinance No. 2010-4398 that rezoned property consisting of approximately 10 acres located in the Maximo Moreno Survey, Abstract No. 14, Temple, Bell County, Texas, located on the north side of West FM 93, from Agricultural District (AG) to Planned Development District Single-Family 1 (PD-SF1);

**Whereas**, the property owner has requested an amendment to the ordinance to allow a change in the lot layout;

**Whereas**, at its meeting on July 18, 2011, the Planning and Zoning Commission voted to approve this action and recommend its consideration by the City Council; and

**Whereas**, the City Council, after notice and a public hearing, finds that it is in the public interest to authorize this action.

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

**Part 1:** The City Council approves an amendment to Planned Development Ordinance No. 2010-4398, to allow a change in the lot layout, in accordance with the following conditions:

- (a) A screen consisting of a wood fence and at least 2 retained or newly planted trees per lot on the street side of the fence must be placed on six “double frontage” lots in the center of the subdivision;
- (b) Development must be based on the property’s revised PD site plan, attached hereto as Exhibit A; and
- (c) All other development and land use must follow SF-1 District regulations.

**Part 2:** It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs 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 3:** This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

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

PASSED AND APPROVED on First Reading and Public Hearing on the **18<sup>th</sup>** day of **August**, 2011.

PASSED AND APPROVED on Second Reading on the **1<sup>st</sup>** day of **September**, 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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09/01/11  
Item #8(L)  
Consent Agenda  
Page 1 of 1

### **DEPT./DIVISION SUBMISSION & REVIEW:**

Jonathan Graham, City Attorney

**ITEM DESCRIPTION:** SECOND READING — Consider adopting an ordinance granting a franchise to AM Construction to provide for construction job site cleaning, rental and setting of fifteen (15) yard dumpsters, and hauling and disposing of construction site waste within the City of Temple.

**STAFF RECOMMENDATION:** Adopt ordinance as presented in item description, on second reading, schedule a third and final reading and public hearing for September 15, 2011.

**ITEM SUMMARY:** AM Construction offers a unique service in providing construction job site cleaning as well as the rental of 15 yard dumpsters and the subsequent hauling and disposing of construction site waste. This service allows for clean job, professional looking job sites. AM Construction provides services which the City at this point in time cannot offer. In addition to job site clean- up, he rents only fifteen (15) yard dumpsters, which allows the dumpster to be placed at the rear of the lot creating a less cluttered job site.

The suggested term for this franchise agreement is five years.

**FISCAL IMPACT:** The City receives 5% of the company's gross revenues. The City received \$1,112.23 in franchise revenue in FY 2010 and has received \$661.55 in franchise revenue as of 06/30/11 from AM Construction.

### **ATTACHMENTS:**

[Ordinance](#)

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, GRANTING A FRANCHISE TO AM CONSTRUCTION AND DUMPSTER SERVICE TO PROVIDE CONSTRUCTION JOB SITE CLEANING, RENTAL AND SETTING OF FIFTEEN (15) YARD ROLL-OFF CONTAINER, AND HAULING AND DISPOSING OF CONSTRUCTION SITE WASTE WITHIN THE CITY OF TEMPLE UNTIL SEPTEMBER 16, 2016; PROVIDING FOR THE SCOPE AND NATURE OF THE OPERATION; PROVIDING FOR THE DISPOSAL OF ALL SUCH REFUSE; PROVIDING A PROCEDURE FOR THE HANDLING OF COMPLAINTS; PROVIDING FOR A MONTHLY COMPENSATION TO THE CITY; PROVIDING FOR ADJUSTMENT OF CHARGES; REQUIRING INDEMNITY INSURANCE; PROVIDING FOR AMENDMENTS; PROVIDING FOR PAYMENT OF ALL TAXES BY THE FRANCHISEE; PROHIBITING ASSIGNMENT OF THE FRANCHISE WITHOUT WRITTEN PERMISSION OF THE CITY COUNCIL; PROVIDING FOR MANNER OF ACCEPTANCE BY GRANTEE; PROVIDING A PENALTY OF NOT MORE THAN \$500 PER VIOLATION AND MAKING EACH DAY A VIOLATION CONTINUES A SEPARATE VIOLATION; PROVIDING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, AM Construction and Dumpster Service has requested the opportunity to provide construction job site cleaning, rental and setting of fifteen (15) yard roll-off containers, and hauling and disposing of construction site waste, within the City of Temple;

**Whereas**, the City Council has investigated the financial condition, experience and service record of AM Construction and Dumpster Service and finds it to be a well qualified company in the area of construction job site cleaning, rental and setting of fifteen (15) yard roll-off containers and hauling and disposing of construction site waste; and

**Whereas**, after notice and publication of this ordinance as required by the City Charter and applicable local and State laws and after a public hearing where evidence was received concerning the granting of a franchise to AM Construction and Dumpster Service, it is the opinion of the City Council that it would promote the public health, welfare and safety to enact this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE

CITY OF TEMPLE, TEXAS, THAT:

**PART 1: Franchise.** A non-exclusive franchise is hereby granted to AM Construction and Dumpster Service, hereinafter referred to as "Grantee," to use the public streets, alleys and thoroughfares within the corporate limits of the City of Temple, Texas for the purpose of engaging in the business of construction job site cleaning, the rental and setting of fifteen (15) yard roll-off containers, and the hauling and disposing of construction site, said business to be conducted in full compliance with all rules and regulations for the disposal of solid waste material imposed by the Texas Department of Health, the City of Temple, Texas, the State of Texas, the federal government.

**PART 2: Term.** The term of this agreement shall end on **September 16, 2016**. This franchise can be extended upon mutual agreement of the parties.

**PART 3: Scope and Nature of Operation.** It is expressly understood and agreed that the Grantee may perform construction job site cleaning and as well as rent, set and haul fifteen (15) yard roll-off containers associated with such cleaning. Grantee agrees to not rent or set roll-off containers on a construction site at which they are not performing job site cleaning. For the purpose of this franchise agreement, construction site cleaning includes clean up around sites for new commercial and residential construction as well as the demolition and clean-up of existing commercial and residential structures. Grantee further agrees to rent and set only fifteen (15) yard or smaller roll-off containers. Grantee will, at its own expense, furnish personnel and equipment to collect waste as described herein and will establish and maintain in an efficient and business-like manner such services as may be contracted for.

**PART 4: Vehicles to be Covered and Identified; Loading; Transport and Disposal.** All vehicles used by the Grantee for the collection and transportation of refuse shall be covered at all times while loaded and in transit to prevent the blowing or scattering of refuse onto the public streets or properties adjacent thereto, and such vehicles shall be clearly marked with the Grantee's name in letters not less than two (2) inches in height.

**PART 5: Regulation of Leased Containers.** It is specifically understood and agreed that the Grantor shall permit the Grantee to rent or lease containers to the owner or occupant of any construction site within the corporate limits of the city, for construction job site cleaning subject to the following requirements:

- (a) All such containers shall be constructed according to good industry practice in the trade;
- (b) All such containers shall be equipped with suitable covers with secure lids to prevent blowing or scattering of the waste while being transported for disposal of their contents;
- (c) All such containers shall be cleaned and maintained by Grantee so as to be in good repair, of a good appearance and free of



such refuse residues as may cause odor and provide a breeding place for flies and harborage for rodents;

- (d) All such containers shall be clearly marked with the Grantee's name and telephone number in letters not less than two (2) inches in height. It is further understood and agreed that the Grantee will lease or rent such containers at terms which are fair and reasonable and that such terms will be submitted to and approved by the City Council; and
- (e) The City has the authority to remove from the premises any unmarked containers.

**PART 6: Disposal of Refuse.** It is specifically understood and agreed that Grantee will deliver all waste and refuse collected by him from premises in the corporate limits of City to the City of Temple Landfill. No other location may be used for the disposal of such refuse without the written approval and consent of Grantor. Rules and regulations governing hours of operation and disposal practices at the disposal site, as may be published by the Grantor, will be observed and followed by the Grantee while engaged in the disposal of refuse collected under this agreement. The Grantee is responsible for paying any and all tipping or gate fees as set from time to time by Waste Management.

**PART 7: Complaint Handling by Grantee:** It is expressly understood and agreed that Grantee, at its expense, will provide a telephone answering service from 8 a.m. until 5 p.m. daily, Monday through Friday, excluding such holidays as may be approved by Grantor, for the purpose of handling complaints and other calls regarding refuse collection service provided by the Grantee. The Grantee will secure an annual listing in the Temple Telephone Directory under the name by which it conducts business in the community.

**PART 8: Availability, Character of Service.** Grantee shall at all times furnish service which is first class in every respect, modern and sufficient to meet reasonable demands without undue interruption or fluctuations, under fair and reasonable rules and regulations as provided for herein, to any person, firm, or corporation that shall demand service within the City, upon the terms herein specified or that hereafter may be specified and required by ordinance or rules duly passed by the City. Grantee shall make service connections on reasonable demand, without undue delay. Grantee covenants that it will furnish such service, instrumentalities, and facilities as are safe, adequate, efficient, and reasonable.

**PART 9: Contract Administrator.**

- (a) The Director of Public Works is the principal City officer responsible for the administration of this franchise and shall oversee and review the operations of Grantee under this franchise.
- (b) It shall be the right and duty of the City Manager and the governing body of

the City at all times to keep fully informed as to all matters in connection with or affecting the construction, reconstruction, maintenance, operation, and repair of the properties of the Grantee and its accounting methods and procedures in connection therewith, and the conduct of the Grantee's business in the City and of service being rendered by Grantee.

**PART 10: Records, Reports and Inspections.**

- (a) The Grantee shall use the system of accounts and the forms of books, accounts, records, and memoranda prescribed by the American Institute of Certified Public Accountants, or as mutually agreed to by the City and Grantee, except that the City may require the keeping of certain additional records and accounts non inconsistent therewith.
- (b) The Grantee shall furnish the City with copies of its monthly financial and operating reports and upon request, the Grantee shall make such special studies and furnish such other reports as the governing body of the City or the Director of Public Works may reasonably require in the administration of the franchise. The monthly financial reports may be in the form of a Balance Sheet generated by financial software such as QuickBooks. Once annual tax statements are prepared, and certified by a public account, a copy of such shall be made available to the City.
- (c) The City Manager and the Director of Finance shall have the right, at reasonable times, to inspect the plant, equipment, and other property of the Grantee, and its affiliates and to examine, audit, and obtain copies of the papers, books, accounts, documents, and other business records of the Grantee and its affiliates.
- (d) The City shall retain all of the investigative powers and other rights provided to the City by the Charter and State law.

**PART 11: Rules and Inspections.**

- (a) In order to insure uniform and reasonable application of conditions for service and to insure availability of service to all without discrimination, the City Manager shall exercise supervision of Grantee's rules and regulations concerning service furnished under this franchise.
- (b) The governing body of this City and the City Manager may establish, after reasonable notice and hearing, not to be less than that required by the City Charter and applicable laws, such rules and regulations as may be in the public interest regarding rates, the furnishing of service, administration of customer accounts, and construction of Grantee facilities on City property.

**PART 12: Service Rates.** Grantor reserves the right to approve rates set by Grantee

for services which includes in whole or part the setting of solid waste containers within the City limits, or the hauling of such solid waste containers on City streets. The Grantee shall publish service rates and furnish a copy of said rates to the City at such time as they are adopted.

**PART 13: Consideration.**

- (a) For and in consideration of the covenants and agreements herein contained, Grantee herein agrees to pay unto the City five (5%) percent of the gross receipts received by Grantee in the operation of the services performed for customers pursuant to the provision of this contract. For the purposes of this Franchise, gross receipts includes the entire amount billed to a customer and received by Grantee from a customer for a services that include in whole or part the setting of solid waste containers within the City limits, or the hauling of such solid waste containers on City Streets, but does not include any amounts passed through by Grantee to his customers for tipping fees at the landfill or charges for services that do not involve the setting of solid waste containers or the hauling of solid waste in those containers within the City limits. Nor does gross receipts includes payments received by Grantee from customers for services performed entirely outside the City limits. All charges shall be paid unto the Grantor monthly as they accrue and receivable not later than the 10th day of the month thereafter. The Grantor shall have the right to reasonable access to the records of Grantee involving business conducted pursuant to this contract.
- (b) Grantee shall file with the Director of Finance simultaneously with each payment, a financial statement clearly showing the gross receipts received by the Grantee during the preceding month. In addition, the Grantee shall file with Director of Finance annually after the expiration of each of the Grantee's fiscal years a financial statement clearly showing the gross receipts and all components thereof received by the Grantee on an annual basis during the preceding fiscal period. Such report shall be due within sixty (60) days of the close of the Grantee's fiscal year. This financial statement shall be prepared by a certified public accountant, clearing showing the annual gross receipts attributable to the Temple Service Area. Extension of such period up to thirty (30) additional days may be granted by the City Manager upon request by the Grantee. Such payment shall be exclusive of and in addition to all other general municipal taxes of whatever nature, including but not limited to ad valorem taxes and special taxes and assessments for public improvements. During the years for which payments of percentages of gross receipts are made to the City as compensation or part compensation for this franchise to use the public property of the City for the purpose of engaging in the business of Grantee as described herein, the payments shall be (insofar as the City has legal power so to provide and agree) in lieu of and shall be accepted as payment for all of Grantee's obligations to pay municipal charges, fees, franchise taxes, or other charges and taxes of every kind, except ad valorem

taxes and special taxes and assessments for public improvements.

- (c) In the event that any franchise payment, due to a recomputed amount, is not made on or before the applicable date heretofore specified, interest shall be charged from such due date at the annual rate of ten (10%) percent per annum.
- (d) Within thirty (30) days after a request by the City Manager to reimburse the City for said expenses, the Grantee will pay to the City any expense required to be paid by the City Charter, this ordinance or other applicable laws or regulations including, but not limited to, the expense of publication of this ordinance or the expense of holding a referendum or election in regards to granting, amending, or extending or renewing this franchise.

**PART 14: Indemnity Insurance.** Grantee assumes all risks of loss or injury to property or persons arising from any of its operations under this agreement, and agrees to indemnify and hold harmless the Grantor from all claims, demands, suits, judgments, costs or expenses arising from any such loss or injury, unless such loss or injury is solely due to the negligence of the City. It is expressly understood that the foregoing provisions shall not in any way limit the liability of the Grantee. Grantee agrees to carry the types of insurance in minimum limits as follows:

- (1) Public Liability Bodily Injury \$250,000 single/\$500,000 total;
- (2) Public Liability Property Damage \$100,000 each occurrence; and
- (3) Automotive Public Liability and Bodily Injury \$250,000 single/\$500,000 total and Property Damage \$100,000.

Grantee shall furnish Grantor with evidence of such insurance in a form satisfactory to Grantor, and have Grantor named as an additional insured on its liability insurance and such insurance certificates shall provide a waiver of subrogation in favor of Grantor.

**PART 15: Termination and Forfeiture.** The City, at its option, may terminate this franchise agreement by giving 60 days advance written notice of such termination to Grantee.

**PART 16: Retention of Rights by City.** The City of Temple, in granting this franchise, fully retains and reserves all the rights, privileges, and immunities that it now has under the law to fully patrol and police the streets, alleys, and public ways within the city and the granting of this franchise in no way interferes with the improvements or maintenance, or any other street, alleys, and public ways, and the rights of the Grantee herein to use said streets shall at all times be subservient to the right of the governing body of the City of Temple to fully exercise its rights or control over said streets, alleys and public ways.

**PART 17: Amendments.** The City of Temple expressly reserves the right, after due notice to Grantee, to modify, amend, alter, change or eliminate any of the provisions of this

franchise and to impose such additional conditions upon the Grantee as may be just and reasonable as determined by the City Council, such conditions to be those deemed necessary for the purpose of insuring adequate service to the public. Provided, however, that all such amendments shall be made in accordance with the Charter of the City of Temple, Texas.

**PART 18: Effective Date.** This ordinance shall take effect on the date of the final passage hereof by the City Council, but not before the Grantee has filed with the City Secretary of the City of Temple a written acceptance of this ordinance as hereinbefore required.

**PART 19: Non-Exclusive.** This franchise is not exclusive and nothing herein contained shall be construed so as to prevent the City from granting other like or similar rights and privileges to any other person, firm, or corporation.

**PART 20: Failure of City to Enforce this Franchise; No Waiver of Terms Thereof.**

- (a) The Grantee shall not be excused from complying with any of the terms and conditions of this franchise of any failure of the City upon any one or more occasions to insist upon or to seek compliance with any such terms or conditions. The Grantee's violation or failure to comply with any of the provisions of this ordinance shall result in a fine upon conviction of not less than One Dollar (\$1.00) nor more than Five Hundred (\$500.00) Dollars and each day any violation or non-compliance continues shall constitute a separate and distinct offense.
- (b) The penalty provided herein shall be cumulative of other remedies provided herein and by State and Federal law including, but not limited to, the power to forfeit or terminate this franchise, the power of injunction or any other equitable remedies as provided by State law and the right to sue for damages which remedies may be exercised in enforcing this ordinance whether or not there has been a criminal complaint filed.

**PART 21: Taxes.** The Grantee shall promptly pay all lawful ad valorem taxes, and such other levies and assessments, if any, that may lawfully be imposed upon it. Failure to pay any of such charges on either of them shall be deemed a breach of the privilege granted herein.

**PART 22: Assignment of Franchise.** This Franchise and agreement and any and all rights and obligations hereunder may not be assigned by the Grantee without the prior written consent of the City Council.

**PART 23: Acceptance by Grantee.**

- (a) Within thirty (30) days after the third and final reading of this ordinance and its passage by the City Council, the Grantee herein shall file with the City Council in writing its acceptance of the terms and provisions of this grant and the ordinance in substantially the following form:

To the Honorable Mayor and City Council of the City of Temple:

The franchisee, AM Construction and Dumpster Service, acting by and through its duly authorized and empowered officer, hereby accepts the terms and conditions of Ordinance No. \_\_\_\_\_ granting a franchise to provide construction job site cleaning, rental and setting of fifteen (15) yard roll-off containers and hauling and disposing of construction site waste within the City of Temple, Texas.

SIGNED this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

AM CONSTRUCTION AND DUMPSTER SERVICE Billy Martone, Owner

- (b) The acceptance shall be duly acknowledged by the person executing the same. In the event the acceptance is not filed within the thirty (30) day period this ordinance and the rights and privileges hereby granted shall terminate and become null and void.

**PART 24: Findings of Fact.** The City Council hereby finds and declares that the public convenience and necessity require the service which is to be furnished by the Grantee named herein.

**PART 25: 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 shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality 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 Board without the incorporation of this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

**PART 26: Open Meetings.** It is hereby found that the meeting at which this ordinance was passed was open to the public 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 on the **18<sup>th</sup>** day of **August**, 2011.

PASSED AND APPROVED on Second Reading on the **1<sup>st</sup>** day of **September**, 2011.

PASSED AND APPROVED on Third and Final Reading on the **15<sup>th</sup>** day of **September**, 2011.

THE CITY OF TEMPLE, TEXAS

---

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Clydette Entzminger  
City Secretary

---

Jonathan Graham  
City Attorney



## **Agreement of Franchisee**

TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF TEMPLE,  
TEXAS:

The franchisee, AM Construction and Dumpster Service, acting by and through its duly authorized and empowered officer, hereby accepts the terms and conditions of Ordinance No. \_\_\_\_\_ granting a franchise to provide construction job site cleaning, rental and setting of fifteen (15) yard roll-off containers and hauling and disposing of construction site waste City of Temple, Texas.

SIGNED this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

AM CONSTRUCTION AND DUMPSTER SERVICE

\_\_\_\_\_  
Billy Martone, Owner



## **COUNCIL AGENDA ITEM MEMORANDUM**

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09/01/11  
Item #8(M)  
Consent Agenda  
Page 1 of 1

### **DEPT./DIVISION SUBMISSION & REVIEW:**

Brian Mabry, Planning Director

**ITEM DESCRIPTION:** A-FY-11-13: Consider adopting a resolution abandoning a 4,341 square foot utility easement on property originally dedicated as Avenue O right-of-way, being a portion of the property addressed as 1404 South 1<sup>st</sup> Street, located south of Lots 9 and 10, Block 3 of Eugenia Terrace Addition.

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

**ITEM SUMMARY:** Derek Commercial, Ltd. requests this easement abandonment to allow for the building of a new showroom over the land currently designated as the utility easement at the Surplus Warehouse facility on S. 1<sup>st</sup> Street. West Avenue O right-of-way formerly ran through the property and was abandoned in 1996. This utility easement was retained for possible future use.

Planning staff contacted all utility providers, including all divisions of the Public Works Department, the Fire Department, and Police Department regarding the proposed easement abandonment. The easement is not being used by any of the franchise utility providers or by the City and is not seen as a property that may be needed in the future.

**FISCAL IMPACT:** NA

### **ATTACHMENTS:**

Aerial  
Photo  
Survey and Field Notes  
Resolution



**A-FY-11-13**

Abandonment of Easement  
Remainder of Avenue O Utility Easement

E of Avenue O and  
S. 1st Street



AFY 11-13 Utility Easement

Subdivision Divisions

Public Street

Feet 0 50 100 150 200

LMatlock Planning 08.19.11



Looking from S. 1<sup>st</sup> Street at subject property, the easement is to the right (or south) of the building with the open bay doors to the left of the photo.

**SOUTH 1ST STREET**  
( STATE HIGHWAY SPUR 290 )  
PUBLIC MAINTAINED ROADWAY

LOT 6

AVENUE O ABANDONED BY CITY OF TEMPLE  
UTILITY EASEMENT RETAINED BY THE CITY OF  
TEMPLE PER ORDINANCE NO. 96-2471  
VOL. 3560, PG. 450

20' UTILITY EASEMENT RETAINED BY  
THE CITY OF TEMPLE PER  
ORDINANCE NO. 96-2471  
VOL. 3560, PG. 450

BLOCK 3  
EUGENIA TERRACE ADDITION  
VOL. 241, PG. 564

LOT 9

LOT 10

S 89°15'57" E 107.59'

4341.4 sq. ft. of Utility Easement  
REQUEST TO BE ABANDONED

N 00°44'03" E  
40.55'

S 02°12'59" W  
40.56'

N 89°15'57" W 106.54'

N 18°08'03" E  
19.46'

S 73°20'53" E 235.91'

POINT OF  
COMMENCEMENT  
1/2" Iron  
Rod Found

DENOTES CALCULATED POINT  
unless noted otherwise

UNITED STATES OF AMERICA  
VOL. 515, PG. 467

BLOCK 6 EUGENIA TERRACE ADDITION VOL. 241, PG. 564

UNITED STATES OF AMERICA  
VOL. 500, PG. 623

N 75°30'05" E 5982.38'  
CITY OF TEMPLE  
MONUMENT NO. 3  
Reference Tie to  
City Horizontal  
Control Network

**ALL COUNTY SURVEYING, INC.**



- Surveying
- Mapping
- Construction Layout

1303 South 21st Street  
Temple, Texas 76504  
254-778-2272 Killeen 254-634-4636  
Fax 254-774-7608

This project is referenced to the City of Temple Coordinate System, an extension of the Texas State Plane Coordinate System, Central Zone, NAD83. All distances are horizontal surface distances and all bearings are grid bearings. All coordinates are referenced to City Monument No. 3. The theta angle at City Monument No. 3 is 01°31'42". The combined correction factor (CCF) is 0.999847. Grid distance = Surface distance X CCF. Geodetic north = Grid north + theta angle. Published City coordinates for City Monument No. 3 are N= 10368,408.89 E= 3,225,333.77 Reference tie from City Monument No. 3 to the Point of Commencement of this 4,341.4 sq. ft. tract is N 75°30'05" E, 5982.38 feet.



Surveyor's Sketch showing 4,341.4  
sq. ft. of land, situated in the  
MAXIMO MORENO SURVEY,  
ABSTRACT 14, City of Temple, Bell  
County, Texas.

This sketch to accompany a metes and bounds  
description of the hereon shown 4,341.4 sq. ft. tract.

LOT 3, BLOCK 199  
ORIGINAL TOWN OF TEMPLE  
VOL. 36, PG. 640

Survey  
completed: 01-31-2011  
Scale: 1" = 30'  
Job No.: 110063.3  
Dwg No.: 110063-Exh  
Drawn by: SLW  
Surveyor: CCL # 4636  
Copyright 2011 All County Surveying, Inc.

Plot Date: 08-03-2011



# FIELD NOTES PREPARED BY ALL COUNTY SURVEYING, INC.

August 4, 2011

Surveyor's Field Notes for:

**4,341.4 SQ. FT.**, situated in the **MAXIMO MORENO SURVEY, ABSTRACT 14**, City of Temple, Bell County, Texas, and being a portion of Avenue O, as abandoned by the City of Temple in Volume 3560, Page 450, Official Public Records of Real Property, Bell County, Texas, and being more particularly described as follows:

**BEGINNING** at a calculated point which bears **S 73° 20' 53" E – 235.91'** and **N 18° 08' 03" E – 19.46'** from a ½" iron rod found at the southwest corner of said Avenue O, as abandoned, being the northwest corner of a tract conveyed to the United States of America in Volume 500, Page 623, Deed Records of Bell County, Texas, for the southeast corner of the herein described tract;

**THENCE**, in a westerly direction, **N 89° 15' 57" W – 106.54'**, to a calculated point, for the southwest corner of the herein described tract;

**THENCE**, in a northerly direction, **N 00° 44' 03" E – 40.55'**, to a calculated point, being the southwest corner of Lot 9, Block 3, Eugenia Terrace Addition, an addition in the City of Temple, Bell County, Texas, according to the plat of record in Volume 241, Page 564, Deed Records of Bell County, Texas, for the northwest corner of the herein described tract;

**THENCE**, in an easterly direction, with the south line of said Lot 9 and Lot 10, said Block 3, **S 89° 15' 57" E – 107.59'**, to a calculated point, being the southeast corner of said Lot 10 and being on the west line of Lot 3, Block 199, Original Town of Temple, as shown on plat recorded in Volume 36, Page 640, Deed Records of Bell County, Texas, for the northeast corner of the herein described tract;

**THENCE**, in a southerly direction, with the west line of said Lot 3, Block 199, **S 02° 12' 59" W – 40.56'**, to the **POINT OF BEGINNING** and containing 4,341.4 sq. ft. of Land.

This project is referenced to the City of Temple Coordinate System, an extension of the Texas State Plane Coordinate System, Central Zone, NAD83. All distances are horizontal surface distances and all bearings are grid bearings. All coordinates are referenced to City Monument No. 3. The theta angle at City Monument No. 3 is 01° 31' 42". The combined correction factor (CCF) is 0.999847. Grid distance = Surface distance X CCF. Geodetic north = Grid north + theta angle. Published City coordinates for City Monument No. 3 are N.= 10,368,408.89 E.= 3,225,333.77 Reference tie from City Monument No. 3 to the Point of Commencement of this 4,341.4 sq. ft. tract is N 75° 30' 05" E, 5982.38 feet.

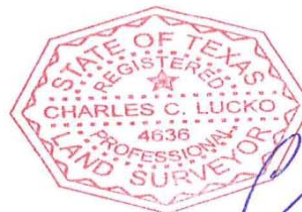
This document is not valid for any purpose unless signed and sealed by a Registered Professional Land Surveyor.

This metes and bounds description to accompany a Surveyor's Sketch showing the herein described tract.

Surveyed January 31, 2011

**ALL COUNTY SURVEYING, INC.**  
**1-800-749-PLAT**

server/projects/pro110000/110000/110063/110063-Exh.doc



*Charles C. Lucko*

Charles C. Lucko  
Registered Professional Land Surveyor  
Registration No. 4636

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, ABANDONING A 4,341 SQUARE FOOT UTILITY EASEMENT ON PROPERTY ORIGINALLY DEDICATED AS AVENUE O RIGHT-OF-WAY, BEING A PORTION OF THE PROPERTY ADDRESSED AS 1404 SOUTH 1<sup>ST</sup> STREET, LOCATED SOUTH OF LOTS 9 AND 10, BLOCK 3 OF EUGENIA TERRACE ADDITION; AUTHORIZING THE EXECUTION OF ANY LEGAL INSTRUMENT NECESSARY TO EVIDENCE THE ABANDONMENT OF SAID EASEMENT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the City has been requested to abandon a utility easement on property addressed as 1404 South 1<sup>st</sup> Street, located south of Lots 9 and 10, Block 3 of Eugenia Terrace Addition to allow for the building of a new showroom over the land currently designated as the utility easement at the Surplus Warehouse facility on South 1<sup>st</sup> Street;

**Whereas**, there are no utilities in the easement and no objections to the abandonment by the utility providers, including the City Public Works Department; and

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

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

**Part 1:** The City of Temple, Texas, and the general public, permanently relinquish and abandon a 4,341 square foot utility easement on property originally dedicated as Avenue O right-of-way, being a portion of the property addressed as 1404 South 1<sup>st</sup> Street, located south of Lots 9 and 10, Block 3 of Eugenia Terrace Addition, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

**Part 2:** Upon request the City of Temple will provide a copy of this resolution and any other evidence of abandonment of the utility easement, which may be reasonably required.

**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 on the 1<sup>st</sup> day of **September**, 2011.

THE CITY OF TEMPLE, TEXAS

\_\_\_\_\_  
WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Clydette Entzminger  
City Secretary

\_\_\_\_\_  
Jonathan Graham  
City Attorney

STATE OF TEXAS       §

COUNTY OF BELL       §

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

\_\_\_\_\_  
Notary Public, State of Texas

**Return Recorded Document to:**

*City Attorney's Office  
2 North Main Street, Suite 308  
Temple, TX 76501*





## COUNCIL AGENDA ITEM MEMORANDUM

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09/01/11  
Item #8(N)  
Consent Agenda  
Page 1 of 1

**DEPT./DIVISION SUBMISSION & REVIEW:**

Traci Barnard, Director of Finance

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing budget amendments for fiscal year 2010-2011.

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

**ITEM SUMMARY:** This item is to recommend various budget amendments, based on the adopted FY 2010-2011 budget. The amendments will involve transfers of funds between contingency accounts, department and fund levels.

**FISCAL IMPACT:** The total amount of budget amendments is \$1,052,608.

**ATTACHMENTS:**

[Budget amendments](#)  
[Resolution](#)

**CITY OF TEMPLE**  
**BUDGET AMENDMENTS FOR FY 2011 BUDGET**  
**September 1, 2011**

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
110-1500-515-6531		Contingency - Judgments & Damages	\$ 25,000	
110-0000-352-1345		Designated Capital - Unallocated		\$ 25,000
To appropriate funds from Designated for Capital Projects - Unallocated for additional funds needed in Judgments & Damages Contingency for the remainder of the fiscal year.				
110-2042-521-2127		Supplies - OCU Seized Funds - State (Police)	\$ 179	
110-0000-313-0330		Reserve for Seized Funds		\$ 179
To appropriate funds for supplies needed to make seized vehicles ready to be sold at auction. The auction proceeds will be deposited as seized funds.				
110-2223-522-2514		Travel & Training (Fire)	\$ 1,109	
110-0000-442-1630		Fire Department Revenue		\$ 1,109
110-2210-522-2513		Special Services	\$ 770	
110-0000-442-1629		Fire Donations		\$ 770
Texas Comptroller's Office sent reimbursement for TCLOSE training. It is intended to cover training costs for TCLOSE personnel training and is restricted funds for training. Restricted donations totaling \$770 for the Fire Annual Awards Banquet. The following were deposited and need to be moved into the Special Services Account: \$400 on 3/3/2011; \$50 on 3/31/2011; \$300 on 6/2/2011; and \$20 on 6/2/2011.				
110-2231-522-2118		Chemical/Compressed Gas (Fire)	\$ 1,000	
110-2234-522-2123		Medical Supplies	\$ 1,595	
110-0000-442-0931		County Fire Service		\$ 2,595
This budget adjustment recognizes a reimbursement for supplies such as Class A foam and medical supplies used for County runs.				
110-3292-551-2513		Special Services (Recreation - Athletics)	\$ 10,050	
110-0000-445-0492		Softball Entry Fees		\$ 3,000
110-0000-445-0494		Volleyball Entry Fees		\$ 1,250
110-0000-445-0488		Flag Football Entry Fees		\$ 800
110-0000-445-0496		Basketball Entry Fees		\$ 5,000
Additional funds are needed in Special Services to pay officials. The revenue accounts of softball, volleyball, basketball and flag football will bring in the revenues to offset the expenses.				
240-4400-551-2721		Food Products (Mayborn Center)	\$ 4,700	
240-0000-445-1063		Food Sales Revenue		\$ 4,700
240-4400-551-2725		Alcohol Beverages	\$ 350	
240-0000-445-1072		Alcohol Revenue		\$ 350
240-4400-551-2117		Janitorial Supplies	\$ 700	
240-4400-551-2129		Advertising/Marketing	\$ 2,600	
240-4400-551-2318		Plumbing	\$ 1,250	
240-4400-551-2515		Dues & Subscriptions	\$ 50	
240-4400-551-2618		Uniform & Supply Rental	\$ 525	
240-4400-551-2625		Advertising/Legals	\$ 1,000	
240-0000-445-1021		Facility Rental Revenue		\$ 6,125

**CITY OF TEMPLE**  
**BUDGET AMENDMENTS FOR FY 2011 BUDGET**  
September 1, 2011

			<b>APPROPRIATIONS</b>	
<b>ACCOUNT #</b>	<b>PROJECT #</b>	<b>DESCRIPTION</b>	<b>Debit</b>	<b>Credit</b>
Increased bookings have created increased costs in operational accounts, food products, and alcohol products. These costs can be offset by Facility Rental Revenue.				
240-7000-551-2616		Professional	\$ 19,400	
240-0000-358-1110		<b>Hotel/Motel Unreserved Fund Balance</b>		<b>\$ 19,400</b>
The front of the Santa Fe Depot appears to be sinking by one of the entrances. This budget adjustment appropriates Hotel/Motel Unreserved Fund Balance to fund a contract to hire a geo-tech engineer to study the building and determine what is causing the problem and how to remedy the problem. Additional funds will need to be appropriated if it is determined that additional engineering or remediation is needed.				
260-3500-552-6316	100629	Hike & Bike Trails (STEP Grant)	\$ 372,198	
260-0000-431-0163		Federal Grants		\$ 372,198
260-3500-552-6316	100629	Hike & Bike Trails	\$ 290,066	
260-0000-490-2582		Transfer In - Bond Fund		\$ 290,066
361-9100-591-8160		Transfer Out - Grant Fund	\$ 290,066	
361-3400-531-6834	100629	Capital Bonds/ 1st St. Gateway		\$ 239,564
361-0000-315-1116		<b>Reserve for Future Expenditures</b>		<b>\$ 50,502</b>
Appropriate additional funds for the Texas Department of Transportation, Surface Transportation Enhancement Program (STEP). Additional City matching funds are available as a result of reprioritization of CIP projects and interest earnings. The City was awarded a STEP Grant to construct a lighted and landscaped linear trail and landscaped medians in the Temple Medical Education District. The project is estimated to cost \$2,873,464. Budget adjustment also re-categorizes funds from expenditures to transfers. This budget adjustment fully funds the project and recognizes all grant funds awarded by the State.				
520-5200-535-2327		Repair & Maintenance - Water Lines (Water Distribution)	\$ 30,000	
520-0000-443-0111		Water Revenues - Residential		\$ 15,000
520-0000-443-0113		Water Revenues - Commercial		\$ 15,000
This budget adjustment appropriates an additional \$30,000 to fund repairs of water leaks in various locations throughout the City. Water revenues for residential and commercial customers are over budget in FY 2011 due to the extreme drought conditions and the high volume of consumption by those users.				
<b>TOTAL AMENDMENTS</b>			<b>\$ 1,052,608</b>	<b>\$ 1,052,608</b>
<b>GENERAL FUND</b>				
Beginning <b>Contingency</b> Balance			\$	-
Added to Contingency Sweep Account			\$	-
Carry forward from Prior Year			\$	-
Taken From Contingency			\$	-
Net Balance of Contingency Account			\$	-

**CITY OF TEMPLE**  
**BUDGET AMENDMENTS FOR FY 2011 BUDGET**  
**September 1, 2011**

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
		Beginning <b>Judgments &amp; Damages</b> Contingency	\$	80,000
		Added to Contingency Judgments & Damages	\$	25,000
		Taken From Judgments & Damages	\$	(79,504)
		Net Balance of Judgments & Damages Contingency Account	\$	25,496
		Beginning <b>Fuel</b> Contingency	\$	55,841
		Added to Fuel Contingency	\$	-
		Taken From Fuel Contingency	\$	-
		Net Balance of Fuel Contingency Account	\$	55,841
		Beginning <b>Self Insurance Start Up Cost</b> 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	\$	-
		<b>Net Balance Council Contingency</b>	\$	81,337
		Beginning Balance <b>Budget Sweep</b> Contingency	\$	-
		Added to Budget Sweep Contingency	\$	-
		Taken From Budget Sweep	\$	-
		Net Balance of Budget Sweep Contingency Account	\$	-
		<b>WATER &amp; SEWER FUND</b>		
		Beginning <b>Contingency</b> Balance	\$	50,000
		Added to Contingency Sweep Account	\$	-
		Taken From Contingency	\$	(26,345)
		Net Balance of Contingency Account	\$	23,655
		Beginning <b>Self Insurance Start Up Cost</b> 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	\$	-
		<b>Net Balance Water &amp; Sewer Fund Contingency</b>	\$	23,655
		<b>HOTEL/MOTEL TAX FUND</b>		
		Beginning <b>Self Insurance Start Up Cost</b> 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	\$	-
		<b>DRAINAGE FUND</b>		
		Beginning <b>Self Insurance Start Up Cost</b> 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	\$	-
		<b>FED/STATE GRANT FUND</b>		
		Beginning <b>Contingency</b> 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.

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**Whereas**, on the 2<sup>nd</sup> 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 1<sup>st</sup> day of **September**, 2011.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Clydette Entzminger  
City Secretary

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Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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09/01/11  
Item #9  
Regular Agenda  
Page 1 of 3

### **DEPT./DIVISION SUBMISSION & REVIEW:**

Brian Mabry, AICP, Planning Director

**ITEM DESCRIPTION:** SECOND READING – Z-FY-11-40: Consider adopting an ordinance authorizing a zoning change from General Retail District (GR) to Commercial District (C) on Lots 1 & 2, Block 1, Garden Estates of Temple Texas Addition, being 7.22-acres located on the northwest corner of 205 Loop and 5400 block of West Adams Avenue, east of North Kegley Road.

**P&Z COMMISSION RECOMMENDATION:** At its July 18, 2011 meeting, the Planning and Zoning Commission voted 7/0 in accordance with staff recommendation to recommend approval of a rezoning from GR to C.

Commissioners Sears and Rhodes were absent.

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

Staff recommends approval for the following reasons:

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

**ITEM SUMMARY:** At its August 18, 2011 meeting, the City Council approved the request on first reading as a Planned Development-Commercial zoning district. The Planned Development, if approved on second reading, would allow all uses typically permitted in the Commercial zoning district, except for duplexes. A Planned Development requires a City Council-approved site plan. Staff recommends deferring approval of the site plan until the property owner is closer to applying for a building permit.

Please refer to the Staff Report and draft minutes of case Z-FY-11-40, from the Planning and Zoning meeting, July 18, 2011. The applicant, Grady Rosier, of Temple Real Estate Investments on behalf of Williamette Property Holdings, Inc., requests the rezoning to add to the possible uses on this property.

Some uses that are currently not allowed on the subject property, but that would be allowed if the requested rezoning is approved, include:

Building material sales  
Cabinet shop  
Contractor storage  
Heavy machinery sales, storage and repair

Mini-storage  
Welding or machine shop  
Wholesale storage and sales

**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 Map	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 (FLUCM) designates the subject property as Auto Urban Commercial, a more intense retail on the map. The rezoning request complies with the FLUCM.

**Thoroughfare Plan (CP Map 5.2)**

The Thoroughfare Plan designates W. Adams Road as a Major Arterial, North Kegley Road as a Minor Arterial and Loop 205 is a Collector Road. The rezoning request to C, Commercial, complies with the Thoroughfare Plan.

**Availability of Public Facilities (CP Goal 4.1)**

City of Temple water and sewer lines are in place to serve this property.

**Temple Master Trails Plan Map**

The Sidewalk and Trails Plan designates a future local Collector Trail along North Kegley Road and shows the existing City Wide Spine trail along W. Adams Avenue frontage. This rezoning will not trigger dedication for the Trails Master Plan, but should the property be replatted, the PALS department will evaluate the property.

**PUBLIC NOTICE:**

Nine notices were sent regarding the Planning and Zoning Commission public hearing to property owners within 200-feet of the subject property. As of Wednesday, July 13<sup>th</sup>, at 5 PM, one notice was 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 July 7, 2011, in accordance with state law and local ordinance. Sixteen courtesy notices were sent out to property owners within 500 feet of the subject property.



**FISCAL IMPACT:** NA

**ATTACHMENTS:**

Aerial  
Land Use and Character Map  
Zoning Map  
Thoroughfare Plan Map  
Utility Map  
Notice Map  
Response Letter  
P&Z Staff Report (Z-FY-11-40)  
P&Z Minutes (July 18, 2011)  
Ordinance



**Z-FY-11-40**

GR to C Lots 1 and 2, Block 1,  
Garden Estates of Temple TX Addition



ZFY 11-40

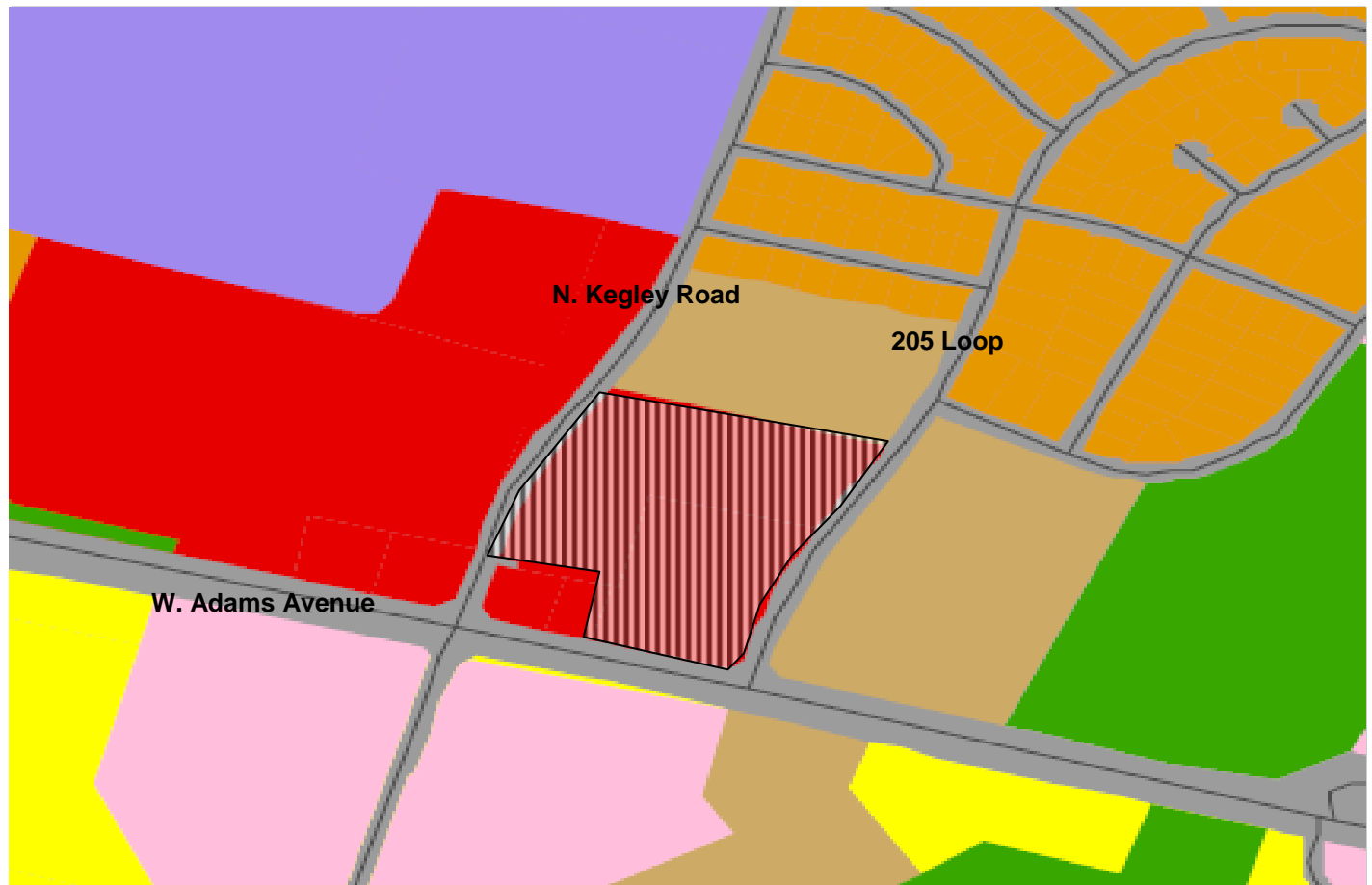
Feet 0 500 600 900 1,200 1,500

JCalhoun 06.29.11



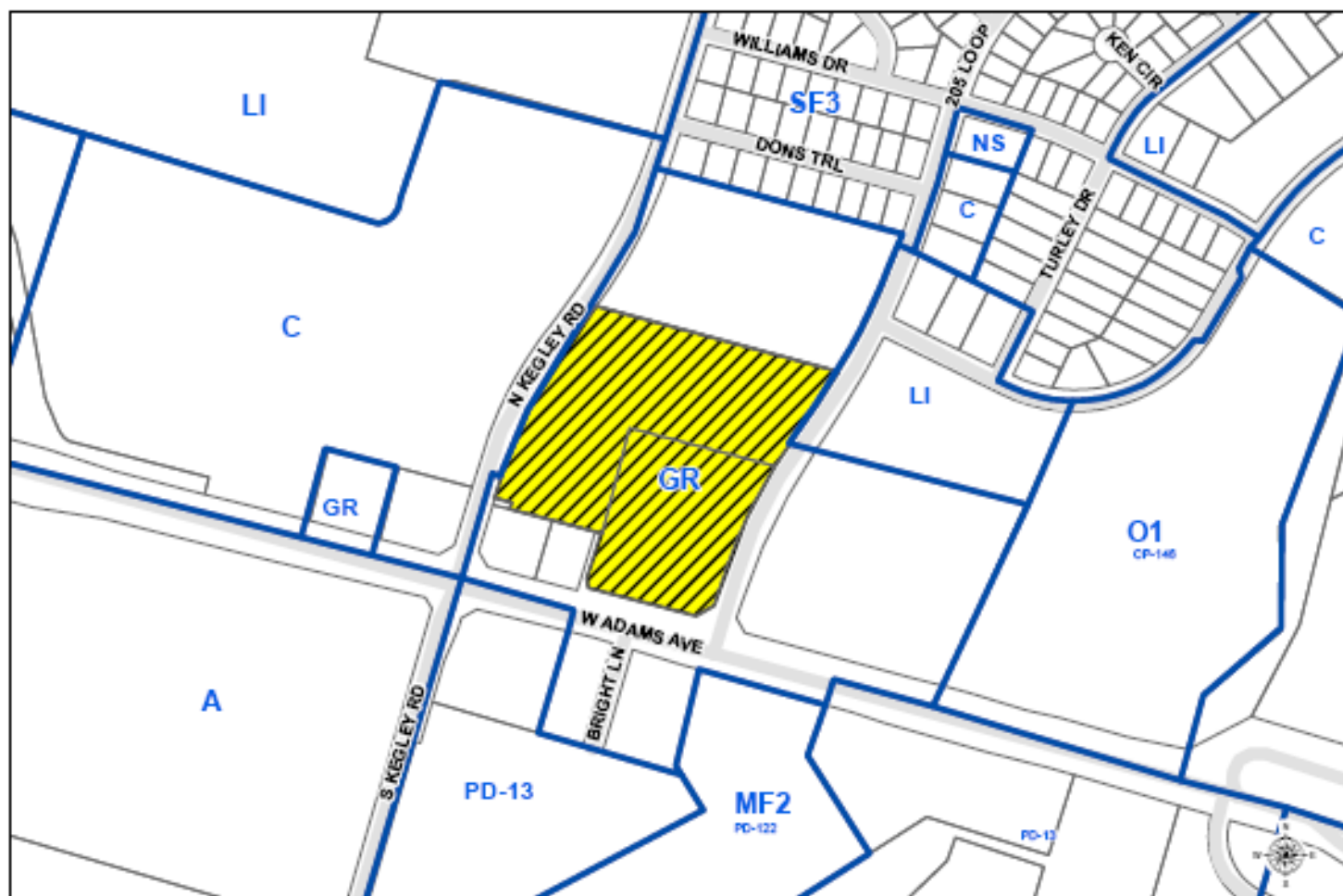
Z-FY-11-40




GR to C - Lots 1 and 2, Block 1,  
Garden Estates of Temple TX



**Z-FY-11-40**

GR to C Lots 1 and 2, Block 1,  
Garden Estates of Temple TX Addition



 ZFY 11-40  Streets  
 Zoning

Feet 0 300 600 900 1,200 1,500

Imatlock 07.11.11





Z-FY-11-40

GR to C Lots 1 and 2, Block 1,  
Garden Estates of Temple TX Addition



ZFY 11-40



Proposed, Local Connector



Existing, City Wide Spine

Feet 0 300 600 900 1,200 1,500

JCalhoun 06.29.11



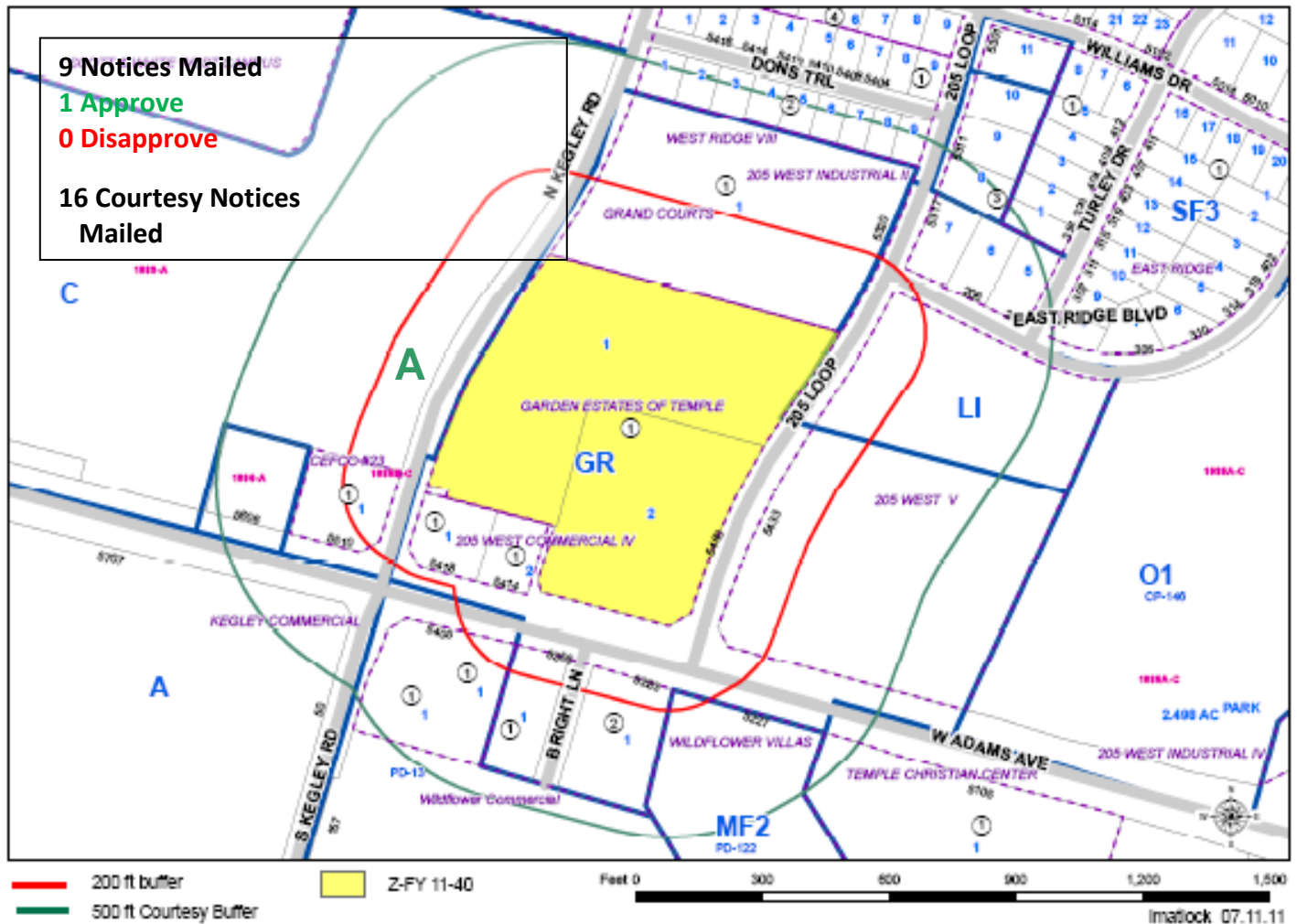
Z-FY-11-40

GR to C Lots 1 and 2, Block 1,  
Garden Estates of Temple TX Addition



Z-FY-11-40

GR to C Lots 1 and 2, Block 1,  
Garden Estates of Temple TX Addition







RESPONSE TO PROPOSED  
REZONING REQUEST  
CITY OF TEMPLE

Steven J. Ward  
7 North Kegley Road  
Temple, Texas 76502

Zoning Application Number: Z-FY-11-40 Project Manager: Leslie Matlock  
Location: Northwest Corner of West Adams and 205 Loop

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

I recommend ☒ approval ( ) denial of this request.

Comments:

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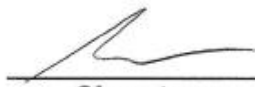
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Signature

STEVE WARD  
Print Name

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

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

RECEIVED

JUL 13 2011

City of Temple  
Planning & Development

Number of Notices Mailed: 9

Date Mailed: July 7, 2011





# PLANNING AND ZONING COMMISSION AGENDA ITEM

7/18/11  
Item #9  
Regular Agenda  
Page 1 of 4

**APPLICANT / DEVELOPMENT:** Grady Rosier, of Temple Real Estate Investments on behalf of Williamette Property Holdings, Inc., Owners

**CASE MANAGER:** Leslie Matlock, AICP, Senior Planner




**ITEM DESCRIPTION:** Z-FY-11-40 Hold a public hearing to discuss and recommend action on a rezoning from General Retail District (GR) to Commercial District (C) on Lots 1 & 2, Block 1, Garden Estates of Temple Texas Addition, being 7.22-acres located on the northwest corner of 205 Loop and 5400 block of West Adams Avenue, east of N. Kegley Road.

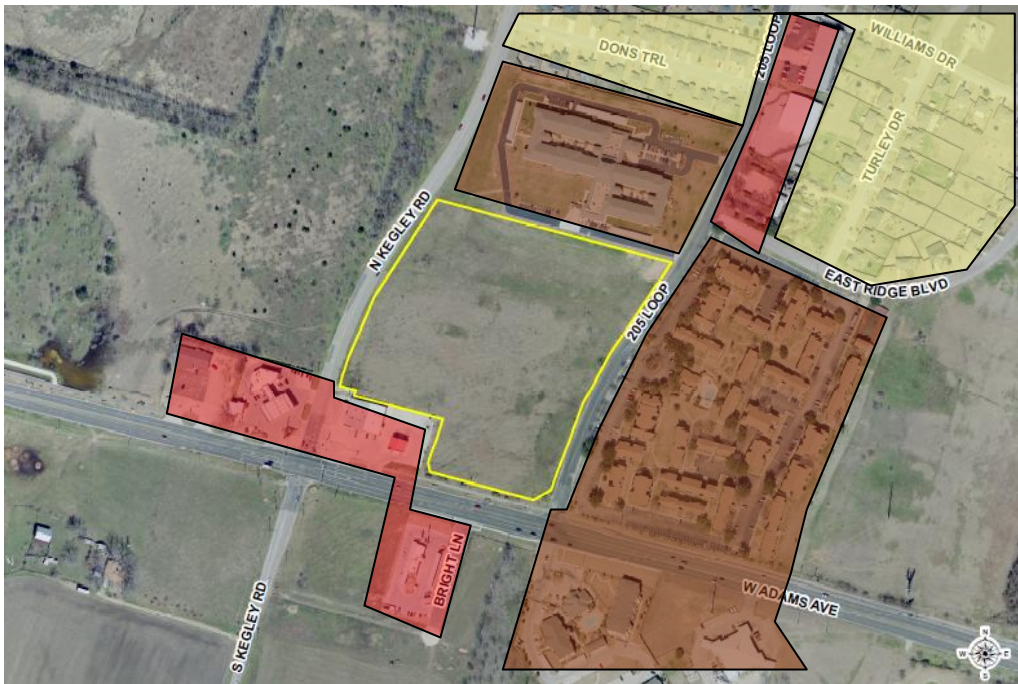
**BACKGROUND:** The applicant has requested the rezoning from GR to C. The owner would like to expand the uses allowed within the Addition.

**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	GR (C proposed)	Undeveloped Land	
North	GR	Assisted Living and Retirement Community  (Trail in foreground)	

Direction	Zoning	Current Land Use	Photo
South	GR and PD-13 (Mixed Use)	Undeveloped Land and Fast Food Restaurant	
East	GR and LI	Multi-Family Units	
West	C	Undeveloped Land and Fuel Station with Convenience Store	



#### Current Land Uses:

Yellow – Single Family Residential

Brown – Multi-Family Residential & Nursing Facility

Red – Commercial & Retail Uses

Unhighlighted areas are undeveloped or being used for large lot agricultural.

### **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 Map	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 (FLUCM) designates the subject property as Auto Urban Commercial, a more intense retail on the map. The rezoning request complies with the FLUCM.

#### Thoroughfare Plan (CP Map 5.2)

The Thoroughfare Plan designates W. Adams Road as a Major Arterial, N. .Kegley Road as a Minor Arterial and Loop 205 is a Collector Road. The rezoning request to C, Commercial, complies with the Thoroughfare Plan.

#### Availability of Public Facilities (CP Goal 4.1)

City of Temple water and sewer lines are in place to serve this property. A development of this kind can be handled with the infrastructure already in place.

#### Temple Master Trails Plan Map

The Sidewalk and Trails Plan designates a future local Collector Trail along N. Kegley Road and shows the existing City Wide Spine trail along W. Adams Avenue frontage. This rezoning will not trigger dedication for the Trails Master Plan, but should the property be replatted, the PALS department will evaluate the property.

**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. Storage Warehouses are also a use that is permitted by right. There is no minimum lot area, width or depth unless bounded by a residential district. These lots are not so situated, even though they are west of a multi family complex, as the zoning there is LI and GR. 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:**

Nine notices were sent regarding the Planning and Zoning Commission public hearing to property owners within 200-feet of the subject property. As of Wednesday, July 13<sup>th</sup>, at 5 PM, one notice was 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 July 7, 2011, in accordance with state law and local ordinance. Sixteen courtesy notices were sent out to property owners within 500 feet of the subject property.

**STAFF RECOMMENDATION:** Staff recommends approval of the rezoning for case Z-FY-11-40 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.

**FISCAL IMPACT:** Not Applicable

**ATTACHMENTS:**

Aerial  
Land Use and Character Map  
Zoning Map  
Thoroughfare Plan Map  
Utility Map  
Flood Plain Map  
Notice Map  
Responses

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

**MONDAY, JULY 18\_, 2011**

**ACTION ITEMS**

**Item 9: Z-FY-11-40** – Hold a public hearing to discuss and recommend action on a rezoning from General Retail District (GR) to Commercial District (C) on Lots 1 and 2, Block, Garden Estates of Temple, Texas, located at the northwest corner of West Adams Avenue and 205 Loop. (Applicant: Grady Rosier of Temple Real Estate Investments for Williamette Property Holdings, Inc.)

Ms. Matlock stated the lots are platted as GR and applicant would like to intensify the uses.

Surrounding properties include a retirement/assisted living facility to the north, undeveloped land and restaurant to the south, multi-family on the east, and undeveloped land and convenience store to the west.

The Future Land Use and Character Map designates this area as Auto Urban-Commercial which is a more intense retail than Suburban-Commercial.

A proposed collector trail would go down North Kegley Road and there is an existing City Wide Spine trail along West Adams Avenue frontage.

The Thoroughfare Plan designates West Adams Avenue as a major arterial, North Kegley Road as a minor arterial and 205 Loop is a collector road. The rezoning request complies with the Thoroughfare Plan.

Public facilities are available to serve the area.

Nine notices were mailed out and one response was received in favor; 16 courtesy notices were also mailed out.

Staff recommends approval of Z-FY-11-40 for the following reasons:

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

Commissioner Pilkington asked what uses would be allowed that GR does not permit. Ms. Matlock stated Commercial uses included cleaning plants, cabinet shops, flea markets, contractor storage and equipment yards, paint shops, storage warehouses, National Guard, and two family dwellings.

Chair Talley opened the public hearing.

Mr. Thomas Baird, Attorney, 707 W. Thompson, Temple, Texas, representing the applicant, stated they agreed with the Staff recommendation.

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

Vice-Chair Martin made a motion to approve Z-FY-11-40 as presented and Commissioner Pope made a second.

*Motion passed: (7:0)*

Commissioners Rhoads and Sears absent.



ORDINANCE NO. \_\_\_\_\_

(PLANNING NO. Z-FY-11-40)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A REZONING FROM GENERAL RETAIL DISTRICT (GR) TO COMMERCIAL DISTRICT (C) ON LOTS 1 AND 2, BLOCK 1, GARDEN ESTATES OF TEMPLE TEXAS ADDITION, BEING 7.22 ACRES LOCATED ON THE NORTHWEST CORNER OF 205 LOOP AND 5400 BLOCK OF WEST ADAMS AVENUE, EAST OF NORTH KEGLEY ROAD; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

**Part 1:** The City Council approves a rezoning from General Retail District (GR) to Commercial District (C) on Lots 1 and 2, Block 1, Garden Estates of Temple Texas Addition, being 7.22 acres located on the northwest corner of 205 Loop and 5400 Block of West Adams Avenue, east of North Kegley 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 **18<sup>th</sup>** day of **August**, 2011.

PASSED AND APPROVED on Second Reading on the **1<sup>st</sup>** day of **September**, 2011.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Clydette Entzminger  
City Secretary

---

Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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09/01/11  
Item #10  
Regular Agenda  
Page 1 of 4

### **DEPT./DIVISION SUBMISSION & REVIEW:**

Brian Mabry, AICP, Planning Director

**ITEM DESCRIPTION:** SECOND READING – Z-FY-11-41: Consider adopting an ordinance authorizing a zoning change from Agricultural District (AG) to Commercial District (C) on 29.548 acres in Nancy Chase Survey, Abstract No. 5, located at the southwest corner of Kegley Road and the 5600 block of West Adams Avenue.

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

Commissioners Sears and Rhodes were absent.

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

Staff recommends approval for the following reasons:

1. The request does not comply with the Future Land Use and Character Map, however, a modification of the Future Land Use Map for the vicinity of the subject property appears appropriate for a later date.
2. The request complies with the Thoroughfare Plan.
3. Public facilities serve the property.

**ITEM SUMMARY:** At its August 18, 2011 meeting, the City Council approved the request on first reading as a Planned Development-Commercial zoning district. The Planned Development, if approved on second reading, would allow all uses typically permitted in the Commercial zoning district, except for duplexes. A Planned Development requires a City Council-approved site plan. Staff recommends deferring approval of the site plan until the property owner is closer to applying for a building permit.

Please refer to the Staff Report and draft minutes of case Z-FY-11-41, from the Planning and Zoning meeting, July 18, 2011. The applicants, Thomas Baird and Grady Rosier on behalf of Bruce Stokes, request the rezoning to add to the possible uses on this property.

A rezoning from the AG to the C zoning district would allow many uses that would not have been allowed before. Those uses include, but are not limited to, the following:

Alcoholic beverage sales, on- or off-premise consumption, beer and wine only	Heavy machinery sales, storage and repair
Building material sales	Mini-storage
Cabinet shop	Two-family dwelling
Contractor storage	Welding or machine shop
Family or group home	Wholesale storage and sales

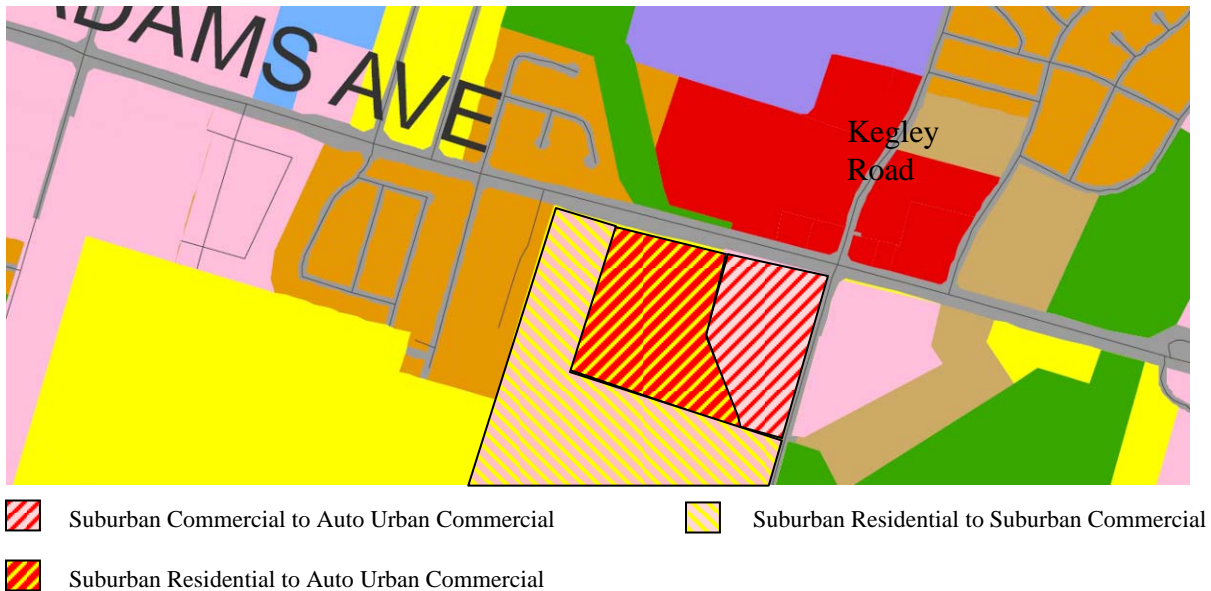
**COMPREHENSIVE PLAN COMPLIANCE:**

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 Map	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	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 (FLUCM) designates the subject property as Suburban Commercial and Suburban Residential. The rezoning request does not comply with the FLUCM. Because this property is along a Major Arterial and because Auto Urban Commercial future land use designations already exist at the intersection of W. Adams and S. Kegley, it may be appropriate to change the portion of the property along W. Adams that now shows as Suburban Commercial and Suburban Residential to Auto Urban Commercial and Suburban Commercial. This would occur in a later update of the FLUCM. The intensive traffic that is expected to continue to occur along Adams, and especially at this intersection, is not compatible with a single family neighborhood adjacency, but could be better utilized as nonresidential. The map below provides a possible future land use scenario that City Staff will pursue at the end of 2011 when it does an overall cleanup of the FLUCM.



#### Thoroughfare Plan (CP Map 5.2)

The Thoroughfare Plan designates W. Adams Avenue as a Major Arterial. Additionally, Kegley Road is a Minor Arterial which directly connects farther south to I-35. This makes this road a cross-town connector and this node suitable for commercial use. The rezoning request to C, Commercial, complies with the Thoroughfare Plan.

#### Availability of Public Facilities (CP Goal 4.1)

City of Temple water and sewer lines are in place to serve this property. A development of this kind can be handled with the infrastructure already in place.

#### Temple Master Trails Plan Map

The Sidewalk and Trails Plan designates a future local Collector Trail along N. Kegley Road and shows the existing City Wide Spine trail along W. Adams Avenue frontage. It also shows a proposed Community Wide Collector to the west of this property near the creek bed. This rezoning will not trigger dedication for the Trails Master Plan, but should the property be replatted, the PALS department will evaluate the property for appropriate dedication.

#### **PUBLIC NOTICE:**

Eight notices were sent regarding the Planning and Zoning Commission public hearing to property owners within 200-feet of the subject property. As of Wednesday, July 13<sup>th</sup>, at 5 PM, three 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 July 7, 2011, in accordance with state law and local ordinance. Ten courtesy notices were sent out to property owners within an additional 500 feet of the subject property.

**FISCAL IMPACT:**

NA

**ATTACHMENTS:**

Aerial

Land Use and Character Map

Thoroughfare Plan Map

Zoning Map

Utility Map

Notice Map

Response Letter

P&Z Staff Report (Z-FY-11-41)

P&Z Minutes (July 18, 2011)

Ordinance



Z-FY-11-41

AG to C 29.568 Acres

SW of Kegley and  
W. Adams Avenue



ZFY 11-41

Feet 0 300 600 900 1,200 1,500

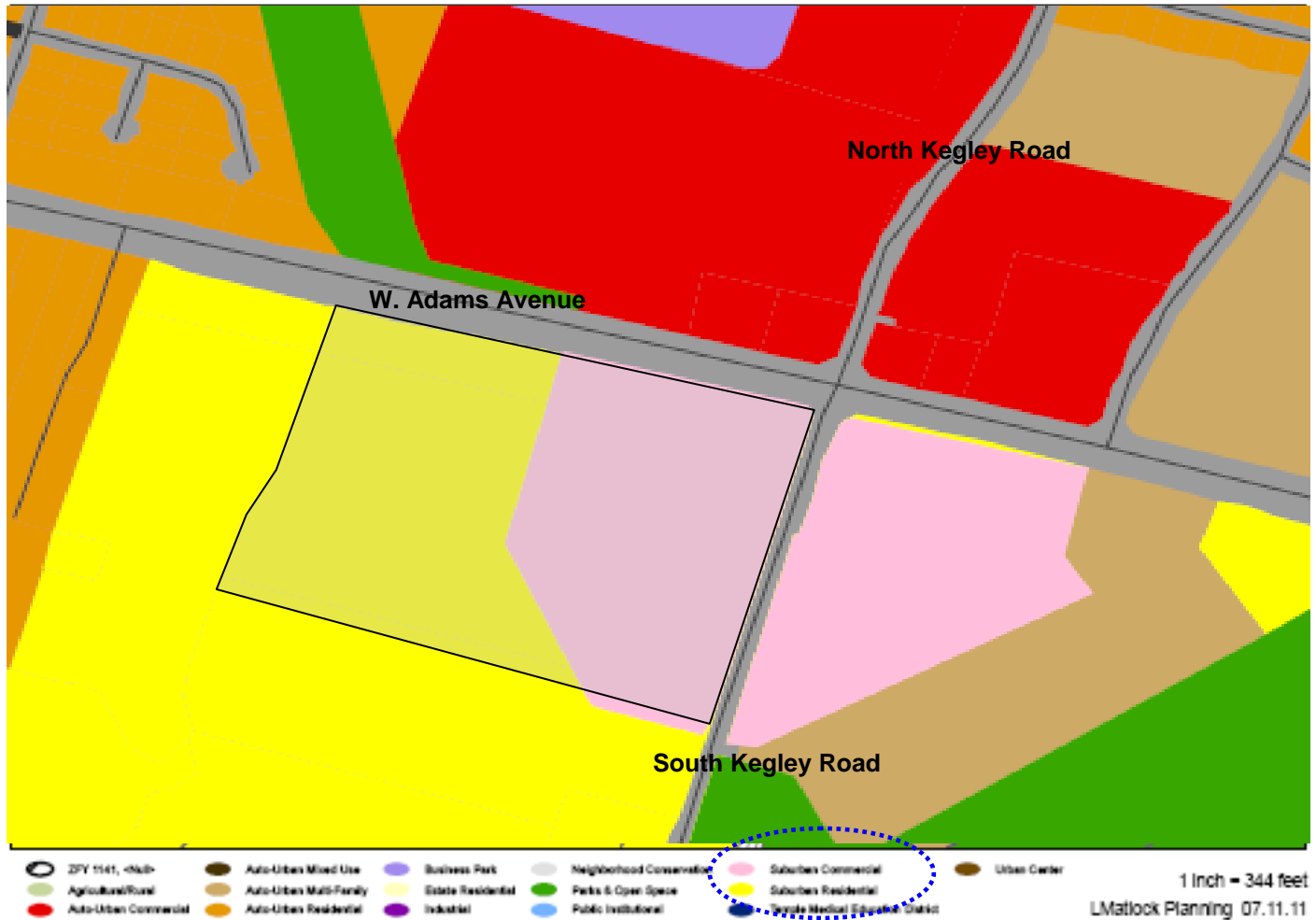
JCalhoun 07.05.11



Z-FY-11-41

AG to C - 29/568 Acres

SW of Kegley Road  
and W. Adams Avenue



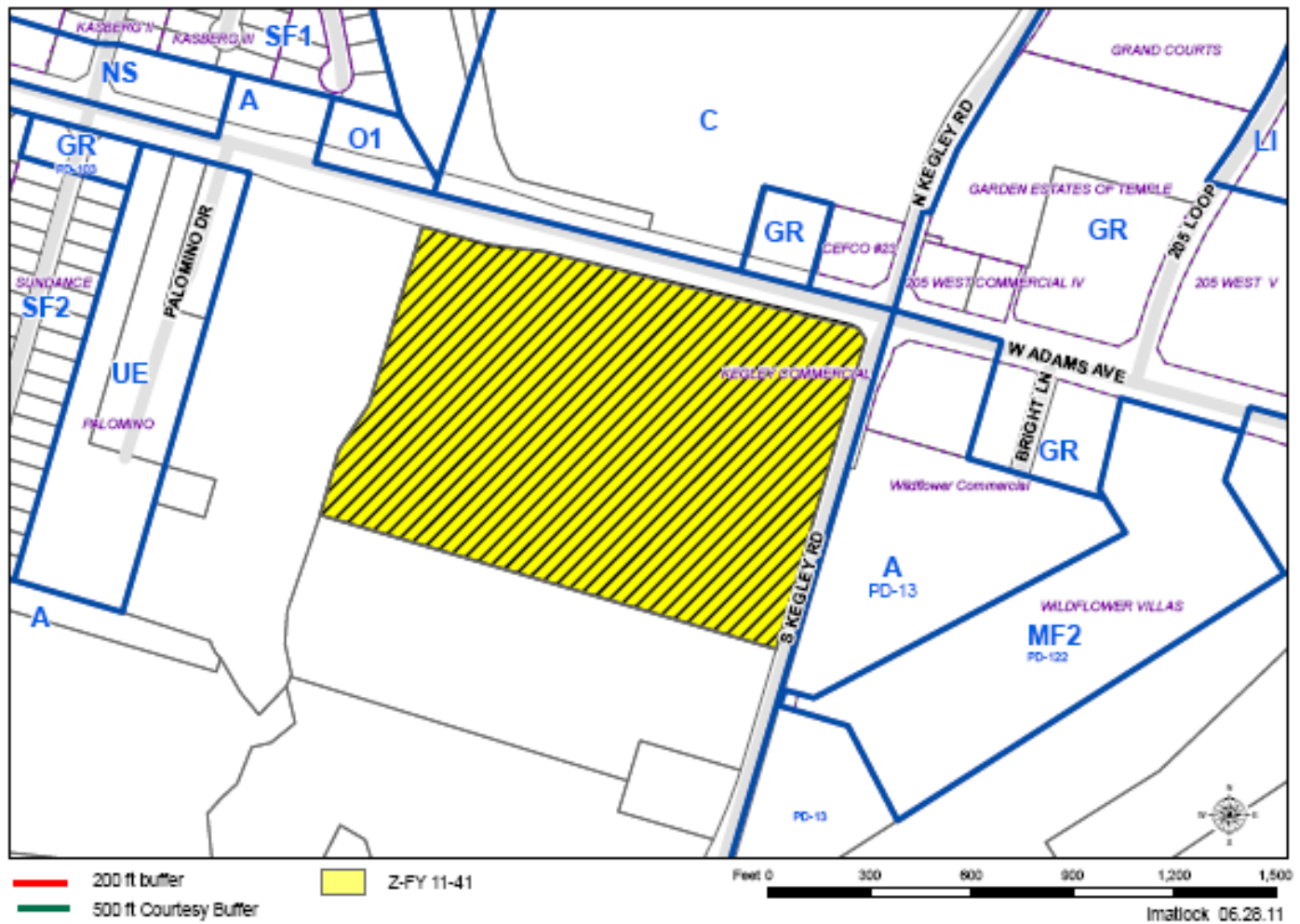




**Z-FY-11-41**

AG to C 29.568 Acres

SW of Kegley and  
W. Adams Avenue





Z-FY-11-41

AG to C 29.568 Acres

SW of Kegley and  
W. Adams Avenue



ZFY 11-41

Minor Arterial

Feet 0 300 600 900 1,200 1,500

Major Arterial

Collector

JCalhoun 07.05.11





Z-FY-11-41

AG to C 29.568 Acres

SW of Kegley and  
W. Adams Avenue



- |  |  |
|--|--|
|  ZFY 11-41               |  Proposed, Community Wide Connector |
|  Existn, City Wide Spine |  Proposed, Local Collector          |

Feet 0 300 600 900 1,200 1,500

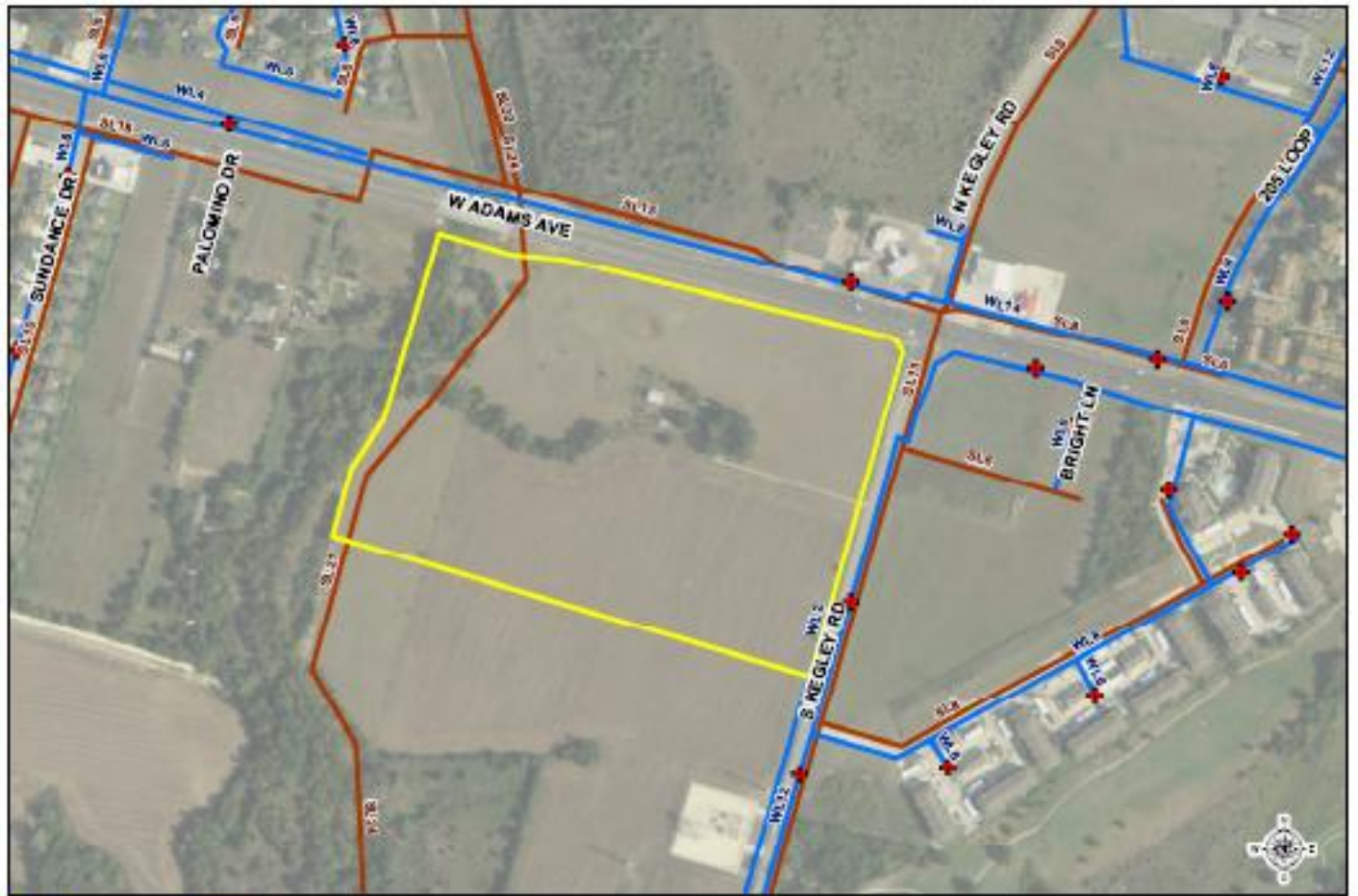
JCalhoun 07.05.11



Z-FY-11-41

AG to C 29.568 Acres

SW of Kegley and  
W. Adams Avenue



- ZFY 11-41
- Water Line
- Fire Hydrant
- Sewer Line

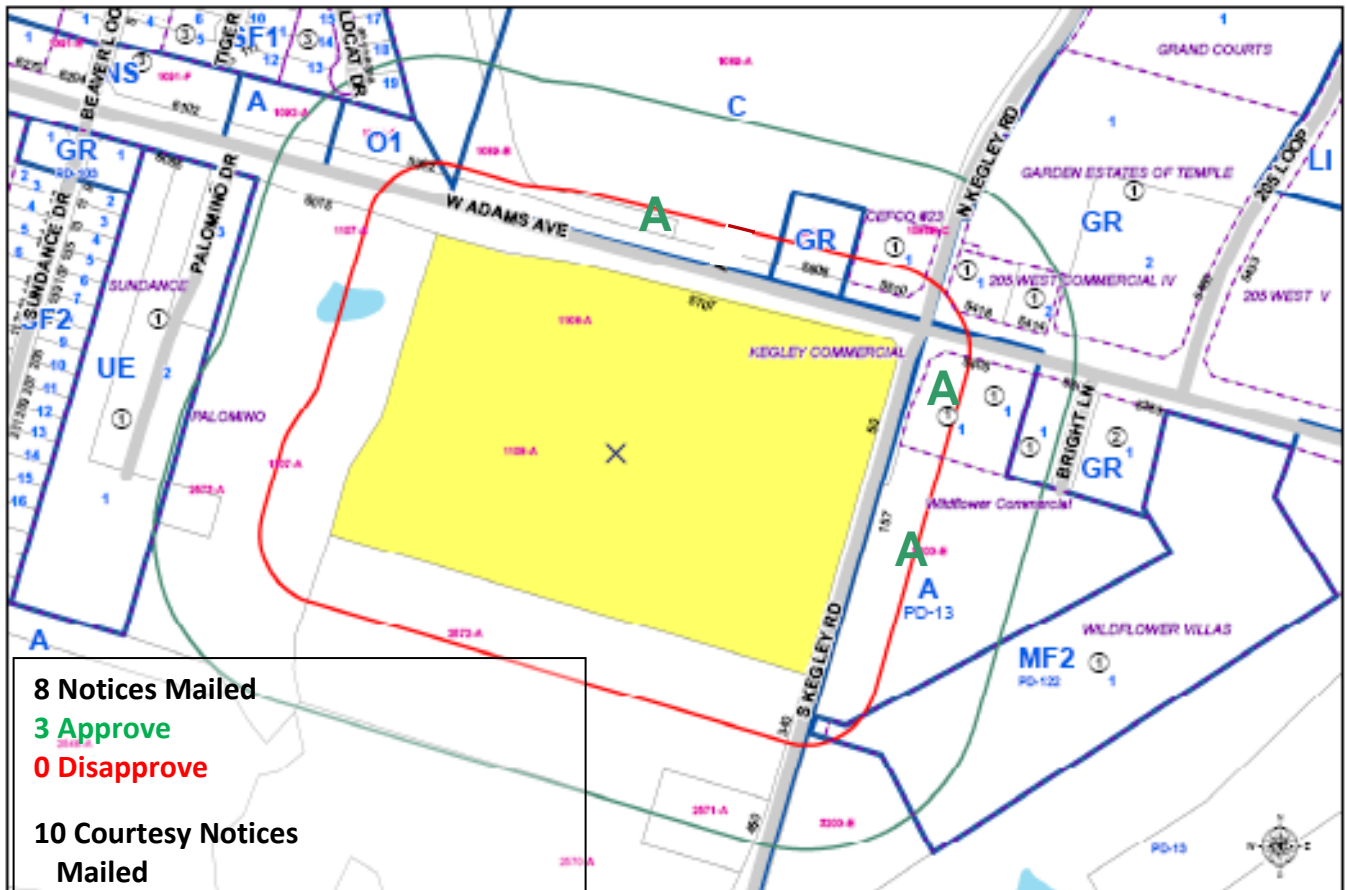
JCalhoun 07.05.11



Z-FY-11-41

AG to C 29.568 Acres

SW of Kegley and  
W. Adams Avenue



8 Notices Mailed

3 Approve

0 Disapprove

10 Courtesy Notices  
Mailed

200 ft buffer  
500 ft Courtesy Buffer  
Z-FY 11-41

Feet 0 300 600 900 1,200 1,500

Imatlock 06.28.11





RESPONSE TO PROPOSED  
REZONING REQUEST  
CITY OF TEMPLE

Steven J. Ward  
7 North Kegley Road  
Temple, Texas 76502

Zoning Application Number: Z-FY-11-41 Project Manager: Leslie Matlock  
Location: Southwest Corner of West Adams and South Kegley Road

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

I recommend ☒ approval ( ) denial of this request.

Comments:

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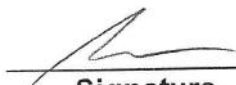
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Signature

STEVE WARD  
Print Name

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

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

Number of Notices Mailed: 8

Date Mailed: July 7, 2011



RESPONSE TO PROPOSED  
REZONING REQUEST  
CITY OF TEMPLE

Heartland Resources Inc.  
6 South 1<sup>st</sup> Street  
Temple, Texas 76501

Zoning Application Number: Z-FY-11-41 Project Manager: Leslie Matlock  
Location: Southwest Corner of West Adams and South Kegley Road

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

I recommend ( ☒ ) approval ( ☐ ) denial of this request.

Comments:

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Signature

  
Print Name  
Pres. Heartland Resources

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

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

RECEIVED

JUL 13 2011

City of Temple  
Planning & Development





RESPONSE TO PROPOSED  
REZONING REQUEST  
CITY OF TEMPLE

Adams-Kegley Property Company  
4200 Perimeter Center Drive, Suite 195  
Oklahoma City, OK 73112

**Zoning Application Number:** Z-FY-11-40      **Project Manager:** Leslie Matlock  
**Location:** Northwest Corner of West Adams and 205 Loop

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

I recommend ( ☒ ) approval      ( ☐ ) denial of this request.

**Comments:**

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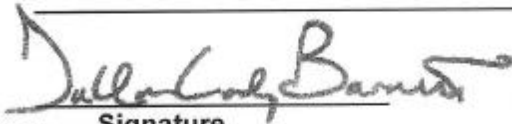
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Signature

Dallas Coley Barnett Jr.  
Print Name

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

RECEIVED

JUL 14 2011

City of Temple  
Planning & Development

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

Number of Notices Mailed: 9

Date Mailed: July 7, 2011



# PLANNING AND ZONING COMMISSION AGENDA ITEM

7/18/11  
Item #10  
Regular Agenda  
Page 1 of 4

**APPLICANT / DEVELOPMENT:** Thomas Baird, Esq. and Grady Rosier of Temple Real Estate Investments, on behalf of Bruce Stokes, Owner



**CASE MANAGER:** Leslie Matlock, AICP, Senior Planner




**ITEM DESCRIPTION:** Z-FY-11-41 Hold a public hearing to discuss and recommend action on a rezoning from Agricultural District (AG) to Commercial District (C) 29.548 acres in Abstract 5, located at the southwest corner of Kegley Road and the 5600 block of West Adams Avenue.

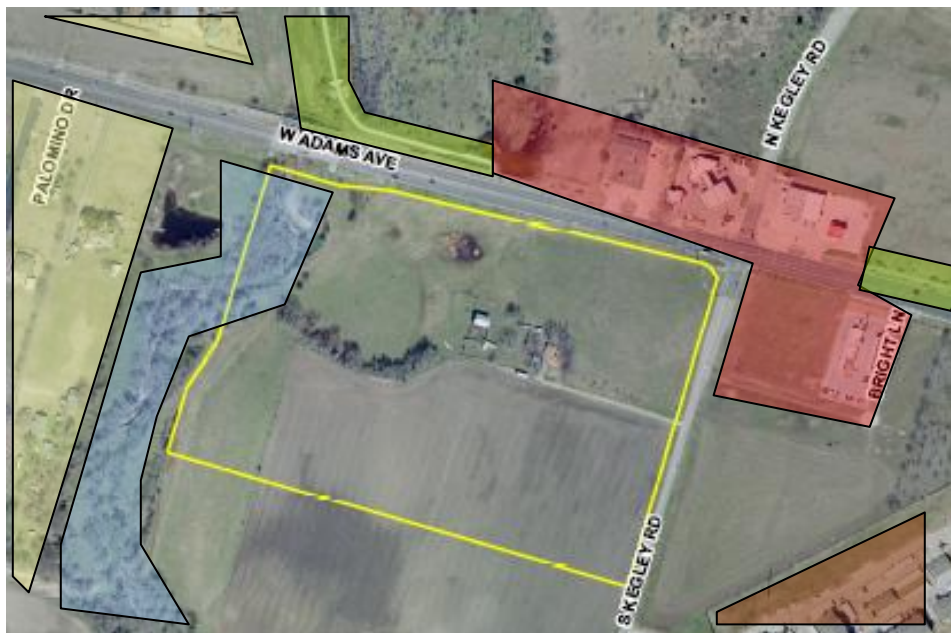
**BACKGROUND:** The applicant has requested the rezoning from AG to C. The owner would like to expand the uses allowed on the property.

**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)	Undeveloped Land	
North	GR and C	Undeveloped Land and Fuel Station with Convenience Store	

Direction	Zoning	Current Land Use	Photo
South	AG	Undeveloped Agricultural Land and Electrical Substation	
East	GR and LI	Undeveloped Land with Multi Family Use in distance – Fast Food Restaurant	
West	C	Creek and Large Lot Residential	



#### Current Land Uses:

Yellow – Small and Large lot Single Family Residential

Brown – Multi-Family Residential

Red – Retail Uses

Green Area – Temple Parks & Recreation Trail

Blue – Creek Bed Area

Unhighlighted areas are undeveloped



## **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 Map	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	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 (FLUCM) designates the subject property as Suburban Commercial and Suburban Residential. The rezoning request does not comply with the FLUCM. Because this property is along a Major Arterial and because Auto Urban Commercial future land use designations already exist at the intersection of W. Adams and S. Kegley, it may be appropriate to change the portion of the property along W. Adams that now shows as Suburban Commercial and Suburban Residential to Auto Urban Commercial and Suburban Commercial. This would occur in a later update of the FLUCM. The intensive traffic that is expected to continue to occur along Adams, and especially at this intersection, is not compatible with a single family neighborhood adjacency, but could be better utilized as nonresidential. The map below provides a possible future land use scenario that City Staff will pursue at the end of 2011 when it does an overall cleanup of the FLUCM.



 Suburban Commercial to Auto Urban Commercial

 Suburban Residential to Suburban Commercial

 Suburban Residential to Auto Urban Commercial

### **Thoroughfare Plan (CP Map 5.2)**

The Thoroughfare Plan designates W. Adams Avenue as a Major Arterial. Additionally, Kegley Road is a Minor Arterial which connects farther south to I-35. This makes this road a cross town connector, and this node suitable for commercial use. The rezoning request to C, Commercial, complies with the Thoroughfare Plan.

#### Availability of Public Facilities (CP Goal 4.1)

City of Temple water and sewer lines are in place to serve this property. A development of this kind can be handled with the infrastructure already in place.

#### Temple Master Trails Plan Map

The Sidewalk and Trails Plan designates a future local Collector Trail along N. Kegley Road and shows the existing City Wide Spine trail along W. Adams Avenue frontage. It also shows a proposed Community Wide Collector to the west of this property near the creek bed. This rezoning will not trigger dedication for the Trails Master Plan, but should the property be replatted, the PALS department will evaluate the property for appropriate dedication.

#### **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, contractor storage and mini-storage by right. The district may allow natural resources storing/extraction, outdoor auto storage and kennels with a Conditional Use Permit approval. Storage Warehouses are also a use that is permitted by right. There is no minimum lot area, width or depth unless bounded by a residential district. This property is not so situated, even though it is west of a multi family complex. 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:**

Eight notices were sent regarding the Planning and Zoning Commission public hearing to property owners within 200-feet of the subject property. As of Wednesday, July 13<sup>th</sup>, at 5 PM, three 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 July 7, 2011, in accordance with state law and local ordinance. Ten courtesy notices were sent out to property owners within an additional 500 feet of the subject property.

**STAFF RECOMMENDATION:** Staff recommends approval of the rezoning for case Z-FY-11-40 for the following reasons:

1. The request does not comply with the Future Land Use and Character Map, however, a modification of the Future Land Use Map for the vicinity of the subject property appears appropriate for a later date.
2. The request complies with the Thoroughfare Plan.
3. Public 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  
Responses

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

**MONDAY, JULY 18\_, 2011**

**ACTION ITEMS**

**Item 10: Z-FY-11-41** – Hold a public hearing to discuss and recommend action on a rezoning from Agricultural District (AG) to Commercial District (C) on 29.548 ± acres of land, located at the southwest corner of West Adams Avenue and South Kegley Road. (Applicants: Thomas Baird and Grady Rosier of Temple Real Estate Investments for Bruce Stokes)

Ms. Matlock stated the subject property was located on the southwest corner from the previous item, contains 29.548 acres, is currently being used for AG purposes with a residential home and out buildings located in the middle.

Surrounding properties include a fuel sales/office to the north, undeveloped land to the south, undeveloped property and residences to the east, and large undeveloped commercial area behind that. The trail system goes up the creek bed across the street from the subject property.

The Future Land Use and Character Map has split uses for Auto-Urban Residential (more dense), Auto-Urban Multi-Family (denser), and Suburban-Commercial (less dense).

Because this corner is at the intersection of two arterials which are city-wide connectors, projected for heavy traffic, this corner may be more appropriate for commercial uses.

The Thoroughfare Plan designates Adams Avenue as a major arterial and North Kegley Road as a minor arterial and the request complies with the Thoroughfare Plan. All public facilities serve the site.

Eight notices were mailed out and three were received in favor of the request. Ten courtesy notices were mailed.

Staff recommends approval of a zoning change from GR to C because:

1. The request does not comply with the Future Land Use and Character Map, however, a modification of the Future Land Use Map for the vicinity of the subject property appears appropriate for a later date;
2. It complies with the Thoroughfare Plan; and
3. Public facilities are available to serve the property.

Chair Talley opened the public hearing.

Mr. Thomas Baird, Attorney, 707 W. Thompson, Temple, Texas, representing the applicant, stated they agreed with the Staff recommendation.

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

Commissioner Pope made a motion to approve Z-FY-11-41 as presented and Commissioner Jones made a second.

*Motion passed: (7:0)*

Commissioners Rhoads and Sears absent.



ORDINANCE NO. \_\_\_\_\_

(PLANNING NO. Z-FY-11-41)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A REZONING FROM AGRICULTURAL DISTRICT (AG) TO COMMERCIAL DISTRICT (C) ON 29.548 ACRES IN ABSTRACT 5, LOCATED AT THE SOUTHWEST CORNER OF KEGLEY ROAD AND THE 5600 BLOCK OF WEST ADAMS AVENUE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**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 Commercial District (C) on 29.548 acres in Abstract 5, located at the southwest corner of Kegley Road and the 5600 Block of West Adams Avenue, 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 **18<sup>th</sup>** day of **August**, 2011.

PASSED AND APPROVED on Second Reading on the **1<sup>st</sup>** day of **September**, 2011.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Clydette Entzminger  
City Secretary

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Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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09/01/11  
Item #11  
Regular Agenda  
Page 1 of 2

### **DEPT. /DIVISION SUBMISSION & REVIEW:**

Brian Mabry, AICP, Planning Director

**ITEM DESCRIPTION:** FIRST READING – PUBLIC HEARING - Z-FY-10-21: Consider adopting an ordinance:

- (A) Repealing Ordinance No. 99-2603, dated February 18, 1999, to reflect a change from the existing Planned Development General Retail District (PD-GR) to an updated Planned Development General Retail District (PD-GR) on 2.1 +/- acres; and
- (B) Authorizing a rezoning from Urban Estate District (UE) and Two Family District (2F) to Planned Development General Retail District (PD-GR) on 11.6 +/- acres; and on a total of 13.7± acres out of the G.W. Lindsey Survey, Abstract. No. 912, located 810± feet south of Northcliffe Drive, along the west side of FM 2271.

**P&Z COMMISSION RECOMMENDATION:** The Planning and Zoning Commission voted 8/0 in accordance with the Staff recommendation to recommend approval of the requested rezoning at its meeting on March 1, 2010. Commissioner Barton was absent.

**STAFF RECOMMENDATION:** Conduct public hearing and adopt ordinance as presented in item description, on first reading, with second reading and final adoption scheduled for September 15, 2011.

Staff recommends approval for the following reasons:

- 1. The request complies with the Future Land Use and Character Map;
- 2. The request complies with the Thoroughfare Plan; and
- 3. Public facilities are available to the site.

**ITEM SUMMARY:** The Planning and Zoning Commission recommended approval of this rezoning request in March 2010. Since that date, there were some questions and concerns as to whether a portion of this property is located in the City limits or not. These concerns have been resolved and land subject to the request is completely within the City limits.

Please refer to the Staff Report and draft minutes of case Z-FY-10-21, from the Planning and Zoning Commission meeting on March 1, 2010. The purpose of the PD request is to establish a mixed use development including restaurants, offices and other retail establishments. The applicant is not requesting flexibility in City standards, as often associated with a PD, but is using the PD as a way to guarantee that improvements on the property will be predictable and, in the ways described below, exceed City standards. The subject property has approximately 1,520 feet of frontage along FM 2271. At the time of the P&Z hearing, a new sewer line and lift station were under construction for the area. The lift station and sewer line have been completed and the line is eight inches and four inches in diameter at various locations.

In accordance with Planned Development submittal requirements, the applicant has submitted a site plan showing building locations and heights, general parking areas and access points. Subsequent building permits and sign permits must comply with the Council-approved PD site plan. Notable features of the development plan include:

- Preserved trees (elm, oak and pecan) along the perimeter of the property to screen the proposed nonresidential uses from adjacent residential properties
- Maximum height of 25 feet for nonresidential buildings
- Front, side and rear setbacks of 50 feet or more for proposed buildings
- Maximum of three signs along the 1,520 feet of street frontage, two of which will not exceed 8 feet in height.

At its meeting, the Commission did not raise any issues requiring additional staff attention.

A total of 16 notices of the P&Z public hearing were sent out. As of Tuesday, March 9, 2010, three notices were returned in favor of and none were returned in opposition to the request. The newspaper printed notice of the P&Z public hearing on February 11, 2010 in accordance with state law and local ordinance.

**FISCAL IMPACT:** NA

**ATTACHMENTS:**

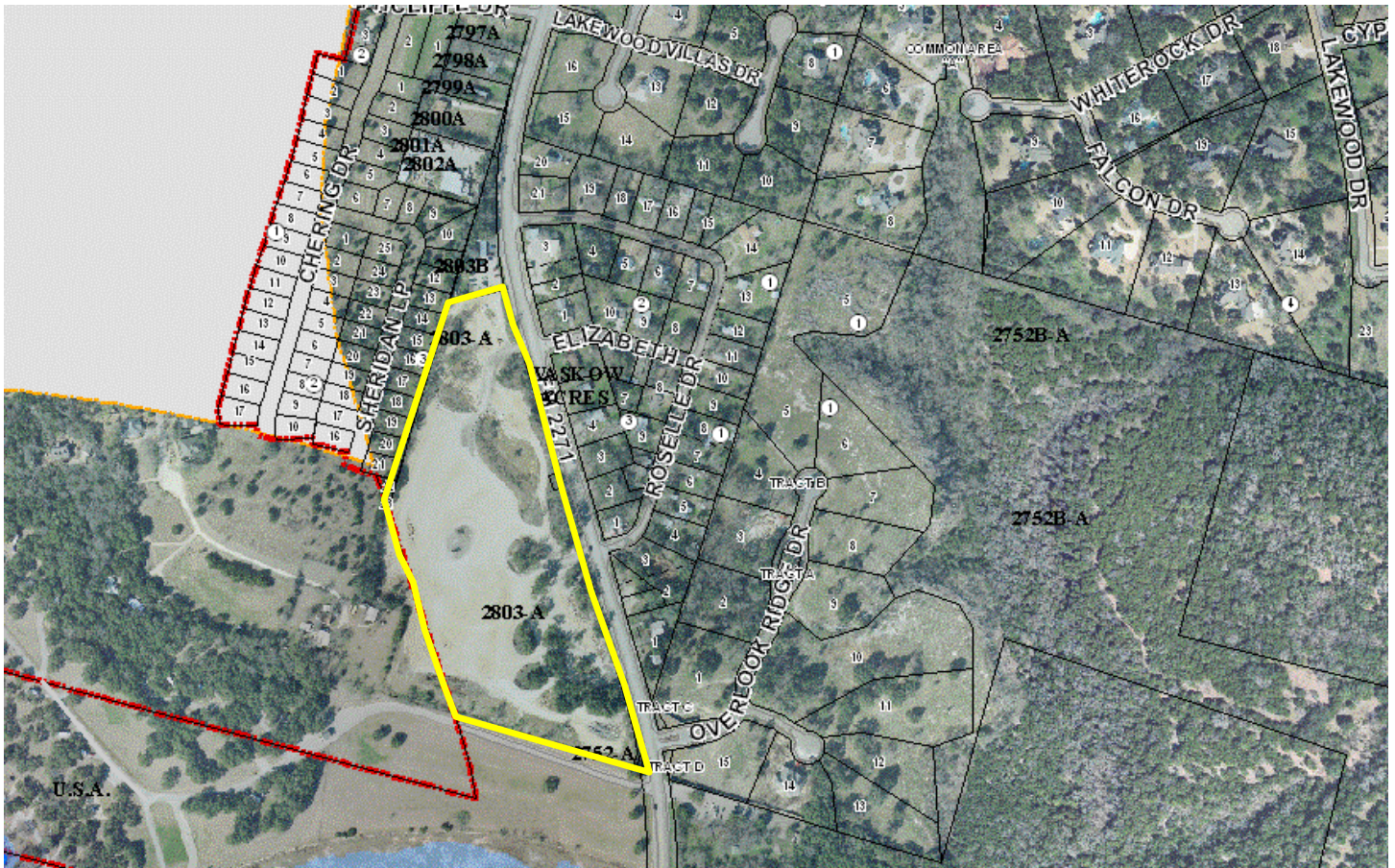
[Aerial](#)  
[Future Land Use & Character Map](#)  
[Zoning Map](#)  
[Water Line Map](#)  
[Sewer Line Map](#)  
[PD Site Plan](#)  
[Notification Map](#)  
[P&Z Staff Report \(Z-FY-10-21\)](#)  
[P&Z Minutes \(03/01/10\)](#)  
[Ordinance](#)



Z-FY-10-21

Rezoning

13.7± acres GW Lindsey Survey



 Z-FY-10-21

Feet 0 100 200 300 400  
J Stone 1.25.10

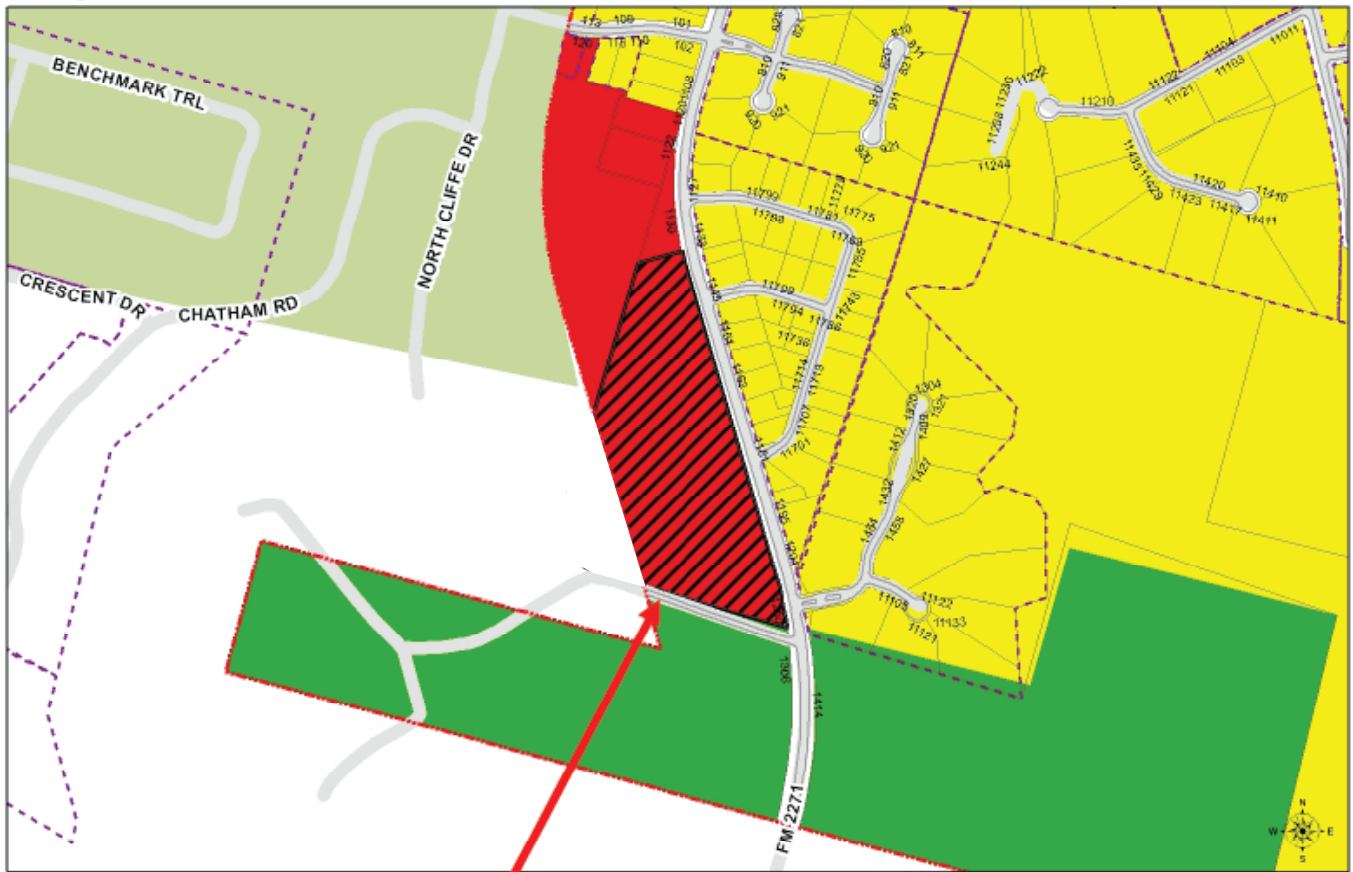


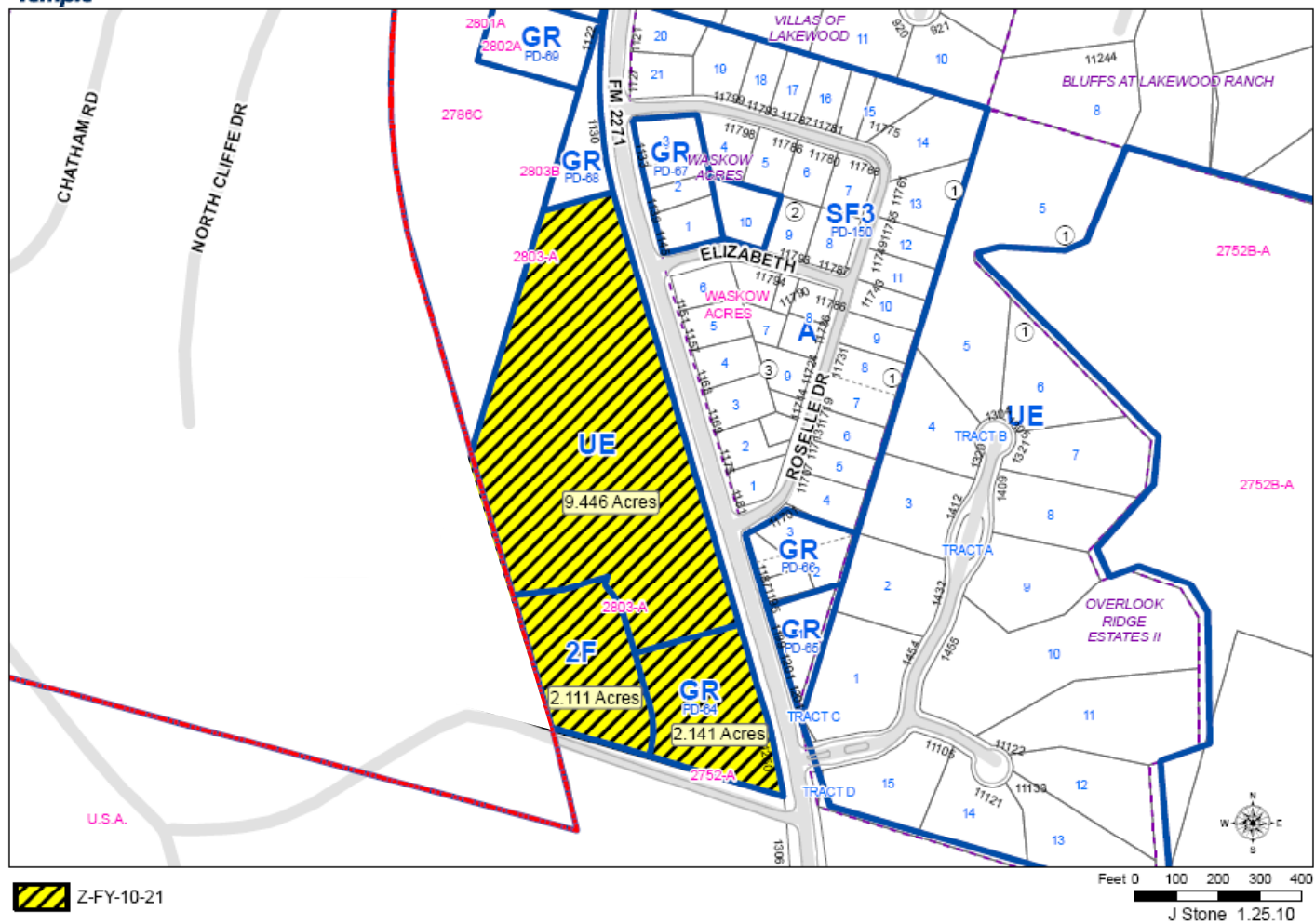


Z-FY-10-21

Rezoning

13.7± acres GW Lindsey Survey









**Z-FY-10-21**

Rezoning

13.7± acres GW Lindsey Survey



 Z-FY-10-21

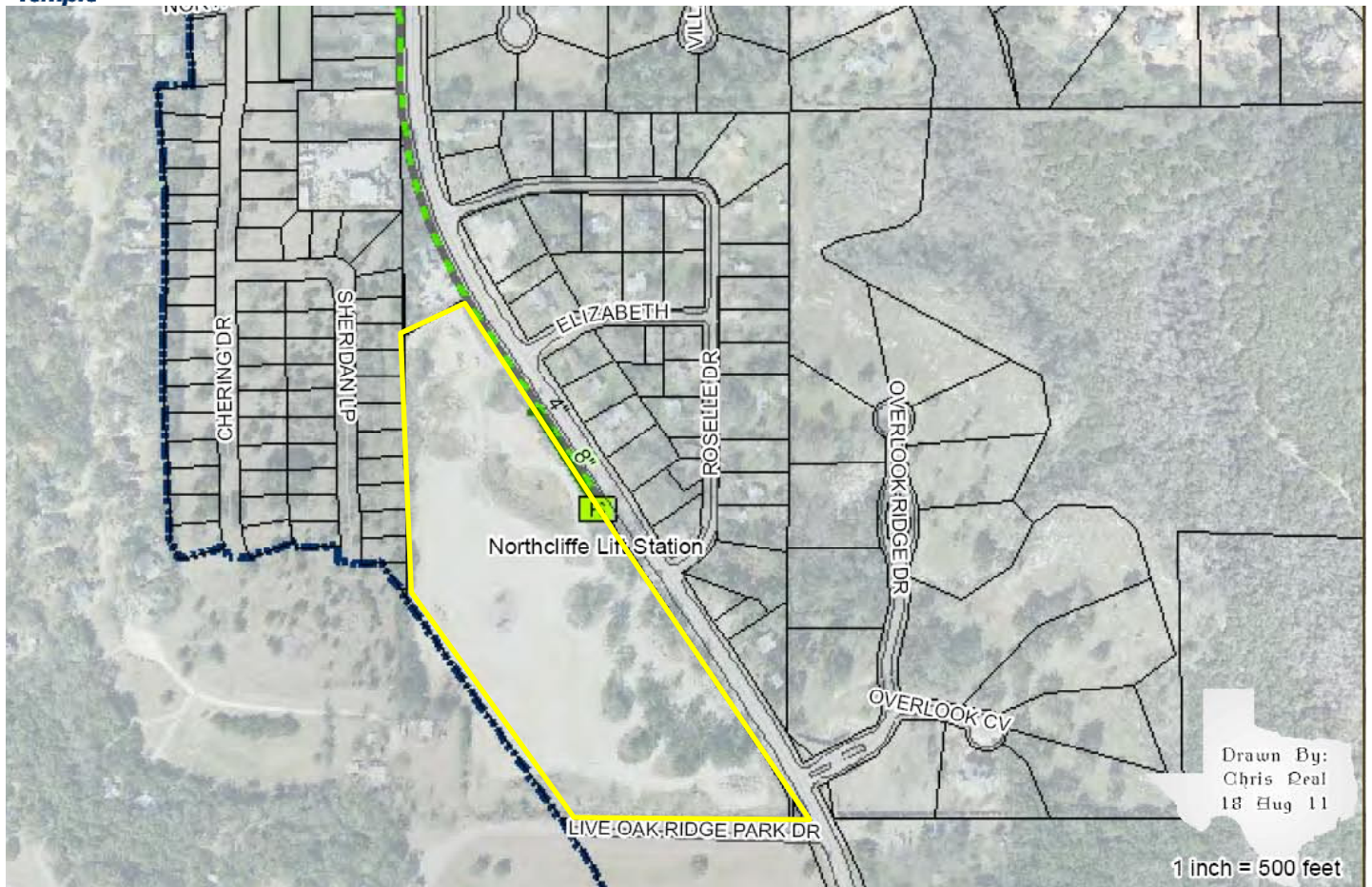
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J Stone 1.25.10



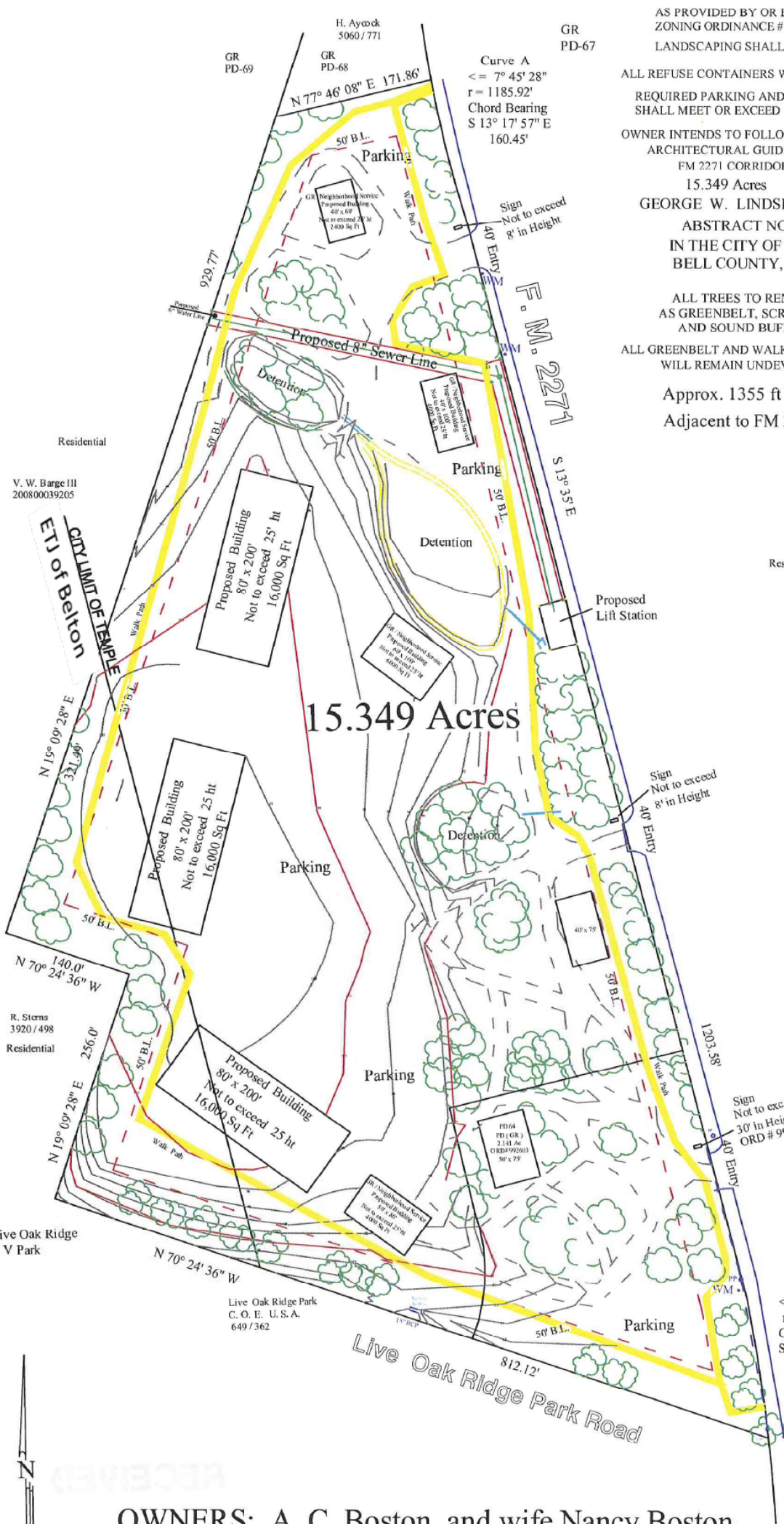
**Z-FY-10-21**

Rezoning

13.7± acres GW Lindsey Survey







AS PROVIDED BY OR EXCEEDING  
ZONING ORDINANCE # 98-2589  
LANDSCAPING SHALL MEET OR EXCEED

ALL REFUSE CONTAINERS WILL BE SCREENED  
REQUIRED PARKING AND LOADING SPACES  
SHALL MEET OR EXCEED

OWNER INTENDS TO FOLLOW RECOMMENDED  
ARCHITECTURAL GUIDELINES IN THE  
FM 2271 CORRIDOR PLAN  
15.349 Acres  
GEORGE W. LINDSEY SURVEY  
ABSTRACT NO. 912  
IN THE CITY OF TEMPLE  
BELL COUNTY, TEXAS

ALL TREES TO REMAIN  
AS GREENBELT, SCREENING  
AND SOUND BUFFER

ALL GREENBELT AND WALK PATH AREAS  
WILL REMAIN UNDEVELOPED

Approx. 1355 ft Walk Path  
Adjacent to FM 2271

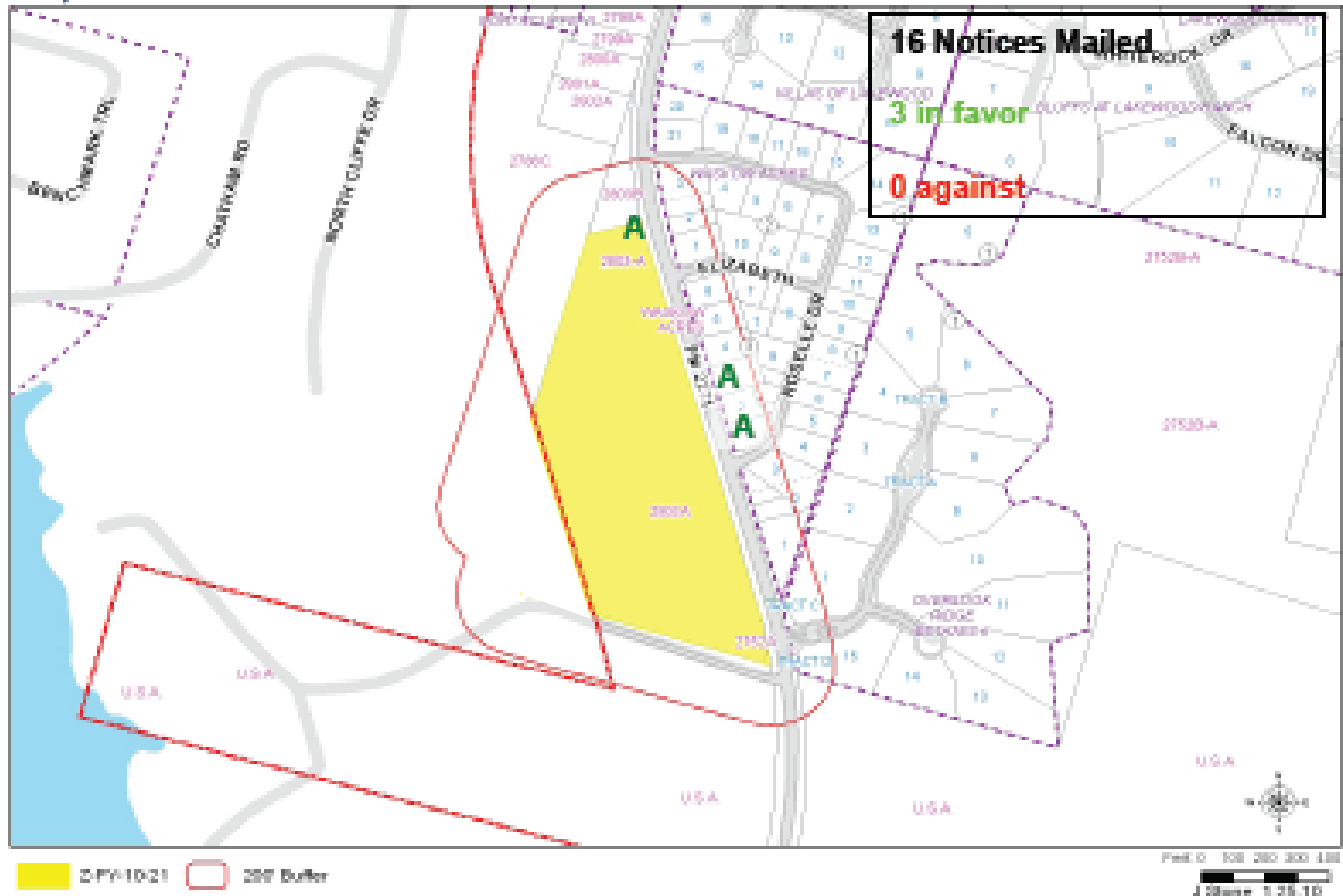
OWNERS: A. C. Boston, and wife Nancy Boston



Z-FY-10-21

Rezoning

13.7± acres GW Lindsey Survey





# PLANNING AND ZONING COMMISSION AGENDA ITEM

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03/01/10  
Item #3  
Page 1 of 4

**APPLICANT / DEVELOPMENT:** McDonald Surveying for AC Boston

**CASE MANAGER:** Tim Dolan, AICP, Planning Director

**ITEM DESCRIPTION:** **Public Hearing, Discussion and Action Z-FY-10-21:** Discuss and recommend action on a zoning change to a Planned Development General Retail District (PD-GR) on a total of 15.4± acres out of the G.W. Lindsey Survey, Abstract. No. 912, located 810± feet south of Northcliffe Drive, along the west side of FM 2271 from:

A. Repealing Ordinance No. 99-2603, dated February 18, 1999 to reflect a change from the existing Planned Development (General Retail) District (PD-GR) to an updated Planned Development (General Retail) District (PDD GR) on 2.1± acres;

B. Urban Estate District (UE) and Two Family District (2F) to a Planned Development (General Retail) District (PDD-GR) on 11.6± acres; and

C. Planned Development (General Retail) District (PDD-GR) on 1.7± acres not presently in the Temple City Limits.

**BACKGROUND:** The purpose of the zoning request is to establish a mixed use development including a restaurant, offices and retail establishments with a binding development plan, while rezoning the UE, 2F and PD-GR tracts and combining them into one PD-GR.

In accordance with Planned Development submittal requirements, the applicant has submitted a binding development plan showing building locations and heights, general parking areas and access points. Notable features of the development plan include:

- Preserved trees (elm, oak and pecan) along the north, south, east and west lot lines of the property to screen the non-residential uses from area property owners
- No nonresidential building exceeding 25 feet in height
- Sign not to exceed 15 feet in height, to be developed as a monument style sign, maximum 75 square feet of copy area per side
- Greater front, side and rear setbacks than normally required and
- A pre-determined set of uses for the property, including: Restaurant, office, and General Retail or Neighborhood Service district uses

The land use recommendations for suburban commercial areas (like FM 2271) in the Choices '08 Comprehensive Plan are summarized as follows:

- Maximum building height of 25 feet
- Residential appearance, including pitched roofs, windows and foundation plantings
- Brick or masonry construction
- Parking areas screened from street view by continuous hedge along street

Other guidelines mentioned in the plan regarding tree planting are already addressed in the landscaping standards of the Zoning Ordinance. Some relatively new commercial buildings in this area show the plan's desired outcomes.








If the Planned Development zone change is approved, the site plans that will accompany any future building permit applications on the site will be checked for consistency with the binding development plan. Any significant deviation from the approved development plan (such as the addition of new buildings or the removal of the preserved trees) will require review from the Planning and Zoning Commission and City Council.

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	Voluntary annexation (PD-GR proposed)	Undeveloped	

Direction	Zoning	Current Land Use	Photo
North	Urban Estate (UE) (PD-GR proposed)	Undeveloped	
South	County	Lake Ridge Drive (entrance to park)	



Direction	Zoning	Current Land Use	Photo
East	Urban Estate, (UE) Two Family (2F), (PD-GR proposed)	Undeveloped	
West	County	Rural Residential	

#### Future Land Use Plan

The zone change complies with the requested amendment to the Future Land Use and Character Plan for suburban commercial uses.

#### Thoroughfare Plan

FM 2271 is designated as a Minor Arterial Roadway on the Thoroughfare Plan which is an appropriate classification for a retail center to front. The zoning change complies with the Thoroughfare Plan.

#### Availability of Public Facilities

The contract to build a 6" sewer line along west of the area is underway with the properties to the north and to the west and extended here. The Public Works department estimates that the project will be completed later this year. An eight-inch public water line along the east side of FM 2271 serves the property. Available public facilities will serve the property in one year and the applicant anticipates development once the sewer line is complete.

#### Planned Development Regulations

The purpose of the GR, General Retail district is to serve larger service areas than neighborhoods. This district should provide total on-site traffic maneuvering such that traffic entering and exiting the facility should have room to turn, queue for parking areas, and park within the confines of the retail facility. This is the standard retail district and allows most retail uses including retail sales, fuel sales, restaurants, grocery stores, or offices and residential uses except apartments. The applicant has requested a PD-GR and these stipulations appeared in the existing PD-GR for the property to the east. The minimum lot area and setback requirements for the Planned Development-General Retail PD-GR district are as follows.

<b>PD-GR, Planned Development General Retail</b>	
<b>Min. Lot Area (sq. ft.)</b>	None
<b>Min. Lot Width (ft.)</b>	None
<b>Min. Lot Depth (ft.)</b>	None
<b>Max. Height (stories)</b>	25'
<b>Min. Yard (ft)</b>	
Front	50 from property line
Side	60 between non-residential buildings
Rear	40 for non-residential buildings
Building Appearance	Residential appearance, pitched roofs, windows and foundation plantings
Building Materials	70% masonry façades
Parking	Screened from all streets by continuous landscaped edge
Driveway Spacing	150' separation, as shown on development plan
On-premise Signs	Maximum 15' height, maximum 75 square foot area per side

#### Public Notice

A total of 16 notices of the P&Z meeting were sent out. As of Thursday, February 25, 2010 at 5 PM, two notices were returned in favor of and no notices were returned in opposition to the request. The newspaper printed notice of the public hearing on February 11, 2010 in accordance with state law and local ordinance.

#### **STAFF RECOMMENDATION:** Staff recommends approval of the case Z-FY-10-21:

- A. Zone change from PD-GR, UE, 2F, to a combined-GR, Planned Development General Retail District subject to:
  - (1) 230' setback from the centerline of Loop 363 for the front setback of the energy plant,
  - (2) Preserved trees (elm, oak and pecan) along the south and east lot lines of the property to screen neighboring subdivisions
  - (3) No nonresidential building exceeding 25 feet in height

- (4) Sign not to exceed 15 feet in height, to be developed as a monument style sign, maximum 75 square feet of copy area per side
- (5) Greater front, side and rear setbacks than normally required and
- (6) A pre-determined set of uses for the property, including: Restaurant, office, and General Retail or Neighborhood Service district uses
- (7) Maximum building height of 25 feet
- (8) Residential appearance, including pitched roofs, windows and foundation plantings
- (9) Brick or masonry construction
- (10) Parking areas screened from street view by continuous hedge along street and
- (11) Adoption of the binding development plan subject to
- B. The request complies with the Future Land Use and Character Plan for suburban commercial uses;
- C. The request complies with the Thoroughfare Plan for FM 2271 as an Arterial Roadway; and
- D. Available facilities will serve the site.

**ATTACHMENTS:**

Aerial  
Future Land Use & Character Plan  
Zoning Map  
Utility Map  
Development Plan  
Notification Radius Map

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

**MONDAY, MARCH 1, 2010**

**ACTION ITEMS**

**Item 3: Public Hearing, Discussion and Action Z-FY-10-21:** Discuss and recommend action on a zoning change to a Planned Development General Retail District (PD-GR) on a total of 15.4+ acres out of the G.W. Lindsey Survey, Abstract. No. 912, located 810+ feet south of Northcliffe Drive, along the west side of FM 2271 from:

- A. Repealing Ordinance No. 99-2603, dated February 18, 1999 to reflect a change from the existing Planned Development (General Retail) District (PD-GR) to an updated Planned Development (General Retail) District (PDD GR) on 2.1± acres;
- B. Urban Estate District (UE) and Two Family District (2F) to a Planned Development (General Retail) District (PDD-GR) on 11.6± acres; and
- C. Planned Development (General Retail) District (PDD-GR) on 1.7± acres not presently in the Temple City Limits. (Applicant: McDonald Surveying for AC Boston)

Mr. Tim Dolan, Planning Director, stated some of the property was already zoned as PD-GR and this would be reflected as part of an updated PD-GR; also rezoning the parcels zoned UE and 2F to the PD-GR on 11.6 acres; and the land from the last meeting that was going through the annexation process. This would be grouped together for a PD-GR zoning district.

The Future Land Use and Character Plan showed this area was planned for suburban/commercial uses which the PD-GR complied with. The utilities show an 8" line coming through the area and a Utility Extension Agreement had been approved by City Council earlier in the fall of 2009 to bring sewer to the property.

Mr. Dolan stated 16 notices were mailed out to property owners and 3 notices were received back in favor and zero notices were received opposing the request.

A binding development plan would be attached as an exhibit. There were major trees and vegetation being preserved along the borders containing different species of oaks, elms and pecans; the owner agreed to the maximum building height of 25 feet, and a monument styled sign would be along F.M. 2271 for multi-tenants.

Staff recommended approval of this PD-GR request since it conformed to the Future Land Use and Character Plan, suburban/commercial uses, F.M. 2271 was an arterial plan and available public facilities would serve the site.

Commissioner Hurd asked if the portion for annexation had gone before City Council yet and Mr. Dolan stated it would go before City Council on March 4th and March 18th.

Commissioner Staats asked if the development met all environmental requirements for run off that may be in effect and Mr. Dolan stated that would be part of the platting process.

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

Commissioner Pope made a motion to approve the zoning change to PD-GR, as well as parts A., B., and C. presented by Staff and Commissioner Hurd made a second.

*Motion passed: (8:0)*

Commissioner Barton absent

[PLANNING NO. Z-FY-10-21]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, REPEALING ORDINANCE NO. 99-2603, DATED FEBRUARY 18, 1999, TO REFLECT A CHANGE FROM THE EXISTING PLANNED DEVELOPMENT GENERAL RETAIL DISTRICT (PD-GR) TO AN UPDATED PLANNED DEVELOPMENT GENERAL RETAIL DISTRICT (PD-GR) ON APPROXIMATELY 2.1 ACRES; APPROVING A REZONING FROM URBAN ESTATE DISTRICT (UE) AND TWO FAMILY DISTRICT (2F) TO PLANNED DEVELOPMENT GENERAL RETAIL DISTRICT (PD-GR) ON APPROXIMATELY 11.6 ACRES; ON A TOTAL OF APPROXIMATELY 13.7 ACRES OUT OF THE G.W. LINDSEY SURVEY, ABSTRACT NO. 912, LOCATED APPROXIMATELY 810 FEET SOUTH OF NORTHCLIFFE DRIVE, ALONG THE WEST SIDE OF FM 2271; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

**Part 1:** The City Council repeals Ordinance No. 99-2603, dated February 18, 1999, to reflect a change from the existing Planned Development General Retail District (PG-GR) to an updated Planned Development General Retail District (PD-GR) on approximately 2.1 acres.

**Part 2:** The City Council approves a zoning change from Urban Estate District (UE) and Two Family District (2F) to Planned Development General Retail District (PD-GR) on approximately 11.6 acres; and on a total of approximately 13.7 acres out of the G.W. Lindsey Survey, Abstract No. 912, located approximately 810 feet south of Northcliffe Drive, along the west side of FM 2271, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

**Part 3:** 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 2 above, to Planned Development General Retail 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. Except as varied by the approved Planned Development site plan, attached hereto as Exhibit B, the use and development standards of the property shall conform to the requirements of the General Retail zoning district;
- b. In the event of a conflict between the Planned Development site plan and the text of this Planned Development ordinance, the stricter standard applies;
- c. All standards of the Unified Development Code apply unless the development plan or the text of the Planned Development ordinance specifically modifies such standards;

- d. Trees (elm, oak, and pecan) along the perimeter of the property must be preserved to screen neighboring subdivisions;
- e. No nonresidential building may exceed 25 feet in height;
- f. Signs so designated on the PD site plan may not exceed 15 feet in height, must be developed as a monument style sign, and may have a maximum 75 square feet of copy area per side;
- g. Maximum building height of 25 feet;
- h. Residential appearance, including pitched roofs, windows and foundations plantings; and
- i. Parking areas screened from street view by continuous hedge along street.

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

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **1<sup>st</sup>** day of **September**, 2011.

PASSED AND APPROVED on Second Reading on the **15<sup>th</sup>** day of **September**, 2011.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

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Clydette Entzminger  
City Secretary

APPROVED AS TO FORM:

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Jonathan Graham  
City Attorney





## **COUNCIL AGENDA ITEM MEMORANDUM**

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09/01/11  
Item #12  
Regular Agenda  
Page 1 of 2

### **DEPT./DIVISION SUBMISSION & REVIEW:**

Kim Foutz, Assistant City Manager & Acting Civil Service Director

**ITEM DESCRIPTION:** FIRST READING – PUBLIC HEARING: Consider adopting an ordinance:

- (A) Changing the classification title of Fire Control and Rescue Officer to that of Firefighter; and
- (B) Establishing the civil service classifications and the number of positions in each classification for the Temple Fire Department and the Temple Police Department.

**STAFF RECOMMENDATION:** Conduct public hearing and consider adopting an ordinance as presented in item description, on first reading, with second reading and final adoption scheduled for September 15, 2011.

**ITEM SUMMARY:** (A) Chapter 143 of the Local Government Code requires that the Council establish, by ordinance, the classifications for the Fire Department.

The Civil Service Commission approved a title change for the Fire Department during its June 27<sup>th</sup>, 2011 meeting. A Fire Control and Rescue Officer will now be titled as a Firefighter.

(B) Chapter 143 of the Local Government Code requires that the Council establish, by ordinance, the classifications and the number of positions in each classification for the Fire Department and the Police Department. The Proposed FY 2012 budget includes staffing an additional two police officers to enhance the Traffic Enforcement Unit. To accommodate this change, Council must authorize two additional Police Officer positions to be added to the ordinance.

The Proposed FY 2012 budget also includes the addition of three (3) Captain positions and reclassification of three (3) Firefighter positions to Driver positions within the Fire Department to accommodate the staffing of Fire Station #8. To accommodate this change, Council must authorize three additional Captain positions and reclassify three Firefighter positions to three Driver positions and make these additions and changes to the ordinance.

All of these changes will be effective as of October 1, 2011.

**FISCAL IMPACT:** Funding in the amount of \$104,170 is included in the Proposed FY 2012 Budget for the two new Police Officer positions. Funding in the amount of \$178,967 is included in the Proposed FY 2012 Budget for the three new Captain positions and to reclassify three firefighter positions to three Driver positions.

**ATTACHMENTS:**

[Ordinance for Classification and Position](#)

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, SETTING OUT THE CIVIL SERVICE CLASSIFICATIONS, SETTING OUT REQUIREMENTS FOR APPOINTMENT TO THE POSITIONS, AND SETTING OUT THE NUMBER OF POSITIONS IN EACH CLASSIFICATION IN THE TEMPLE FIRE DEPARTMENT AND TEMPLE POLICE DEPARTMENT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETING CLAUSE.

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**Whereas**, Chapter 143 of the Local Government Code requires that the City Council establish, by ordinance, the classifications and the number of positions in each classification for the Temple Fire Department and the Temple Police Department; and

**Whereas**, the Civil Service Commission approved a title change for the Fire Department during its June 27<sup>th</sup>, 2011 meeting. A Fire Control and Rescue Officer will now be titled as a Firefighter; and

**Whereas**, Council approved funding in the FY 2012 budget for the addition of three (3) Captain positions and reclassification of three (3) Firefighter positions to Driver positions within the Fire Department, and the addition of two (2) police officer positions within the Police Department; and

**Whereas**, To accommodate the staffing of Fire Station #8, Fire Department management desires to add three Captain positions and reclassify three Firefighter positions to Driver positions; and

**Whereas**, Police Department management desires to add two police officer positions to its current staffing level; and

**Whereas**, the City Council has considered these matters and deems it in the public interest to authorize these actions.

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

**Part 1:** The City Council establishes the following *Classifications and the Number of Positions of Certified Firefighters and Classifications and the Number of Positions of Certified Police Officers* for civil service positions in the Fire and Police Departments.

CLASSIFICATIONS AND POSITIONS  
OF CERTIFIED FIREFIGHTERS

I. UNCLASSIFIED POSITIONS

A. *FIRE CHIEF* - 1 Position

The Fire Chief is appointed by the City Manager. No person shall be eligible for appointment as Chief of the Fire Department who is not eligible for certification by the Commission on Fire Protection Personnel Standards and Education at the intermediate level, or its equivalent as determined by that Commission, and who has not served at least 5 years as a fully paid firefighter.

II. CLASSIFIED POSITIONS

A. *DEPUTY CHIEF* - 5 Positions

No person shall be eligible for appointment as a Deputy Chief who has not served continuously in the Department, as a Captain for at least 2 years. In addition to base pay every Deputy Chief having 5, 7, 9 or 15 years of service in the Department shall receive the amount shown on the attached compensation plan for such increments of seniority.

B. *CAPTAIN* – 26 Positions

No person shall be eligible for appointment as a Captain who has not served continuously in the Department, as a Driver, for at least 2 years. In addition to base pay, every Captain having 3, 5, 7, 9 or 15 years of service in the Department shall receive the amount shown on the attached compensation plan for such increments of seniority.

C. *DRIVER* - 30 Positions

No person shall be eligible for appointment as a Driver who has not served continuously in the Department, as a Firefighter, for at least 2 years. In addition to base pay every Driver having more than 3, 5, 7, 9 or 15 years of service in the Department shall receive the amount shown on the attached compensation plan for such increments of seniority.

D. *FIREFIGHTER* - 50 Positions

No person shall be eligible for appointment as a Firefighter who does not meet all requirements necessary to become eligible for future classification by the Commission on Fire Protection Personnel Standards and Education. In addition to base pay every Firefighter having 1, 3, 5, 7, 9 and 15 years of service in the Department shall receive the amount shown on the attached compensation plan for such increments of seniority.

CLASSIFICATIONS AND POSITIONS  
OF CERTIFIED POLICE OFFICERS

I. UNCLASSIFIED POSITIONS

A. *POLICE CHIEF* - 1 Position

The Police Chief is appointed by the City Manager. No person shall be eligible for appointment as Chief of the Police Department who is not eligible for certification by the Commission on Law Enforcement Standards and Education at the intermediate level or its equivalent as determined by that Commission or who has not served as a bona fide law enforcement officer for at least 5 years.

B. *Deputy Chief* - 2 Positions

No person shall be eligible for appointment as a Deputy Chief who has not served as a Lieutenant or continuously served for a minimum of 2 years as a Sergeant in the Department.

II. CLASSIFIED POSITIONS

A. *LIEUTENANT* - 5 Positions

No person shall be eligible for appointment as a Lieutenant who has not served continuously as a Sergeant in the Department for at least 2 years. In addition to base pay every Lieutenant having more than 5, 8, 12, 16 or 20 years of service in the Department shall receive the amount shown on the attached compensation plan for such increments of seniority.

B. *SERGEANT* – 16 Positions

No person shall be eligible for appointment as a Sergeant who has not served continuously as a Senior Police Officer in the Department for at least 2 years. In addition to base pay every Sergeant having more than 3, 6, 10, 15 or 20 years of service in the Department shall receive the amount shown on the attached compensation plan for such increments of seniority.

C. *Corporal* - 16 Positions

No person shall be eligible for appointment as a Corporal who has not served continuously as a Police Officer in the Department for at least two years. In addition to base pay every officer who has 3, 6, 10, 15 or 20 years of service in the Department shall receive the amount shown on the attached compensation plan for such increments of seniority.

D. *POLICE OFFICER* - 93 Positions

No person shall be eligible for appointment as a Probationary Police Officer who has not met the basic requirements for entrance into the Department. No person shall be eligible for a permanent appointment as a police officer who has not completed 1 year of satisfactory performance in the Department. In addition to base pay every police officer who has 1, 3, 6, 10, 15 or 20 years of service in the Department shall receive the amount shown on the attached compensation plan for such increments of seniority.

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

**Part 3:** This ordinance shall take effect October 1, 2011.

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

PASSED AND APPROVED on First Reading and Public Hearing on the **1<sup>st</sup>** day of **September, 2011**.

PASSED AND APPROVED on Second Reading on the **15<sup>th</sup>** day of **September, 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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09/01/11  
Item #13  
Regular Agenda  
Page 1 of 3

### **DEPT./DIVISION SUBMISSION & REVIEW:**

Jonathan Graham, City Attorney

**ITEM DESCRIPTION:** FIRST READING – PUBLIC HEARING –Consider adopting an ordinance amending Section 1-5, “Voting District,” Chapter 1, “General Provisions,” of the City Code by establishing new boundaries for the City’s four single member districts.

**STAFF RECOMMENDATION:** Conduct public hearing and adopt ordinance as presented in item description, on first reading, with second reading and final adoption scheduled for September 15, 2011.

**ITEM SUMMARY:** *Synopsis.* The proposed ordinance adopts new boundaries for the City’s four single member districts. It the proposed boundaries contain the recommendation of the fifteen member citizens advisory committee on redistricting.

*Background information.* As provided by Section 4.2 of the City Charter, the City Council establishes from “time to time” the boundaries of the City’s four single member districts for the election of City councilmembers. Because four of the City’s councilmembers are elected from single member districts, the drawing of those district boundaries are subject to scrutiny under both the Equal Protection Clause of the First Amendment of the U.S. Constitution, and Section 2 and Section 5 of the Voting Rights Act. Under existing case law and under plans previously approved by the Justice Department for municipalities, a “maximum deviation” in total population between the small (in total population) and the largest district of up to 10% has been held to meet the requirements of the Equal Protection Clause. District 2 in the City of Temple has a history of electing minority candidates. Given that, preserving minority voting strength in District 2 has to be a key element in adopting any changes in district boundaries.

Back in May, the City staff conducted an initial assessment of the City’s current district boundaries relative to the 2010 Census data received by the City. That initial assessment showed a deviation in excess of 37% between our smallest (District 2) and largest district (District 4)-well in excess of the allowed 10% variation. This is mostly the result of the rapid growth in population of District 4 since 2001. The City Attorney advised the City Council at that time that redistricting was necessary. In June, the City Council appointed a fifteen member citizens advisory committee to study the existing boundaries of our four recommended single member districts. The City Council also adopted criteria governing the procedural and substantive aspects of the redistricting process.



In accordance with the criteria adopted by the City Council, the redistricting committee met several times in July and August to review the 2010 census data, the initial assessment, and existing maps. The redistricting committee conducted a public hearing to receive public comments. Ultimately, the redistricting committee developed the proposed redistricting plan that is before the City Council on first reading for its consideration. The City Council has the discretion to adopt the redistricting plan as recommended or to make changes to it.

The City Attorney, Director of IT and the City Secretary have participated in the work of the redistricting committee and reviewed their proposed plan for compliance with the First Amendment, the Voting Rights Act, and the criteria adopted by the City Council for the redistricting process.

The proposed redistricting plan satisfies all of the constitutional and statutory requirements and the procedural and substantive criteria adopted by the City Council in its charge to the redistricting committee. As proposed the four single member districts are more compact than the existing districts, and they follow natural boundaries and borders, preserve communities of interest, equalize population, while preserving minority voting strength. There is less than a 5% deviation between the small district (in total population) and the largest district. District 2 under the proposed plan preserves minority voting strength with more than 65% minority total population. The committee also looked at whether the census data supported the creation of two “safe” minority districts and determined that any attempt to create two “safe” minority districts was not possible at this time with the 2010 Census data.

Following approval of new district boundaries by the City Council with the adoption of the proposed ordinance, the City Attorney’s Office will submit the redistricting plan to the Justice Department for their approval. The Voting Rights Act does not allow the City to implement changes in voting practice (such as using new district boundaries) without approval of the Justice Department. The City is not scheduled to have another general election of councilmembers (using any new district boundaries) until 2013, which allows plenty of time for Justice Department approval. The Justice Department typically completes their review within 60 days, but can allow themselves an additional 60 days to review a plan if they have questions about the original submission by a City.

Please note that the proposed ordinance redrawing district boundaries do NOT address polling places within the four single member districts. Our four current polling places are not impacted by the proposed new plan—in other words, the changes in boundaries did not result in any of our four single member district polling places being carved out of their current district boundaries. While the Staff doesn’t currently see the need to change polling places, we will continue to review polling place locations, and any future changes in polling places will be addressed in a separate ordinance (which will also require Justice Department approval).

**FISCAL IMPACT:** None

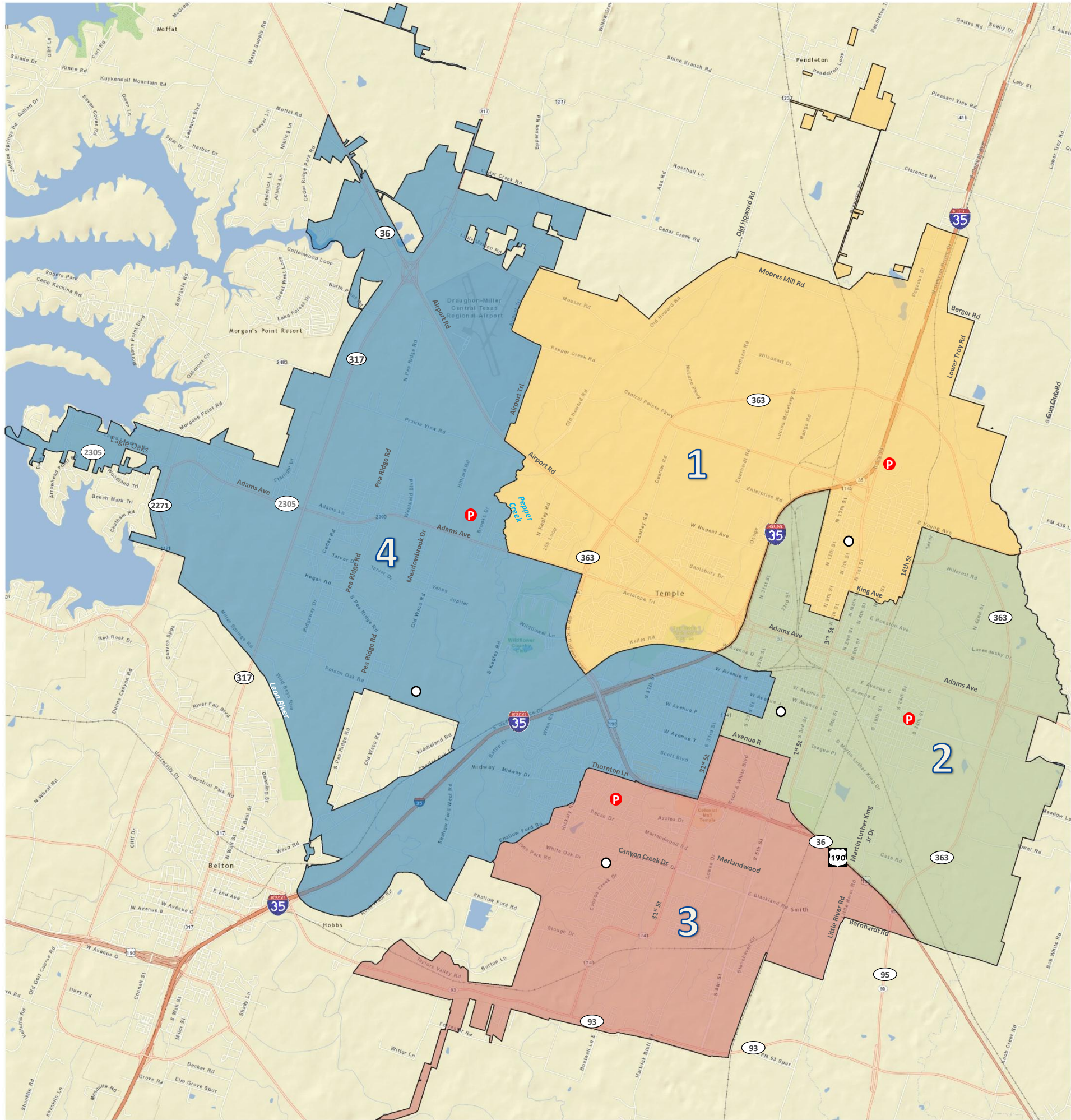
**ATTACHMENTS:**

2010 Current District Map  
2010 Current District Map - Population Summary  
2010 Proposed RDC Plan 1 Map  
2010 Proposed RDC Plan 1 Map - Population Summary  
2000-2010 Census Council District Comparison  
Ordinance



# 2010 Census – Current District Map

July 12, 2011  
adeoera





# 2010 Census – Current District Map


July 12, 2011  
adeola

District 1

District 2

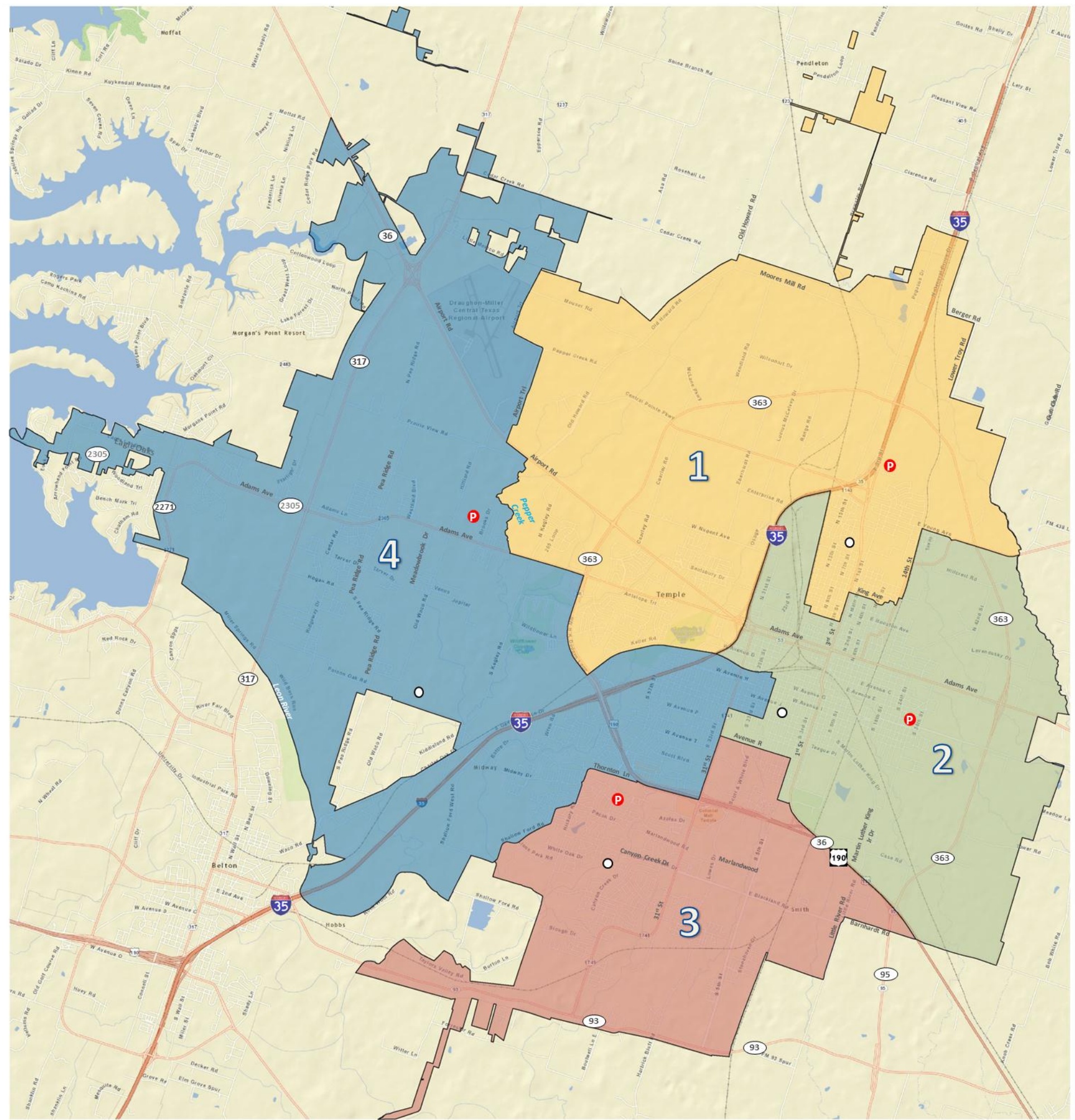
District 3

District 4


Polling Place

## 2010 Current District Population Summary

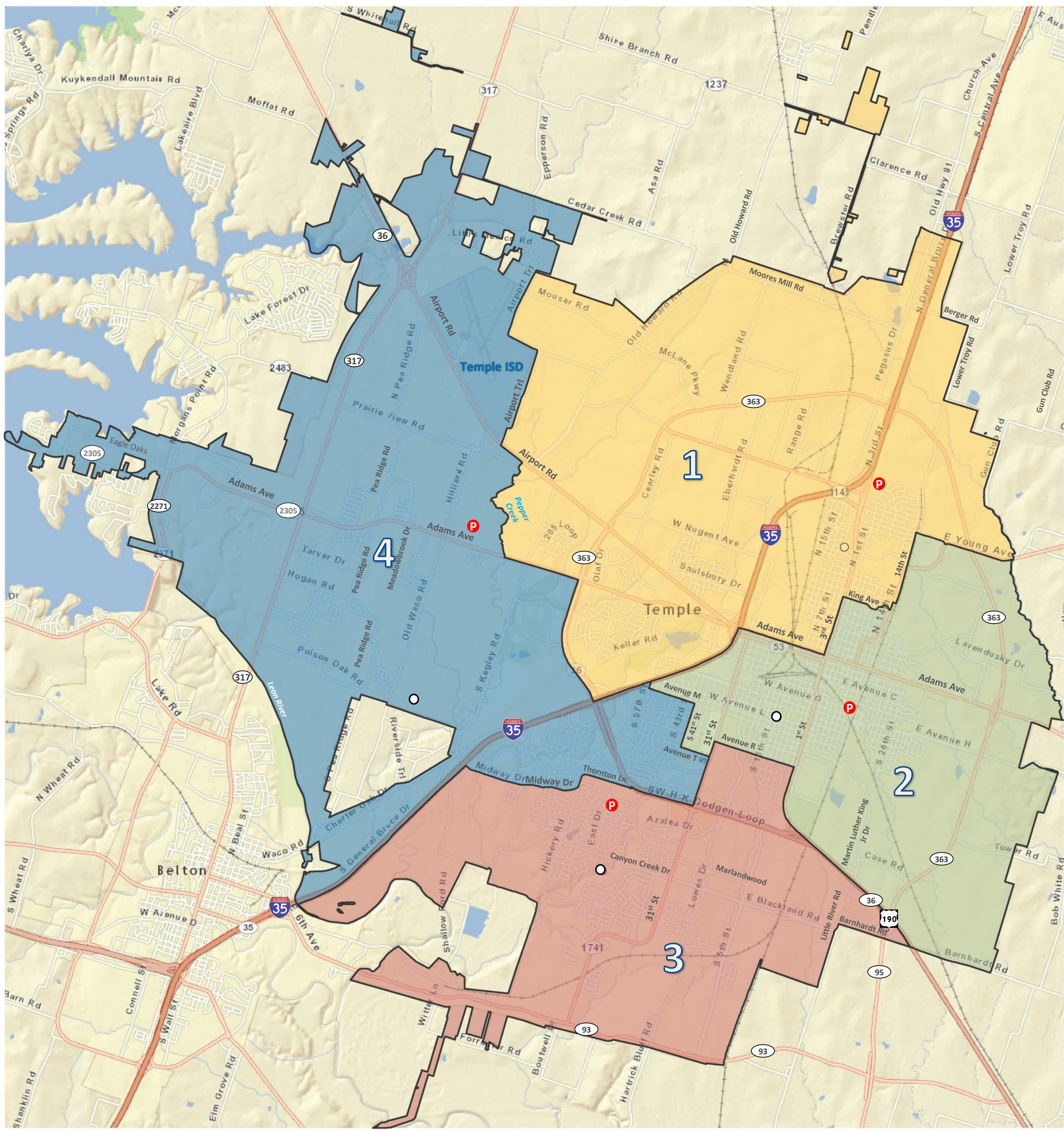
- District 1 - 15,196
  - White - 57.89%
  - Black - 16.41%
  - Hispanic - 22.58%
  - Asian - 1.77%
  - All Other - 1.35%
- District 2 - 14,552
  - White - 28.40%
  - Black - 31.73%
  - Hispanic - 37.89%
  - Asian - 0.36%
  - All Other - 1.62%
- District 3 - 15,763
  - White - 65.22%
  - Black - 14.84%
  - Hispanic - 15.12%
  - Asian - 3.84%
  - All Other - 0.98%
- District 4 - 20,591
  - White - 65.39%
  - Black - 9.25%
  - Hispanic - 21.20%
  - Asian - 3.00%
  - All Other - 1.16%



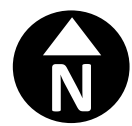


# 2010 Census - RDC Plan 1 Map (Proposed)

July 12, 2011  
adeola



- District 1
- District 2
- District 3
- District 4
- Polling Place





- District 1
- District 2
- District 3
- District 4
- P Polling Place

### 2010 Proposed District Population Summary

**District 1 - 16,239**

- White - 57.13%
- Black - 16.79%
- Hispanic - 23.02%
- Asian - 1.69%
- All Other - 1.37%

**District 2 - 16,429**

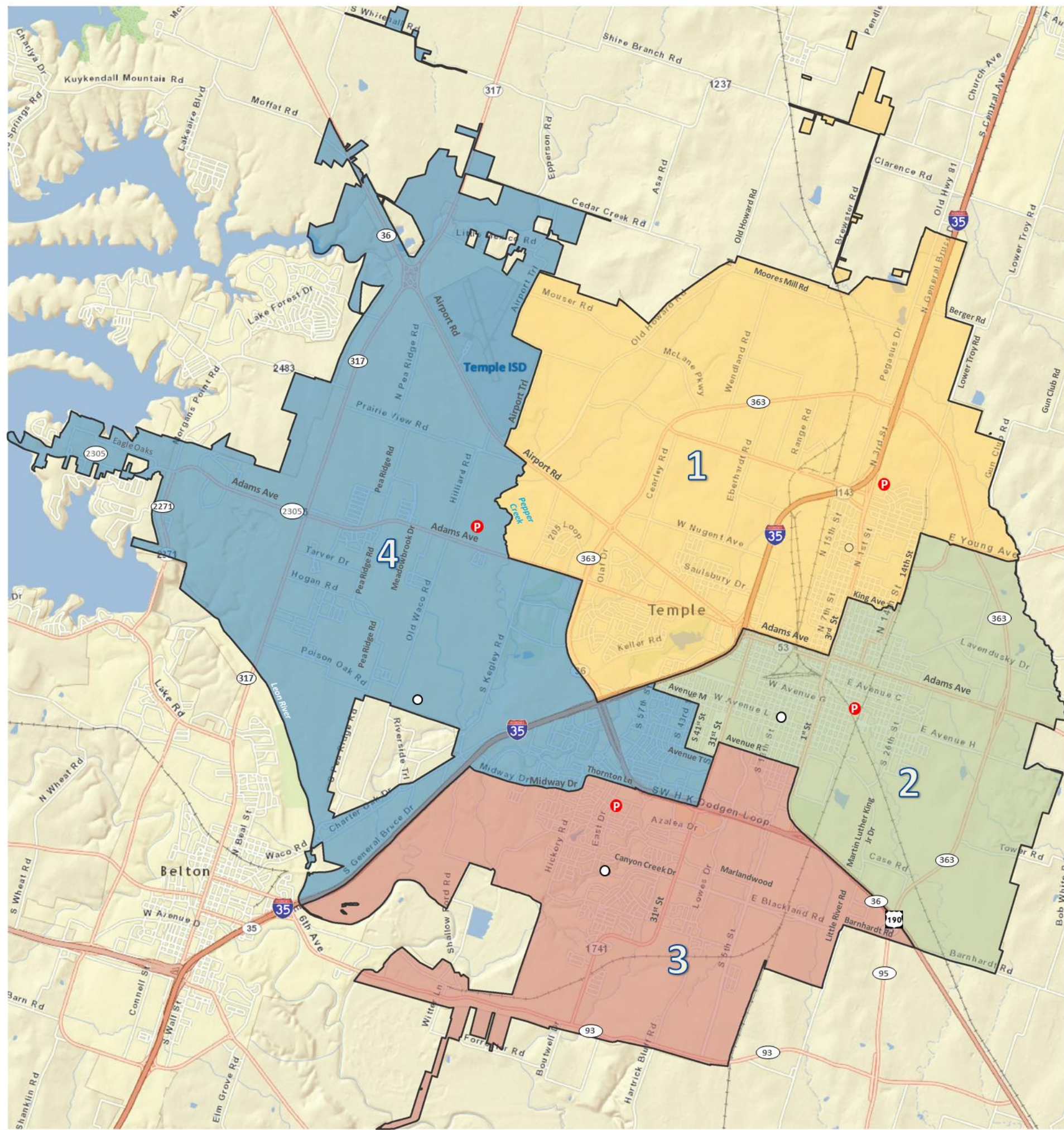
- White - 30.55%
- Black - 28.61%
- Hispanic - 38.86%
- Asian - 0.36%
- All Other - 1.62%

**District 3 - 16,880**

- White - 65.59%
- Black - 14.36%
- Hispanic - 15.28%
- Asian - 3.76%
- All Other - 1.01%

**District 4 - 16,554**

- White - 68.30%
- Black - 9.09%
- Hispanic - 18.06%
- Asian - 3.49%
- All Other - 1.06%



# 2010 Census - RDC Plan 1 Map (Proposed)

July 12, 2011  
adeleora



2000 Redistricting Adopted Plan	District	Population	Deviation	Deviation %	White	%	Black	%	Hispanic	%	Asian	%	Hawaiian	%	American Indian	%	Other	%	2 Or More Races	%
	1	14031	403	2.96	9733	69.4%	1768	12.6%	2016	14.4%	248	1.8%	9	0.1%	43	0.3%	19	0.1%	195	1.4%
	2	13544	-84	-0.62	4473	33.0%	4524	33.4%	4233	31.3%	57	0.0%	6	0.0%	52	0.4%	13	0.1%	186	1.4%
	3	13491	-137	-1.01	9839	72.9%	1621	12.0%	1472	10.9%	303	2.2%	11	0.1%	61	0.5%	6	0.0%	178	1.3%
	4	13448	180	-1.32	10131	75.3%	901	6.7%	1999	14.9%	197	1.5%	7	0.1%	44	0.3%	18	0.1%	151	1.1%
	54514		4.28		34176	62.7%	8814	16.2%	9720	17.8%	805	1.5%	33	0.1%	200	0.4%	56	0.1%	710	1.3%

2010 Redistricting Current Districts	District	Population	Deviation	Deviation%	White	%	Black	%	Hispanic	%	Asian	%	Hawaiian	%	American Indian	%	Other	%	2 Or More Races	%
	1	15196	-1329	-8.04	8797	57.9%	2494	16.4%	3431	22.6%	269	1.8%	35	0.2%	90	0.6%	26	0.2%	54	0.4%
	2	14552	-1973	-11.94	4133	28.4%	4618	31.7%	5514	37.9%	52	0.4%	6	0.0%	125	0.9%	42	0.3%	62	0.4%
	3	15763	-762	-4.61	10281	65.2%	2339	14.8%	2384	15.1%	606	3.8%	20	0.1%	79	0.5%	9	0.1%	45	0.3%
	4	20591	4066	24.60	13464	65.4%	1904	9.3%	4365	21.2%	618	3.0%	30	0.2%	131	0.6%	25	0.1%	54	0.3%
	66102		36.54		36675	55.5%	11355	17.2%	15694	23.7%	1545	2.3%	91	0.1%	425	0.6%	102	0.1%	215	0.3%

2010 Redistricting RDC Plan 1	District	Population	Deviation	Deviation%	White	%	Black	%	Hispanic	%	Asian	%	Hawaiian	%	American Indian	%	Other	%	2 Or More Races	%
	1	16239	-286	-1.73	9278	57.1%	2726	16.8%	3739	23.0%	274	1.7%	35	0.2%	101	0.6%	32	0.2%	54	0.3%
	2	16429	-96	-0.58	5019	30.6%	4700	28.6%	6385	38.9%	59	0.4%	14	0.1%	137	0.8%	43	0.3%	72	0.4%
	3	16880	355	2.15	11072	65.6%	2424	14.4%	2580	15.3%	634	3.8%	21	0.1%	89	0.5%	11	0.1%	49	0.3%
	4	16554	29	0.18	11306	68.3%	1505	9.1%	2990	18.1%	578	3.5%	21	0.1%	98	0.6%	16	0.1%	40	0.2%
	66102		3.88		36675	55.5%	11355	17.2%	15694	23.7%	1545	2.3%	91	0.1%	425	0.6%	102	0.1%	215	0.3%



ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING CHAPTER 1, "GENERAL PROVISIONS," SECTION 1-5, "VOTING DISTRICTS SET OUT," OF THE TEMPLE CODE OF ORDINANCES, BY ESTABLISHING NEW BOUNDARIES FOR THE CITY'S FOUR SINGLE MEMBER DISTRICTS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, since May, 2011, the Staff has been working with a 15-member citizen's advisory committee to study the existing boundaries of the City's four single member districts;

**Whereas**, a proposed redistricting plan has been developed which satisfies all of the constitutional and statutory requirements and the procedural and substantive criteria adopted by the City Council in its charge to the redistricting committee; and

**Whereas**, the City Council has considered the proposed new boundaries of the City's four single member districts and recommends approval of the plan.

**Now, Therefore, Be it Ordained by the City Council of the City of Temple, Texas, That:**

**Part 1:** Chapter 1, "General Provisions," Section 1.5, "Voting Districts Set Out," of the Code of Ordinances of the City of Temple is amended to hereinafter read as follows:

**Sec. 1-5. Voting districts set out.**

The city shall be divided into four (4) districts, such districts to be known as Councilmember District 1, Councilmember District 2, Councilmember District 3 and Councilmember District 4. One councilmember shall be elected from each of the four (4) districts and one councilmember shall be elected from the city at large. Such districts shall comprise the council districts in conformity with the Charter of the City of Temple.

The boundaries of each councilmember district shall be described in a text description and on a map, attached as Exhibit "A," and maintained in the City Secretary's Office.

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

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

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

PASSED AND APPROVED on First Reading on the **1<sup>st</sup>** day of **September**, 2011.

PASSED AND APPROVED on Second Reading and Public Hearing on the **15<sup>th</sup>** day of **September**, 2011.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Clydette Entzminger  
City Secretary

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Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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### **DEPT./DIVISION SUBMISSION & REVIEW:**

Jonathan Graham, City Attorney

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the City Manager to enter into a Chapter 380 development agreement between the City and HEB Grocery Company.

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

**ITEM SUMMARY:** In 2009, the City approved a tax abatement agreement with HEB for giving 100% abatement on real property improvements for 10 years. Bell County, Temple College and Elm Creek Watershed all entered into the agreement as well. The agreement contained language which delayed start of the abatement until construction completed—the 10 year real property abatement began when HEB's \$28 million dry storage warehouse was completed. HEB is now ready to break ground on a \$20 million, 300,000 square foot cold storage building and wishes to take full advantage of another 10 year real property abatement on the proposed building.

At TEDC's request, we have crafted a Chapter 380 agreement between the City and HEB that potentially gives HEB the equivalent of 100% tax abatement, for 10 years, on future REAL property improvements to their tract on Wendland Road. HEB's proposed new building will get the benefit of the existing tax abatement, but likely not receive a full ten years of abatement before that agreement expires. Our proposed Chapter 380 agreement will give them the additional years of tax abatement in the form of a payment under a Chapter 380 agreement. We've also crafted the agreement to give HEB tax abatement on other buildings on their 166 tract which may be built in the next 10 years.

The term of the Agreement is twenty years, but the benefits to any one building are for the equivalent of ten years of tax abatement. Under Section 311.010 of Chapter 311 of the Tax Code, "the board of directors of the zone has all of the powers of a municipality under Chapter 380, Local Government Code." In other words, a reinvestment zone can fund or enter into Chapter 380 agreements.

The source of funding for the City's Chapter 380 payment would be through TIFRZ#1. It's a pass through agreement in a sense, since HEB pays the taxes on their real property improvements and the City, acting through the reinvestment zone, refunds only the portion of taxes attributable to those real property improvements, and then only for a period of ten years. Additionally the reinvestment zone is only committed to refund any equivalent to the taxes levied for those entities which approved the

original tax abatement agreement (City, County, Temple College and Elm Creek Watershed), and who continue to pay into the reinvestment zone.

While providing an incentive to HEB, the City, TIFRZ#1 and other taxing entities will still see substantial benefits from the proposed \$20 million cold storage facility and other future development by HEB. Total employee after construction of the cold storage facility should be in the range of 250 employees. Taxes assessed by TISD on real property improvements will still flow to TIFRZ#1 (because school districts can't approve tax abatement agreements) and that amount is substantial—TISD's tax levy is approximately 60% of the annual amount paid into TIFRZ#1. The tax abatement agreement also doesn't apply to personal property and inventory. In the valuation of HEB's existing 473,000 s.f. warehouse, personal property and inventory are about 65% of the value of the real property. Taxes on personal property don't go into the increment fund for TIFRZ#1 but continue to flow to each of the taxing entities.

**FISCAL IMPACT:** The source of funding for the City's Chapter 380 payment is through RZ#1. The RZ#1 is only committed to refund taxes levied for those entities which approved the original tax abatement agreement (City, County, Temple College and Elm Creek Watershed), and who continue to pay into the reinvestment zone. The taxes that are subject to the rebate under this agreement will flow 'in' and 'out' of the RZ#1. When the amount of future improvements by HEB are known and can be estimated, a Financing Plan amendment will be needed to support the tax revenue and expense associated with this agreement.

**ATTACHMENTS:**

[Resolution](#)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A 380 COST SHARING AGREEMENT BETWEEN THE CITY OF TEMPLE AND HEB GROCERY COMPANY, PROVIDING FOR TAX ABATEMENT ON FUTURE REAL PROPERTY IMPROVEMENTS TO HEB'S 166 ACRE TRACT ON WENDLAND ROAD; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, at the request of the Temple Economic Development Corporation, the Staff has been working with HEB Grocery Company to draft a Chapter 380 development agreement which will potentially give HEB the equivalent of 100% tax abatement, for 10 years, on future real property improvements over a twenty year time frame to their 166 acre tract on Wendland Road;

**Whereas**, HEB plans to build a 300,000 square foot cold storage building that will not get the full ten years of the current tax abatement agreement which began when HEB's dry storage building was completed;

**Whereas**, the proposed agreement will provide for additional years of tax abatement for real property improvements in the form of a payment under the Chapter 380 agreement; and

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

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

**Part 1:** The City Council authorizes the City Manager, or his designee, to execute a Chapter 380 cost sharing agreement between the City of Temple and HEB Grocery Company, after approval as to form by the City Attorney, relating to real property improvements on HEB's 166 acre tract on Wendland Road.

**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 1<sup>st</sup> day of **September**, 2011.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Clydette Entzminger  
City Secretary

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Jonathan Graham  
City Attorney



## **COUNCIL AGENDA ITEM MEMORANDUM**

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### **DEPT./DIVISION SUBMISSION & REVIEW:**

William A. Jones, III, Mayor

**ITEM DESCRIPTION:** Consider adopting a resolution appointing one member to the Temple Public Safety Advisory Board to fill an expiring term through September 1, 2014.

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

**ITEM SUMMARY:** The City Council appointed four members to the Public Safety Advisory Board at its August 18<sup>th</sup> meeting. One expired position remains to be filled at this time. No board applications are on file requesting service on this particular board.

**FISCAL IMPACT:** N/A

**ATTACHMENTS:** None





## COUNCIL AGENDA ITEM MEMORANDUM

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**DEPT./DIVISION SUBMISSION & REVIEW:**

William A. Jones, III, Mayor

**ITEM DESCRIPTION:** Consider adopting a resolution appointing one member to the Development District of Central Texas.

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

**ITEM SUMMARY:** The Development District of Central Texas (District) is funded through the Economic Development Administration and is administered by the Central Texas Council of Governments, Planning and Regional Services. Former Mayor Pro Tem Patsy Luna had been serving in this position until her term ended in May 2011.

Please see the attached bylaws for the District which outlines its purpose, service area, board of directors and other pertinent information. The bylaws state that 51% of the membership of the board shall be elected officials or employees of cities and counties and CTCOG has requested our appointment be a representative from that group.

**FISCAL IMPACT:** N/A

**ATTACHMENTS:**

[Bylaws](#)



## **Bylaws**

### **Development District of Central Texas**

#### **Article I. Name and Purpose**

##### **Sec. 1.1 Name**

The name of this organization is the Development District of Central Texas.

##### **Sec. 1.2 Purposes of the District**

The purposes of the Development District of Central Texas are to:

- (a) Promote economic growth in the Texas State Planning Region 23;
- (b) Increase employment opportunities for unemployed and underemployed persons;
- (c) Assist and coordinate economic development planning efforts of state and local governments and local economic development organizations in the region;
- (d) Coordinate economic development planning with transportation planning, community development programs, job training programs, and other programs and activities that might stimulate the region's economic betterment;
- (e) Implement an economic development technical assistance program that includes workshops, assistance in implementing economic development programs, and assistance to local organizations in applying for grants for economic development purposes;
- (f) Develop and maintain a regional Comprehensive Economic Development Strategy (CEDS), which builds upon county goals and objectives;
- (g) Conduct other activities supporting the region's economic development goals and objectives; and,
- (h) All other rights and powers granted the District pursuant to the Texas Non-Profit Corporation Act.

##### **Sec. 1.3 Service Area**

The District shall initially serve the following Texas counties: Bell, Coryell, Hamilton, Lampasas, Milam, Mills, and San Saba.

#### **Article II. Board of Directors**

##### **Sec. 2.1 General Powers and Qualifications**

The business and affairs of the District shall be exercised, controlled and supervised by its Board of Directors. The Board shall be comprised of the necessary representatives so as to comply with the Economic Development Administration's regulations and shall include officials of general-purpose local governments, private citizens, and representatives of minority groups. Until changed, by an amendment to these bylaws, the number of Directors serving on the Board shall be **twenty-seven (27)**. The Board shall be broadly representative of the District's principal economic interests

including business, industry, finance, transportation, utilities, the professions, education, labor, unemployed persons, agriculture, and minority groups.

**Sec. 2.2      Composition**

The Board will be comprised of the following representatives:

- (a) **Local Government Officials:** At least 51% of the Board shall be elected officials or employees of general-purpose units (cities and counties) of local government appointed to represent such governments.
- (b) **Private Citizens:** At least 20% of the Board's membership shall be private citizens who are neither elected officials of a general-purpose government nor employees of such governing body appointed to represent that government.
- (c) **Minority Groups:** Representatives of minority groups shall be included on the Board in accordance with requirements of the Economic Development Administration (EDA) to assure that minority group representation on the Board is consistent with the proportion which ethnic minority groups are represented in the District's service area's total population.

**Sec. 2.3      Representation and Method of Appointment**

- (a) Each County government which has resolved to support and join the District may appoint **two (2)** representatives. Total Board membership appointed by counties shall not exceed **fourteen (14)** representatives.
- (b) The Central Texas Council of Governments (CTCOG) Executive Committee may appoint **thirteen (13)** representatives. In making these appointments the CTCOG Executive Committee will take into consideration EDA representational requirements.

**Sec. 2.4      Tenure**

All Directors shall be subject to appointments at the Central Texas Council of Governments Annual Board meeting. Each Director shall serve for his or her term in office and until his or her successor shall have been duly appointed. Directors are eligible for re-appointment without limitation, so long as they continue to meet the qualification of the category they represent. If a Director ceases to meet the qualifications for the category he or she represents, he or she will be removed from the Board and a successor appointed.

**Sec. 2.5      Vacancies**

Vacancies on the Board may be filled in the same manner as initial appointments. If an appointment is made to fill a vacancy on the Board, the successor Director shall serve for the remaining unexpired term of his or her predecessor.

**Sec. 2.6      Resignation**

Each Director may resign at any time upon notice to the Chairman or Secretary of the District. Unless otherwise specified in the notice, the resignation shall take effect upon the receipt thereof, and the acceptance of such recognition shall not be necessary to make it effective.

### **Article III. Duties of the Board**

#### **Sec. 3.1 General**

The corporate powers, business, and property of the Board shall be exercised, conducted and controlled by the Board. The Board shall serve as the policy making body of the District.

#### **Sec. 3.2 Organization**

The State of Texas designated the Central Texas Council of Governments as the fiduciary and administrative agent for this District.

#### **Sec. 3.3 Contracts**

The Board shall have the authority to enter into contracts and to accept and expend funds from federal, state, and local governmental and private sources.

#### **Sec. 3.4 Subcommittees**

The Board may establish such subcommittees as it deems necessary to conduct its work. The duties of such subcommittees will be determined by the Board upon the establishment of each such subcommittee.

#### **Sec. 3.5 Civil Rights**

The Board shall establish procedures and take actions necessary to assure compliance with all applicable civil rights laws and regulations.

#### **Sec. 3.6 Comprehensive Economic Development Strategy**

The Board shall establish procedures and take action necessary to assure compliance with all applicable requirements of the EDA.

#### **Sec. 3.7 Technical Assistance**

The Board may authorize a program of technical assistance to the District Service Area, including, but not limited to workshops and seminars, and information and assistance regarding state and federal economic development grants and loans.

#### **Sec. 3.8 Coordination and Implementation**

The Board shall coordinate the District's activities with local governments and economic development agencies. It shall exercise other duties as necessary to assure implementation of an effective economic development program and compliance with regulation of the EDA.

#### **Sec. 3.9 Public Participation**

The Board shall provide admittance to meetings by persons who are not members of either the Central Texas Council of Governments or the District to enable such persons to make their views concerning ongoing and proposed activities in the District's Service Area, in compliance with section 303.4-1 (f) of Part 303 of the EDA regulations.

## **Article IV. Meetings of the Board**

### **Sec. 4.1 Regular Meetings**

Regular meetings of the Board shall be held at least annually each fiscal year.

### **Sec. 4.2 Special Meetings**

Special meetings may be called by the Board Chairman, District Staff, or upon the request of at least **three (3)** members of the Board. All requirements for notice, quorum, and other rules governing regular meetings shall apply to special meetings.

### **Sec. 4.3 Notice**

All meetings of the Board shall be called by written notice deposited in United States mail, first class postage prepaid, at **least five (5)** days prior to the meeting. Such notice shall state the date, hour, and place where such a meeting shall take place. A waiver of notice in writing and signed by the person entitled to such notice, whether before or after the time notice is required, shall be equivalent to the giving of such notice. Attendance of a Director at a meeting shall constitute a waiver notice of such meeting, except where a Director attends a meeting for the express purpose of objecting to the transaction of any business on the ground that the meeting is not lawfully called or convened.

### **Sec. 4.4 Quorum**

At any meeting the Board, **one third (1/3)** of the sitting Directors being present in person and entitled to vote at such meeting shall constitute a quorum for all purposes except where it is otherwise provided by law or by these Bylaws.

### **Sec. 4.5 Organization**

The Chairman of the Board, or in his/her absence, the Vice-Chairman of the Board, or in his/her absence, a chairperson chosen by the Directors present, shall preside at each meeting of the Board.

### **Sec. 4.6 Manner of Acting**

The affirmative vote of a majority of the Directors present at a meeting at which a quorum is present shall be the act of the Board except for Article VI Section 4 herein. Any action required to be taken by a meeting of the Board may be taken without a meeting if a consent in writing setting forth the action to be taken, shall be signed by all members of the Board and such consent that all have the same force and effect of unanimous vote.

### **Sec. 4.7 No Proxies**

All voting by the Directors shall be in person at a meeting called pursuant to these Bylaws. There shall be no proxy voting.

**Sec. 4.8 Attendance and Removal of Board Members**

Failure to attend **three (3)** consecutive meetings of the Board shall constitute a resignation from the Board.

**Article V. Officers**

**Sec. 5.1 Officers**

The Officers of the District shall consist of a Chairman, a Vice-Chairman, and a Secretary/Treasurer. These officers shall be elected by the Board. The Board may from time to time grant certain officers the right to act on behalf of the District and at all times the Chairman and Vice-Chairman are each authorized to execute and deliver agreements and other instruments on behalf of the District.

**Sec. 5.2 Subordinate Officers and Employees**

The Board may appoint and remove such other officers and employees as it may deem necessary, who shall have authority and shall perform such duties, as from time to time may be prescribed by the Board.

**Sec. 5.3 Tenure of Office and Removal**

The tenure of office of the Board shall be one year. Any officer may succeed himself/herself. Any officer, at any time, may be removed prior to the expiration of his/her term by affirmative vote of **two-thirds (2/3)** of the Directors present, at a meeting duly called and held where a quorum is present.

**Sec. 5.4 The Chairman**

The Chairman shall preside at all meeting of the district and at all meetings of the Directors at which he/she is present. He/She shall see that all orders and resolution of the Board are carried to effect.

**Sec. 5.5 Vice-Chairman**

The Vice-Chairman shall, during the absence of the Chairman, or in the case of his/her inability to act, be vested with powers and shall perform the duties of the Chairman. The Vice-Chairman shall also perform such other duties and exercise such other powers, as may from time to time be imposed upon or vested in him/her by resolution of the board.

**Sec. 5.6 Secretary/Treasurer**

The Secretary shall attend all meetings of the Board. He/She shall assure that official records of the Board shall be maintained and give notice of all meetings as required by these bylaws. The Secretary/Treasurer shall be responsible for reporting to the Board concerning the financial affairs of the District. He/She shall perform such other duties as may from time to time be prescribed by the Board.



## **Article VI. Miscellaneous Provisions**

### **Sec. 6.1 Limitation of Liability**

Any debt, liability, or obligation of the District shall be of the District only, and not any entity participation in the District.

### **Sec. 6.2 Indemnification**

The District may indemnify any current or former Director, officer, agent, employee, or similar functionary of the District against judgments, penalties, fines, settlements, and reasonable expenses actually incurred by such person as provided in Article 1396-2.22A of Vernon's Annotated Texas Statutes, as amended.

### **Sec. 6.3 Contributions**

The Board may accept on behalf of the District any contribution, gift, bequest, or device for any purpose of the District.

### **Sec. 6.4 Amendments**

The Board may amend or repeal these bylaws or adopt new bylaws not inconsistent with the Articles of Incorporation or laws of this state, upon an affirmative vote of **two-thirds (2/3)** of the Directors, at meetings duly called and held at which a quorum is present. Proposed amendments for initial consideration must be forwarded to each Director at least **ten (10)** day in advance of a Board meeting.

### **Sec. 6.5 Dissolution**

The District's Board may dissolve the District in accordance with the provisions set forth in the Articles of Incorporation and the Texas Non-profit Corporation Act.

### **Sec. 6.6 Fiscal Year**

The Fiscal year of the District shall begin on the 1<sup>st</sup> day of July and end on the 30<sup>th</sup> day of June each calendar year.

### **Sec. 6.7 Budget**

The District's Board shall adopt an annual budget for the operation of the District prior to each fiscal year as established by the Board. Such budget may include federal and state grants. The Board shall assure that local matching funds will be provided for state and/or federal grants.

### **Sec. 6.8 Books and Records**

The district shall keep correct and complete books and records of accounts and shall keep minutes of the proceeding of the meetings of its Board and subcommittees.

**Sec. 6.9 Authority**

The District shall be established and shall function within the rules, regulations, and guidelines of Economic Development Administration of the U.S. Department of Commerce and the laws of the State of Texas.

**Sec. 6.10 Non-Profit Status**

The District is a no-profit corporation. It shall be organized and operated exclusively for no-profit purposes. No part of its net earnings shall inure to the benefit of any officer, director, member, or private individual, nor shall it ever declare or make to any such persons any dividend or other distribution.

**Sec. 6.11 Reasonable Compensation**

Nothing herein shall prevent the payment of reasonable compensation for services rendered or the reimbursement of reasonable expenses incurred in connection with the District's affairs.

**Sec. 6.12 Political Activities Prohibited**

The District shall not attempt to influence legislation nor shall it participate or intervene in any political campaign on behalf of any candidate for public office.

**Article VII. Effective Date**

The Bylaws of the Development District of Central Texas were accepted and passed by the Board of Directors on the 8<sup>th</sup> day of May, 2002, and are hereby revised on this 7<sup>th</sup> day of June, 2006.



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Sam A. Listi  
Chairman

Attest:



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Beth Correa  
DDCT Staff



## COUNCIL AGENDA ITEM MEMORANDUM

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**DEPT./DIVISION SUBMISSION & REVIEW:**

William A. Jones, III, Mayor

**ITEM DESCRIPTION:** Consider adopting a resolution appointing one alternate member to the Central Texas Council of Governments Executive Committee.

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

**ITEM SUMMARY:** Mayor Jones serves as the City's representative on the Central Texas Council of Governments (CTCOG) Executive Committee. Former Mayor Pro Tem Patsy Luna had been serving as the alternate member until her term ended in May 2011.

CTCOG has requested our appointment of one alternate member to the Executive Committee to attend meetings in the absence of Mayor Jones.

**FISCAL IMPACT:** N/A

**ATTACHMENTS:** None