



**MEETING OF THE
TEMPLE CITY COUNCIL**

MUNICIPAL BUILDING

2 NORTH MAIN STREET

3rd Floor – CONFERENCE ROOM

THURSDAY, JUNE 7, 2012

4:00 P.M.

WORKSHOP AGENDA

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, June 7, 2012.
2. Receive a presentation from Temple ISD on long range planning projects.
3. Discuss the proposed FY 2012-2013 budget and related issue, to include the various strategic and budget related policy issues.

5:00 P.M.

MUNICIPAL BUILDING

**2 NORTH MAIN STREET
CITY COUNCIL CHAMBERS – 2ND FLOOR
TEMPLE, TX**

TEMPLE CITY COUNCIL

REGULAR MEETING AGENDA

I. CALL TO ORDER

1. Invocation
2. Pledge of Allegiance

II. PUBLIC HEARINGS

3. PUBLIC HEARING – Presentation of the proposed Community Development Block Grant 2012-2013 Annual Action Plan and Budget, including the funding recommendations for public service agencies from the Community Services Advisory Board.

III. PUBLIC COMMENTS

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

IV. CONSENT AGENDA

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

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

Minutes

- (A) [May 17, 2012, Special Called and Regular Meeting](#)

Contracts, Leases & Bid

- (B) [2012-6623-R](#): Consider authorizing a professional services agreement with Kasberg, Patrick & Associates, LP for final design of Loop 363 frontage road improvements in the Temple Medical Educational District in an amount not to exceed \$288,800.
- (C) [2012-6624-R](#): Consider adopting a resolution authorizing the following:
 - 1. Release McLane Company from the lease on hangars 21 and 22 scheduled to expire May 17, 2014 due to completion and relocation to their large corporate hangar under separate land lease approved in 2011 effective June 30, 2012; and
 - 2. An amendment to extend the lease on hangar 19 scheduled to expire May 17, 2014 through May 17, 2024 between McLane Company and the City of Temple at the Draughon-Miller Central Texas Regional Airport.
- (D) [2012-6625-R](#): Consider adopting a resolution authorizing the granting of a permanent and temporary construction easement to Temple Panda Power for the construction of a gas line.
- (E) [2012-6626-R](#): Consider adopting a resolution authorizing the grant application for the Bureau of Justice Assistance Bulletproof Vest Partnership Program of 2012 for the purchase of ballistic vests and replacements for the Police Department in the amount of \$12,000, with \$6,000 of required City matching funds.
- (F) [2012-6627-R](#): Consider adopting a resolution authorizing a Chapter 380 Strategic Investment Zone “matching grant” agreement with Central Texas Kitchen Center for redevelopment improvements on Main Street in downtown Temple located within the South 1st Street Strategic Investment Zone corridor in an amount not to exceed \$31,020 plus waiver of permit fees.

Misc.

- (G) [2012-6628-R](#): Consider adopting a resolution naming the lounge at Sammons Community Center to the Red and Connie Britton Lounge.
- (H) [2012-6629-R](#): Consider adopting a resolution authorizing budget amendments for fiscal Year 2011-2012.

V. REGULAR AGENDA

ORDINANCES

- 5. [2012-4534](#): FIRST READING – PUBLIC HEARING - Z-FY-12-36: Consider adopting an ordinance authorizing a rezoning from Agricultural District (AG) to General Retail District (GR) on two 0.75 acre tracts of land situated in the John Simmons Survey, A-737, Bell County, Texas, located at 5412 North SH 317.

6. [2012-4535](#): FIRST READING – PUBLIC HEARING - Z-FY-12-38: Consider adopting an ordinance authorizing a rezoning from Single Family Two District (SF-2) to Single Family Three District (SF-3) on Lots 12 and 13, Block 9, Carriage House Village Phase I, located at 1917 and 1921 Carriage House Village Drive.
7. [2012-4536](#): FIRST READING - PUBLIC HEARING - Z-FY-12-39: Consider adopting an ordinance authorizing a rezoning from Single Family One District (SF-1) to Office One District (O-1) on a 0.50 ± acre tract of land out of the Maximo Moreno Survey, Abstract No. 14, Bell County, Texas, located at 3606 South 5th Street.
8. [2012-4537](#): FIRST READING – PUBLIC HEARING - Z-FY-12-40: Consider adopting an ordinance amending Ordinance No. 2011-4493, originally approved December 15, 2011, Conditional Use Permit for the sale of alcoholic beverages for on-premise consumption with more than 75% revenue from alcohol sales in an existing bar, to reduce the number of security lights from three to two on portions of Lots 11 and 12, Block 22, Original Town Addition, located at 11 East Central Avenue.
9. [2012-4538](#): FIRST READING – PUBLIC HEARING - Z-FY-12-42: Consider adopting an ordinance authorizing a rezoning from Agricultural District (AG) to Neighborhood Service District (NS) on 3.00 ± acres of land and from Agricultural District (AG) to Urban Estates District (UE) on 7.04 ± acres of land, both being part of the Redding Roberts Survey, Abstract No. 692, in the City of Temple, Bell County, Texas, located on the east side of South 31st Street, south of Fox Glen Lane and north of Venice Parkway.
10. [2012-4539](#): FIRST READING - PUBLIC HEARING - Z-FY-12-43: Consider adopting an ordinance authorizing a rezoning from Two Family Dwelling District (2F) to General Retail District (GR) on Lot 1, Block 15 of the Freeman Heights Addition, located at 101 South 31st Street, Temple Texas.
11. [2012-4540](#): FIRST READING - PUBLIC HEARING: Consider adopting an ordinance authorizing amendments to the Tax Increment Financing Reinvestment Zone No. 1 Financing and Project Plans as follows:
 - (A) Appropriating \$30,000 to the Pepper Creek Trail Connection to the Scott & White Health Plan Building existing trail Project and recognizing \$30,000 in revenue from additional property taxes received in FY 2012.
 - (B) Appropriating \$385,000 to the TMED-1st Street @ Loop 363 Project and recognizing \$250,000 in revenue from a Keep Temple Beautiful Governor's Award grant and recognizing \$135,000 in revenue from additional property taxes received in FY 2012.
 - (C) Appropriating \$50,000 to the I-35 Gateway Signage Project and recognizing \$50,000 in revenue from additional property taxes received in FY 2012.

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

I hereby certify that a true and correct copy of this Notice of Meeting was posted in a public place at 1:00 PM, on June 1, 2012.

A handwritten signature in cursive script, reading "Lacy Borgeson", written over a horizontal line.

Lacy Borgeson, TRMC
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 _____ 2012. _____



COUNCIL AGENDA ITEM MEMORANDUM

06/07/12
Item #3
Regular Agenda
Page 1 of 3

DEPT./DIVISION SUBMISSION & REVIEW:

Brynn Reynolds, Director of Administrative Services

ITEM DESCRIPTION: PUBLIC HEARING – Presentation of the proposed Community Development Block Grant 2012-2013 Annual Action Plan and Budget, including the funding recommendations for public service agencies from the Community Services Advisory Board.

STAFF RECOMMENDATION: Receive presentations as indicated in item description and conduct public hearing. No action is required.

ITEM SUMMARY:

2012-2013 Annual Action Plan and Budget

For more than 30 years, the Community Development Block Grant (CDBG) program has been assisting metropolitan cities and urban counties across this country to fund their community and economic development activities. Approximately 1,000 entitlement communities participate in the program nationwide, including the City of Temple. The City is one of 77 entitlement communities located in the State of Texas. For Fiscal Year 2012-2013, HUD allocated CDBG funds to entitlement communities in Texas, as follows:

FY 2012-2013 CDBG in Texas

CDBG	Amount
State Total	\$155,897,106
Minimum	185,975
Maximum	24,227,493
Average	2,563,493
Temple	\$386,943

Other Recent CDBG Grant Amounts

2008-2009	\$503,239
2009-2010	\$515,508
2010-2011	\$559,603
2011-2012	\$466,842

The Community Development Block Grant Program provides annual grants on a formula basis to develop viable urban communities by providing decent housing, and a suitable living environment, and by expanding economic opportunities, principally for low-and moderate-income persons. The City of Temple anticipates receiving \$386,943 as this year's funding, which will be the third year of the 5-Year Consolidated Plan (2010-2014). Entitlement communities develop their own programs and funding priorities. Maximum feasible priority must be given to activities that benefit low-and moderate-income persons.

The proposed allocation of funds is as follows:

Public Services	\$54,000
Infrastructure Improvements	\$192,757
Demolition	\$85,000
<u>General Administration</u>	<u>\$55,186</u>
Total	\$386,943

Public Services - \$54,000

The Community Services Advisory Board (CSAB) spent many hours over several meetings sifting through the 6 requests (See Attachment) totaling \$82,500 while debating the merits of each agency and the needs of the community. It is recommended the City Council allocate \$54,000 to 4 agencies as follow:

1. Bell County Human Services (Temple HELP Center) \$15,000
2. Families in Crisis, Inc. \$10,000
3. Hill County Community Action Association (Meals on Wheels) \$14,000
4. Family Promise of East Bell County, Inc. \$15,000

Infrastructure Improvements - \$192,757

The project will be located along South 1st Street within the boundaries of Ave. F on the north and Ave. M on the south. The project will include design and installation of sidewalks, not to exceed 8 feet in width, and any necessary ADA ramps, curbs and gutters. Landscaping will be installed where permissible due to absence of pavement. This project will increase safety, and provide accessibility of a suitable living environment to this low income neighborhood. This is proposed to be a multi-year project with this being the third year of funding. It is recommended that \$192,757 be allocated from 2012-2013 CDBG funds.

Demolition - \$85,000

Demolition of vacant and dilapidated structures will be conducted to address blighted conditions on a spot basis in locations to be determined based on code violations. This is a continuation of a project focus from previous years. It is recommended that \$85,000 be allocated from 2012-2013 CDBG funds.

Administration - \$55,186

It is recommended that \$55,186 be allocated for the City's administration of the CDBG Program.

This presentation and public hearing for the proposed 2012-2013 Annual Action Plan and Budget will be followed by a 30-day public comment period. A final public hearing and action on the 2012-2013 Annual Action Plan will occur at the July 19, 2012 Council Meeting.

FISCAL IMPACT: The allocation amount of \$386,943 in FY 2012-2013 CDBG funds are to be allocated as recommended.

ATTACHMENTS:

[2012-2013 Annual Action Plan](#)

[2012-2013 CSAB Public Service Agency Funding Recommendations](#)

[2012-2013 CSAB meeting minutes](#)



CITY OF
TEMPLE, TEXAS



Annual Action Plan

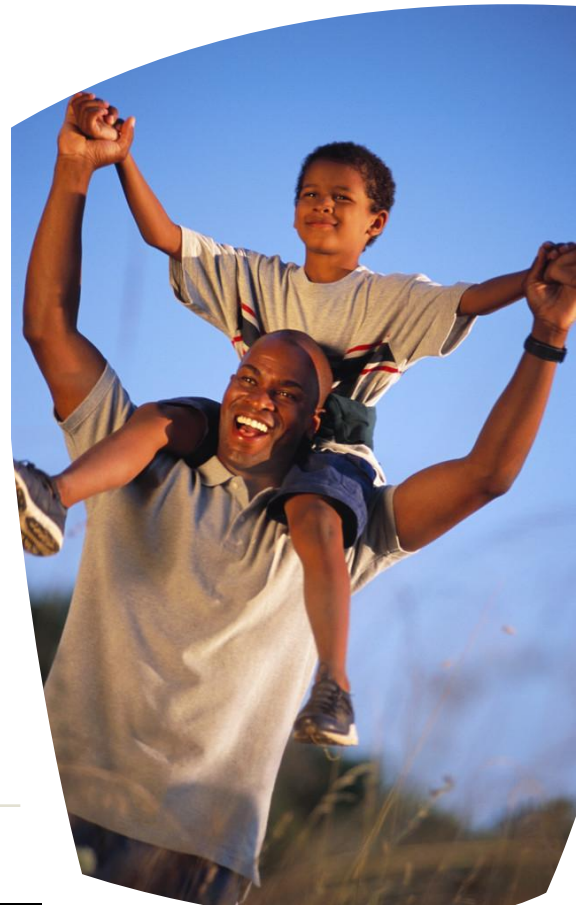
THIRD PROGRAM YEAR

Executive Summary

This *Annual Action Plan* reflects the City of Temple's funding priorities and identifies the projects proposed to receive Federal funds under the Community Development Block Grant ('CDBG') program. The City of Temple will receive \$386,943 for its 2012 CDBG allocation. These funds enhance the City's community development programs, supporting safe, well-planned residential and business districts. Over 70% of the funding allocated to CDBG activities benefit low to moderate income persons.

The City of Temple's 2012 allocation is a 17.1% reduction in funding from 2011. Additionally the City's 2011 allocation was also reduced by 16.6% for a total two year reduction of 30.9%. This reduction in funds has required the original Consolidated Plan goals for 2012 to be adjusted.

The City of Temple's 2012 allocation is not sufficient to fund the parks improvement and residential accessibility projects as proposed in the Consolidated Plan. The amount available for the demolition project is also less than proposed in the Consolidated Plan.



Fund Summary

2012-13 CDBG Funding	Program Income Received	Prior Funding Reallocation	Total
\$386,943	\$0	\$0	\$386,943

Objectives and Outcomes for Program Year 2012

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



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

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

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

Objective: Suitable Living Environment

Grant	Project	Outcome	Specific Objectives
CDBG	Infrastructure Improvements	Availability/ Accessibility	Improve the quality of public improvements
CDBG	Demolition	Availability/ Accessibility	Improve the quality of public improvements
CDBG	Temple HELP Center: Child Care	Availability/ Accessibility	Improve Services for low income persons
CDBG	Hill Country Community Action Association, Inc.: Meals on Wheels	Availability/ Accessibility	Improve Services for low income persons
CDBG	Families in Crisis: Shelter & support to victims of abuse or sexual assault	Affordability	Improve Services for low income persons
CDBG	Family Promise: Shelter & support to homeless families	Affordability	Improve Services for low income persons

Objective: Provide Decent Housing

Grant	Project	Outcome	Specific Objectives
CDBG	No CDBG funds are allocated for this objective	not applicable	not applicable

Objective: Economic Opportunity

Grant	Project	Outcome	Specific Objectives
CDBG	No CDBG funds are allocated for this objective	not applicable	not applicable

The proposed allocation of funds is as follows:

Infrastructure	\$192,757
Public Services	54,000
Demolition	85,000
General Admin	55,186
Total	\$386,943

FY 2012-2013 CDBG IN TEXAS



Past Performance



On an annual basis, HUD review's the performance of all entitlement recipients to determine whether each recipient is carrying out its CDBG assisted activities in a timely manner. If at sixty days prior to the end of the grantee's current program year, the amount of entitlement grant funds available to the recipient under grant agreements but undistributed by the U.S. Treasury is more than 1.5 times the entitlement grant amount for its current program year the grantee is considered to be noncompliant with HUD requirements. When reviewed on May 30, 2012 the City of Temple's ratio of undisbursed Treasury funds was 1.01.

CDBG	Amount
State Total	\$155,897,106
Minimum	\$185,975
Maximum	\$24,227,493
Average	\$2,563,493
Temple	\$386,943

Recent Temple CDBG Grant Amounts

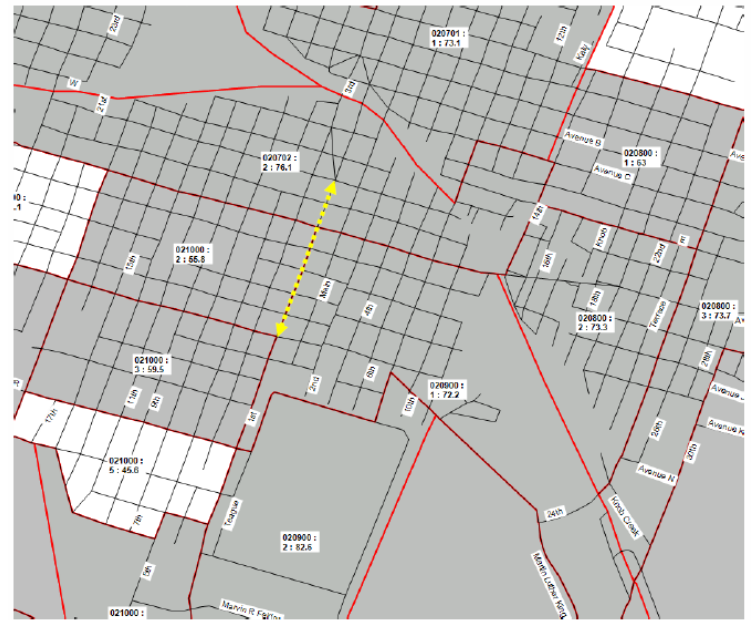
2008-2009	\$503,239
2009-2010	\$515,508
2010-2011	\$559,603
2011-2012	\$466,842

General Information

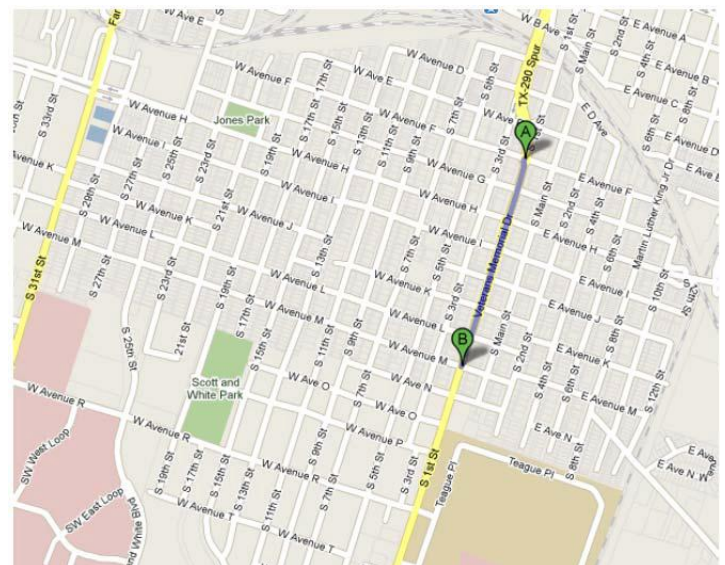
The activities proposed will be carried out in the following areas:

Infrastructure Improvements: Sidewalks- \$192,757

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



COUNTYNAME	PLACENAME	TRACT	BLKGRP	LOWMOD	LOWMODUNIV	LOWMODPCT	POP100
Bell County	Temple city	020702	1	665	957	69.5	1075
Bell County	Temple city	021000	2	554	993	55.8	929
Bell County	Temple city	021000	3	586	985	59.5	1007
Bell County	Temple city	021000	5	313	687	45.6	689
Bell County	Temple city	020900	2	123	149	82.6	662



Public Services- \$54,000

The Community Services Advisory Board (CSAB) spent many hours over several meetings sifting through the 6 requests (see Attachment 1) totaling \$82,500 while debating the merits of each agency and the needs of the community. Public Service Agencies funded in 2012 are:

Bell County Human Service (Temple HELP Center)	\$15,000
Hill Country Community Action Association, Inc.	\$14,000
Families in Crisis, Inc.	\$10,000
Family Promise	\$15,000

Demolition- \$85,000

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

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



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

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

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

Family Promise. Family Promise of East Bell County shelters homeless families and connects them with the needed services to assist them obtain employment and permanent housing and empower them to become independent and self-sufficient individuals once more and a productive member of society.

Allocation of Funds Geographically

In this action plan, all of the proposed activities will be conducted by directly serving low and moderate income individuals or families with the exception of demolition. 100% of infrastructure improvement funds will be allocated in the Census block groups that are within low-income concentration areas. In Temple, the Census block groups that are principally low-to-moderate income are in a contiguous area and are generally situated in the eastern half of the City.

Priority is given to projects that benefit low and moderate income individuals, families, or neighborhoods.

Resources

The City of Temple uses federal and local resources to address the needs identified in the Consolidated Plan.

Community Development Block Grant. The City expects to receive \$386,943 in 2012 CDBG funds to be addressed in this Action Plan. This is a 17.1% reduction in funds from last year. Goals and objectives will be adjusted to address the reduction in funds.

General Fund & Utilities Fund. General Fund and Utility Fund resources are allocated to address additional public improvement projects during fiscal year 2012. The City's General Fund also provides funding to support additional public service agencies and provides the Temple Housing Authority a portion of general funds to assist low to moderate income families purchase homes.

Addressing Obstacles in Meeting Underserved Needs

The City of Temple has identified lack of funding to be the main obstacle in our ability to meet underserved needs of the community. The City recognizes that there are always more needs than funds available and strives to adequately address the underserved needs of the community while maintaining core services.



Managing the Process / Institutional Structure

The City of Temple is the lead agency in the distribution and administration of programming funds and will carry out the Annual Action Plan through identified local agencies, City government, and local volunteer groups.

The Annual Action Plan was developed in accordance with the Citizen Participation Plan as discussed below.

Public and private housing, health, and social service serving the citizens of Temple will continue to strive to collaborate and coordinate activities and services provided within the community in order to derive the most benefit from the available resources.

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

Citizen Participation

The City of Temple will make available to citizens, public agencies, and other interested parties information that includes the amount of assistance the City expects to receive and the range of activities that may be undertaken, including the estimated amount that will benefit persons of low and moderate income. The City will encourage citizen participation by all citizens of Temple and particularly persons of low and moderate income who are residents of the East Temple Revitalization Area in which Community Development funds are being proposed. Notice of public hearings will be published approximately two weeks before the scheduled meeting in the Temple Daily Telegram and other publications as appropriate. Spanish translations will be provided as appropriate. Notices will include the availability of accommodations for those with disabilities.

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

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



CITIZEN COMMENTS

The following three public hearings were held for this year's CDBG Action Plan in addition to a public hearing held on June 7, 2012 in conjunction with the Temple City Council meeting where the proposed Action Plan was presented:

<u>Date</u>	<u>Time</u>	<u>Location</u>
02.15.12	3:30pm	Temple City Hall
02.23.12	5:30pm	Temple Public Library
03.06.12	5:30pm	Wilson Recreation Center

The first two public hearings had no attendees but comments were received at the third public hearing on March 6, 2012.

Generally, the comments expressed were:

- 1) Disappointment in funding level declines
- 2) Appreciation for the City's transition to in-house administration
- 3) Desire to 'stay the course' with the 1st Street Sidewalk project and investigate future opportunities for a similar project along 24th Street
- 4) Desire to 'stay the course' with our demolition program

All meetings regarding this plan were audio recorded, and all questions and comments raised during those meetings were addressed. The minutes for the March 6, 2012 are attached (Attachment 2) at the end of the Action Plan.

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

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

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

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

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

Monitoring

The City of Temple uses several tools to monitor its progress with the CDBG program. Spreadsheets developed to maintain the 2005 Workout Plan are still in use though not required by HUD. These tools along with the annual CAPER assist the City in evaluating the performance and timeliness of the City's CDBG projects. Monthly meetings are held that review these materials which are updated regularly and project forward for anticipated completion dates. During these monthly meetings, City staff discuss and resolve any potential issues that could impair the City's ability to perform its tasks. In addition to self-monitoring, the City's Grant Specialist monitors each public service agency receiving HUD funds, reviewing files for documentation of program requirements. Should any issues arise during these monitoring, actions are taken to resolve documentation error and if the issue is not able to be resolved, funding is reduced accordingly.

Lead-Based Paint

The City of Temple has no projects in the 2012 Annual Action Plan that involve housing or lead-based paint.

Housing

Specific Housing Objectives

The City of Temple has no CDBG funded housing related projects in the 2012 Annual Action Plan. The City funds the majority of its housing initiatives through the General Fund. In 2011, the City provided \$35,000 to the Temple Housing Authority to assist approximately 14 low to moderate income families purchase homes. While the City has not yet completed its budget process for the upcoming fiscal year, we anticipate a similar level of funding for this program benefiting a similar number of low to moderate income families.

Needs of Public Housing

There are no activities covered by this Action Plan that directly and specifically address the needs of public housing. As stated above, the City of Temple provides support to the Temple Housing Authority but the Housing Authority is not an entity of the City of Temple.

The City of Temple provides funding to the Temple Housing Authority's down payment assistance program. This program assists low to moderate income families participate in homeownership.

Barriers to Affordable Housing

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

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

To address these needs, the City actively supports the Temple Housing Authority who also sees this need and encourages its residents to increase their level of education. According to its latest THA annual report, 77 residents of the THA are attending college and 4 are seeking their GEDs.

The City also supports Temple College, Temple College Foundation, and Temple Independent School District through various programs and initiatives that support enhanced educational opportunities for citizens and the Temple Economic Development Corporation and Temple Business Incubator to encourage job creation and availability.

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



Homeless Prevention Elements

Supportive services such as employment training, childcare program and transportation assistance can often times prevent families from becoming homeless, so the City of Temple will continue to financially commit to public service improvement programs in order to assist in the community's effort to prevent homelessness as able.

The 2012 Annual Action Plan includes funding for two public service agencies to address homelessness, including chronic homelessness and families with children that are at risk of becoming homeless, and homelessness prevention.

This year, the City plans to fund Families in Crisis to assist those who are victims of domestic violence or sexual assault and have no place left to turn. Without assistance these individuals could potentially become homeless in an effort to escape their conditions. With the allocated CDBG funds, Families in Crisis plans to assist 130 clients facing these conditions in the coming year.

The City also plans to fund Family Promise of East Bell County which plans to provide shelter to 21 homeless families and connect them with the needed services to assist them in obtaining employment and permanent housing and become independent and self-sufficient individuals and productive members of society.

The City has identified the recent reductions in funding allocations as an obstacle because it limits the availability of funds to assist Public Service Agencies addressing homelessness. The City of Temple does not currently plan to implement a Discharge Coordination Policy. The City of Temple does not expect to receive any private or public resources to address homeless needs and to prevent homelessness in 2012.



Community Development

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

Community Development/Public Improvements Objectives

The City plans to continue a multi-year project to install sidewalks in a low income section of town that should benefit over 5,000 citizens with a goal to improve their accessibility of a suitable living environment.

Community Development/Public Services Objectives

The City plans to fund four public service agencies, each addressing a community need. Public service agencies receiving funding this year are listed on page 4 of this document.

Community Development/Public Facilities Objectives

No Public Facilities projects are funded in this year's Action Plan.

Community Development/Economic Development Objectives

No Economic Development projects are funded in this year's Action Plan.

Community Development/Other Objectives

The City also plans to continue spot demolition to eliminate blight within the community.

Specific Long-Term Community Development Goals

1. **Public Improvements.** Implement public improvement activities to ensure adequate drainage, streets, sidewalks, parks, and water and sewer systems in low-to-moderate income areas.
2. **Public Services.** Fund public service agencies in order to leverage resources for priority community needs.
3. **Spot Demolition.** Continue spot demolition to eliminate blight within the community.

Specific Short-Term Community Development Goals

Public Improvements

Number	Objective	Project Schedule	Proposed Accomplishment	
			Performance Indicator	PY 12 Target
SL-1 (2)	Install sidewalks along 1st Street within the boundaries of Ave F ad Ave M.	5 Year	Persons Served	0 (under construction: multi-year project)

Public Services

Number	Objective	Project Schedule	Proposed Accomplishment	
			Performance Indicator	PY 12 Target
SL-1 (1)	Provide funding to Public Agencies to assist in the availability or accessibility of a suitable living environment.	1 Year	Persons Served	355
SL-2	Fund public service agencies whose goals are the affordability of a suitable living environment.	1 Year	Persons Served	86

Spot Demolition

Number	Objective	Project Schedule	Proposed Accomplishment	
			Performance Indicator	PY 12 Target
SL-1 (5)	Demolition of vacant or dilapidated structures will be conducted to address blighted conditions on a spot basis in scattered locations in the community.	1 Year (on-going)	Buildings Demolished	7

Anti-Poverty Strategy

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

Education has been identified as a key element in helping to develop economically independent citizens. Therefore, education becomes a key strategy for an Anti-poverty program. As mentioned above, the City supports Temple College, Temple College Foundation, and Temple Independent School District through various programs and initiatives that support enhanced educational opportunities for citizens and the Temple Economic Development Corporation and Temple Business Incubator to encourage job creation and availability.

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

Housing Opportunities for People with AIDS / Specific HOPWA Objectives

The City of Temple does not receive HOPWA funding.



Supplemental Information

Attachment 1- Community Services Advisory Board Public Service Funding Recommendations

Attachment 2- Minutes from March 6, 2012 Public Hearing

Attachment 3- SF-424

Attachment 4- Table 3A Summary of Specific Annual Objectives

Attachment 5- Table 3B Annual Affordable Housing Completion Goals

Attachment 6- Table 3C Consolidated Plan Listing of Projects

Attachment 7- Non-State Grantee Certifications

**2012-2013 PUBLIC SERVICE AGENCIES
CDBG FUNDING RECOMMENDATIONS**

PSA Applicant	Reason for Request	Requested Amount	CSAB Recommended Amount	Staff Recommended Amount
Bell County Human Services / Temple HELP Center	Transition from Welfare to Work Issues: Child care Workforce Preparation	\$15,000 \$10,000	\$15,000	\$15,000
Families in Crisis	Transition from Welfare to Work Issues: Skills Training (Salaries & Wages, fringe benefits)	\$20,000	\$10,000	\$10,000
Family Promise of East Bell County, Inc.	Transition from Welfare to Work Issues: Transportation, Skills Training (Salaries & Wages, fringe benefits)	\$15,000	\$15,000	\$15,000
Hill Country Community Action Associations, Inc. / Temple Nutrition Program	Elderly: Self-sufficiency programs (Salaries & wages/fringe benefits)	\$15,000	\$14,000	\$14,000
Central Texas 4C	Transition from Welfare to Work Issues: Child care	\$2,500	\$0	\$0
Aware Central Texas	Youth: Self-sufficiency, Mentoring (Salaries & wages/fringe benefits)	\$5,000	\$0	\$0
	Total	\$82,500	\$54,000	\$54,000

**COMMUNITY DEVELOPMENT BLOCK GRANT
PUBLIC HEARING
March 06, 2012
5:30 P.M.**

Wilson Park Recreation Center
2205 Curtis Elliott Drive
Temple, Texas

STAFF PRESENT

Lois Whitley, CDBG Specialist
Brynn Reynolds, Director of Administrative Services

GUEST'S PRESENT

See Attached Attendance List

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

There was open discussion concerning a recent contractor's application to the City Council requesting support with an application to the HOME grant program, the possibility of establishing a CHODO in Temple, the need for housing rehabilitation in Temple, the challenges in administering home rehabilitation programs, the grant funded housing rehabilitation/replacement programs in the past and the long-term assistance they provide.

Ms. Whitley presented a general overview of consolidated planning and the 2012 annual action plan including the Community Development Block Grant (CDBG) national objectives, citizen participation, eligible activities, the City of Temple's use of CDBG funding and the action plan schedule.

The City of Temple is an Entitlement Community for the CDBG program only. CDBG funds will, therefore, be the only formula funds directly budgeted through the Consolidated Plan.

The amount that has been allocated to the City of Temple for the CDBG 2012 program year is \$386,943. This is 17% less than the City received in CDBG funding for 2011. It also the smallest amount the City has received as a CDBG annual allocation and follows a 16% reduction in funding in the 2011 program year. The presentation included a graph that shows the City of Temple funding since 1996 and the funding reductions since that time.

Question: What is the cause of the trend of cuts in these grant amounts?

Ms. Whitley stated that it is partly due to an emphasis in Congress on cutting spending and that federally funded grant programs are being affected.

Ms. Reynolds added that part of the reason for the reduced amount is that as the populations grow more entities become eligible as entitlement communities so the amount of CDBG funding available is shared by more communities. The total funding has been dropped and there are more cities receiving the grant so both of those factors bring down the funding amount. The impact is also more significant this year because of the 2010 Census. Generally the yearly estimates are a little more conservative and when you have the real numbers from the census more cities meet the population thresholds. We should not see such a large percentage drop next year.

Question: Have the 2012 funds that are not to be used for public service agencies and administration already been earmarked for specific projects? There are some safety concerns along South 24th Street because children are walking on this street and they need sidewalks.

Ms. Whitley stated that specific projects have not been determined and part of the action plan process is reviewing any public comments received and selecting specific projects to be funded.

Ms. Reynolds added that in 2010 the 1st Street Sidewalk project was funded as a multi-year project with the engineering and design expenses for all phases included in the first funding year. The first phase of construction should begin soon and funding was approved for continuation of the project with 2011 program year funds. Since this is a multi-year project and engineering and design for all phases has been expended, city staff will probably consider funding the project in the 2012 program year. Also, any demolition on a spot-blight basis will need to be funded. We have historically funded \$100,000 per year but there is a funding cap at 30% so we will probably not be able to fund that amount this year.

There was open discussion about the continuation of the 1st Street Sidewalk project, the possibility of a similar project on South 24th Street in some future funding year and the spot-blight demolition project. There were also comments on the visible improvements along Martin Luther King Dr. and Avenue G as a result of past projects funded by CDBG. That section of MLK has been cleared of dilapidated/abandoned structures but there are 3 or 4 homes across from the Baptist church that appear to be empty and dilapidated and need to be demolished.

Ms. Reynolds said she would check to see if these homes were on the pending list for the spot-blight demolition program.

There were also comments in favor of the administration of the CDBG program being kept in-house with city staff instead of an outside contractor as in past years.

A comment was received about the need for continued CDBG support of local service agencies to provide child care and education/workforce preparation expenses. Both of these activities are very important to help residents get and stay employed and that makes a big difference in their quality of life.

Ms. Whitley stated that the open application period for public service agency funding requests ends at 5:00 pm on March 8th. The Community Services Advisory Board will then review the requests and, based on the CDBG funding percentage allowed for public service agencies, make the funding recommendations to the City Council.

There was open discussion about the reduction in funding for federally funded grant programs and the hope that funding will be restored to previous years.

Question: Are there going to be any more programs for home repair or replacement as was funded a few years back? Resident states that she needs assistance for some electrical work to support an air conditioning unit at her home. She is very appreciative of the fact that the City did some work on her home several years ago but the electrical work done at that time will not work for her air conditioner.

Ms. Whitley stated that there are currently no home repair or replacement programs considered for funding. The past programs were funded by the HOME program. The City is not an entitlement community for that program and has not received any HOME grant funds for the current fiscal year. The City must apply for those funds and meet the program's threshold requirements. The decision to apply for HOME program funds is made by the City Council.

Comment: Resident states that she lives on North 20th near a creek and it is very dark and she needs a light there. There have been some new homes built on East Downs and a lot of people walk through the field and the creek to get to 20th St. Most of the people living in the new housing are renters and they don't seem to care about the property. There is a lot of crime in the area. Also, there is an alley behind her house that is not being kept up and the creek area is not being kept up and that makes security a big issue for her since she lives alone.

Ms. Reynolds noted the address and stated that she would place service requests with the correct City departments to address the issues and follow-up with the resident.

Comment: A street sign is missing on the corner of Avenue H and Terrace St. and needs to be replaced.

Ms. Reynolds said she would add that to the departmental service requests.

Question: What is the City doing to entice and motivate small businesses to come into the MLK area, especially for those residents' needs like groceries, food & clothing? There are a lot of elderly residents in that area that need those types of businesses.

Ms. Whitley stated that in relation to CDBG, there are currently no programs funded to assist in small business. She suggested that he contact the Council representative for that area and make suggestions and proposals to meet the needs of the area as funds become available to assist in development of businesses along MLK.

Ms. Morales stated that she is in the beginning phase of an eastside redevelopment program with an initial meeting scheduled for April 6th to discuss ideas and the best way to proceed with development of the area. She would welcome any ideas or suggestions of issues to be considered at that meeting.

Ms. Reynolds added that the City has found that infrastructure projects are a good match for CDBG and that CDBG can be considered for these types of improvements as part of any eastside redevelopment program.

There being no other questions or comments, Ms. Whitley reviewed the proposed timeline for completion of the 2012 Action Plan and her contact information including the City of Temple website. She thanked the guests for their participation in the CDBG annual action plan process.

Respectfully Submitted,
Lois Whitley

Community Development Block
Grant (CDBG) Program
City Of Temple
FY 2012-2013 Action Plan
March 6, 2012 - 5:30 pm

[illegible]



SF 424

The SF 424 is part of the CPMP Annual Action Plan. SF 424 form fields are included in this document. Grantee information is linked from the 1CPMP.xls document of the CPMP tool.

SF 424

Complete the fillable fields (blue cells) in the table below. The other items are pre-filled with values from the Grantee Information Worksheet.

Date Submitted August 01, 2012	Applicant Identifier	Type of Submission	
Date Received by state	State Identifier	Application	Pre-application
Date Received by HUD	Federal Identifier B-12-MC-48-0021	<input checked="" type="checkbox"/> Construction	<input type="checkbox"/> Construction
		<input type="checkbox"/> Non Construction	<input type="checkbox"/> Non Construction
Applicant Information			
City of Temple		UOG Code	
2 North Main Street		DUNS # 045353591	
		0	
Temple	Texas	Community Development Department	
76501	Country U.S.A.	0	
Employer Identification Number (EIN):		Bell County	
74-6002368		Program Year Start Date (10/01)	
Applicant Type:		Specify Other Type if necessary:	
Local Government: City		Specify Other Type	
Program Funding		U.S. Department of Housing and Urban Development	
Catalogue of Federal Domestic Assistance Numbers; Descriptive Title of Applicant Project(s); Areas Affected by Project(s) (cities, Counties, localities etc.); Estimated Funding			
Community Development Block Grant		14.218 Entitlement Grant	
CDBG Project Titles PSAs, Infrastructure Improvements, & Demolition		Description of Areas Affected by CDBG Project(s) Citywide – Temple, TX	
\$CDBG Grant Amount 386,943	\$Additional HUD Grant(s) Leveraged	Describe	
\$Additional Federal Funds Leveraged		\$Additional State Funds Leveraged	
\$Locally Leveraged Funds		\$Grantee Funds Leveraged	
\$Anticipated Program Income 0		Other (Describe) 0	
Total Funds Leveraged for CDBG-based Project(s) 386,943			
Home Investment Partnerships Program – N/A		14.239 HOME	
HOME Project Titles		Description of Areas Affected by HOME Project(s)	
\$HOME Grant Amount	\$Additional HUD Grant(s) Leveraged	Describe	
\$Additional Federal Funds Leveraged		\$Additional State Funds Leveraged	
\$Locally Leveraged Funds		\$Grantee Funds Leveraged	

\$Anticipated Program Income		Other (Describe)	
Total Funds Leveraged for HOME-based Project(s)			
Housing Opportunities for People with AIDS – N/A		14.241 HOPWA	
HOPWA Project Titles		Description of Areas Affected by HOPWA Project(s)	
\$HOPWA Grant Amount	\$Additional HUD Grant(s) Leveraged	Describe	
\$Additional Federal Funds Leveraged		\$Additional State Funds Leveraged	
\$Locally Leveraged Funds		\$Grantee Funds Leveraged	
\$Anticipated Program Income		Other (Describe)	
Total Funds Leveraged for HOPWA-based Project(s)			
Emergency Shelter Grants Program – N/A		14.231 ESG	
ESG Project Titles		Description of Areas Affected by ESG Project(s)	
\$ESG Grant Amount	\$Additional HUD Grant(s) Leveraged	Describe	
\$Additional Federal Funds Leveraged		\$Additional State Funds Leveraged	
\$Locally Leveraged Funds		\$Grantee Funds Leveraged	
\$Anticipated Program Income		Other (Describe)	
Total Funds Leveraged for ESG-based Project(s)			
Congressional Districts of:		Is application subject to review by state Executive Order 12372 Process?	
Applicant Districts11	Project Districts11		
Is the applicant delinquent on any federal debt? If "Yes" please include an additional document explaining the situation.		<input type="checkbox"/> Yes	This application was made available to the state EO 12372 process for review on DATE
		X No	Program is not covered by EO 12372
<input type="checkbox"/> Yes	X No	<input type="checkbox"/> N/A	Program has not been selected by the state for review

Person to be contacted regarding this application		
Blackburn		David
City Manager	254-298-5600	Fax-254-298-5459
eMail	www.ci.temple.tx.us	Other Contact
Signature of Authorized Representative		Date Signed
		07/22/2011

Table 3A
Summary of Specific Annual Objectives

Obj #	Specific Objectives	Sources of Funds	Performance Indicators	Expected Number	Actual Number	Outcome/Objective*
	Rental Housing Objectives					
	The City of Temple will not be using CDBG funds for Rental Housing					
	Owner Housing Objectives					
	The City of Temple will not be using CDBG funds for Owner Housing					
	Homeless Objectives					
1	Family Promise of East Bell County provides shelter to homeless families and connects them to needed services to assist them obtain employment and permanent housing and empower them to become independent and self-sufficient individuals.	CDBG	Families Served	21		SL-2
	Special Needs Objectives					
1	HCCAA (Meals on Wheels) Aging Services Program provides meals through congregate and home delivered meal programs to eligible elderly participants	CDBG	Persons Served	290		SL-2
	Community Development Objectives					
	The City of Temple will not be using CDBG funds for Community Development					
	Infrastructure Objectives					
2	Sidewalk installation will continue along 1st Street within the boundaries of W. Avenue D and W. Avenue M	CDBG	Persons Served	PR		SL-1
	Public Facilities Objectives					
	The City of Temple will not be using CDBG funds for Public Facilities					

	Public Services Objectives					
1	The Temple HELP Center will provide short term financial and non-financial services to low-income citizens and childcare for low income citizens	CDBG	Persons Served	65		SL-1
1	Families in Crisis supports and empowers individuals affected by family violence and sexual assault through safe shelter and outreach.	CDBG	Persons Served	65		SL-1
	Economic Development Objectives					
	The City of Temple will not be using CDBG funds for Economic Development					
	Other Objectives					
5	The city of Temple will demolish vacant or dilapidated structures to address blighted conditions on a spot basis in scattered location in the community	CDBG	Buildings Demolished	7		SL-1

***Outcome/Objective Codes**

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

Table 3B
ANNUAL AFFORDABLE HOUSING COMPLETION GOALS

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

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

Table 3C
Consolidated Plan Listing of Projects

Jurisdiction's Name City of Temple

Priority Need

Infrastructure

Project Title

1st Street Sidewalks

Description

Sidewalk installation along 1st Street within the boundaries of West Avenue F and West Avenue M. The project will include design and installation of sidewalks, not to exceed 8 feet in width, and any necessary ADA ramps, curbs and gutters. Landscaping will be installed where permissible due to absence of pavement. This is a multi-year project with this being the third year of funding.

Objective category: ☒ Suitable Living Environment ☐ Decent Housing ☐ Economic Opportunity
Outcome category: ☒ Availability/Accessibility ☐ Affordability ☐ Sustainability

Location/Target Area

1st Street between Avenue F and Avenue M

Street Address: South 1st Street

City, State, Zipcode: Temple, TX 76501

Objective Number SL-1(2)	Project ID
HUD Matrix Code 03L Sidewalks	CDBG Citation 570.201(c)
Type of Recipient Municipal	CDBG National Objective LMA
Start Date (mm/dd/yyyy)	Completion Date (mm/dd/yyyy)
Performance Indicator Persons Served	Annual Units
Local ID	Units Upon Completion 5,393

Funding Sources:

CDBG	\$192,757
ESG	
HOME	
HOPWA	
Total Formula	
Prior Year Funds	
Assisted Housing	
PHA	
Other Funding	
Total	\$192,757

The primary purpose of the project is to help: ☐ the Homeless ☐ Persons with HIV/AIDS ☐ Persons with Disabilities ☐ Public Housing Needs

Table 3C
Consolidated Plan Listing of Projects

Jurisdiction's Name City of Temple

Priority Need

Other

Project Title

Demolition

Description

Demolition of vacant and dilapidated structures will be conducted to address blighted conditions on a spot basis in locations to be determined based on code violations.

Objective category: ☒ Suitable Living Environment ☐ Decent Housing ☐ Economic Opportunity
Outcome category: ☒ Availability/Accessibility ☐ Affordability ☐ Sustainability

Location/Target Area

City-Wide

Street Address:

City, State, Zipcode: Temple, TX 76501

Objective Number SL-1(5)	Project ID
HUD Matrix Code 04 Clearance & Demo	CDBG Citation 570.201(d)
Type of Recipient Municipal	CDBG National Objective Spot Blight
Start Date (mm/dd/yyyy)	Completion Date (mm/dd/yyyy)
Performance Indicator Building Demolished	Annual Units 7
Local ID	Units Upon Completion

Funding Sources:

CDBG	\$85,000
ESG	
HOME	
HOPWA	
Total Formula	
Prior Year Funds	
Assisted Housing	
PHA	
Other Funding	
Total	\$85,000

The primary purpose of the project is to help: ☐ the Homeless ☐ Persons with HIV/AIDS ☐ Persons with Disabilities ☐ Public Housing Needs

Table 3C
Consolidated Plan Listing of Projects

Jurisdiction's Name **City of Temple**

Priority Need

Public Services

Project Title

Temple HELP Center

Description

The Temple HELP Center will provide assistance in obtaining child care for low income citizens to assist them to overcome social, economic and career barriers to becoming self-sufficient.

Objective category: ☒ Suitable Living Environment ☐ Decent Housing ☐ Economic Opportunity
Outcome category: ☒ Availability/Accessibility ☐ Affordability ☐ Sustainability

Location/Target Area

Street Address: **102 East Central, #100**
City, State, Zipcode: **Temple, TX 76501**

Objective Number SL-1(1)	Project ID	Funding Sources: CDBG \$15,000 ESG HOME HOPWA Total Formula Prior Year Funds Assisted Housing PHA Other Funding Total \$15,000
HUD Matrix Code 05 Public Services	CDBG Citation 570.201(e)	
Type of Recipient Non Profit	CDBG National Objective LMC	
Start Date (mm/dd/yyyy) 10/01/2012	Completion Date (mm/dd/yyyy) 09/30/2013	
Performance Indicator Persons Served	Annual Units 65	
Local ID	Units Upon Completion	

The primary purpose of the project is to help: ☐ the Homeless ☐ Persons with HIV/AIDS ☐ Persons with Disabilities ☐ Public Housing Needs

Table 3C
Consolidated Plan Listing of Projects

Jurisdiction's Name City of Temple

Priority Need

Public Services

Project Title

Families in Crisis

Description

Families in Crisis supports and empowers individuals affected by family violence and sexual assault with safe shelter while providing advocacy, education and resources to create a safe, supportive community.

Objective category: ☒ Suitable Living Environment ☐ Decent Housing ☐ Economic Opportunity
Outcome category: ☐ Availability/Accessibility ☒ Affordability ☐ Sustainability

Location/Target Area

Street Address: City-Wide
City, State, Zipcode: Temple, TX 76501

Objective Number SL-1(1)	Project ID
HUD Matrix Code 05 Public Services	CDBG Citation 570.201(e)
Type of Recipient Non Profit	CDBG National Objective LMC
Start Date (mm/dd/yyyy) 10/01/2012	Completion Date (mm/dd/yyyy) 09/30/2013
Performance Indicator Persons Served	Annual Units 65
Local ID	Units Upon Completion

Funding Sources:

CDBG	\$10,000
ESG	
HOME	
HOPWA	
Total Formula	
Prior Year Funds	
Assisted Housing	
PHA	
Other Funding	
Total	\$10,000

The primary purpose of the project is to help: ☐ the Homeless ☐ Persons with HIV/AIDS ☐ Persons with Disabilities ☐ Public Housing Needs

Table 3C
Consolidated Plan Listing of Projects

Jurisdiction's Name **City of Temple**

Priority Need

Public Services

Project Title

Family Promise of East Bell County

Description

Family Promise of East Bell County will provide shelter to homeless families and connect them with the needed services to assist them obtain employment and permanent housing and empower them to become independent and self-sufficient individuals once more and a productive member of society.

Objective category: ☒ Suitable Living Environment ☐ Decent Housing ☐ Economic Opportunity
Outcome category: ☐ Availability/Accessibility ☒ Affordability ☐ Sustainability

Location/Target Area

Street Address: **1018 East Avenue A**
City, State, Zipcode: **Temple, TX 76501**

Objective Number SL-2(1)	Project ID
HUD Matrix Code 05 Public Services	CDBG Citation 570.201(e)
Type of Recipient Non Profit	CDBG National Objective LMC
Start Date (mm/dd/yyyy) 10/01/2012	Completion Date (mm/dd/yyyy) 09/30/2013
Performance Indicator Families Served	Annual Units 21
Local ID	Units Upon Completion

Funding Sources:

CDBG	\$15,000
ESG	
HOME	
HOPWA	
Total Formula	
Prior Year Funds	
Assisted Housing	
PHA	
Other Funding	
Total	\$15,000

The primary purpose of the project is to help: ☐ the Homeless ☐ Persons with HIV/AIDS ☐ Persons with Disabilities ☐ Public Housing Needs

Table 3C
Consolidated Plan Listing of Projects

Jurisdiction's Name City of Temple

Priority Need

Public Services

Project Title

HCCAA Meals on Wheels

Description

Hill Country Community Action Association (HCCAA) will provide home delivered meals to eligible elderly and disabled homebound Temple residents.

Objective category: ☒ Suitable Living Environment ☐ Decent Housing ☐ Economic Opportunity
Outcome category: ☒ Availability/Accessibility ☐ Affordability ☐ Sustainability

Location/Target Area

Street Address: City-Wide
City, State, Zipcode: Temple, TX 76501

Objective Number SL-2(1)	Project ID
HUD Matrix Code 05 Public Services	CDBG Citation 570.201(e)
Type of Recipient Non Profit	CDBG National Objective LMC
Start Date (mm/dd/yyyy) 10/01/2012	Completion Date (mm/dd/yyyy) 09/30/2013
Performance Indicator Persons Served	Annual Units 290
Local ID	Units Upon Completion

Funding Sources:

CDBG	\$14,000
ESG	
HOME	
HOPWA	
Total Formula	
Prior Year Funds	
Assisted Housing	
PHA	
Other Funding	
Total	\$14,000

The primary purpose of the project is to help: ☐ the Homeless ☐ Persons with HIV/AIDS ☐ Persons with Disabilities ☐ Public Housing Needs



CPMP Non-State Grantee Certifications

Many elements of this document may be completed electronically, however a signature must be manually applied and the document must be submitted in paper form to the Field Office.

- ☐ This certification does not apply.
☒ This certification is applicable.

NON-STATE GOVERNMENT CERTIFICATIONS

In accordance with the applicable statutes and the regulations governing the consolidated plan regulations, the jurisdiction certifies that:

Affirmatively Further Fair Housing -- The jurisdiction will affirmatively further fair housing, which means it will conduct an analysis of impediments to fair housing choice within the jurisdiction, take appropriate actions to overcome the effects of any impediments identified through that analysis, and maintain records reflecting that analysis and actions in this regard.

Anti-displacement and Relocation Plan -- It will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and implementing regulations at 49 CFR 24; and it has in effect and is following a residential antidisplacement and relocation assistance plan required under section 104(d) of the Housing and Community Development Act of 1974, as amended, in connection with any activity assisted with funding under the CDBG or HOME programs.

Drug Free Workplace -- It will or will continue to provide a drug-free workplace by:

1. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
2. Establishing an ongoing drug-free awareness program to inform employees about –
 - a. The dangers of drug abuse in the workplace;
 - b. The grantee's policy of maintaining a drug-free workplace;
 - c. Any available drug counseling, rehabilitation, and employee assistance programs; and
 - d. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
3. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph 1;
4. Notifying the employee in the statement required by paragraph 1 that, as a condition of employment under the grant, the employee will –
 - a. Abide by the terms of the statement; and
 - b. Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
5. Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph 4(b) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;
6. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph 4(b), with respect to any employee who is so convicted –
 - a. Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
 - b. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
7. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs 1, 2, 3, 4, 5 and 6.

Anti-Lobbying -- To the best of the jurisdiction's knowledge and belief:

8. No Federal appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;
9. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and
10. It will require that the language of paragraph 1 and 2 of this anti-lobbying certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

Authority of Jurisdiction -- The consolidated plan is authorized under State and local law (as applicable) and the jurisdiction possesses the legal authority to carry out the programs for which it is seeking funding, in accordance with applicable HUD regulations.

Consistency with plan -- The housing activities to be undertaken with CDBG, HOME, ESG, and HOPWA funds are consistent with the strategic plan.

Section 3 -- It will comply with section 3 of the Housing and Urban Development Act of 1968, and implementing regulations at 24 CFR Part 135.

Signature/Authorized Official

Date

David Blackburn

Name

City Manager

Title

2 North Main Street

Address

Temple, TX 76501

City/State/Zip

254-298-5600

Telephone Number

- | |
|---|
| <input type="checkbox"/> This certification does not apply. |
| <input checked="" type="checkbox"/> This certification is applicable. |

Specific CDBG Certifications

The Entitlement Community certifies that:

Citizen Participation -- It is in full compliance and following a detailed citizen participation plan that satisfies the requirements of 24 CFR 91.105.

Community Development Plan -- Its consolidated housing and community development plan identifies community development and housing needs and specifies both short-term and long-term community development objectives that provide decent housing, expand economic opportunities primarily for persons of low and moderate income. (See CFR 24 570.2 and CFR 24 part 570)

Following a Plan -- It is following a current consolidated plan (or Comprehensive Housing Affordability Strategy) that has been approved by HUD.

Use of Funds -- It has complied with the following criteria:

11. Maximum Feasible Priority - With respect to activities expected to be assisted with CDBG funds, it certifies that it has developed its Action Plan so as to give maximum feasible priority to activities which benefit low and moderate income families or aid in the prevention or elimination of slums or blight. The Action Plan may also include activities which the grantee certifies are designed to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community, and other financial resources are not available);
12. Overall Benefit - The aggregate use of CDBG funds including section 108 guaranteed loans during program year(s) 2010, 2011, 2012, (a period specified by the grantee consisting of one, two, or three specific consecutive program years), shall principally benefit persons of low and moderate income in a manner that ensures that at least 70 percent of the amount is expended for activities that benefit such persons during the designated period;
13. Special Assessments - It will not attempt to recover any capital costs of public improvements assisted with CDBG funds including Section 108 loan guaranteed funds by assessing any amount against properties owned and occupied by persons of low and moderate income, including any fee charged or assessment made as a condition of obtaining access to such public improvements.

However, if CDBG funds are used to pay the proportion of a fee or assessment that relates to the capital costs of public improvements (assisted in part with CDBG funds) financed from other revenue sources, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds.

The jurisdiction will not attempt to recover any capital costs of public improvements assisted with CDBG funds, including Section 108, unless CDBG funds are used to pay the proportion of fee or assessment attributable to the capital costs of public improvements financed from other revenue sources. In this case, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds. Also, in the case of properties owned and occupied by moderate-income (not low-income) families, an assessment or charge may be made against the property for public improvements financed by a source other than CDBG funds if the jurisdiction certifies that it lacks CDBG funds to cover the assessment.

Excessive Force -- It has adopted and is enforcing:

14. A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and
15. A policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within its jurisdiction;

Compliance With Anti-discrimination laws -- The grant will be conducted and administered in conformity with title VI of the Civil Rights Act of 1964 (42 USC 2000d), the Fair Housing Act (42 USC 3601-3619), and implementing regulations.

Lead-Based Paint -- Its activities concerning lead-based paint will comply with the requirements of part 35, subparts A, B, J, K and R, of title 24;

Compliance with Laws -- It will comply with applicable laws.

Signature/Authorized Official

Date

David Blackburn

Name

City Manager

Title

2 North Main Street

Address

Temple, TX 76501

City/State/Zip

254-298-5600

Telephone Number

- ☒ This certification does not apply.
☐ This certification is applicable.

**OPTIONAL CERTIFICATION
CDBG**

Submit the following certification only when one or more of the activities in the action plan are designed to meet other community development needs having a particular urgency as specified in 24 CFR 570.208(c):

The grantee hereby certifies that the Annual Plan includes one or more specifically identified CDBG-assisted activities, which are designed to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community and other financial resources are not available to meet such needs.

Signature/Authorized Official

Date

Name

Title

Address

City/State/Zip

Telephone Number

☒ **This certification does not apply.**
☐ **This certification is applicable.**

Specific HOME Certifications

The HOME participating jurisdiction certifies that:

Tenant Based Rental Assistance -- If the participating jurisdiction intends to provide tenant-based rental assistance:

The use of HOME funds for tenant-based rental assistance is an essential element of the participating jurisdiction's consolidated plan for expanding the supply, affordability, and availability of decent, safe, sanitary, and affordable housing.

Eligible Activities and Costs -- it is using and will use HOME funds for eligible activities and costs, as described in 24 CFR § 92.205 through 92.209 and that it is not using and will not use HOME funds for prohibited activities, as described in § 92.214.

Appropriate Financial Assistance -- before committing any funds to a project, it will evaluate the project in accordance with the guidelines that it adopts for this purpose and will not invest any more HOME funds in combination with other Federal assistance than is necessary to provide affordable housing;

Signature/Authorized Official

Date

Name

Title

Address

City/State/Zip

Telephone Number

- ☒ This certification does not apply.
☐ This certification is applicable.

HOPWA Certifications

The HOPWA grantee certifies that:

Activities -- Activities funded under the program will meet urgent needs that are not being met by available public and private sources.

Building -- Any building or structure assisted under that program shall be operated for the purpose specified in the plan:

1. For at least 10 years in the case of assistance involving new construction, substantial rehabilitation, or acquisition of a facility,
2. For at least 3 years in the case of assistance involving non-substantial rehabilitation or repair of a building or structure.

Signature/Authorized Official

Date

Name

Title

Address

City/State/Zip

Telephone Number

- | |
|---|
| <input checked="checked" type="checkbox"/> This certification does not apply.
<input type="checkbox"/> This certification is applicable. |
|---|

ESG Certifications

I, _____, Chief Executive Officer of Jurisdiction, certify that the local government will ensure the provision of the matching supplemental funds required by the regulation at 24 *CFR* 576.51. I have attached to this certification a description of the sources and amounts of such supplemental funds.

I further certify that the local government will comply with:

1. The requirements of 24 *CFR* 576.53 concerning the continued use of buildings for which Emergency Shelter Grants are used for rehabilitation or conversion of buildings for use as emergency shelters for the homeless; or when funds are used solely for operating costs or essential services.
2. The building standards requirement of 24 *CFR* 576.55.
3. The requirements of 24 *CFR* 576.56, concerning assurances on services and other assistance to the homeless.
4. The requirements of 24 *CFR* 576.57, other appropriate provisions of 24 *CFR* Part 576, and other applicable federal laws concerning nondiscrimination and equal opportunity.
5. The requirements of 24 *CFR* 576.59(b) concerning the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.
6. The requirement of 24 *CFR* 576.59 concerning minimizing the displacement of persons as a result of a project assisted with these funds.
7. The requirements of 24 *CFR* Part 24 concerning the Drug Free Workplace Act of 1988.
8. The requirements of 24 *CFR* 576.56(a) and 576.65(b) that grantees develop and implement procedures to ensure the confidentiality of records pertaining to any individual provided family violence prevention or treatment services under any project assisted with ESG funds and that the address or location of any family violence shelter project will not be made public, except with written authorization of the person or persons responsible for the operation of such shelter.
9. The requirement that recipients involve themselves, to the maximum extent practicable and where appropriate, homeless individuals and families in policymaking, renovating, maintaining, and operating facilities assisted under the ESG program, and in providing services for occupants of these facilities as provided by 24 *CFR* 76.56.
10. The requirements of 24 *CFR* 576.57(e) dealing with the provisions of, and regulations and procedures applicable with respect to the environmental review responsibilities under the National Environmental Policy Act of 1969 and related

authorities as specified in 24 *CFR* Part 58.

11. The requirements of 24 *CFR* 576.21(a)(4) providing that the funding of homeless prevention activities for families that have received eviction notices or notices of termination of utility services will meet the requirements that: (A) the inability of the family to make the required payments must be the result of a sudden reduction in income; (B) the assistance must be necessary to avoid eviction of the family or termination of the services to the family; (C) there must be a reasonable prospect that the family will be able to resume payments within a reasonable period of time; and (D) the assistance must not supplant funding for preexisting homeless prevention activities from any other source.
12. The new requirement of the McKinney-Vento Act (42 *USC* 11362) to develop and implement, to the maximum extent practicable and where appropriate, policies and protocols for the discharge of persons from publicly funded institutions or systems of care (such as health care facilities, foster care or other youth facilities, or correction programs and institutions) in order to prevent such discharge from immediately resulting in homelessness for such persons. I further understand that state and local governments are primarily responsible for the care of these individuals, and that ESG funds are not to be used to assist such persons in place of state and local resources.
13. HUD's standards for participation in a local Homeless Management Information System (HMIS) and the collection and reporting of client-level information.

I further certify that the submission of a completed and approved Consolidated Plan with its certifications, which act as the application for an Emergency Shelter Grant, is authorized under state and/or local law, and that the local government possesses legal authority to carry out grant activities in accordance with the applicable laws and regulations of the U. S. Department of Housing and Urban Development.

Signature/Authorized Official

Date

Name

Title

Address

City/State/Zip

Telephone Number

- ☐ This certification does not apply.
☒ This certification is applicable.

APPENDIX TO CERTIFICATIONS

Instructions Concerning Lobbying and Drug-Free Workplace Requirements

Lobbying Certification

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Drug-Free Workplace Certification

1. By signing and/or submitting this application or grant agreement, the grantee is providing the certification.
2. The certification is a material representation of fact upon which reliance is placed when the agency awards the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, HUD, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act.
3. Workplaces under grants, for grantees other than individuals, need not be identified on the certification. If known, they may be identified in the grant application. If the grantee does not identify the workplaces at the time of application, or upon award, if there is no application, the grantee must keep the identity of the workplace(s) on file in its office and make the information available for Federal inspection. Failure to identify all known workplaces constitutes a violation of the grantee's drug-free workplace requirements.
4. Workplace identifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (e.g., all vehicles of a mass transit authority or State highway department while in operation, State employees in each local unemployment office, performers in concert halls or radio stations).
5. If the workplace identified to the agency changes during the performance of the grant, the grantee shall inform the agency of the change(s), if it previously identified the workplaces in question (see paragraph three).
6. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant: Place of Performance (Street address, city, county, state, zip code) Check if there are workplaces on file that are not identified here. The certification with regard to the drug-free workplace is required by 24 CFR part 21.

Place Name	Street	City	County	State	Zip
City Hall	2 North Main St.	Temple	Bell	TX	76501

7. Definitions of terms in the Nonprocurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to this certification. Grantees' attention is called, in particular, to the following definitions from these rules: "Controlled substance" means a controlled substance in Schedules I through V of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation (21 CFR 1308.11 through 1308.15); "Conviction" means a finding of guilt (including a plea of *nolo contendere*) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes; "Criminal drug statute" means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any

controlled substance; "Employee" means the employee of a grantee directly engaged in the performance of work under a grant, including:

- a. All "direct charge" employees;
- b. all "indirect charge" employees unless their impact or involvement is insignificant to the performance of the grant; and
- c. temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the grantee's payroll; or employees of subrecipients or subcontractors in covered workplaces).

Note that by signing these certifications, certain documents must be completed, in use, and on file for verification. These documents include:

1. Analysis of Impediments to Fair Housing
2. Citizen Participation Plan
3. Anti-displacement and Relocation Plan

Signature/Authorized Official

Date

David Blackburn

Name

City Manager

Title

2 North Main Street

Address

Temple, TX 76501

City/State/Zip

254-298-5600

Telephone Number

**2012-2013 PUBLIC SERVICE AGENCIES
CDBG FUNDING RECOMMENDATIONS**

PSA Applicant	Reason for Request	Requested Amount	CSAB Recommended Amount	Staff Recommended Amount
Bell County Human Services / Temple HELP Center	Transition from Welfare to Work Issues: Child care Workforce Preparation	\$15,000 \$10,000	\$15,000	\$15,000
Families in Crisis	Transition from Welfare to Work Issues: Skills Training (Salaries & Wages, fringe benefits)	\$20,000	\$10,000	\$10,000
Family Promise of East Bell County, Inc.	Transition from Welfare to Work Issues: Transportation, Skills Training (Salaries & Wages, fringe benefits)	\$15,000	\$15,000	\$15,000
Hill Country Community Action Associations, Inc. / Temple Nutrition Program	Elderly: Self-sufficiency programs (Salaries & wages/fringe benefits)	\$15,000	\$14,000	\$14,000
Central Texas 4C	Transition from Welfare to Work Issues: Child care	\$2,500	\$0	\$0
Aware Central Texas	Youth: Self-sufficiency, Mentoring (Salaries & wages/fringe benefits)	\$5,000	\$0	\$0
	Total	\$82,500	\$54,000	\$54,000

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

March 21, 2012
3:30 P. M.

COMMUNITY SERVICES ADVISORY BOARD MEMBERS PRESENT

Nancy Etzel	Rev. Roscoe Harrison
Patsy Cofer	Dee Blackwell
Florencio Olivares	

BOARD MEMBERS ABSENT

Chair Melissa Bragg	Co-Chair Lamar Collins
Ashleigh Pettijohn	Temikia Brown

STAFF PRESENT

Lois Whitley, City of Temple

GUESTS PRESENT

None

The agenda for this meeting was posted on the bulletin board at the Municipal Building, March 16, 2012, at 9:15 a.m. in compliance with the Open Meetings Law.

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

1. Call to Order

Rev. Harrison noted that the current Chair and Vice-Chair were not present and called the Community Services Advisory Board to order at 3:39 p. m.

2. Elect Chair and Vice-Chair

Rev. Harrison opened the floor for discussion and nominations for new Chair and Vice-Chair and nominated Lamar Collins for Chair, in absentia.

Ms. Cofer seconded the nomination.

Rev. Harrison nominated Florencio Olivares for Vice-Chair and Ms. Cofer seconded the nomination.

Both nominations carried by a unanimous vote.

3. Receive Comments from the Public

Rev. Harrison noted that no guests from the public were in attendance.

4. Receive Public Service Agencies (PSA) Applications for Community Development Block Grant (CDBG) 2012 Program Year

Each board member confirmed receipt of a PSA applicant packet binder and there was open discussion of the total 2012 CDBG funding amount allocated for public service agencies, \$54,000, compared to the total amount of \$82,500 requested by the public service agencies. Ms. Blackwell asked if this was an estimated funded amount but Ms. Whitley noted that this was the final 2012 CDBG funding amount from HUD.

There was open discussion about the types of activities proposed, the corresponding administrative expenses and which agencies the board wished to interview.

Rev. Harrison spoke about Aware Central Texas and Families in Crisis and the need for both of these programs in this area because we rank so high in domestic violence and child abuse. He added that all the agencies are worthy and all provide needed services, but that funding is more limited than ever and that Aware Central Texas does get some private funding and have been successful in funding development.

Rev. Harrison noted that Family Promise was requesting funding and is getting back up and running after funding problems caused the agency to suspend their program for several months.

Ms. Cofer confirmed that she was aware that the new director for Family Promise was Michael Bergman and that he had done a wonderful job at Helping Hands in Belton and left that position to join Family Promise to help make sure the program continued.

6. Schedule Upcoming Board Meetings

There was open discussion about scheduling of the upcoming meetings and the PSA interviews. All agreed to schedule the next CSAB meeting for Wednesday, March 28th, at 3:00 with PSA interviews starting at 3:30 to allow discussion time before conducting the interviews. All agreed to initially interview the following agencies:

HELP Center
Families in Crisis
Hill Country Community Action
Family Promise

All members agreed that more interviews can be scheduled later if deemed necessary after more discussion by the Board.

The following meeting dates and times were confirmed with all members present:

March 28th, 3:00, in the 3rd floor meeting room, with interviews beginning at 3:30, allowing 20 minutes for each agency.

April 4th, 3:30, in the 1st floor meeting room for further discussion for funding recommendations and scheduling of any other meetings, if needed.

7. Adjournment

Vice-Chair Olivares opened the floor for any other items of business to discuss.

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

Respectfully submitted,

Lois Whitley

COMMUNITY SERVICES ADVISORY BOARD
Community Development Block Grant
Public Service Agency Funding
March 28, 2012
3:00 P. M.

COMMUNITY SERVICES ADVISORY BOARD MEMBERS PRESENT

Vice-Chair Florencio Olivares	Patsy Cofer
Rev. Roscoe Harrison	Nancie Etzel
Dee Blackwell	Temikia Brown

BOARD MEMBERS ABSENT

Melissa Bragg	Ashleigh Pettijohn
Chair Lamar Collins	

STAFF PRESENT

Lois Whitley, City of Temple

GUESTS PRESENT

See Attached Attendance List

The agenda for this meeting was posted on the bulletin board at the Municipal Building, March 23, 2012, at 4:45 p.m. in compliance with the Open Meetings Law.

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

1. Call to Order

Vice-Chair Olivares called the Community Services Advisory Board to order at 3:15 p. m.

2. Receive Comments from the Public

Vice-Chair Olivares noted that no guests from the public were in attendance.

3. Review Public Service Agencies' (PSA) applications for Community Development Block Grant (CDBG) 2012 Program Year

Vice-Chair Olivares opened the floor for discussion of the PSA applications.

There was open discussion about the amount available, \$54,000 versus the total amount requested, \$82,500, and the types of services requesting funding.

Ms. Blackwell noted that the HELP Center was again requesting funding for 2 activities, \$15,000 for Child Care and \$10,000 for Workforce Preparation and that both were funded last year.

Ms. Cofer added that the Child Care program will have a 2 to 1 dollar match as last year.

Ms. Etzel recapped the financial information and other funding sources for Family Promise.

Rev. Harrison added that Family Promise is just getting off the ground again after being closed for several months. Mike Bergman, who was previously running Helping Hands in Belton, has now taken over the Family Promise program. They are going to need all the help they can get because they are supported by volunteer services from the churches and that Mr. Bergman was currently the only paid staff.

Ms. Cofer confirmed that Mr. Bergman had done amazing things for Helping Hands and had taken a substantial cut in pay to administer Family Promise.

Ms. Blackwell added that Family Promise was requesting \$15,000 for a part-time Case Manager. She also noted that they had not received the Carpenter Grant last year and had applied for the grant this year but were not expecting to receive it this year either.

Ms. Cofer added that she has previously worked with Mr. Bergman and that he is passionate about transitioning people from welfare to work.

There was open discussion about the applications from Aware Central Texas, Central TX 4C and the HELP Center.

The Board then moved on with the first agency interview.

4. Interview (PSA) Applicants for (CDBG) 2012 Program Year.

HELP CENTER:

Esther Roque, Becky Howard and Rhonda Montgomery, Bell County Human Services Temple HELP Center, were the first applicants interviewed.

Ms. Roque stated that the HELP Center was originally a part of MHMR because they wanted to provide some outreach programs to minority and low income groups and they had federal funds for that purpose. When those federal funds went away the HELP Center became a department of Bell County. They provide information, referral and emergency financial assistance and other community based programs; try to find any assistance gaps there might be, advocacy and looking at the needs in the community and how to fill that need without duplication of services. The funds they get from CDBG are used toward child care and this current year they also received funding to help with work related items to help clients become self-sufficient. In 2010-2011 with the CDBG funds they received, they were able to assist 15,051 childcare services. They work closely with the Texas Workforce Commission and they receive matching funds and people are able to get affordable safe childcare services for their children. These funds are used to pay for the child care services until they can be enrolled with TWC for child care and this allows the parents to go to work or school immediately and not have to wait for TWC enrollment. During that same time period they also assisted 245 people with work boots to allow them to go to work. 31 people have already been assisted in the first quarter of the current year and she expects to meet or exceed the 2010-2011 total served. They get a lot of referrals from the VA and the Central TX Alcohol & Drug Rehab, and those folks don't have any money to purchase work boots or other items needed to go back to work.

Ms. Howard spoke about the education component of the HELP Center, which has picked up a lot over the past year probably due to the economy. People are struggling, have lost their jobs and gone through hard times. They have seen a lot of people come in that need GED to obtain a job. They help them through the whole process to make sure they have what they need to have a successful outcome to allow that person to

reach their education goals. They have helped 13-15 people in the first quarter so far. They currently work in partnership with Temple College for the GED course. Temple College offers the GED preparation course and the HELP Center requires that individuals take the prep course before they pay any funds to take the test because they want to make sure that the client will be successful in passing the test. They also work with ANH Nursing Aid Training in Temple.

Ms. Blackwell asked what the match rate was for the child care funding.

Ms. Roque confirmed that the match for TWC clients is 2 for 1.

Ms. Cofer asked how long they usually pay for child care before the TWC enrollment.

Ms. Roque stated that is usually about 1 1/2 to 2 months.

Ms. Blackwell asked if there was a particular child care agency that was used or was it the family's choice.

Ms. Roque confirmed that it was the family's choice. She added that TWC does all the eligibility documentation to make sure they are income eligible.

Ms. Etzel discussed other funding available to the HELP Center and that most were down from the previous year. Ms. Roque added that some of those funds are limited as to use. Ms. Montgomery added that they were left out of some federal funding because the Bell County unemployment rate wasn't low enough.

There was open discussion about income eligibility, people living on the very-low income allowed amount of \$11,000 per year. Ms. Roque gave an example of an elderly couple that was \$2 over the eligible income amount.

There open discussion about the workforce preparation/education program and types of assistance provided, the importance of follow-up and the value of success at each step of the process.

Ms. Brown asked how potential clients qualify for assistance from the HELP Center.

Ms. Roque stated that for child care assistance the client has to apply at the TWC and meet all of their guidelines and if TWC has closed enrollment they will refer that client to the HELP Center. The Help Center will send a referral ok to TWC. If they are income eligible with TWC and Child Care Services (CCS), they are also eligible for CDBG.

Ms. Howard confirmed that they have to be income eligible for education assistance also. The HELP Center has an intake form to determine eligibility under the same income guidelines as with child care.

Vice-Chair Olivares asked who the case workers report to on the follow-up on clients receiving education assistance.

Ms. Howard confirmed that they report to her and they record any activity on the client and all notes are a part of the permanent client file and this enables them to track each client's progress.

Ms. Brown had an ongoing discussion with Ms. Howard about the success rate of the education component of the program; that each client sets goals and their progress is tracked until those goals are met and that the number of clients applying for this assistance is growing each year. They also see parents that have gotten a GED through this program and later bring their children to use the same program. Ms. Howard gave an

example of a client who was walking to and from school because she did not have a car. The school told her that she should drop out. She was working part-time also and walking to school to try to make something of herself and they were able to assist her to get back in school.

Ms. Roque added that when the client applies for one component, the HELP Center is able to determine other needs that can be assisted also.

FAMILIES IN CRISIS

William K. Hall, Director of Operations, Families in Crisis (FIC) was next to be interviewed. FIC provides a domestic violence and sexual assault shelter here in Temple. They have a shelter that houses 15 clients located downtown and they also have a program that just started here to house 7 clients in transitional housing for up to 24 months. That program started in January of this year. They had their first family move in in February. This transitional housing program was funded with a HUD grant for \$330,000 for Temple. This gives them a more comprehensive avenue for care and support for their families to get them back on their feet, become self-sufficient and give the client a long staying time for constant work with FIC to hopefully get them completely self-sufficient and on their own.

Last year in the Temple shelter they served 149 families with 3,965 bed nights; responded to Scott & White with their sexual assault team to 193 sexual assaults and 152 people were assisted with their outreach program. Last year was a very busy year and both shelters in Killen and Temple were over capacity. In Temple they can house 15 but they actually served 22 and in Killeen they can house 65 but actually assisted 85. They expect it not to be so busy this year and hope not to max out the facilities. The transitional housing should help with that.

Ms. Etzel asked if Ft. Hood worked with them and sent clients to them.

Mr. Hall confirmed that if the client needs shelter Ft. Hood does refer them to FIC and they have a good working relationship with Ft. Hood. Ft Hood does there own intervention and prevention but if shelter is needed they are referred to FIC and they receive limited funding from Ft. Hood based on the number of incidents reported. They must receive permission from the client to report to Ft. Hood and some clients will choose not to report.

Ms. Blackwell asked if the funds requested are for the Temple shelter only.

Mr. Hall confirmed that the funds being requested are to partially fund 2 crisis intervention people at the Temple shelter only.

Ms. Blackwell asked if these positions will be working on the transition housing program also.

Mr. Hall said that they would not. The crisis intervention people are at the shelter 24 hours a day to meet the needs of the client through client intake and the 24 hour hot line. The housing program has a separate case manager that is specifically assigned to Temple.

There was open discussion with Mr. Hall about the transitional housing program, partnership with other local agencies to provide different client needs, working with TWC to assist the client with employment, the use of rental units throughout the city, the 24 month maximum client participation, getting the client established in a housing unit and allowing them to remain in that unit when they are able, comprehensive client counseling, the staggered dollar amount that is paid by the client so that eventually the client is paying the full rent amount, making sure the client has all of the social services available before they go to transitional housing, how the transitional housing program will be of great assistance to shelter clients.

Ms. Brown asked that he is requesting CDBG funding for 2 crisis intervention specialists to provide the 24 hour advocacy and in shelter services.

Mr. Hall confirmed that was the case.

Ms. Blackwell asked how many crisis intervention specialists were at the Temple Shelter.

Mr. Hall confirmed that there were 4 crisis intervention specialists in the Temple shelter to provide 24 hour coverage.

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

Ms. Lewann Turner, HCCAA, was the next applicant to be interviewed.

HCCAA operates the Senior Nutrition Program (Meals on Wheels) in Temple and are requesting funding from CDBG of \$15,000. The funds will be used for salary and fringe for 2 employees to prepare and deliver meals to the homebound seniors and persons with disabilities. They are estimating to deliver a total of 45,536 meals to 290 clients this year. That is an increase from last year. They have had funding issues this year and with the increasing fuel costs and food costs, it is a real challenge to provide the meals needed, Without CDBG funding they would have to cut back on the amount of people they serve.

Ms. Brown asked about the difference in Title 3 and Title 10 meals.

Ms. Turner confirmed that Title 3 meals are funded by the Area Agency on Aging and Title 10 meals are the Department of Disabled Services (DADS). With Title 3 they can serve persons 60 years and older and Title 10 funds can serve disabled homebound people of any age. HCCAA does the client eligibility assessment on the Title 3 clients but DADS does their own client assessment and refers the client to HCCAA.

Ms. Cofer asked if they had an increase in funding from United Way.

Ms. Turner confirmed that they had.

Ms. Turner stated that HCCAA has 9 paid staff that deliver meals and the rest are volunteers. Often this meal delivery is the only contact the client will have all day. They have had instances where the delivery staff will find a client that is injured, sick or doesn't answer the door. The delivery staff calls the office, who calls the home and then the emergency contact on file. If they can't reach the emergency contact, they call the police who go to check on the client. There have been several times where the resident had fallen and was in need of emergency assistance. They have saved lives with this service. They have wonderful volunteers. They could not serve the number of clients that they serve without the efforts of the volunteers.

Ms. Brown asked how many meals are delivered per day to each client.

Ms. Turner stated that they deliver 1 hot noon meal Monday through Friday to clients on approximately 13 different routes.

Ms. Turner discussed some personnel changes that have taken place and the move to a different location at 15 N. 2nd and the good success with the transitions.

Rev. Harrison discussed the importance of this service and that the clients are so happy for that human contact daily. This is the only human contact that most of the clients have.

Ms. Turner agreed that it was hard of the delivery staff to complete their delivery routes in the time required because most of the clients want more time with them. They have a time requirement for delivery of the hot meal and that doesn't allow much time for social interaction with the client.

FAMILY PROMISE

Mike Bergman of Family Promise was the next to be interviewed. Family Promise began in 2003-04 in terms of coming into being as a result of CareNet that meets in the Temple-Belton Area. Concerns came up in regard specifically of families that are homeless and what was available to help them. In reality there wasn't anything for families. What services that have been available was for individuals at facilities with a men's section and a women's section which caused young children to be separated from their parent which was of great concern. A committee was formed to look into solutions here in Bell county and they became aware of the Family Promise model of utilizing local church congregations, whose buildings often are empty all week long, as a place where these families could sleep and receive meals from the church and then have a day center at another location where they do showering, laundry and that sort of thing and also receive case management and help them get over some of the issues that contributed to the homelessness. Also to help them find resources for employment and housing to help them get back on their feet and hopefully not repeat that kind of situation, with some follow up months after they have finished the program. From this model local churches formed Family Promise and began serving homeless families in Temple.

In April, 2011, Family Promise suspended their program and Mr. Bergman discussed his feeling of the importance of the Family Promise program and how he came on board with Family Promise to re-activate the program. Family Promise re-opened on Jan 15, 2012 and they have their 6th family actively involved in the program since that date. They have had 3 families in and out of the program and they currently have 3 families enrolled in the program, one of those is a family of 6 that they expect to leave the program next week. One of the most burdensome of his tasks is the number of families that are out there that need assistance. He currently has intake files on 27 families with 57 individuals that are unresolved as far as whether they have a place to be or not.

Ms. Blackwell asked if a client must be a family configuration.

Mr. Bergman confirmed that it must be a parent and at least 1 child. That can be a pregnant mother but he first establishes that Our Lady of Angels facility does not have space for them. They are much better equipped to handle that kind of case.

Ms. Blackwell asked how they were contacted by potential clients.

Ms. Bergman said that calls to 211 are referred to them and the local school districts are very good at identifying problems and will call him. There are also referrals from Scott & White hospital. They come in different ways. Some find them on the internet and are self referred. Other service agencies also make referrals.

Ms. Blackwell asked how many churches were involved with the program.

Mr. Bergman said there were 9 host churches & 6 support churches. There have been churches that say they have room but do not have enough people to do all the things that the volunteers have to do during the week. The most difficult place to fill are the hours from 8:00 at night until 6:00 in the morning while families sleep at the church. They do not have the families in the churches without someone there that is

responsible to take care of any emergency that might arise during the nights and to be certain that everyone is doing what they are supposed to be doing.

Ms. Williams asked if this was 7 days a week.

Mr. Bergman confirmed that it was and that it was a big commitment by the congregations.

Rev. Harrison stated that we have an inordinate amount of homeless people in Bell County with more in Belton than in Temple.

Mr. Bergman agreed & added that Belton schools last year identified 353 children in their schools that were in homeless circumstances. Temple identified 180. He has contact with all local school districts and the problem is county wide. When a client is enrolled in the Family Promise program it can involve relocation and the decision is made if it is in the best interest of the child to remain at his current school. The schools are required to provide transportation from the Family Promise shelter to school so students can remain in the same classes they were in. It calls for a lot of coordination but it is a wonderful way to be able to have some measure of stability.

Mr. Bergman added that they are very careful with their client screening. They do not deal with active alcohol or drug issues. There are programs that are intended for that use. If they have someone that has significant mental health issues it is probable that they will not qualify their program. Clients are made to understand that a sure way to be removed from the program is to create chaos. Any raising of the voice, intimating another guest or a volunteer or any of the staff and they are out of the program in 2 hours. Safety and security of everyone involved in the program must be assured. The clients need as much serenity and calm as they can get in this very difficult time in their lives. One of the great things about working with the churches is that the church volunteers are very loving with the clients, especially the children and he is grateful to be a part of the program.

Rev. Harrison complemented Mr. Bergman on the great job he did at Helping Hands and is sure he will do a good job with Family Promise.

Mr. Bergman stated that he has dreams for this program. They currently have 9 host churches but they need 13. He has 3 that are on the edge of coming into the program but long term they should have 26 churches and 2 rotations taking 8 families at a time instead of 4.

Ms. Cofer asked about the recruitment program to bring in new churches.

Ms. Bergman stated that he is currently handling all recruitment. He has some good materials and he has good responses so far when he does get to visit with people when they see what this program can do and they want to be a part of it.

Ms. Etzel asked if they have churches across all faiths.

Mr. Bergman confirmed that they did and listed some of the different denominations that were involved.

Ms. Williams noted that he was requesting funding for a part-time Case Manager salary and asked what the Case Manager would be responsible for.

Mr. Bergman stated that the Case Manager would assist with client intake and evaluation process. He currently has 2 volunteers that are helping but. The Case Manager will meet with the families to develop a

plan of what has to be done to resolve the existing problems and connect them with resources that they are available to them. The facility address becomes the client's permanent address while they are there and the Case Manager helps with the transition. They meet with the family on a weekly basis to assess and review their progress. He noted that the one of the big things to deal with is the financial status of the agency and the past difficulties. They have to work lean and it will just have to be him and he has a lot of work to do cultivating financial support from the community. He prefers not to get a lot of funding from government agencies but would much rather have enough support from the community because this community sees the value of what they are doing and they want this to happen and are going to make it happen. He feels that there should be enough local support so that federal funds would not be needed.

Rev. Harrison stated that we would not need a welfare system if the churches would take care of the community.

Mr. Bergman confirmed that the churches could do it and should do it.

Ms. Cofer asked about the Carpenter grant and the probability of receiving.

Mr. Bergman confirmed that he had applied for the grant. The grant was denied last year and there are some issues to resolve to receive the grant again. He has asked for funds to help operate the van and replace it when needed and for some money to match the savings that clients put aside while they are in the program. It is an aspect of their program, if a client has any income coming in, they look at things that have to be paid for the family to stay out of trouble, then 80% of what is left is put in a fund to build up savings to help with the family's transition expenses.

Ms. Williams asked if those issues to be addressed were related to the fact that the agency went out of play before.

Mr. Bergman confirmed that was true. He is mending fences and doing a lot of reassuring that things will be done differently. Any funds that are requested are for very specific purposes and that is all the money will be spent for.

Ms. Cofer asked about the United Way request and what it is for.

Mr. Bergman said it was for general operating expenses. The request has been accepted but United Way did not meet their goal this year. He is confident they will receive some funding but he does not know how much. He added that he had attended a United Way sponsored training on grant writing that was very helpful to him.

Ms. Cofer and Rev. Harrison both stated that Mr. Bergman had great success with Helping Hands and was very able to address any past issues Family Promise may have had and move the program forward.

5. Confirm next scheduled meeting to discuss PSA applicants and make final recommendations to Council for the CDBG 2012 Program Year.

Ms. Whitley reminded members that the next meeting was scheduled for Wednesday, April 4th, at 3:30.

Ms. Cofer called for more discussion to decide if they need to interview Aware Central Texas and Central TX 4C.

Ms. Blackwell stated that her feeling is that they have more need that they have funding and would like to focus on the agencies interviewed.

Rev. Harrison agreed and stated that 4C gets lots of other funding.

Ms. Blackwell added that playgrounds are important but they are talking about homeless families, sexual assault and basic services for the elderly and disabled.

Ms. Williams agrees that with the little amount of money we have it should go to provide basic essential services.

Ms. Etzel also feels that the some of the services provided by Aware Central Texas are also available from other agencies.

All members agreed that they would not interview ACT or 4C.

Ms. Blackwell asked about the administrative costs involved with the boot purchase program provided by the HELP Center.

Ms. Whitley stated that her administrative costs are basically the same regardless of the service provided by the agency and that a lot of the extra admin costs are at the agency level.

6. Adjournment

There being no further questions or items for discussion, Vice-Chair Olivares adjourned the meeting at 5:20 p.m.

Respectfully submitted,
Lois Whitley

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

April 4, 2012
3:30 P. M.

COMMUNITY SERVICES ADVISORY BOARD MEMBERS PRESENT

Vice-Chair Florencio Olivares	Patsy Cofer
Rev. Roscoe Harrison	Nancie Etzel
Dee Blackwell	Tamikia Brown

BOARD MEMBERS ABSENT

Lamar Collins	Ashleigh Pettijohn
Melissa Bragg	

STAFF PRESENT

Lois Whitley, City of Temple

GUESTS PRESENT

None

The agenda for this meeting was posted on the bulletin board at the Municipal Building, March 30, 2012, at 10 a.m. in compliance with the Open Meetings Law.

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

1. Call to Order

Vice-Chair Olivares called the Community Services Advisory Board to order at 3:35 p. m.

2. Receive Comments from the Public

Vice-Chair Olivares noted that no guests from the public were in attendance at this time.

3. Review Public Service Agencies (PSA) Applications for Community Development Block Grant (CDBG) 2012 Program Year.

Vice-Chair Olivares opened the floor for discussion of agencies and amounts to be funded.

Ms. Blackwell stated that with the limited amount of funds available she wanted to fund basic needs and would fund the agencies as follows:

HELP Center	\$15,000
FIC	\$10,000
HCCAA	\$14,000
Family Promise	\$15,000

She believes in all four of these agencies and that they are all working hard to provide services and need any support they can get. She was won over by Mr. Bergman with Family Promise and she fully supports him and wants to volunteer to help with the program. The HELP Center gets matching funds for their childcare program and it makes these funds go further.

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

Rev. Harrison stated that he recently had a conversation with the Mayor about the reduced funds being received from CDBG and that with the funds reduced to this level the City Council could probably do without the CSAB committee that takes up a lot of our time.

Rev. Harrison said that he agrees with the funding amounts as suggested by Ms. Harrison.

Mrs. Cofer agreed with the amounts for HELP Center and Family Promise but suggested \$12,000 each for FIC and HCCAA. She feels that HCCAA could work harder to recruit volunteer drivers.

Ms. Etzel agreed with Ms. Blackwell's funding recommendations.

Vice-Chair Olivares agreed with Ms. Blackwell's funding recommendations

Ms. Brown recommended:

HELP Center	\$12,000
FIC	\$12,000
HCCAA	\$15,000
Family Promise	\$15,000

Ms. Cofer stated that she would agree give \$10,000 for FIC and \$14,000 for HCAA ad Ms. Blackwell suggested.

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

There was open discussion about the different funding amounts and the services provided.

Ms. Cofer discussed the matching funds available for the HELP Center child care program.

Ms. Brown said she would stand with her funding recommendations.

There being no objections or requests for further discussion of these recommendations, Ms. Blackwell made a motion to approve the funding amounts as listed.

Ms. Cofer seconded the motion.

Ms. Whitley asked all in favor of the funding recommendations as follows:

HELP Center-Childcare	\$15,000
FIC	\$10,000
HCCAA	\$14,000
Family Promise	\$15,000

Signify by saying Aye: 4 members voted aye

All opposed signify my saying Nay: 1 member voted nay.

The motion carried 4 to 1 to recommend funding as listed.

Ms. Blackwell asked if these recommendations would go to the Council on May 3rd.

Ms. Whitley confirmed that it was scheduled for the May 3rd meeting but may be pushed back to June. She stated that she would send an e-mail letting the members know when the recommendations would be presented to Council and encouraged board members to attend.

Rev. Harrison reminded members that this was just a recommendation and that final funding would be determined by the City Council.

5. Adjournment

There being no further questions or items for discussion, Vice-Chair Olivares adjourned the meeting at 4:10 p.m.

Respectfully submitted,

Lois Whitley



COUNCIL AGENDA ITEM MEMORANDUM

06/07/12
Item #4(A)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Lacy Borgeson, City Secretary

ITEM DESCRIPTION: Approve Minutes:

(A) May 17, 2012 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:

[May 17, 2012 Special Called and Regular Meeting](#)

TEMPLE CITY COUNCIL

MAY 17, 2012

The City Council of the City of Temple, Texas conducted a Special Meeting on Thursday, May 17, 2012 at 3:30 pm, at the Municipal Building, 2 North Main Street, in the 3rd Floor Conference Room.

Present:

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

Absent:

Councilmember Perry Cloud,

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, May 17, 2012.

Regular Agenda Item #8 - 1st / 3rd Street Overlay District - Ms. Foutz reviewed the modification to this ordinance and the triggers.

Mayor Jones inquired on how the construction for I-35 would affect this overlay district up to the Mayborn?

Mr. Blackburn stated this is being looked at through the CIP process. The southern boundaries for the I-35 work goes to Shell Avenue. The two overlay districts should not overlap.

Mr. Graham stated that a sentence could be added to state from the I-35 boundaries.

Ms. Foutz continued by reviewing the non-residential measures;(1) an increase in gross floor area and (2) modification improvements to the property and how they affect the assessed value. Monroe to Mayborn the standards include an 8' wide plain sidewalk with 4' wide landscaping strip with ground cover and parking lot screening. In the residential section from Houton to Monroe the standard is a 5' sidewalk trying to maintain the historic characteristic and tree line character that already exists; and 8' landscape strip to allow for us to move out the State right-of-way and places the strip to the front and parking lot screening if non-residential site. The next, is one of discussion from the last meeting, this abutts the TMED area. After review we are able to change the engineering and remove pavers, if Council's desire. The CDBG project will not be affected by this change and will remain on schedule. Ms. Foutz stated this process is cumulative of the mofidifications to the site. There are no changes for

building design standards, and all current zoning and buffer requirements are still valid.

Ms. Foutz reviewed the sidewalk portion of the ordinance and noted that staff has incorporated language to allow for exceptions. The appeal process will be handled like the I-35 Overlay, first being heard at P&Z and then Council for final decision.

Ms. Foutz noted that interior renovations was also a concern at the first hearing and since there has been language added to the ordinance. Interior improvements alone do not trigger the ordinance. They do count toward the cumulative improvements over a 15 year period, but only after exterior improvements have occurred. Ms. Foutz reviewed the Improvement Thresholds for Non-residential and Multiple-Family Development Type. Ms. Foutz asked Council if they wished to add parking lots to this overlay design.

Mayor Pro Tem Schneider stated we need to make parking lots be part of this as well to make sure that the drive is not encroaching upon the sidewalk.

Ms. Foutz stated we will define what 'new construction' means to this ordinance and chart.

Mayor Jones stated that parking lots need to be made apart of this ordinance and standards. This will allow us to make and enforce the changes we wish to see in this area.

Ms. Foutz stated Council will need to decide in the motion if this is be specific permits or all.

Councilmember Dunn thanked Ms. Foutz for taking her time to drive this area with him and showing the areas of concerns.

2. Receive presentation on second quarter financial results for Fiscal Year 2012.

Mayor Jones noted that Council had been provided the travel and meal expenditure report for quarter ending March 31, 2012.

Ms. Barnard, Director of Finance, reviewed the second quarter financial report. She highlighted the major revenue sources, including the sales tax and ad valorem taxes. General Fund expenditures are at 47% of budget and one focus area, fuel costs, was reviewed. Ms. Barnard provided General Fund forecast at year end and noted the revenue sources that contribute to coming in over budget, as well as expenditures that are both below and above budget. The General Fund fund balance is estimated to be \$2,280,047 at September 30, 2012.

3. Discuss amending Chapter 27 "Storm Water Management" of the Code of Ordinance by creating Article II, "Post Construction" as required by Texas Commission on Environmental Quality.

Michael Newman, Assistant Director of Public Works and Engineering Services presented this item to the Council and Staff. He stated this is an unfunded State mandate. The City has received a letter from TABA supporting the required ordinance. There are no new permits proposed. Mr. Newman stated the purpose of this ordinance is to establish minimum storm water management requirement and controls to protect and safeguard the general health, safety and welfare of the public residing in watershed areas within Temple. This is intended to reduce pollutants through best management practices and protect structures from creek erosion. Mr. Newman reviewed the different types of pollution, the ordinance performance specifications, and the Best Management Practices. Also, the BMP Credit Point Requirements for residential and non-residential site were discussed with Council and Staff. Mr. Newman added that this ordinance requires revisions and additions to Section 9 Storm Water Best Management Practices of DCDM. Staff anticipates bringing this to Council for approval in June.

The City Council of the City of Temple, Texas conducted a Regular Meeting on Thursday, May 17, 2012 at 5:00 PM in the Council Chambers, Municipal Building, 2nd Floor, 2 North Main Street.

Present:

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

Absent:

Councilmember Perry Cloud

I. CALL TO ORDER

1. Invocation

Tanya Grey with Keep Temple Beautiful voiced the Invocation.

2. Pledge of Allegiance

Students from TISD led the Pledge of Allegiance.

II. PUBLIC APPEARANCE

3. Receive comments from Lott Hughes regarding the installation of speed tables on Starlight and Orion Drive in the Windmills Farms Subdivision.

Mr. Hughes stated this road is used by many in the area and asked the Council to stop the process and allow the entire subdivision the chance to vote. He asked if the policy can be amended to allow for notification for entire subdivision.

Mayor Jones stated this process is not determined by a voted. This is brought to the attention of City staff and then a study is completed. The results of the study will then determine if humps are installed or not.

Mr. Hughes added that he is having difficulties in getting the results from the city.

Mayor Pro Tem Schneider added that Staff has followed policy that was adopted by council.

Mr. Blackburn also commented on the policy and the three different ways an area can be brought forward for reveiw. He stated, this is based on traffic saftey not by popular vote. Mr. Blackburn also added that there is a 90 day review after the humps are in place to see if working as intended.

III. PUBLIC COMMENTS

Mr. Bob Browder - 4101 Briar Cliff Road commented on working with City Manager David Blackburn and agreed with Council amending his contract. He added that David is the best City Manager and executive leader that Temple has had.

Mr. Hugh Shine, PO Box 793, Temple Texas commended Council for the leadership they provide to community. He also noted that he appreciates David's leadership and supports Council's decision.

IV. PROCLAMATIONS & SPECIAL RECOGNITIONS

4. Recognize Keep Temple Beautiful for their support in Project ReDirectory.

Mayor Jones recognized Tanya Grey, Executive Director, Keep Temple Beautiful.

5. Recognize the students and staff of Cater Elementary for their work in Project ReDirectory 2012.

Mayor Jones recognized the students and staff from Cater Elementary.

6. **Receive presentation for Virtual City from Temple ISD GATE Program.**

Mayor Jones received a presentation for the Virtual City.

V. CONSENT AGENDA

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

(A) May 3, 2012, Special Called and Regular Meeting

(B) 2012-6608-R: Consider adopting a resolution authorizing a one year renewal lease agreement with the Texas Forest Service for lease of space in the Public Services Building.

(C) 2012-6609-R: Consider adopting a resolution authorizing the purchase of exercise equipment for the Summit Family Fitness Center utilizing a BuyBoard Contract with Marathon Fitness of Sugar Land in the amount of \$30,347.54.

(D) 2012-6610-R: Consider adopting a resolution authorizing a contract with Energy Solutions of Texas of Belton for the installation of lighting upgrades at seven City facilities in the amount of \$111,998.

(E) 2012-6611-R: Consider adopting a resolution authorizing a construction contract with Bell Contractors, Inc of Belton to replace three High Service Pumps at the Water Treatment Plant in an amount not to exceed \$714,400.

(F) 2012-6612-R: Consider adopting a resolution authorizing an extension of a contract through September 30, 2013, with Siemens Industries, Inc. (formerly Siemens Water Technologies Corporation) of Sarasota, Florida, for the service/supplier of chlorine dioxide/sodium chlorite at a cost of 57¢ per wet pound and in an estimated annual amount of \$200,000.

(G) 2012-6613-R: Consider adopting a resolution authorizing an Interlocal Service Agreement renewal with the Texas Department of Information Resources to provide communication services for criminal justice technology systems for the Temple Police Department.

(H) 2012-6614-R: Consider adopting a resolution authorizing a Memorandum of Understanding with the City of Killeen and Bell

County establishing the rights, duties, administration and division of funds received under the 2012 Edward Byrne Memorial Justice Assistance Grant program Award.

(I) 2012-6615-R: Consider adopting a resolution ratifying the submission of an application to the Texas Commission on Environmental Quality's Clean Transportation Triangle grant program for construction of a CNG fueling station.

(J) 2012-6616-R: Consider adopting a resolution amending an employment agreement with David Blackburn.

(K) 2012-4533: SECOND READING - A-FY-12-06: Consider adopting an ordinance abandoning 0.067 acres of a 15-foot wide public utility easement along the rear property lines of Lots 2 and 1, Block 1, Westfield Development Phase VII, more commonly known as 207 and 219 Westfield Boulevard.

(L) 2012-6617-R: Consider adopting a resolution confirming the appointment of Kayla Landeros as a Deputy City Attorney and setting compensation for the position.

(M) 2012-6618-R: Consider adopting a resolution allocating funding for the Bell County Expo Center's Public Service Agency Fund request for Fiscal Year 2012 in the amount of \$14,583.

(N) 2012-6619-R: Consider adopting a resolution denying Atmos Mid-Tex's proposed rate increase pending further settlement discussions and to prevent Atmos' proposed rate increase from automatically taking effect on June 11, 2012.

(O) 2012-6620-R: Consider adopting a resolution approving second quarter financial results for Fiscal Year 2012.

(P) 2012-6621-R: Consider adopting a resolution authorizing budget amendments for fiscal Year 2011-2012.

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

(O) 2012-6620-R: Consider adopting a resolution approving second quarter financial results for Fiscal Year 2012.

Ms. Barnard, Director of Finance, reviewed the second quarter financial report. She highlighted the major revenue sources, including the sales tax and ad valorem taxes. General Fund

expenditures are at 47% of budget and one focus area, fuel costs, was reviewed. Ms. Barnard provided General Fund forecast at year end and noted the revenue sources that contribute to coming in over budget, as well as expenditures that are both below and above budget. The General Fund fund balance is estimated to be \$2,280,047 at September 30, 2012.

Motion by Councilmember Danny Dunn adopt resolution seconded by Mayor Pro Tem Russell Schneider.

VI. REGULAR AGENDA

ORDINANCES

- 8. 2012-4532: SECOND READING - Z-FY-12-04: Consider adopting an ordinance amending Article 6 of the City of Temple Unified Development Code establishing a 1st and 3rd Street Overlay, add standards for development in the specified area and consider a zoning map amendment defining the boundaries of the 1st and 3rd Street Overlay.**

Kim Foutz, Assistant City Manager, presented this case to the Council. She explained that an overlay district is additional standards placed ontop of existing zoning, therefor does not effect underlying zoning of the area. Staff has focused on the enhanced public realm such as wider sidewalks and landscaping. This process began in January with a series of meeting with Council and the community. Ms. Foutz reviewed the three districts; Avenue M to Avenue C which is adjacent to TMED Dist; the residential district from Houston to Munroe; and the mixed use district from Nuggent to Mayborn Center. Ms. Foutz stated there are different standards for residential and non-residential. In residential areas, only new construction will trigger this ordinance. Ms. Foutz reviewed the applicability table for non-residential properties. She stated that interior or exterior maintenance without increased gross floor area does not trigger the ordinance.

Staff added a provision for site modifications as discussed in the earlier workshop. Ms. Foutz reveiwed the public frontage requirement for each of the three areas. From Munroe to the Mayborn Center there is an 8' plain sidewalk, 4' landscape strip, groundcover and parking lot screening. Houston to Munroe there is a 5' sidewalk requirement, 8' landscaping strip, street trees, and parking lot screening. From Avenue M to Avenue D the frontage areas are required to have an 8' sidewalk with concrete, eliminating the paver requirement and a 4' planting bed with street trees. Ms. Foutz also reviewed the General Summary of Non-Residential Standards and how they apply.

Ms. Foutz added that staff is recommending approval with the following revisions - removing the requirement for pavers in the Avenue M to Avenue D area; adding language to provide administrative exceptions for sidewalk width and location; amend the Applicability Table and associated language to provide clarity as it relates to interior remodeling; clarify that 3rd Street overlay language is not to encroach the I-35 overlay; and to add site modifications to the applicability table.

Mayor Pro Tem Schneider asked for clarification on the concrete sidewalks. This is include no bands or pavers? He thanked Staff for this effort and added this will be good for the city.

Ms. Foutz commented yes, just plain concrete.

Motion by Councilmember Danny Dunn adopt ordinance on second and final reading with staff recommendation seconded by Councilmember Judy Morales.

Mayor Jones commented on the amendment to David Blackburn's contract as City Manager.

William A. Jones, III, Mayor

ATTEST:

Lacy Borgeson
City Secretary



COUNCIL AGENDA ITEM MEMORANDUM

06/07/12
Item #4(B)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

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

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

ITEM DESCRIPTION: Consider authorizing a professional services agreement with Kasberg, Patrick & Associates, LP for final design of Loop 363 frontage road improvements in the Temple Medical Educational District in an amount not to exceed \$288,800.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: City staff recommends approval of this contract with KPA. The project scope will prepare geometric design for the main lanes, frontage roads and future South 5th Street connection and develop 100% final design of Loop 363 west bound frontage road from current improvements west of Martin Luther King Jr to west of existing South 5th Street. This scope of work also includes incorporating previously designed connection to South 1st Street from the Temple College Pedestrian bridge to Loop 363 Intersection (under separate contract). In addition, professional engineering services will include preliminary engineering design for geometric layout of the realignment of South 5th Street south of Loop 363. Deliverables will also include right of way strip map for property acquisition negotiation purposes. KPA has proposed to provide engineering services for the following costs:

Route and Design Studies	\$ 23,800
Environmental	\$ 25,640
Field Surveying	\$ 24,680
Roadway Design	\$ 116,840
Drainage	\$ 37,480
Signs, Pavement Marking & Signalization	\$ 33,720
Miscellaneous Design	\$ 17,880
General Management/Coordination	\$ 8,760

Total Engineering Services \$ 288,800

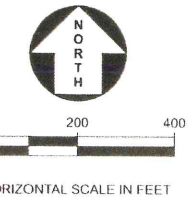
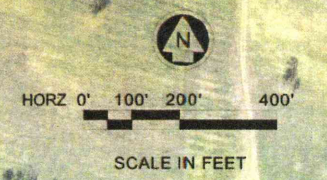
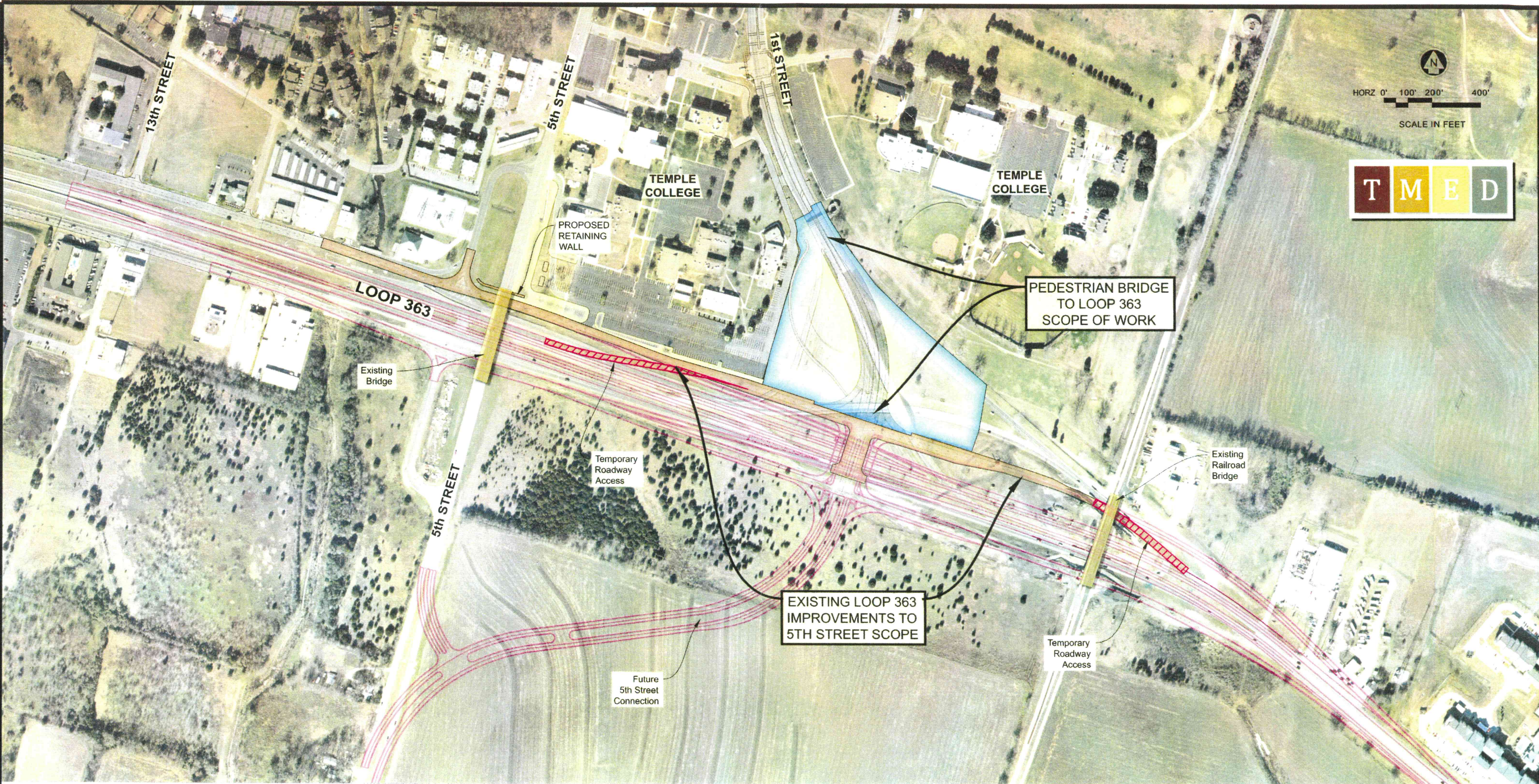
The consultant's opinion of construction cost is \$5,128,458.77. Upon future recommendation of a construction contract with a successful bidder, it will be necessary to approve a recommendation to the City Council to authorize a construction contract. At their May 23rd regular meeting, the TIF Reinvestment Zone #1(RZ) Board approved recommendation of this professional services contract for Council authorization.

FISCAL IMPACT: Funds are available in the Reinvestment Zone No. 1 Financing/Project Plans Line 454, Account 795-9500-531-6551, project 100700.

ATTACHMENTS:

[Project Map](#)
[Engineer's Proposal](#)
[Resolution](#)

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Loop 363, 1st Street Improvements with East and West Bound Access Rd. at Grade

Legend	
Initial Design	
100% Final Design	
Temporary Access to be removed in future phases	
TxDot Geometric Design	





KASBERG, PATRICK & ASSOCIATES, LP

CONSULTING ENGINEERS

Texas Firm F-510

RICK N. KASBERG, P.E.

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

THOMAS D. VALLE, P.E.

Temple

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

Georgetown

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

May 15, 2012

Mr. Michael Newman, P.E., CFM
City of Temple
3210 East Avenue H, Building A
Temple, Texas 76501

Re: City of Temple
Loop 363/1st Street
Preliminary and Final Design

Dear Mr. Newman:

At the request of the City of Temple Reinvestment Zone #1 (TRZ), we are submitting this proposal for the above referenced project. This project will prepare geometric design for the main lanes, frontage roads and 5th Street connection and develop 100% final design for the Loop 363 west bound frontage road from current improvements west of Martin Luther King Jr. Drive to West of existing 5th Street including design connections to 1st Street incorporating the plans that have already been designed for the section of 1st Street from the Temple College Pedestrian Bridge to the Loop 363 Intersection. The final product will be shelf ready plans, specifications and estimates (PS&E) ready for bidding through the Texas Department of Transportation (TxDOT) system for the West bound frontage road of Loop 363 incorporating the current designed 1st Street plans from the Temple College Pedestrian Bridge to the intersection of Loop 363 and geometric design for the main lanes, east bound frontage road and the connection to 5th Street.

The work to be performed by KPA under this contract consists of providing engineering services for geometric design for the main lanes, frontage roads and 5th Street connection and the 100% design and preparation of plans, specifications and estimates (PS&E) for the relocation and reconstruction of the westbound frontage road of Loop 363 from the connection of the current improvements west of Martin Luther King Jr. Drive to the connection West of existing 5th Street. The project will also include the current design of 1st Street from the Temple College Pedestrian Bridge to the intersection of Loop 363. The project consists of reconstruction of approximately 4,500 linear feet of frontage road with intersection connection to 1st Street.

KPA will perform all work and prepare all deliverables in accordance with the latest version of the Texas Department of Transportation's (TxDOT's) specifications, standards and manuals. Since this project may be let through the TxDOT system, whenever possible TxDOT standard drawings, specifications or previously approved special provisions and/or special specifications will be utilized. If a special provision and/or special specification must be developed, it shall be prepared in TxDOT format and, to the extent possible, incorporate references to approved TxDOT test procedures.

KPA will perform quality control and quality assurance (QA/QC) on all deliverables associated with the project. All traffic control will be in accordance with the Texas Manual on Uniform Traffic Control Devices (TMUTCD).

The following services will be performed:

I. ROUTE AND DESIGN STUDIES

- A. Data Collection – Obtain and review any existing data from the City and TxDOT. Most of this data has been previously collected so the effort will be minimal.
- B. Design Concept Conference – Schedule a Design Concept Conference with the TxDOT Waco District Office and the City of Temple. This conference will review alignments, typical sections, preliminary costs and other concepts to begin design for the project.
- C. Geometric Design - Develop geometric design for the main lanes, frontage road and 5th Street connection for the project. Design effort will be sufficient to develop rights-of-way and easements including reviewing topography for cut and fill sections. All designs shall be in accordance with TxDOT design guidelines and criteria.
- D. Geotechnical Investigations
 - 1. Obtain and review any existing and available geotechnical and geologic information. Field reconnaissance of the project limits will be performed.
 - 2. Perform borings in accordance with TxDOT guidelines, obtaining bore samples at approximately 500 foot intervals to a minimum depth of 10 feet.
 - 3. Perform laboratory testing to classify soil strata, evaluate plasticity, shrink/swell potential and evaluate compressive strength. Tests shall include moisture content, Atterberg Limits, unconfined compressive strength, sieve analysis, absorption swell tests, lime-series tests, California Bearing Ratio (CBR) and sulfate content test.
 - 4. Develop a recommended pavement section following TxDOT methodology utilizing the TxDOT FPS-21 software.
 - 5. Prepare a Geotechnical Report to include the summary of the field investigations, laboratory testing results and recommended pavement design.
- E. Environmental Investigations
 - 1. Environmental – Review the project site for environmental clearance in conjunction with TxDOT guidelines. Prepare a report defining the findings of the environmental investigations in conjunction with TxDOT guidelines.
 - 2. Archeology – Archival research shall be performed in the electronic and mapping files of the Texas Historical Commission (THC) Atlas Sites database, the Texas Archeological Research Laboratory (TARL) and/or any other relevant archives for information on previous cultural resource investigations conducted and previously recorded sites and historic properties recorded in the vicinity of the project's Area of Potential Effect (APE). The results of this research shall be reported per TxDOT guidelines.

3. Water Resources – Data shall be collected on surface water streams and other existing water resources as well as the potential for pollution during construction and from the completed facility. The 100-year floodplain, as delineated by Federal Emergency Management Agency (FEMA), shall be identified and the impacts of the proposed project shall be assessed.
4. Biological Resources – A description of the project area biological resources including vegetation communities and wildlife habitat shall be developed as required. Ecologically sensitive resources identified after the Finding of Significant Impact (FONSI) or found within the newly identified impact areas, including potential Threatened and Endangered species habitat, shall be identified and their potential to be affected by project construction and operation shall be assessed and described in the environmental report. No presence/absence surveys are proposed as a part of this scope.
5. Hazardous Materials – An updated database search of previously recorded hazardous material sites in the project area shall be conducted and a summary incorporated into the environmental report. During field visits, project environmental staff shall identify any sites within the additional impact areas that may pose a potential hazardous materials risk. An Environmental Site Assessment will be developed per TxDOT guidelines.

F. Rights-of-Way Data

1. Perform sufficient property records research to obtain current ownership and deed information of affected properties per Bell County Appraisal District Records.
2. Prepare revised overall ROW Plan Sets, individual parcel plats and descriptions to be used by the designated governmental entity for required ROW acquisition and easement process. NOTE: No metes and bounds are a part of this proposal. This phase will be developed at a later date after Rights-of-Way are determined.

G. Utility Coordination

Efforts to ensure utility relocations and adjustments required to accommodate the proposed project development shall include Subsurface Utility Engineering, Field Surveys, Utility Adjustment Coordination and Utility Engineering Services.

1. Field surveys shall locate horizontally, crossings of all utilities. The owner and contact information shall be determined and provided.
2. A list of the utility owners contact information shall be developed from a preliminary survey and maintained throughout project development.
3. Initial notifications of the project details and expected time lines for project development shall be conveyed to all utility owners existing within the project limits.
4. A recommended identification location map shall be developed based on the potential utility conflict areas determined from the review of the existing utilities and proposed designs.
5. Upon determination of required relocation and/or adjustments, intense coordination with impacted utility owners shall be initiated. Utility agreements

in accordance with City and TxDOT guidelines shall be prepared and executed with each impacted utility owner. A utility conflict list and tracking report shall be developed and maintained throughout the duration of the relocation effort. Periodic reviews of utility adjustment designs shall be performed and guidance on project timelines for relocation budgeting shall be provided.

6. Coordination meetings, public and individual, shall be held as necessary to facilitate utility conflict identification and resolution.

II. PROJECT MANAGEMENT

A. Meetings

1. Attend and document Kickoff Meeting at the City of Temple Office.
2. Attend and document Progress Meetings at the City Office.
3. Attend and document Utility Coordination Meetings at the City Office.
4. Attend 30% complete TxDOT District Plan Review Meeting.
5. Attend District Plan Review Meeting with TxDOT at the 60% and 90% completion phases.

B. General Contract Administration

1. Develop monthly invoices and progress reports.
2. Sub-consultant coordination.
3. Design coordination with the City and TxDOT.
4. Document Local Government Project Procedures (LGPP) compliance with TxDOT.

III. FIELD SURVEYING

A. General

1. Surveys provided shall be in accordance with the "Texas State Board of Land Surveying" and the applicable sections of the TxDOT Generalized Scope of Services.
2. Survey field notes shall be submitted as requested by the City and/or TxDOT.
3. Unless previously obtained, the City of Temple shall obtain right-of-entry (ROE) agreements with property owners for the required field surveys.
4. Verify and compare previously located utility data with current ground conditions. Contact the One-Call System in advance of performing field surveys so that data collection includes ties to location of marked utilities. Reasonable attempts to coordinate with utility owners shall be made to achieve efficiency in data collection.

B. Topographic Surveys for Engineering Design and Hydraulic Analysis

1. Reasonable attempts shall be made to recover existing horizontal control points from previous work performed (if any) on this project. Additional control shall be established to adequately position horizontal control points as needed for project design activities and plan notations thereof. Control points shall be established with significant conformance to current TxDOT specifications for

primary control. Where possible, reference ties to permanent features shall be provided for each established horizontal control point. Data for the horizontal control shall be based on Texas State Plane, Central Zone, NAD 83 (93) derived from the Online Positioning User Services (OPUS) solutions and verified by other measurement technologies.

2. Reasonable attempts at recovering and verifying existing vertical control shall be made. Additional benchmarks, if needed, shall be established via differential level loops from recovered known project controls. A vertical benchmark system shall be perpetuated at approximate 1,000 foot intervals for future reference on the plans and maintained to construction, if necessary.
3. Survey files with previously obtained project data shall be compared to and merged with survey files generated through this proposal. In areas of uncertainty, changes in previous existing conditions, and/or limited topographic information, additional data shall be collected as directed by the Project Engineer.
4. Data collection shall consist of spot elevations for improvements, edge of roadway, driveways, visible or marked utilities, drainage features, centerline of roadway and grade breaks. Individual roadway cross sections shall be taken at intervals approximately 100 feet or as required to properly define the surface of the project and generate accurate Digital Terrain Models (DTMs).
5. The survey shall include topographic features within approximately 500 feet from each end of certain drainage features along the roadway or a sufficient distance to ensure and/or verify hydraulic cross sections can be developed to adequately accommodate the 100-year rainfall event. Within these limits, the survey shall extend approximately 100 feet left and right of the existing roadway centerline, provided ROE allows such access.
6. Channel cross sections shall be provided from the face of the existing drainage structures (4 sections each) to approximately 200 feet upstream and downstream. The sections shall indicate any ground breaks, top of banks, toe of slopes, water surface elevations, normal high water surface elevations (if discernible), etc., that define the actual contour of the section and the overbank area, provided ROE allows such access.
7. A stream alignment and profile extending the entire limits of the channel cross sections described above shall be developed from the channel cross section information.
8. Topographic information shall include the limits of the existing concrete riprap upstream, beneath and downstream of the existing drainage features.
9. Profiles of intersecting driveways within the project limits shall extend a sufficient distance beyond the existing ROW to ensure adequate data is available to determine tie-ins with proposed vertical alignment changes, provided ROE allows such access.
10. Field surveys shall provide the locations of small signs, mailboxes and other visible surface features. Sign text, color, dimensions and standard sign design

shall be provided in accordance with the Sign Crew Field Book and the TMUTCD.

11. Field surveys shall provide an elevation and a horizontal tie to the soil boring locations or converted from data provided by the geotechnical sub-consultant.
12. Survey shots shall be assigned a unique point number which provides a positive identification of the point. An ASCII points file and a copy of the print out shall be provided, if requested. Each line of the output data shall contain: the point number, northing, easting, elevation and the descriptive feature code.

IV. ROADWAY DESIGN CONTROLS

A. 30% Complete Plan Set

1. Geometric Design - Using the approved schematic design provided by TxDOT, review the horizontal and vertical alignments, typical sections and resultant design cross sections to ensure compliance with current design criteria. Delineate and discuss potential deficiencies with City staff. Review constructability of preliminary design including connections and access for Temple College prior to final plan preparation.
2. Typical Sections - Develop existing and proposed roadway typical sections for the Loop 363 West Bound Frontage Road.
3. Alignment Data Sheets - Prepare horizontal and vertical alignment data sheets.
4. Plan & Profile Drawings - Prepare plan & profile sheets for Loop 363 West Bound Frontage Road and 1st Street from Loop 363 to connection to existing infrastructure improvements. The sheets shall include the following:
 - Critical Base map data in plan and profile (i.e. existing topography, utilities, etc.)
 - Control and benchmark data
 - Proposed roadway improvements including horizontal and vertical roadway geometry, pavement edge geometry, drainage, grading and miscellaneous related improvements
5. Intersection Layouts - Develop intersection layouts that define all horizontal and vertical geometry for the intersections:
 - 1st Street
 - 5th Street
6. Roadway Cross-Sections - Prepare design cross-sections at intervals not to exceed 100 feet along the proposed roadway improvement length to a sufficient level of detail to support design decisions.

B. 100% Complete Plan Set

The following items shall be prepared for the project:

1. Typical Sections - Finalize typical sections prepared during the 30% completion phase.
2. Plan & Profile Drawings - Finalize plan & profile drawings prepared during the 30% completion phase.

3. Intersection Layouts - Finalize intersection layouts prepared during the 30% completion phase. The following list of intersections reflects the current configuration. Layouts for intersections that are constructed during the plan development phase will be prepared accordingly.
 - 1st Street
 - 5th Street
4. Driveway Details - Develop typical driveway designs and summarize driveway features including material type and geometric design. Driveways shall be replaced with HMAC or concrete, conforming with existing.
5. Miscellaneous Roadway Details - Develop various details, as required, for pavement, curb, riprap, etc.
6. Removal Layouts - Prepare removal layout sheets (1"=100') showing all features that are to be removed including pavement, structures, signing, etc.
7. Roadway Cross Sections - Finalize roadway cross sections prepared during the 30% completion phase.

V. DRAINAGE

A. 30% Complete Plan Set

1. Incorporate all design surveys into computer aided drafting and develop topographies and surfaces. This data shall be utilized to develop drainage areas, hydrology and hydraulics. This shall include topographic working drawings to prepare the preliminary drainage design.
2. Develop storm water hydrology for the ultimate roadway section throughout the limits of the project. The hydrology shall be modeled utilizing HEC-HMS with TxDOT drainage criteria. The model shall incorporate the 10%, 4% and 1% annual chance storm (10-year, 25-year, and 100-year) events. Modeling shall develop storm water flows to all cross culverts and roadway conveyances. Based on the data developed, drainage infrastructure shall be designed in a preliminary format for the project area. The level of detail shall be sufficient to establish cost estimates and required easements and possession and use agreements for the construction of the proposed drainage structures and channel improvements.
3. Develop preliminary hydraulics to all cross culvert conveyances and the roadway system.
4. Develop preliminary designs for all cross drainage structures throughout the project limits. The cross drainage shall be modeled with HEC-RAS.
5. Develop preliminary designs for proposed storm water collection systems for the proposed curb-and-gutter portion of the project area. Storm sewer designs shall be developed using Windstorm, Version 3.05.
6. Determine potential utility conflicts based on preliminary design for the project area.
7. Develop preliminary drainage easement requirements for the project area.

8. Coordinate the preliminary design with the cities of Temple and TxDOT. Comments and direction shall be incorporated into final designs.
- B. 100% Complete Plan Set
1. Develop final designs for all cross drainage structures within the project limits. The cross drainage shall be modeled with HEC-HAS. All cross drainage structures shall be illustrated in plan profile sheets as well as detail sheets in the 100% plans. Grading to existing ground elevations shall be detailed as well as elevations for flow lines and headwalls. Hydraulic grade lines for the 4% and 1% annual chance storm (25-year and 100-year) events shall be illustrated in the profile views. Designs for conveyance to reduce erosion shall be completed and detailed in the plans.
 2. Develop final designs for the storm water collection system for the curb-and gutter portion of the project limits. Storm sewer systems shall be analyzed and designed using Windstorm, Version 3.0S. Flow lines shall be detailed as well as hydraulic grade lines for the 20% and 1% annual chance storm (5-year and 100-year) events. All drainage infrastructures shall be designed and presented in the plans in plan and profile.
 3. Design storm water conveyance to existing streams and channel ways. Design shall include conveyance for positive drainage and shall check current water surface elevations to proposed water surface elevations after project completion.
 4. Determine potential utility conflicts based on final design for the project area. Existing utility locations shall be illustrated in the drainage plan profile sheets.
 5. Develop final drainage easement requirements for the project area. Limits of permanent drainage easements shall be kept to a minimum. Layouts for drainage easements shall be prepared for review with the City and TxDOT. Details will be provided for the production of metes and bounds for acquisition. (Metes and Bounds are not a part of this proposal)
 6. Prepare a global Drainage Area Map for the entire project limits and a separate network Drainage Area Map delineating drainage area boundaries for the storm sewer designs.
 7. Prepare Hydraulic Data Sheets as appropriate reflecting the results of the hydraulic analyses and designs for proposed cross road culverts and storm sewer systems.
 8. Prepare a Hydraulic Report, documenting the results of the hydrologic studies, hydraulic analysis and designs. Include the preliminary Hydraulic Data and Drainage Area Map sheets.
 9. Develop summary of final quantities for all drainage infrastructure and prepare cost estimates based on current bid data.
 10. Coordinate with the City of Temple and TxDOT to review the final drainage design, phasing for the project, utility conflicts and relocations, etc. All comments and direction shall be incorporated into final designs.
 11. Storm Water Pollution Prevention Plans (SW3P) - Develop SW3P, on separate sheets from (but in conformance with) the Traffic Control Plan (TCP), to

minimize potential impact to receiving waterways. The SW3P shall include text describing the plan, quantities, type and locations of erosion control devices and any required permanent erosion control measures.

VI. SIGNING, MARKINGS AND SIGNALIZATION

A. 30% Complete Plan Set

Preliminary traffic signal design plans shall be developed for the intersection with 1st Street because signal design and operation shall impact the geometric design of the intersection. The following items shall be prepared:

1. Preliminary Traffic Signal Layouts - The preliminary layouts shall show the proposed configuration of major signal items such as signal poles, controller and electrical service. Pedestrian signal poles shall be laid out as a function of the crosswalk and ramp locations to meet American with Disabilities Act (ADA) design requirements. The proposed signal indications and phasing sequence shall be identified for early review by TxDOT. The proposed approach roadway configuration shall be designed for optimum signal operation.

B. 100% Complete Plan Set

The following items shall be prepared for the intersection of Loop 363 and 1st Street:

1. Signing and Markings Layouts - Prepare signing and pavement markings layouts for Loop 363 Frontage Road and connections to 1st Street and 5th Street. The layouts shall include the signing and striping, roadway layout, centerline with stationing, culverts and other structures, existing signs to remain, to be removed or to be relocated, proposed signs (illustrated and numbered) and proposed permanent markings (illustrated and labeled) including pavement markings, object markers and delineation. Prepare details in accordance with TMUTCD, TxDOT Sign Crew Field Book, and the applicable TxDOT Standards.
2. Summary of Small Signs Tabulation - Prepare and complete standard summary of small signs sheet.
3. Sign Details - Prepare details for signs not included in the State's standard details sheets.
4. Intersection Layouts - Prepare detailed signing and striping layouts at the following intersections:
 - 1st Street
 - 5th Street
5. Traffic Signal Plans - Prepare detailed traffic signal installation plans for the intersection of Loop 363 and 1st Street utilizing the existing hardware and accommodating the ultimate roadway configuration to the extent practicable. The following plans sheets shall be prepared:
 - a. Traffic Signal Quantity Summary Sheet.
 - b. General Notes for Traffic Signal Installation.

- c. Existing Signal Layouts, showing the existing signal installation demolition plan and the proposed ultimate geometry of the intersections (diamond configuration).
- d. Proposed Traffic Signal Layouts, showing the proposed signal poles, controller, vehicle and pedestrian signals, vehicle detection devices, intersection illumination, signal communications, conduit, ground boxes, electrical service and signal pole type chart.
- e. Signal Phasing and Wiring Diagrams, showing the conduits and cables chart, cable termination chart, electrical service specifications, phasing diagram orientation diagram, miscellaneous cable charts and street name sign designs.
- f. Traffic Signal Elevations Sheets, showing elevation drawings for each signal pole with the location of signal heads, signs and detection devices.
- g. Traffic Signal Striping Sheets, showing the proposed crosswalk and stop line locations in relation to the ramps.
- h. Traffic Signal Installation Details, showing miscellaneous installation details for vehicle detection, signal communications, pedestrian signals and pushbuttons.
- i. Traffic Signal pole standards, showing the types and sizes of the proposed poles, mast arms and illumination arms.
- j. Signal pole Foundations Standard, showing the size, type and depth of the foundation for each signal pole and pedestrian pole.

VII. MISCELLANEOUS DESIGN

A. 30% Complete Plan Set

- 1. Traffic Control Plans (TCP), Detours and Sequence of Construction - A conceptual TCP shall be developed including sequence of construction and the existing and proposed traffic control devices (including signs, barricades, pavement markings, etc.). The TCP shall be based on phasing construction to allow traffic flow. The TCP shall also include the evaluation of temporary drainage throughout the construction process to ensure positive flow during construction. TCP shall be based on the TMUTCD and the latest TxDOT Standards. Plan sheets shall include:
 - Sequence of construction narrative
 - Traffic control typical sections for each phase of construction
 - Advance Warning Signs
 - TCP Phasing Overview Layout
 - TCP layouts showing work zones, number of lanes open, advance warning signs, typical sections and any necessary detour geometry
 - Intersection phasing layouts, including temporary signal plans
- 2. Pedestrian Facilities - Pedestrian facilities shall be designed to coordinate and connect to the current design of 1st Street from the TC Pedestrian Bridge to

Loop 363. Design shall be ADA compliant and be in coordination with the TMED standards as practicable in TxDOT Rights-of-Way.

3. Miscellaneous Drawings - Prepare the following miscellaneous drawings:
 - Title Sheet
 - Index of Sheets
 4. Cost Estimates - Prepare a construction cost estimate for the 30% design.
- B. 100% Complete Plan Set
1. Traffic Control Plans TCP, Detours and Sequence of Construction - A detailed TCP shall be developed including sequence of construction and the existing and proposed traffic control devices (including signs, barricades, pavement markings, etc.). The TCP shall be based on phasing construction to allow traffic flow. The TCP shall also include the design of temporary drainage throughout the construction process to ensure positive flow during construction. TCP shall be based on the TMUTCD and the latest TxDOT Standards. Plan sheets shall include:
 - Sequence of construction narrative
 - Traffic control typical sections for each phase of construction
 - Advance Warning Signs
 - TCP Phasing Overview Layout
 - TCP layouts showing work zones, number of lanes open, advance warning signs, typical sections and any necessary detour geometry
 - Intersection phasing layouts, including temporary signal plans
 - Any necessary miscellaneous drawings relevant to traffic control
 - Traffic Control Standard sheets
 - Traffic Control Summary of Quantity Tables
 2. Pedestrian Facilities - Pedestrian facilities shall be designed to coordinate and connect to the current design of 1st Street from the TC Pedestrian Bridge to Loop 363 as approved with in the 30% Design Set. Design shall be ADA compliant and be in coordination with the TMED standards as practicable in TxDOT Rights-of-Way.
 3. Summary of Quantities - Prepare quantity summary sheets for the following quantities:
 - Removals
 - Roadway (including earthworks)
 - Driveways
 - Drainage
 - Small Signs
 - Large Signs
 - Pavement Markings
 - Traffic Signals
 - SW3P
 4. Cost Estimates - Prepare detailed construction cost estimates. An estimate shall be provided at each submittal (60%, 90% and 100% PS&E).

5. General Notes and Specifications - Using the latest TxDOT Waco District's Master General Notes, identify required general notes. Also, develop project specific general notes for the items required. Specifications shall be based on TxDOT's Standard Specifications for Construction of Highways, Streets and Bridges (2004). TxDOT Special Provisions, TxDOT Special Specifications and City of Temple requirements shall be incorporated as necessary. Any additional special provisions or special specifications shall be prepared for TxDOT approval, using TxDOT's standard format.
6. Standard Drawings - Select the standard TxDOT drawings applicable to the project. Statewide Standard Sheets shall be obtained electronically from the TxDOT internet site to the extent practicable or otherwise directly from TxDOT. TxDOT Waco District Standard Sheets will be obtained electronically from the TxDOT Waco District website to the extent practicable or otherwise directly from TxDOT.
7. Construction Time Estimate - Prepare a construction time estimate in Microsoft Project or other approved software that shows the time required to construct the project.
8. Bid Proposal- Prepare the project bid proposal that shall include the following:
 - General Notes
 - Standard and Special Specifications
 - Special Provisions
 - Reference Item list
 - Bid Tabulation Sheets
 - Applicable Legal Documents (To be provided to KPA)
9. Miscellaneous Drawings - Prepare the following miscellaneous drawings:
 - Title Sheet / Index of Sheets
 - Environmental Permits, Issues and Commitments (EPIC) Sheet
 - Project Layout

The following scope of work for the Loop 363/1st Street Preliminary Design and Final Design can be completed for the lump sum price of \$269,640. Attached is a breakdown of project costs. We are please to submit this proposal and look forward to the benefit it will bring the City of Temple.

Sincerely,



R. David Patrick, P.E., CFM

xc: Bob Browder

LOOP 363/1ST STREET PRELIMINARY AND FINAL DESIGN								
	DESCRIPTION	PROJECT MANAGER	SENIOR ENGINEER	PROJECT ENGINEER	EIT	CADD ENGR TECH	CLERICAL	TOTAL
ROUTE AND DESIGN STUDIES								
1	Data Collection	2	4					\$ 880.00
2	Design Concept Conference	2	2					\$ 600.00
3	Geometric Design	4	8	16	32	44		\$ 11,160.00
4	Site Visits	4	4					\$ 1,200.00
5	Terracon Coordination	6						\$ 960.00
6	Geotechnical (Terracon)							\$ 9,000.00
	SUBTOTAL	18	18	16	32	44	0	\$ 23,800.00
ENVIRONMENTAL								
1	Terracon Coordination	4						\$ 640.00
2	Terracon Environmental & Archaeological							\$ 25,000.00
	SUBTOTAL	4	0	0	0	0	0	\$ 25,640.00
FIELD SURVEYING								
1	ACS Coordination	2				4		\$ 680.00
2	ACS Design Surveys							\$ 24,000.00
	SUBTOTAL	2	0	0	0	4	0	\$ 24,680.00
ROADWAY DESIGN								
1	Geometric Design	8	22	28	40	54		\$ 16,980.00
2	Typical Sections	4	14	20	30	34		\$ 11,360.00
3	Alignment Data Sheets	4	10	14	24	28		\$ 8,880.00
4	Roadway Plan & Profile Sheets	12	30	40	48	60		\$ 21,600.00
5	Intersection Layouts	10	24	32	44	58		\$ 18,860.00
6	Driveway Details	4	6	12	20	24		\$ 7,280.00
7	Miscellaneous Roadway Details	6	14	26	34	34		\$ 12,840.00
8	Removal Layouts	2	4	6	14	16		\$ 4,580.00
9	Roadway Cross Sections	8	16	24	34	48		\$ 14,460.00
	SUBTOTAL	50	118	174	248	302	0	\$ 116,840.00
DRAINAGE								
1	Hydrologic Calculations	1	4	10	14	4		\$ 3,820.00
2	Hydraulic Calculations	1	4	14	22	4		\$ 5,180.00
3	Drainage Area Maps	2	4	12	14	8		\$ 4,580.00
4	Hydraulic Data Sheets	1	2	10	14	6		\$ 3,720.00
5	Culvert Layouts	4	6	10	12	14		\$ 5,260.00
6	Storm Sewer Plan and Profile Sheets	6	12	14	20	26		\$ 8,860.00
7	Miscellaneous Drainage Details	2	4	12	16	22		\$ 6,060.00
	SUBTOTAL	1	4	10	14	4	0	\$ 37,480.00

	SIGNING, PAVEMENT MARKINGS & SIGNALIZATION							
1	Signing and Pavement Marking Layouts	2	4	8	12	20		\$ 4,960.00
2	Summary of Small Signs Tabulation	1	1	2	2	4		\$ 1,120.00
3	Sign Details			1	1	2		\$ 410.00
4	Sign Panel Details	1		1	1	2		\$ 570.00
5	Intersection Layouts	2	6	10	16	22		\$ 6,100.00
6	Proposed Traffic Signal Layouts	2	6	12	18	30		\$ 7,280.00
7	Existing Traffic Signal Layout	2	4	12	18	26		\$ 6,640.00
8	Traffic Signal Details	4	8	8	16	24		\$ 6,640.00
	SUBTOTAL	14	29	54	84	130	0	\$ 33,720.00
	MISCELLANEOUS DESIGN							
1	Traffic Control	1	2	8	16	20		\$ 4,960.00
2	Pedestrian Facilities	1	1	6	12	16		\$ 3,780.00
3	Summary of Quantities	2	2	6	14	14		\$ 4,120.00
4	Cost Estimate	2	2	6	14			\$ 2,860.00
5	Construction Days Estimate	1	1	2	2			\$ 760.00
6	Plan and Specification Production	2					18	\$ 1,400.00
	SUBTOTAL	9	8	28	58	50	0	\$ 17,880.00
	GENERAL MANAGEMENT / COORDINATION							
1	Progress Meetings	10	10					\$ 3,000.00
2	Contract Management and Coordination	36						\$ 5,760.00
	SUBTOTAL	46	10	0	0	0	0	\$ 8,760.00
	PROJECT TOTAL							\$ 288,800.00

**FIRST STREET AT LOOP 363 PHASE I
PRELIMINARY COST ESTIMATE**

ITEM	NO	DESCRIPTION	UNITS	QUANTITY	EST PRICE	TOTAL
100	2002	PREPARING ROW	STA	53	\$ 1,500.00	\$ 79,500.00
105	2011	REMOVING STAB BASE AND ASPHALT PAV	SY	33,000	\$ 6.00	\$ 198,000.00
110	2001	EXCAVATION (ROADWAY)	CY	32,500	\$ 3.50	\$ 113,750.00
132	2001	EMBANKMENT (FINAL) (ORD COMP) (TY A)	CY	30,000	\$ 3.50	\$ 105,000.00
132	2002	EMBANKMENT (FINAL) (DENS CONT) (TY A)	CY	10,000	\$ 8.00	\$ 80,000.00
160	2004	FURNISHING AND PLACING TOPSOIL (6")	SY	45,000	\$ 0.75	\$ 33,750.00
161	2014	COMPOST MANUF TOPSOIL (BOS OR PB) (4")	SY	3,500	\$ 3.00	\$ 10,500.00
164	2039	DRILL SEEDING (PERM) (URBAN) (CLAY)	SY	45,000	\$ 1.00	\$ 45,000.00
168	2001	VEGETATIVE WATERING	MG	2,500	\$ 7.00	\$ 17,500.00
170	2001	IRRIGATION SYSTEM	LS	1	\$ 210,000.00	\$ 210,000.00
192	2002	PLANT MATERIAL (1-GAL)	EA	17,442	\$ 6.00	\$ 104,652.00
192	2004	PLANT MATERIAL (5-GAL)	EA	603	\$ 25.00	\$ 15,075.00
192	2013	MULCH	SY	3,500	\$ 3.50	\$ 12,250.00
192	2015	LANDSCAPE EDGE	LF	1,410	\$ 4.50	\$ 6,345.00
192	2025	PLANT MATERIAL (45 GAL) (TREE)	EA	112	\$ 250.00	\$ 28,000.00
192	2080	PLANT MATERIAL (MIN 6" CALIPER)	EA	73	\$ 980.00	\$ 71,540.00
247	2044	FL BS (CMP IN PLC)(TY A GR 4) (FNAL POS)	CY	8,800	\$ 29.00	\$ 255,200.00
310	2005	PRIME COAT (MC-30 OR AE-P)	GAL	2,500	\$ 3.40	\$ 8,500.00
316	2022	ASPH (HFRS-2 OR CRS-2)	GAL	6,320	\$ 3.00	\$ 18,960.00
316	2378	AGGR (TY-D GR-4)	CY	700	\$ 90.00	\$ 63,000.00
341	2011	D-GR HMA (QCQA) TY B	TON	7,200	\$ 47.00	\$ 338,400.00
346	2006	STONE-MTRX-ASPH SMA-C	TON	4,200	\$ 80.00	\$ 336,000.00
423	2008	RETAINING WALL (STONE)	SF	6,000	\$ 50.00	\$ 300,000.00
423	2009	RETAINING WALL	SF	2,000	\$ 30.00	\$ 60,000.00
425		BRIDGE	SF	0	\$ 85.00	\$ -
432	2002	RIPRAP (CONC) (5-IN)	CY	35	\$ 295.00	\$ 10,325.00
450	2018	RAIL (TY C411)	LF	0	\$ 90.00	\$ -
462		CONC BOX CULVERT	LF	400	\$ 350.00	\$ 140,000.00
464		RC PIPE (CL III)	LF	3,000	\$ 65.00	\$ 195,000.00
465		INLET	EA	22	\$ 4,000.00	\$ 88,000.00
466		WINGWALL	EA	6	\$ 7,500.00	\$ 45,000.00
466		HEADWALL	EA	6	\$ 4,000.00	\$ 24,000.00
467		SET	EA	12	\$ 3,500.00	\$ 42,000.00
496	2010	REMOV STR (BRIDGE 100-499 FT LENGTH)	EA	1	\$ 124,000.00	\$ 124,000.00
496		REMOV STR	EA	1	\$ 98,000.00	\$ 98,000.00
500	2001	MOBILIZATION	LS	1	\$ 200,000.00	\$ 200,000.00
502	2001	BARRICADES, SIGNES AND TRAFFIC HANDLING	MO	12	\$ 6,500.00	\$ 78,000.00

**FIRST STREET AT LOOP 363 PHASE I
PRELIMINARY COST ESTIMATE**

ITEM	NO	DESCRIPTION	UNITS	QUANTITY	EST PRICE	TOTAL
506	2002	ROCK FILTER DAMS (INSTALL) (TY. 2)	LF	200	\$ 75.00	\$ 15,000.00
506	2009	ROCK FILTER DAMS (REMOVE)	LF	200	\$ 10.00	\$ 2,000.00
506	2031	SANDBAGS FOR EROSION CONTROL	EA	20	\$ 6.00	\$ 120.00
506	2034	TEMPORARY SEDIMENT CONTROL FENCE	LF	5,000	\$ 3.00	\$ 15,000.00
529	2010	CONC CURB AND GUTTER (TY II) (REINF)	LF	12,920	\$ 15.00	\$ 193,800.00
531	2010	CURB RAMPS (TY 7)	EA	13	\$ 1,250.00	\$ 16,250.00
531	2024	CONC SIDEWALK (5")	SY	2,100	\$ 30.00	\$ 63,000.00
618	2018	CONDT (PVC) (SCHD 40) (2")	LF	1,800	\$ 2.50	\$ 4,500.00
620		ELEC CONDR	LF	1,800	\$ 2.50	\$ 4,500.00
636		ALUMINUM SIGNS	SF	200	\$ 18.00	\$ 3,600.00
644		INS SM RD SN SUP & AM	EA	25	\$ 400.00	\$ 10,000.00
662		WK ZN PAV MRK NON REM STRIPING	LF	6,500	\$ 1.00	\$ 6,500.00
662		WK ZN PAV MRK NON REM WORD/ARROW	EA	15	\$ 55.00	\$ 825.00
666	2003	REFL PAV MRK TY I (W) 4" (BRK) (100MIL)	LF	6,500	\$ 0.50	\$ 3,250.00
666	2012	REFL PAV MRK TY I (W) 4" (SLD) (100MIL)	LF	2,200	\$ 0.45	\$ 990.00
666	2048	REFL PAV MRK TY I (W) 24" (SLD) (100MIL)	LF	280	\$ 5.00	\$ 1,400.00
668	2106	PREFAB PAV MRK TY C (W) (ARROW)	EA	9	\$ 175.00	\$ 1,575.00
668	2116	PREFAB PAV MRK TY C (W) (WORD)	EA	5	\$ 225.00	\$ 1,125.00
672	2017	REFL PAV MRKR TY II - C - R	EA	80	\$ 3.00	\$ 240.00
680		INSTALL HWY TRF SIG	EA	4	\$ 75,000.00	\$ 300,000.00
5036	2003	TRASH RECEPTACLE	EA	5	\$ 500.00	\$ 2,500.00
5057	2001	FLAGPOLE	EA	8	\$ 3,500.00	\$ 28,000.00

CONSTRUCTION SUBTOTAL	\$ 4,229,422.00
CONTINGENCY (10%)	\$ 422,942.20
CONSTRUCTION TOTAL	\$ 4,652,364.20
DESIGN SERVICES	\$ 290,000.00
CONSTRUCTION ADMIN SERVICES	\$ 186,094.57
 PROJECT TOTAL	 \$ 5,128,458.77

RESOLUTION NO. 2012-6623-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF TEMPLE, TEXAS, AND KASBERG, PATRICK & ASSOCIATES, L.P., FOR FINAL DESIGN OF LOOP 363 FRONTAGE ROAD IMPROVEMENTS IN THE TEMPLE MEDICAL EDUCATIONAL DISTRICT, IN AN AMOUNT NOT TO EXCEED \$288,800; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the project scope will prepare geometric design for the main lanes, frontage roads and future south 5th Street connection and develop 100% of the final design of Loop 363 west bound frontage road from current improvements west of Martin Luther King, Jr. to west of existing south 5th Street;

Whereas, the scope of work also includes incorporating the previously designed connection to South 1st Street from the Temple College Pedestrian bridge to Loop 363 Intersection;

Whereas, Kasberg, Patrick & Associates, L.P., has submitted a proposal for engineering services in the amount of \$288,800, attached as Exhibit A, hereto, and the Staff recommends accepting it;

Whereas, funds are available for this project in the Reinvestment Zone No. 1 Financing/Project Plans, Line 454, Account No. 795-9500-531-6551, Project No. 100700; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute a professional services agreement, in an amount not to exceed \$288,800, between the City of Temple, Texas, and Kasberg, Patrick & Associates, L.P., after approval as to form by the City Attorney, for final design of Loop 363 frontage road improvements in the Temple Medical Educational District.

Part 2: It is hereby officially found and determined that the meeting at which this Resolution is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the 7th day of **June**, 2012.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

Sharon Rostovich, Airport Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing the following:

1. Release McLane Company from the lease on hangars 21 and 22 scheduled to expire May 17, 2014 due to completion and relocation to their large corporate hangar under separate land lease approved in 2011 effective June 30, 2012; and
2. An amendment to extend the lease on hangar 19 scheduled to expire May 17, 2014 through May 17, 2024 between McLane Company and the City of Temple at the Draughon-Miller Central Texas Regional Airport.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: During negotiation with McLane Company for the 25 year land lease for the construction of their large corporate hangar in the newly constructed hangar development area at the Draughon-Miller Central Texas Regional Airport, McLane Company requested the City approve a release of hangars 21 and 22 scheduled to expire May 17, 2014 effective June 30, 2012. In addition, McLane Company requested the City approve a ten year extension on the lease of hangar 19 scheduled to expire May 17, 2014 through May 17, 2024.

Hangar 19 is 3,600 square feet and the rent has been calculated at .10 cents per square foot, an increase of .03 cents per square foot for the additional 10 years on the lease. The rental rate will be \$360 per month and the lease term will expire on May 17, 2024. The monthly rent on hangars 21 and 22 will no longer be billed effective July 1, 2012.

FISCAL IMPACT: The Airport will receive \$4,320 in hangar rent per year, an increase of \$1,296 per year on hangar 19.

ATTACHMENTS:

[Lease Agreement - To be provided](#)
[Resolution](#)

RESOLUTION NO. 2012-6624-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A RELEASE OF LEASE WITH MCLANE COMPANY, INC. ON HANGARS 21 AND 22 AND AUTHORIZING AN AMENDMENT WITH MCLANE COMPANY, INC. TO EXTEND AN EXISTING LEASE ON HANGAR 19; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City currently has a lease with McLane Company, Inc., for Hangars 19, 21, 22, and 23 at the Draughon-Miller Central Texas Regional Airport;

Whereas, during negotiations with McLane Company, Inc. for the 25 year land lease, McLane Company, Inc. requested the City approve a release of lease on hangars 21 and 22, effective June 30, 2012 and which are presently scheduled to expire May 17, 2012;

Whereas, McLane Company, Inc. has further requested the City to approve a ten year extension on the lease of hangar 19 through May 17, 2024, which is presently scheduled to expire May 17, 2014;

Whereas, the lease agreement for hangar 19 will increase from the present rate of .10 center per square foot to .13 cents per square foot – which increases the rent annually from \$3,024 per year to \$4,320 per year;

Whereas, the monthly rent for hangars 21 and 22 will no longer be billed effective July 1, 2012; 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 release and extension, after approval as to form by the City Attorney, to release McLane Company, Inc. from their lease on hangars 21 and 22, and to extend an existing lease with McLane Company, Inc. on hangar 19.

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

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

PASSED AND APPROVED this the 7th day of **June**, 2012.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

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 granting of a permanent and temporary construction easement to Temple Panda Power for the construction of a gas line.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: When the City and TEDC conveyed the property to Panda for their power plant, the City reserved a 100' strip of property on the east side of Panda tract running north/south for the possible construction of a rail or roadway. Temple Panda Power is requesting a 50' permanent construction easement and a 30' temporary construction easement on the north side of the easement. The easement will require that Panda install the gas line under conditions that are safe for our intended use for the property.

FISCAL IMPACT: To be provided by staff.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, GRANTING PANDA TEMPLE POWER, LLC A 50 FOOT PERMANENT CONSTRUCTION EASEMENT AND A 30 FOOT TEMPORARY CONSTRUCTION EASEMENT ON THE NORTH SIDE OF THE CITY'S EASEMENT FOR THE PURPOSE OF THE CONSTRUCTION OF A GAS LINE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, when the City and Temple Economic Development Committee conveyed the property to Panda Temple Power, LLC for their power plant, the City reserved a 100' strip of property on the east side of the Panda tract running north/south for the possible construction of a rail or roadway;

Whereas, Panda Temple Power, LLC is requesting a 50' permanent construction easement and a 30' temporary construction easement on the north side of the easement – this easement will require that Panda install the gas line under conditions that are safe for our future intended use of the property; 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 of Temple, Texas, grants Panda Temple Power, LLC, a 50 foot permanent utility easement and a 30 foot temporary construction easement for the purpose of construction, operation and maintenance of a gas line.

Part 2: It is hereby officially found and determined that the meeting at which this Resolution is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the 7th day of **June**, 2012.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

Gary Smith, Chief of Police

ITEM DESCRIPTION: Consider adopting a resolution authorizing the grant application for the Bureau of Justice Assistance Bulletproof Vest Partnership Program of 2012 for the purchase of ballistic vests and replacements for the Police Department in the amount of \$12,000, with \$6,000 of required City matching funds.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The Temple Police Department desires approval apply for grant funds available through the Department of Justice, Bureau of Justice Assistance Bulletproof Vest Partnership Program. If awarded, this will be the 9th grant received from this program. The grant requires a City match of 50% of the cost associated with the purchase of new ballistic vests. The Police Department buys vests on a yearly basis and budgets for the matching funds required by the grant.

FISCAL IMPACT: If awarded the grant, the City will receive \$6,000 in grant funds. The City's match will be \$6,000. Total funding for the purchase of approximately 17 vests will be \$12,000.

Funds in are appropriated in the Police Department's FY 2012 operating budget, account 110-2031-521-2113, Clothing and Uniforms for the City's required match.

The grant funds are reimbursed to the City after the purchase is completed.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2012-6626-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A GRANT APPLICATION TO THE BUREAU OF JUSTICE ASSISTANCE BULLETPROOF VEST PARTNERSHIP PROGRAM OF 2012 FOR THE PURCHASE OF BALLISTIC VESTS AND REPLACEMENTS FOR THE POLICE DEPARTMENT, IN THE AMOUNT OF \$12,000, WITH \$6,000 OF REQUIRED CITY MATCHING FUNDS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Temple Police Department desires to submit an application to the Bureau of Justice Assistance Bulletproof Vest Program which is available to provide units of local government funds to purchase bulletproof vests for police officers;

Whereas, the grant requires a City match of 50% of the cost associated with the purchase of new ballistic vests;

Whereas, if awarded the grant, this will be the City's 9th grant received from this program and the City will receive \$6,000 in grant funds, and the City's match will be \$6,000;

Whereas, funds are appropriated in the Police Department's FY 2011-12 budget, Account No. 110-2031-521-2113 for the City's required match and grant funds will be reimbursed to the City after the purchase is completed; 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 application to the Bureau of Justice Assistance (BJA) funding under the Bulletproof Vest Partnership Grant Program of 2012 to purchase bulletproof vests and replacements for the Temple Police Department, and commits to the City's matching funds of \$6,000.

Part 2: The City Manager, or his designee, is authorized to execute any documents which may be necessary to apply, accept funds, implement or renew this grant, after approval as to form by the City Attorney.

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

PASSED AND APPROVED this the 7th day of **June**, 2012.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT. /DIVISION SUBMISSION & REVIEW:

Kim Foutz, Assistant City Manager
Jonathan Graham, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing a Chapter 380 Strategic Investment Zone “matching grant” agreement with Central Texas Kitchen Center for redevelopment improvements on Main Street in downtown Temple located within the South 1st Street Strategic Investment Zone corridor in an amount not to exceed \$31,020 plus waiver of permit fees.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

The proposed incentives are consistent with the incentive guidelines for the South 1st Street Strategic Investment zone adopted by City Council.

ITEM SUMMARY: This agreement outlines the obligations and representations of Central Texas Kitchen Center and also defines the City's incentive package for Central Texas Kitchen Center, located at 11 N. Main Street, situated in downtown Temple and within the South 1st Street Strategic Investment Zone.

No other applications are on file for this quarter. In accordance with the updated Economic Development Ordinance for SIZ Coordinators, this project was evaluated for the below criteria. The staff evaluation yielded a score of 85. An application must score 85 points or more to be recommended by staff for approval by the City Council.

- (a) the extent to which the property for which a grant is sought is blighted or fails to meet City codes or regulations in one or more aspect (max 15 points - 10 points assigned)
- (b) whether the proposed redevelopment is at a higher level than which exists on other properties in the SIZ incentive corridor in which the property is situated (max 15 points - 5 points assigned);
- (c) whether the applicant has the financial resources to complete the described in the application (max 10 points - 10 points assigned);
- (d) whether the property is unlikely to redevelop without an incentive by the City (max 20 points – 20 points assigned);

- (e) whether the proposed use of the property is in keeping with the future uses of property identified in the City's Comprehensive Plan or a master plan adopted by the City Council (max 8 points - 8 points assigned);
- (f) whether the development is in an overlay that requires higher standards than in other parts of the City (max 10 points - 10 points assigned);
- (g) whether the development remedies deteriorated existing city infrastructure (max 10 points - 10 points assigned);
- (h) whether the development implements elements of the City Master Plan including sidewalk, trail, or parks master plan (max 7 points - 7 points assigned); and
- (i) whether there is a known occupant/tenant for the proposed development (max 5 points - 5 points assigned).

The agreement and resolution will allow Central Texas Kitchen Center to receive a Chapter 380 SIZ matching grant of up to \$15,000 match for façade improvements; up to \$2,500 match for sign improvements; up to \$4,000 match for Asbestos Survey and Abatement; up to \$5,000 for Landscaping; and up to \$10,000 for Sidewalks.

Central Texas Kitchen Center's total project investment is \$94,000 in renovations and sign improvements. Since the applicant's investment is under \$100,000, the City's match is limited to 33% of the total investment which is \$31,020. These improvements meet the City's ordinance requirements. Improvements must be completed by December 31, 2012. In return, Central Texas Kitchen Center has agreed to improve the two front connected buildings as follows:

- Remove old siding and replace with stucco
- Install new windows, doors, and overhead door
- Repair and paint existing brick and stucco
- Replace/add additional windows
- Update sidewalk to meet ADA codes including rails
- Install potted landscaping (tree wells are not possible due to basement beneath the sidewalk)

Although the above improvements may be considered modest, the project will have an incremental positive effect on a building that has been vacant and/or highly underutilized for years.

FISCAL IMPACT: The total maximum grant match by the City is \$31,020 (due to the 33% limitation based on the total investment of the applicant) plus waiver of permits, taps, and fees. A total of \$284,238 has been appropriated for the Strategic Investment Zone matching grant incentives for FY 2012 (\$100,000 in current year funding and \$184,238 carried forward from previous years), of which \$135,408.68 is currently available in account 110-1500-515-2695. If this grant is approved, a balance of \$104,388.68 will remain available for future grants.

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

ATTACHMENTS:

Grant Agreement
Location map
Picture of current facades
Façade concept design
Resolution

South 1st Street Strategic Investment Zone Chapter 380 Development Agreement



This Agreement is executed by and between the City of Temple, a home rule city in Bell County, Texas (hereinafter “the City”) and Central Texas Kitchen Center (hereinafter “Owner”).

City and Owner agree as follows:

Section 1. Purpose. Pursuant to authority granted to home rule cities under Chapter 380 of the Local Government Code and pursuant to a program established for the South 1st Street Strategic Investment Zone under City Ordinance Number 2011-4504, the City and the Owner enter into this Agreement to promote economic development within the South 1st Street Strategic Investment Zone. As an inducement to Owner to make certain specified improvements to the property located at 11 N. Main Street (hereinafter the “Property”), City and Owner agree to assume the responsibilities set forth below.

Section 2. Obligations of Owner. Owner proposes to make certain improvements to the Property, which are described generally below and as attached, and to use the Property as an office/business after the Improvements are completed. Owner is seeking matching grants for certain types of additional improvements described in Section 3, and further agrees to complete all of the additional improvements described in the subparts of Section 3.

Improvements, hereinafter collectively referred to as “the Improvements” include the following: remove old siding and replace with stucco; install new windows, doors, and overhead door, repair and paint existing brick and stucco, replace/add windows, update sidewalk to meet ADA codes, including the installation of sidewalk rails, and potted landscaping. The total anticipated investment in the Property by Owner is \$94,000.00. Any match made by the City, as described in Section 3 below, is limited to \$31,020 which is equal to 33% of the total investment by Owner.

Owner agrees to complete said Improvements on or before December 31, 2012. As a condition to receiving the matching grants from the City described in Section 3, Owner further agrees to complete the improvements described in each subpart of Section 3. If Improvements are not completed on December 31, 2012, the City may administratively grant a onetime extension of time for 90 days

Section 3. Matching Grants by the City. The City agrees to provide matching grants to the Owner, subject to the maximum cap of \$31,020, as described below if Owner satisfactorily completes and maintains the additional improvements described in each subpart below:

- (a) **Façade Improvement Grant.** The City will make a grant of up to \$15,000 on a 1:1 matching basis for the replacement and repair of an existing façade with an eligible masonry product on the Improvements. Eligible masonry materials for a replacement façade under this subsection include brick, stone, stucco, EIFS, simulated stone block, and such other materials that the City may approve from time to time. A list of eligible materials for the South 1st Street Strategic Investment Zone is maintained in the Construction Safety Office, 1st Floor, the Municipal Building, 2 North Main Street. Other façade improvement costs eligible for reimbursement with a façade improvement grant include demolition costs (including labor), landfill costs, and material and construction (including labor) costs, but specifically exclude design costs.

A depiction of the Façade Improvements to be completed by Owner is attached as **Exhibit “A.”**

- (b) **Sign.** The City will make a grant of up to \$2,500.00 on a 1:1 matching basis for sign construction and installation.
- (c) **Sidewalk Improvement Grant.** The City will make a grant of up to \$10,000.00 on a 1:1 matching basis for the construction or replacement of new sidewalks, Sidewalk improvement costs eligible for reimbursement include demolition costs (where applicable) (including labor), landfill costs, and material and construction (including labor) costs and equipment rental, but specifically exclude design costs.
- (d) **Asbestos Survey and Abatement.** The City will make a grant of up to \$4,000 on a 1:1 matching basis for Owner-initiated asbestos survey of the Property. Asbestos survey grant eligible costs include professional fees, labor costs, and replacement materials.
- (e) **Landscaping.** The City will make a grant of up to \$5,000 on a 1:1 matching basis for landscaping. Landscaping improvement costs eligible for reimbursement with a landscaping improvement grant include ground preparation costs (including labor), materials (trees, shrubs, soil and amendments thereto and other decorative hardscape such as arbors, art, large pots, and walls or fences) and material and construction (including labor) costs, curbed islands, but specifically *exclude* design costs.

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

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

Section 5. Maintenance of Improvements. Owner, or its successors and assigns, agree to maintain the Improvements described in Section 2 and the subparts of Section 3 for a period of not less than five (5) years from the date matching grants are received from the City.

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

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

Executed on this the ____ day of _____, 2012.

City of Temple, Texas

Owner

David A. Blackburn
City Manager

Robert Ray
For Central Texas Kitchen Center

Attest:

Approved as to form:

Lacy Borgeson

Jonathan Graham

City Secretary
State of Texas §

City Attorney

County of Bell §

This instrument was acknowledged before me on the ____ day of _____,
2012 by David A. Blackburn, City Manager, for the City of Temple, a Texas home
rule City.

Notary Public

State of Texas §

County of Bell §

This instrument was acknowledged before me on the ____ day of _____,
2012 by _____.

Notary Public

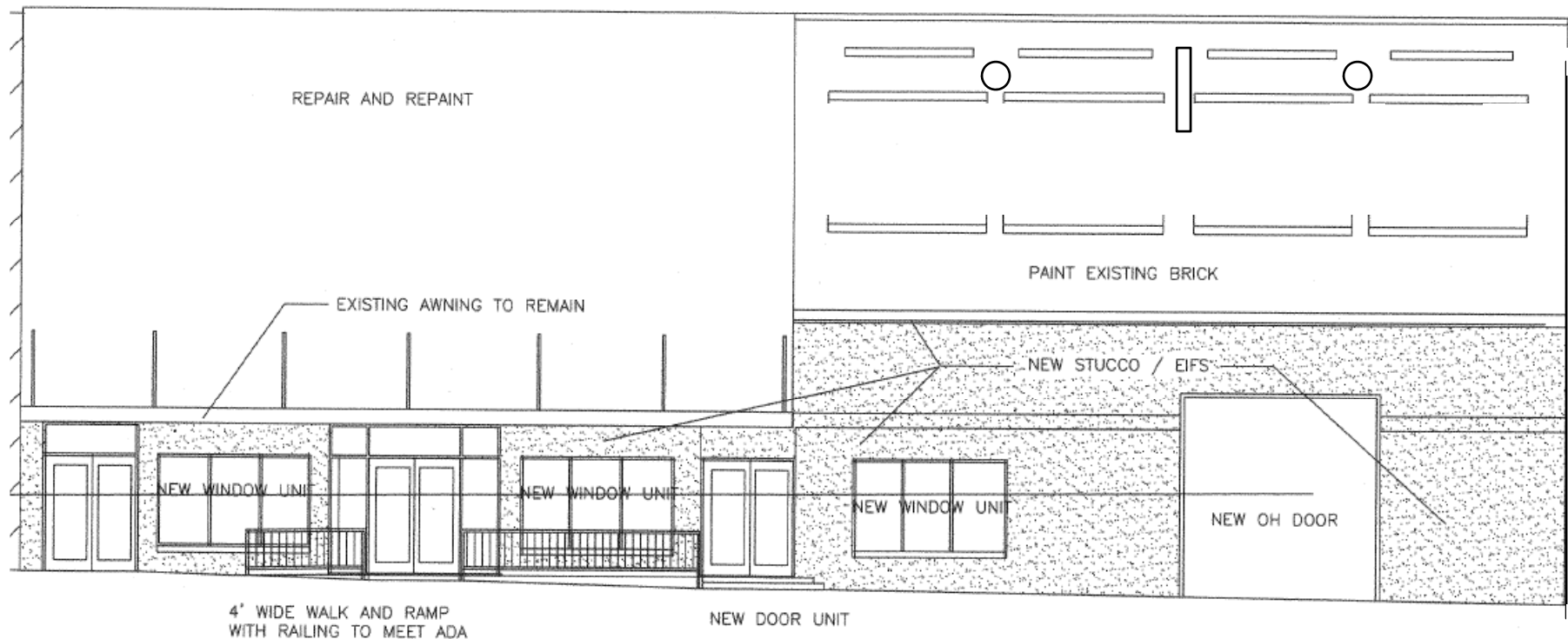
Location Map



Existing Facade



Proposed Façade Improvements



RESOLUTION NO. 2012-6627-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CHAPTER 380 STRATEGIC INVESTMENT ZONE 'MATCHING GRANT' AGREEMENT BETWEEN THE CITY OF TEMPLE AND CENTRAL TEXAS KITCHEN CENTER FOR REDEVELOPMENT IMPROVEMENTS ON MAIN STREET IN DOWNTOWN TEMPLE LOCATED WITHIN THE SOUTH 1ST STREET STRATEGIC INVESTMENT ZONE CORRIDOR; IN AN AMOUNT NOT TO EXCEED \$31,020, PLUS WAIVER OF PERMIT FEES; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Central Texas Kitchen Center is situated in downtown Temple and within the 1st Street Strategic Investment Zone corridor which makes it eligible to receive a matching grant incentive from the City which is authorized by Ordinance No. 2008-4218, passed by the Temple City Council on June 5, 2008, and amending Ordinance No. 2009-4285 passed on March 5, 2009;

Whereas, the Staff recommends entering into a Chapter 380 Strategic Investment Zone 'matching grant' agreement which will outline the obligations and representations of Central Texas Kitchen Center and will define the City's incentive package, as outlined in Exhibit A attached - the City's total match may not exceed \$31,020 plus waiver of permits, taps and fees;

Whereas, funds are available for this matching grant incentive in Account No. 110-1500-515-2695; if this grant is approved, a balance of \$104,388.68 will remain for future grants; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute a Chapter 380 'matching grant' agreement between the City of Temple and Central Texas Kitchen Center, after approval as to form by the City Attorney, for redevelopment improvements on Main Street in downtown Temple located within the 1st Street Strategic Investment Zone corridor.

Part 2: The Chapter 380 Strategic Investment Zone 'matching grant' agreement will define the City's incentive package, as outlined in Exhibit A attached, for this project.

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

PASSED AND APPROVED this the 7th day of **June**, 2012.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

06/07/12
Item #4(G)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Ken Cicora, Parks & Leisure Services Director

ITEM DESCRIPTION: Consider adopting a resolution naming the lounge at Sammons Community Center to the Red and Connie Britton Lounge.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: In May, 2010 The City of Temple was designated to receive a portion of the estate of Constance Irene Britton, whom in her last will & testament specifically named the Temple Senior Center, Temple, Texas, and the Belton Texas Senior Center, Belton, Texas as recipients of the proceeds from the sale of her residence in Belton, Texas. Each facility was to receive half of the sale amount of her residence - after closing and appraisal costs were deducted. The City received a check in the amount of \$36,446.

The donation to the Sammons Community Center allowed for the renovation of several rooms within the facility. The work to be completed was determined after meeting with the Sammons Community Center Advisory Board. Although the dining room, entrance, offices and other areas in the building received improvements, it was the lounge area that received the most enhancements. All of the rooms received new paint, carpet and blinds, but the lounge also received new audio/visual equipment to include multiple flat screen televisions and a lap-top computer that allows for presentations and movies, built in cabinets and a solid surface counter top along the bar.

Tanya Mikeska, owner of Architectural Edge, developed a design and assisted in the selection of finishes for the improvements. In the spirit of the donation made by the Brittons, Ms. Mikeska provided her services to the project at no cost. We thank her greatly for her donation.

We believe the improvements made through the Britton's donation have made a positive impact on the participants and the programming at the center. The space chosen for improvements is utilized by hundreds of adults and senior adults for luncheons, recreational activities and socialization every day throughout the year.

At the May Parks and Leisure Services Advisory Board meeting, the Board voted unanimously to recommend to the City Council to name the lounge after Red and Connie Britton.

FISCAL IMPACT: N/A

ATTACHMENTS:
[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS. NAMING THE LOUNGE AT SAMMONS COMMUNITY CENTER TO THE RED AND CONNIE BRITTON LOUNGE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, in May, 2010, the City of Temple was designated to receive a portion of the estate of Constance Irene Britton, whom in her last will and testament specifically name the Temple Senior Center, Temple, Texas, and the Belton Texas Senior Center, Belton, Texas, as recipients of the proceeds from the sale of her residence in Belton, Texas;

Whereas, each facility is to receive one half of the sale of her residence – after closing and appraisal costs were deducted, the City of Temple received a check in the amount of \$36,446;

Whereas, the donation to the Sammons Community Center allowed for the renovation of several rooms within the facility to include the dining room, entrance, offices and other areas in the building – however it was the lounge area that received the most enhancements;

Whereas, Staff believes the improvements made through the Britton's donation has made a positive impact on the participants and the programming at the center and together with the Parks and Leisure Services Advisory Board, voted unanimously to recommend to the City Council that the lounge be named after Red and Connie Britton; 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 names the lounge at Sammons Community Center to the “Red and Connie Britton Lounge”.

Part 2: It is hereby officially found and determined that the meeting at which this Resolution is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the 7th day of **June**, 2012.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

Lacy Borgeson
City Secretary

APPROVED AS TO FORM:

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

06/07/12
Item #4(H)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Traci Barnard, Director of Finance

ITEM DESCRIPTION: Consider adopting a resolution authorizing budget amendments for fiscal year 2011-2012.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: This item is to recommend various budget amendments, based on the adopted FY 2011-2012 budget. The amendments will involve transfers of funds between contingency accounts, department and fund levels.

FISCAL IMPACT: The total amount of budget amendments is \$40,313.

ATTACHMENTS:

[Budget Amendments](#)
[Resolution](#)

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2012 BUDGET
June 7, 2012

			APPROPRIATIONS	
ACCOUNT #	PROJECT #	DESCRIPTION	Debit	Credit
110-2011-521-2136		Public Safety Expenditures (Police Administration)	\$ 134	
110-0000-313-0331		Reserve for Public Safety		\$ 134
This budget adjustment appropriates public safety funds to provide refreshments for the Police Memorial Ceremony on May 15, 2012 as approved by the Public Safety Advisory Board on April 24, 2012.				
110-2100-529-2114		Animal Food & Supplies (Animal Services)	\$ 4,000	
110-0000-461-0841		Donations/Gifts		\$ 4,000
This budget adjustment recognizes donations received for animal food and supplies. Several small unanticipated expenses has caused the Animal Services budget to be overdrawn. There are sufficient funds available in Donations/Gifts.				
110-4000-555-2225		Books & Periodicals (Library)	\$ 250	
110-0000-314-1917		Reserve for Library		\$ 250
Purchase history books as specified with MacGregor Trust Funds.				
260-1100-513-2211		Instruments/Special Equipment (Dept. of Energy Grant)	\$ 5,995	
260-1100-513-2311		Buildings & Grounds	\$ 29,425	
260-0000-431-0163		Federal Grants		\$ 35,420
Appropriate funding for the Department of Energy, Energy Efficiency and Conservation Block Grant Program and recognize associated grant revenue related to energy efficiency and conservation retrofits. The City was awarded \$413,000 for the design and construction of a hike & bike trail in the Temple Medical Education District and \$180,200 to fund the salary and benefits for a Sustainability Manager for three years. It has been determined that the project to fund the Sustainability Manager will come in under budget due to the hiring of personnel later than originally expected. The City has requested and received approval to use these funds to implement energy efficiency and conservation retrofits. The projects to be completed include the installation of occupancy sensors and controlled thermostats at selected City facilities, update windows and doors at City Hall, installation of attic insulation and window film at Fire Station #4, conversion of Mayborn Center canopy lights to LED, the installation of recycle bins and installation of fuel line devices to improve the use of fleet vehicles.				
520-5400-535-2516		Judgments & Damages (Water Distribution)	\$ 509	
520-5000-535-6532		Contingency		\$ 509
Settlement of claim filed against the City seeking reimbursement for sewer stoppage due to tap not getting connected to main, located at 1400 S. 31st St.				
TOTAL AMENDMENTS			\$ 40,313	\$ 40,313
GENERAL FUND				
Beginning Contingency Balance			\$	-
Added to Contingency Sweep Account			\$	-
Carry forward from Prior Year			\$	-
Taken From Contingency			\$	-
Net Balance of Contingency Account			\$	-
Beginning Judgments & Damages Contingency			\$	80,000
Added to Contingency Judgments & Damages from Council Contingency			\$	-
Taken From Judgments & Damages			\$	(31,339)
Net Balance of Judgments & Damages Contingency Account			\$	48,661

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2012 BUDGET
June 7, 2012

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
		Beginning Compensation Contingency		\$ 863,600
		Added to Compensation Contingency		\$ -
		Taken From Compensation Contingency		\$ (863,600)
		Net Balance of Compensation Contingency Account		\$ -
		Net Balance Council Contingency		\$ 48,661
		Beginning Balance Budget Sweep Contingency		\$ -
		Added to Budget Sweep Contingency		\$ -
		Taken From Budget Sweep		\$ -
		Net Balance of Budget Sweep Contingency Account		\$ -
		WATER & SEWER FUND		
		Beginning Contingency Balance		\$ 50,000
		Added to Contingency Sweep Account		\$ -
		Taken From Contingency		\$ (32,247)
		Net Balance of Contingency Account		\$ 17,753
		Beginning Compensation Contingency		\$ 97,000
		Added to Compensation Contingency		\$ -
		Taken From Compensation Contingency		\$ (92,916)
		Net Balance of Compensation Contingency Account		\$ 4,084
		Net Balance Water & Sewer Fund Contingency		\$ 21,837
		HOTEL/MOTEL TAX FUND		
		Beginning Contingency Balance		\$ 79,303
		Added to Contingency Sweep Account		\$ -
		Carry forward from Prior Year		\$ -
		Taken From Contingency		\$ (444)
		Net Balance of Contingency Account		\$ 78,859
		Beginning Compensation Contingency		\$ 11,300
		Added to Compensation Contingency		\$ -
		Taken From Compensation Contingency		\$ (11,300)
		Net Balance of Compensation Contingency Account		\$ -
		Net Balance Hotel/Motel Tax Fund Contingency		\$ 78,859
		DRAINAGE FUND		
		Beginning Compensation Contingency		\$ 13,200
		Added to Compensation Contingency		\$ -
		Taken From Compensation Contingency		\$ (13,200)
		Net Balance of Compensation Contingency Account		\$ -
		FED/STATE GRANT FUND		
		Beginning Contingency Balance		\$ 24,387
		Carry forward from Prior Year		\$ 12,105
		Added to Contingency Sweep Account		\$ 22,327
		Taken From Contingency		\$ (29,131)
		Net Balance of Contingency Account		\$ 29,688

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
TEMPLE, TEXAS, APPROVING BUDGET AMENDMENTS TO
THE 2011-2012 CITY BUDGET; AND PROVIDING AN OPEN
MEETINGS CLAUSE.

—
Whereas, on the 1st day of September, 2011, the City Council approved a
budget for the 2011-2012 fiscal year; and

Whereas, the City Council deems it in the public interest to make certain
amendments to the 2011-2012 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 2011-2012 City Budget
by adopting the budget amendments which are more fully described in Exhibit
A, attached hereto and made a part hereof for all purposes.

Part 2: It is hereby officially found and determined that the meeting at
which this Resolution is passed was open to the public as required and that
public notice of the time, place, and purpose of said meeting was given as
required by the Open Meetings Act.

PASSED AND APPROVED this the 7th day of **June**, 2012.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

06/07/12
Item #5
Regular Agenda
Page 1 of 4

DEPT./DIVISION SUBMISSION & REVIEW:

Autumn Speer, Community Services Director

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING - Z-FY-12-36: Consider adopting an ordinance authorizing a rezoning from Agricultural District (AG) to General Retail District (GR) on two 0.75 acre tracts of land situated in the John Simmons Survey, A-737, Bell County, Texas located at 5412 North SH 317.

P&Z COMMISSION RECOMMENDATION: At its May 7, 2012 meeting, the Planning and Zoning Commission voted 8/0 in accordance with Staff recommendation to recommend approval of a rezoning from Agricultural District (AG) to General Retail District (GR). Commission member Pope was absent.

STAFF RECOMMENDATION: Conduct a public hearing and approve ordinance as presented in the item description, on first reading, and schedule second reading and final approval for June 21, 2012.

Staff recommends approval of Z-FY-12-36, the requested rezoning to GR District 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: Please refer to the Staff Report and draft minutes of case Z-FY-12-36, from the Planning and Zoning Commission meeting, May 7, 2012.

The applicant requests this rezoning to allow a real estate office and future retail uses associated with hunting and shooting sports on the subject properties. A rezoning from the AG to the GR zoning district would allow many uses that would not have been allowed before on the subject properties. Those uses include, but are not limited to, the following:

Residential uses


Single Family Attached
Single Family Detached
Duplex
Home for the aged

Nonresidential uses

Retail Sales and Service Uses
Office
Restaurant
Business School

Some uses prohibited in the General Retail District include: apartment, triplex, mini-storage warehouse, welding or machine shop, wrecking yard, and building material sales.

SURROUNDING PROPERTY AND USES: The following table shows the subject property, existing zoning and current land uses:

Direction	Zoning	Current Use	Land Photo
Subject Property	AG	Residential	
North	AG	Residential	
South	AG	Residential	
East	SF1	Residential	

Direction	Zoning	Current Use	Land	Photo
West	AG	Residential		

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

	Policy, Goal, Objective or Map	Site Conditions	Compliance?
CP	Map 3.1 - Future Land Use and Character	The future land use and character map designates the entire property as Suburban Commercial. This designation is appropriate for office, retail and services uses adjacent to and abutting residential neighborhoods and other areas where the community's image and aesthetic value is to be promoted, such as at "gateways" and high-profile corridor locations.	Yes
CP	Map 5.2 - Thoroughfare Plan	The Thoroughfare Plan designates North State Highway 317 as a major arterial. Major arterials are appropriate for office and retail uses.	Yes
CP	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities.	A water line runs along the property's frontage at North State Highway 317. A sewer line runs along a portion of the east side of North State Highway 317 in this area.	Yes
CP	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.	GR development complies with the recommended Suburban Commercial designation along North State Highway 317 and is compatible with the existing mix of uses.	Yes
STP	Trails Master Plan Map	The Sidewalk and Trails Plan calls for a local connector trail along the east side North State Highway 317.	Yes

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

DEVELOPMENT REGULATIONS: The General Retail District allows most retail uses including retail sales, restaurants, grocery stores, department stores, offices, and residential uses except apartments. It is intended to serve larger service areas than neighborhoods. The General Retail District should be located at the intersection

of major arterials and should provide total on-site traffic maneuvering such that traffic entering and exiting the facility should have room to turn, stack and park within the confines of the retail facility.

STAFF ANALYSIS: The requested rezoning from AG to GR is a reasonable request with the subject properties being located along a major arterial such as North State Highway 317. It is typical to see undeveloped land and residential properties along a major arterial transition to a mix of non-residential uses. The requested General Retail zoning district agrees with the recommendation of Suburban Commercial development is this area.

If approved, this rezoning would require the existing residential property to be brought into compliance with codes associated with nonresidential development such as access/circulation/drive approach standards, parking requirements, signage, and buffer screening with a privacy fence or hedge adjacent to residential uses.

PUBLIC NOTICE: Eight notices of the Planning and Zoning Commission public hearing were sent out to property owners within 200 feet of the property in question, as required by State law and City Ordinance. As of Friday, May 11, 2012, at 12:00 PM, one notice was returned in favor of the request and two notices were returned in opposition to the request.

FISCAL IMPACT: N/A

ATTACHMENTS:

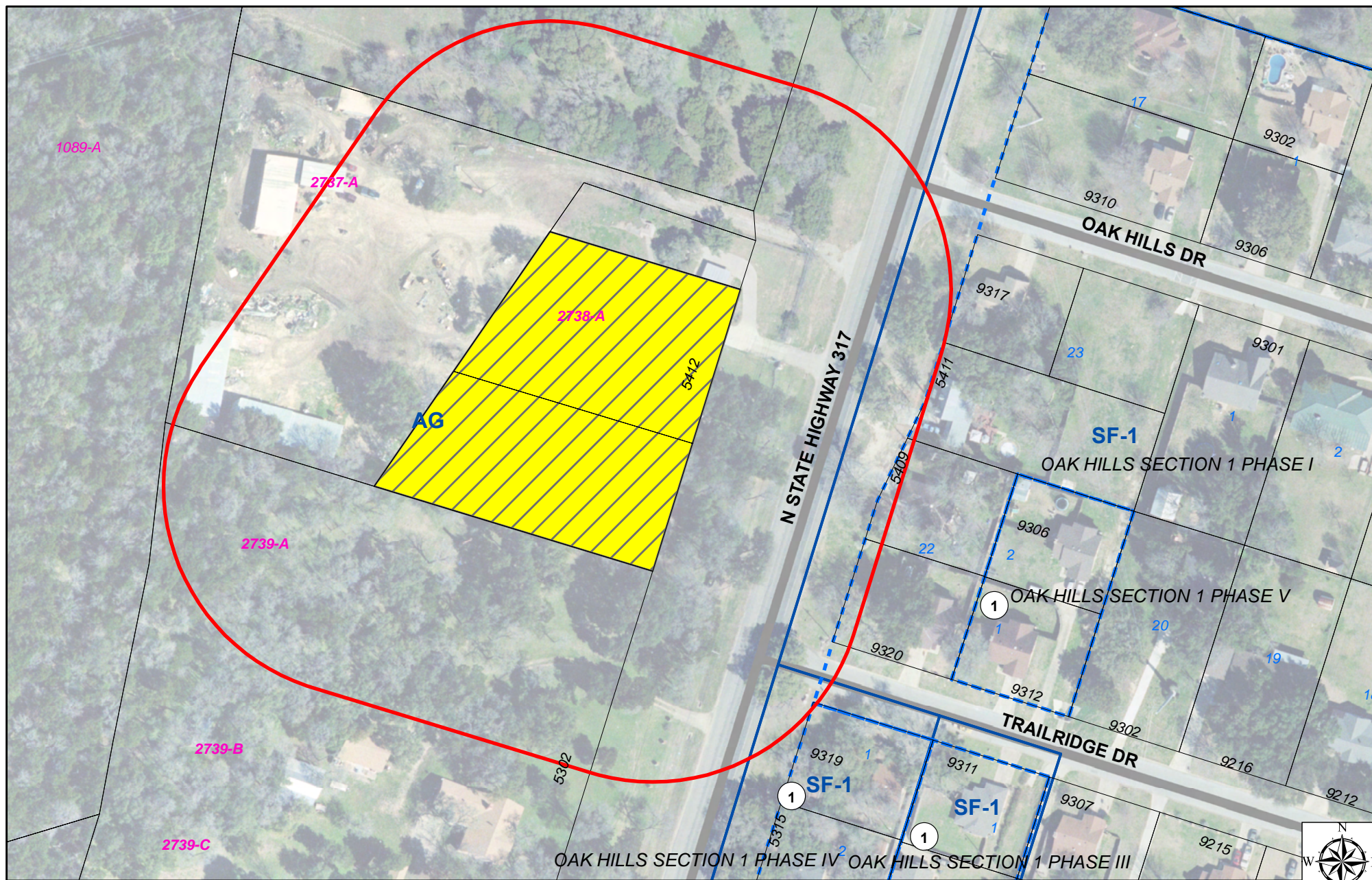
[Aerial & Zoning Map](#)
[Land Use and Character Map](#)
[Utility and Thoroughfare Plan Map](#)
[Notice Map](#)
[Response Letters](#)
[P&Z Minutes \(05/07/12\)](#)
[Ordinance](#)



Z-FY-12-36

A to GR

5412 N. Hwy. 317



Case

1234 Address

① Block Number



200' Buffer

1234-A Outblock Number

1 Lot Number

0 25 50 100
Feet

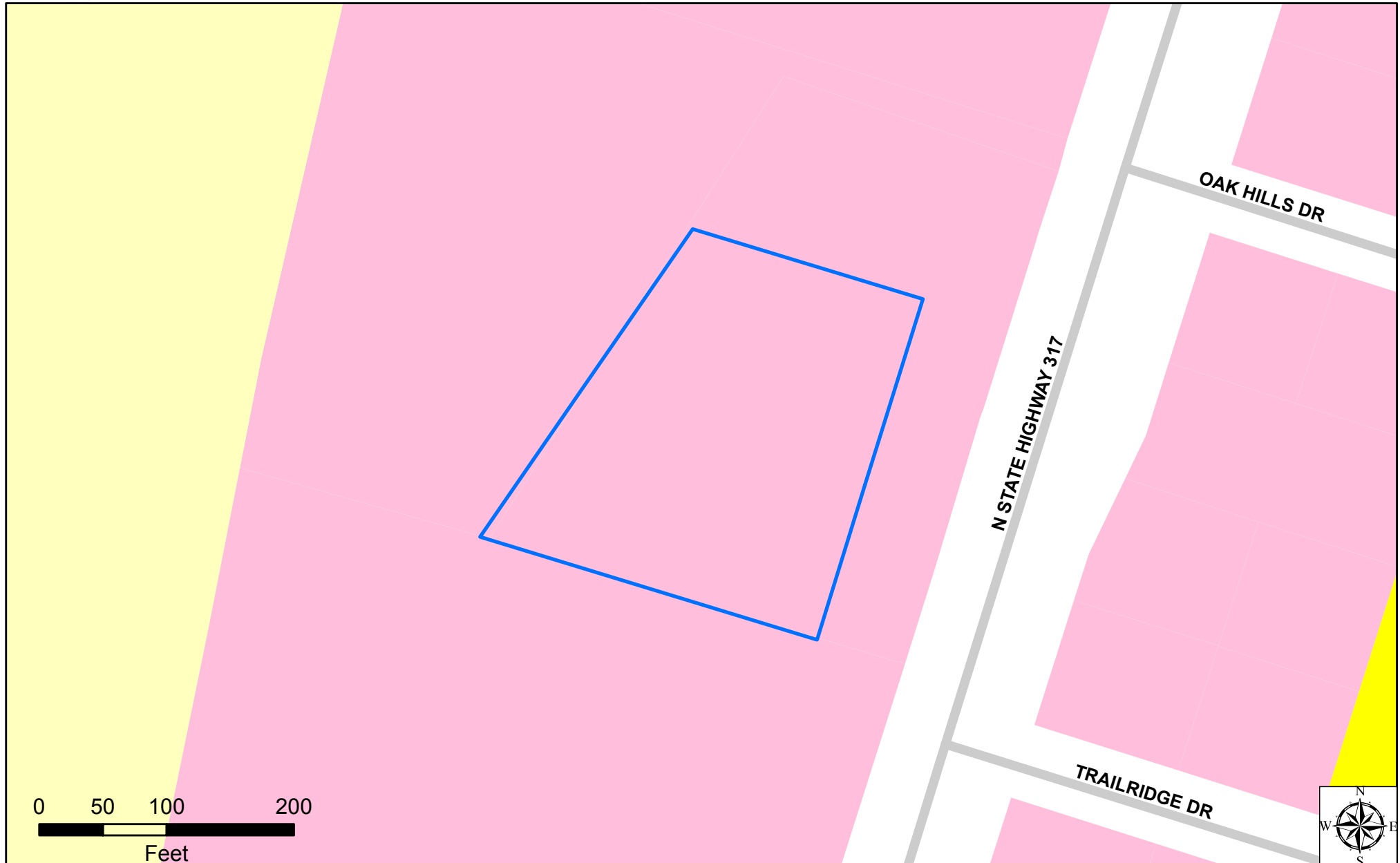
GIS products are for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries and other features.



Z-FY-12-36

AG to GR

5412 N. Hwy. 317



Future Land Use

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

GIS products are for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries and other features.



Z-FY-12-36

AG to GR

5412 N. Hwy. 317



- Case
- Sewer Line
- Major Arterial
- Fire Hydrant
- Water Line
- Minor Arterial

0 25 50 100 Feet

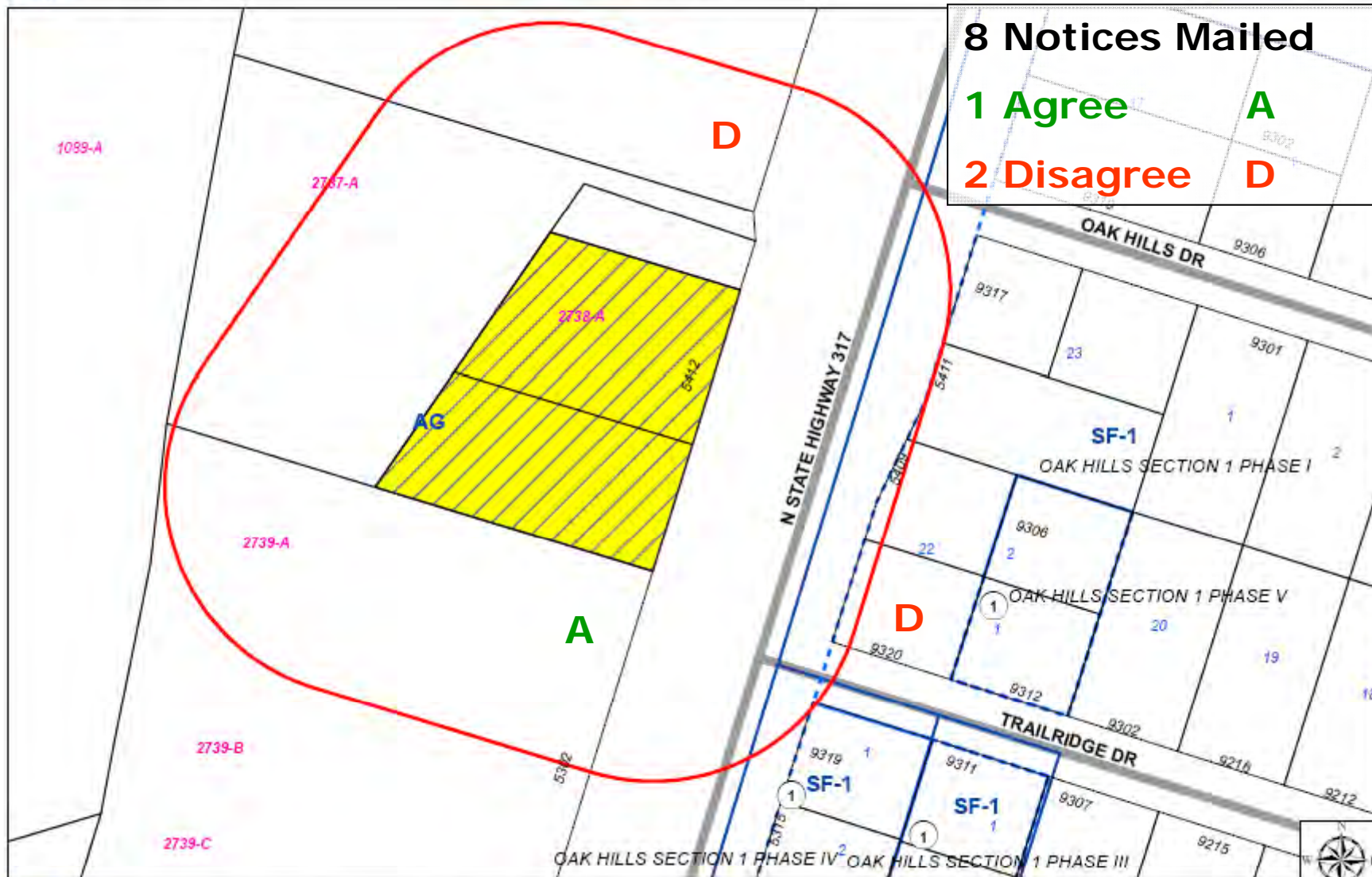
GIS products are for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries and other features.



Z-FY-12-36

A to GR

5412 N. Hwy. 317



8 Notices Mailed

1 Agree

A

2 Disagree

D



Case

1234 Address

① Block Number



200' Buffer

1234-A Outblock Number

① Lot Number

0 25 50 100
Feet

GIS products are for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries and other features.



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

Franky L. Cagle
5302 North State Highway 317
Belton, Texas 76513

Zoning Application Number: Z-FY-12-36

Project Manager: Tammy Lyerly

Location: 5412 N SH 317

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:

Franky L. Cagle
Signature

Franky L. Cagle
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than May 7, 2012

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

RECEIVED

MAY 03 2012

City of Temple
Planning & Development



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

Patricia O'Connor
5508 North State Highway 317
Belton, Texas 76513

Zoning Application Number: Z-FY-12-36

Project Manager: Tammy Lyerly

Location: 5412 N SH 317

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:

I am strongly opposed to the rezoning request referenced above. The new area is immediately adjacent to my property and the increase in noise and congested traffic that would arise with a retail store is totally opposite of why I purchased this land and house.

As you know, Highway 317 is scheduled to expand to four lanes and to add retail store in addition to the expansion can only bring more unwanted noise into a neighborhood that once was quite peaceful.

Patricia O'Connor
Signature

Dr. Patricia O'Connor
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than May 7, 2012

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

RECEIVED
MAY 04 2012
City of Temple
Planning & Development

Number of Notices Mailed: 8

Date Mailed: April 26, 2012



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

Jimmy Etux Martha Beaver
9320 Trailridge Drive
Temple, Texas 76502

Zoning Application Number: Z-FY-12-36

Project Manager: Tammy Lyerly

Location: 5412 N SH 317

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:

Traffic is already so heavy on Hwy 317 that it is very noisy & unpleasant. Having commercial property across the road from our home will be insurmountable. We both deny this request & pray that the city will deny the request for the rezoning of that property.

Jimmy L. Beaver Martha A. Beaver *Jimmy L. Beaver MARTHA A. Beaver*
Signature *4-27-12* Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than May 7, 2012

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

RECEIVED

MAY 02 2012

City of Temple
Planning & Development

Number of Notices Mailed: 8

Date Mailed: April 26, 2012

**EXCERPTS FROM THE
PLANNING & ZONING COMMISSION MEETING
MONDAY, MAY 7, 2012**

ACTION ITEMS

Item 2: Z-FY-12-36 - Hold a public hearing to discuss and recommend action on a rezoning from Agricultural District (AG) to General Retail District (GR) on two 0.75 acre tracts of land situated in the John Simmons Survey, A-737, Bell County, Texas, located at 5412 North SH 317. (Sandy Adcock for James Ledger)

Ms. Tammy Lyerly, Planner, stated the applicant is asking for a rezoning for General Retail (GR) district to allow offices and retail uses in an existing residential property which would also need to be upgraded for nonresidential development, if approved.

The subject property is very long with the existing house on the north end and the south having a lot of trees and a swimming pool. This property fronts North State Highway 317 and is located across from Oak Hills Drive and Trail Ridge Drive.

Surrounding properties included Single Family (SF) residential to the south, east, and west, and to the north is SF residential with a lot of vegetation and trees.

Ms. Lyerly cites some of the allowed GR uses. Prohibited uses include apartments, triplexes, mini storage warehouses, welding or machine shop, wrecking yard, and building materials sales.

In order for the property to be developed as nonresidential uses there are some standards the developer would need to meet which include buffering, upgrading the parking, fencing, screening refuse area, sign regulations, and masonry. Sidewalks would be included in the future if more than 50% of renovation occurred.

The Future Land Use and Character Map designate the property as Suburban-Commercial which complies with the request.

State Highway 317 is a major arterial which is appropriate for GR uses. There is a sewer line available and water lines are located along 317 on both sides.

Eight notices were mailed out to property owners within 200 feet of the subject property. One was received in approval and two were opposed with concerns of traffic and noise along 317.

Staff recommends approval of the request from AG to GR since the request complies with the Future Land Use and Character Map, the Thoroughfare Plan, and adequate public facilities are available in the area.

Chair Martin opened the public hearing.

Mr. Jack Folsom, 3117 Riverplace, Belton, Texas stated he was in support of this request. Mr. Folsom is a broker at Reed Realty in Temple and commented when SH 317 is renovated, the subject property will become less desirable as residential property. This request would be

perfect for the property. Mr. Folsom felt more retail uses would be coming into the area in the future.

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

Commissioner Rhoads made a motion to approve Item 2, **Z-FY-12-36**, as presented and Commissioner Talley made a second.

Motion passed: (8:0)

Commissioner Pope absent

ORDINANCE NO. 2012-4534
(PLANNING NO. Z-FY-12-36)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A REZONING FROM AGRICULTURAL DISTRICT (AG) TO GENERAL RETAIL DISTRICT (GR) ON TWO 0.75 ACRE TRACTS OF LAND SITUATED IN THE JOHN SIMMONS SURVEY, A-737, BELL COUNTY, TEXAS, LOCATED AT 5412 NORTH SH 317; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Part 1: The City Council approves a rezoning from Agricultural District (AG) to General Retail District (GR) on two 0.75 acre tracts of land situated in the John Simmons Survey, A-737, Bell County, Texas, located at 5412 North SH 317, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

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

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the 7th day of **June**, 2012.

PASSED AND APPROVED on Second Reading on the **21st** day of **June**, 2012.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

06/07/12
Item #6
Regular Agenda
Page 1 of 5

DEPT. / DIVISION SUBMISSION & REVIEW

Autumn Speer, Community Services Director

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING - Z-FY-12-38: Consider adopting an ordinance authorizing a rezoning from Single Family Two District (SF-2) to Single Family Three District (SF-3) on Lots 12 and 13, Block 9, Carriage House Village Phase I, located at 1917 and 1921 Carriage House Village Drive.

P&Z RECOMMENDATION: At its May 7, 2012 meeting, the Planning and Zoning Commission voted 7/0/1 (one abstention-Pilkington) in accordance with Staff recommendation to recommend approval of a rezoning of two lots from Single Family Two District (SF-2) to Single Family Three District (SF-3). Commission member Pope was absent.

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance as presented in item description on first reading and schedule second and final reading for June 21, 2012.

Staff recommends approval of a rezoning from SF-2 to SF-3 for the following reasons:

1. The request does comply with the Future Land Use and Character Map
2. The request complies with the Thoroughfare Plan.
3. Public facilities will be available to subject property.

ITEM SUMMARY: Please refer to the draft minutes of case Z-FY-12-38 from the Planning and Zoning Commission meeting on May 7, 2012. The current SF-2 District zoning requires a setback of 25'. The developer requests this rezoning to allow a 15' front yard setback in order to accommodate the existing utilities that have been installed and a bulb-out that was originally planned but not built. Although the setback will be smaller, this change will allow the new houses to align with the existing house.



SURROUNDING PROPERTY AND USES: The following table shows the subject property, existing zoning and current land uses:

Direction	Zoning	Current Land Use	Photo
Subject Properties	SF-2	Undeveloped Land	
North	SF-2	Single-Family Residential	

South	SF-2	Single-Family Residential and undeveloped land		
East	SF-2	Single Family Residential		

West	SF-2	Undeveloped Land	
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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 (FLUP)	The future land use and character map designates the entire property as Auto Urban Residential. The requested SF-3 does comply with this designation.	Y
CP	Map 5.2 - Thoroughfare Plan	Carriage House Village Drive is a local street.	Y
CP	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities	Water and wastewater lines are located along Carriage House Village Drive directly adjacent to and south of the subject property.	Y
STP	Temple Trails Master Plan Map	The Trails Master Plan does not call for any trails in the vicinity. Carriage House Village is a local street therefore sidewalks are not required.	Y

DEVELOPMENT REGULATIONS: The SF3 zoning district permits single-family detached residences and related accessory structures and provides single-family development at urban densities in locations well served by public utilities and roadways. The district should have adequate thoroughfare access and be relatively well connected with community and neighborhood facilities such as schools, parks, and shopping areas and transit services. The current SF-2 District zoning requires a setback of 25'. The SF-3 district will allow for a 15' front yard setback.

PUBLIC NOTICE: 10 notices of the Planning and Zoning Commission public hearing were sent out to property owners within 200-feet of the property in question, as required by State law and City Ordinance. As of Wednesday, May 30 at 12:00 PM, no notices were returned in favor of and one notice was returned in opposition to the request.

The newspaper printed notice of the Planning and Zoning Commission public hearing on April 26, 2012 in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

[Zoning and Location Map](#)
[Land Use and Character Map](#)
[Notice Map](#)
[Thoroughfare, Sidewalk, and Trails Plan Map](#)
[Utility & Thoroughfare Plan Map](#)
[Notice Responses](#)
[P&Z Minutes](#)
[Ordinance](#)

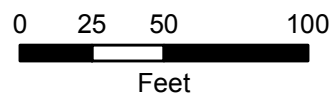
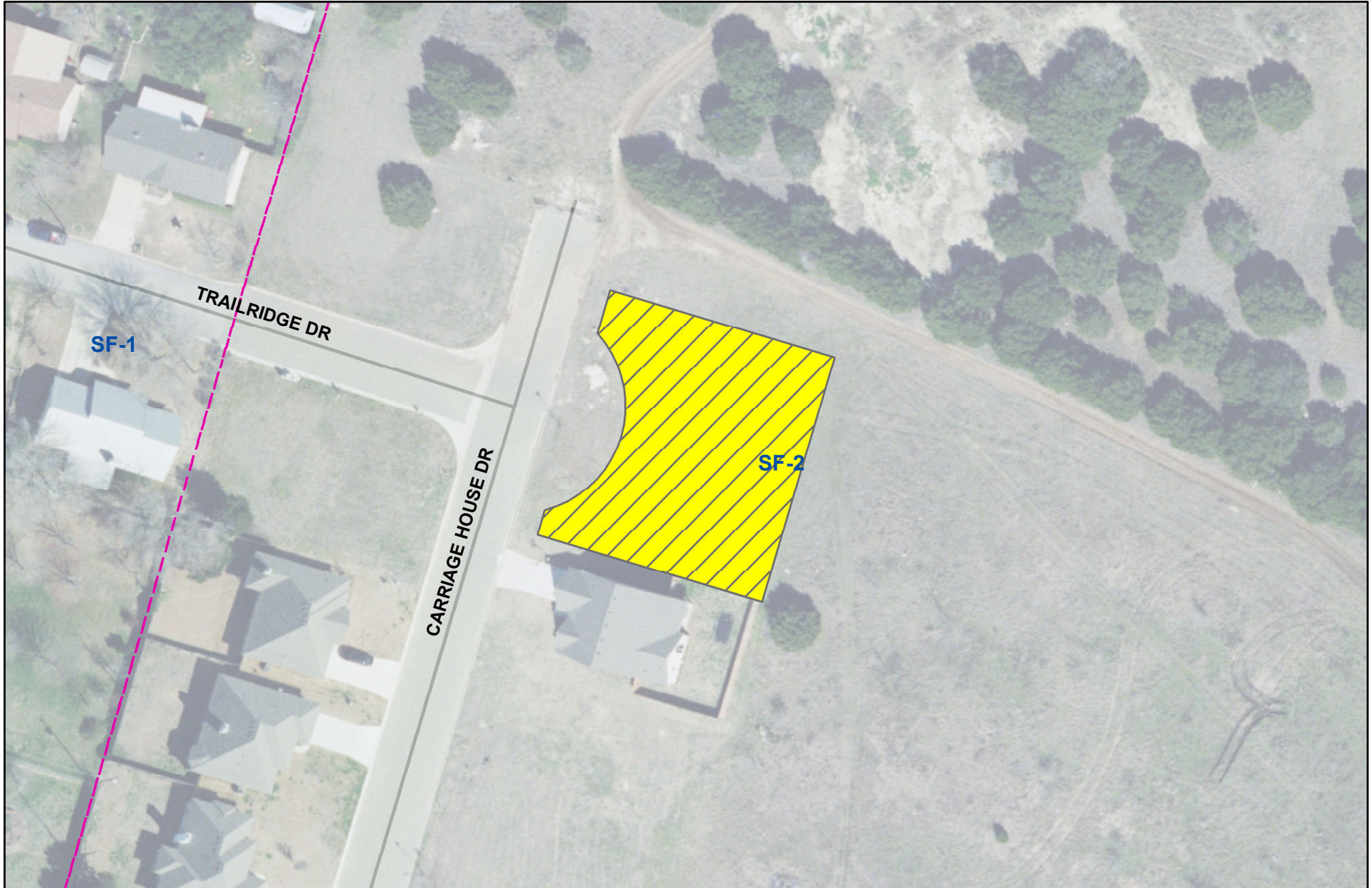


Z-FY-12-38

Zoning and Location Map

SF2 To SF3

1917 + 1921
Carriage House Drive



 Case  Zoning Boundary

4/18/12
City of Temple GIS

GIS products are for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries and other features.

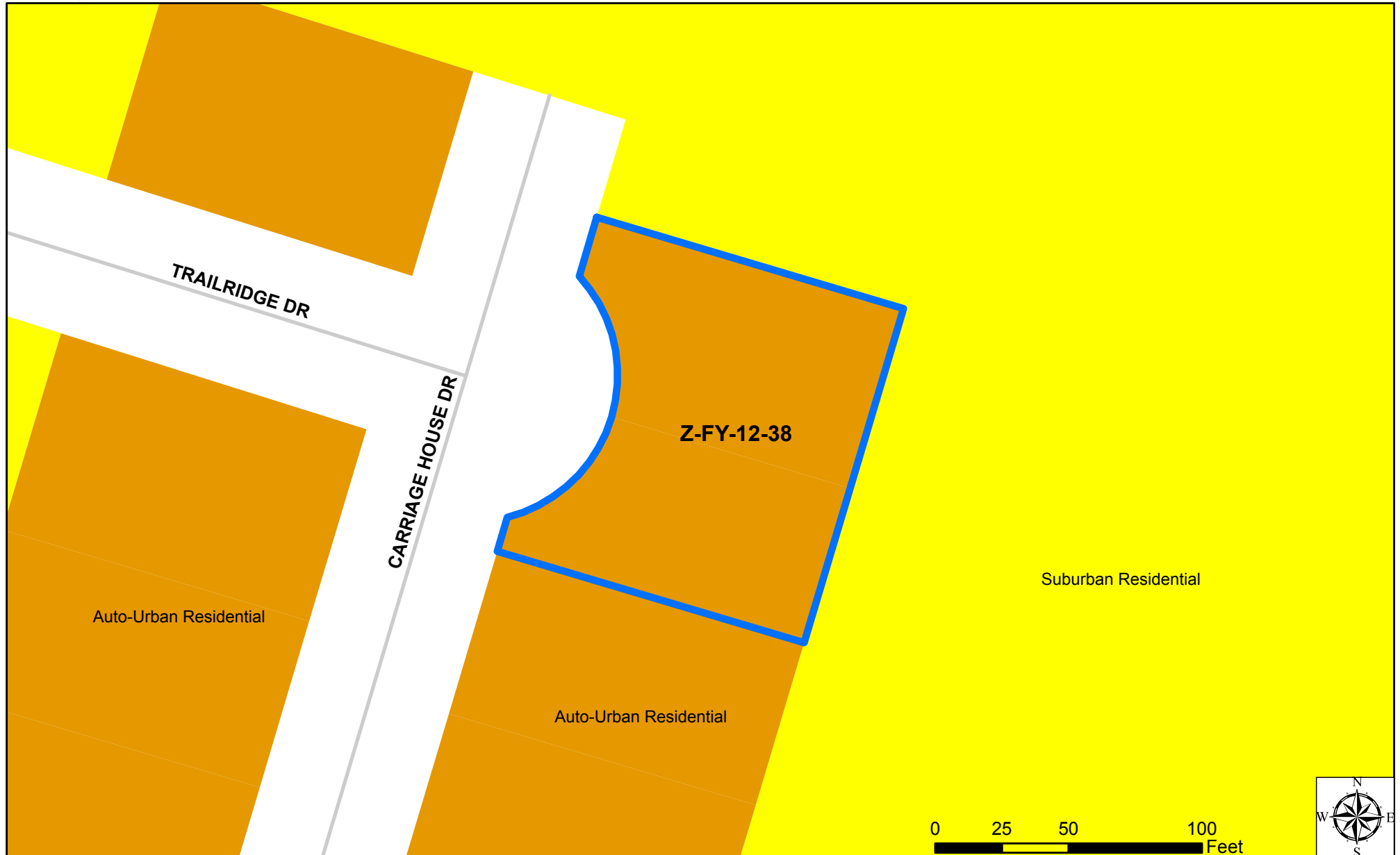


Z-FY-12-38

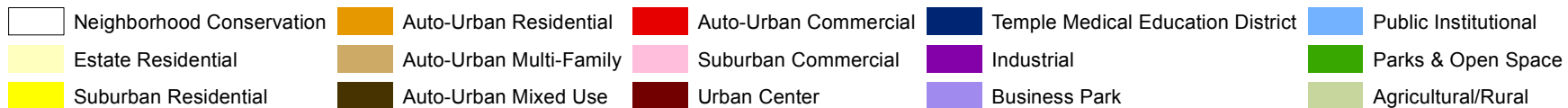
Future Land Use and Character Map

SF2 To SF3

**1917 + 1921
Carriage House Drive**



Future Land Use



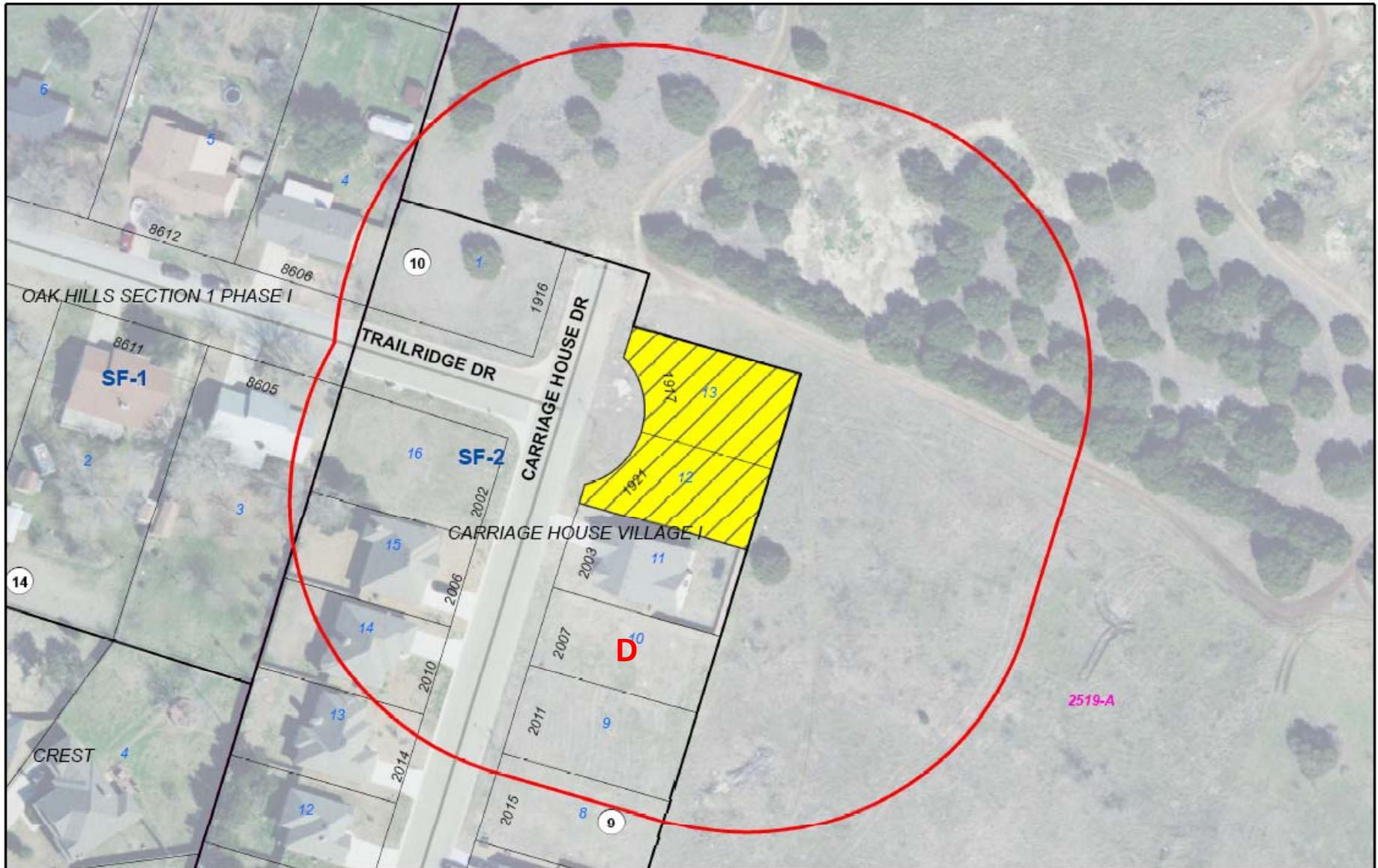
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Z-FY-12-38

SF2 To SF3

**1917 + 1921
Carriage House Drive**



Case



Zoning Boundary

1234-A Outblock Number

⑩ Block Number

0 25 50 100 Feet

GIS products are for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries and other features.



200' Buffer



Subdivision Boundary

1234 Address

1 Lot Number

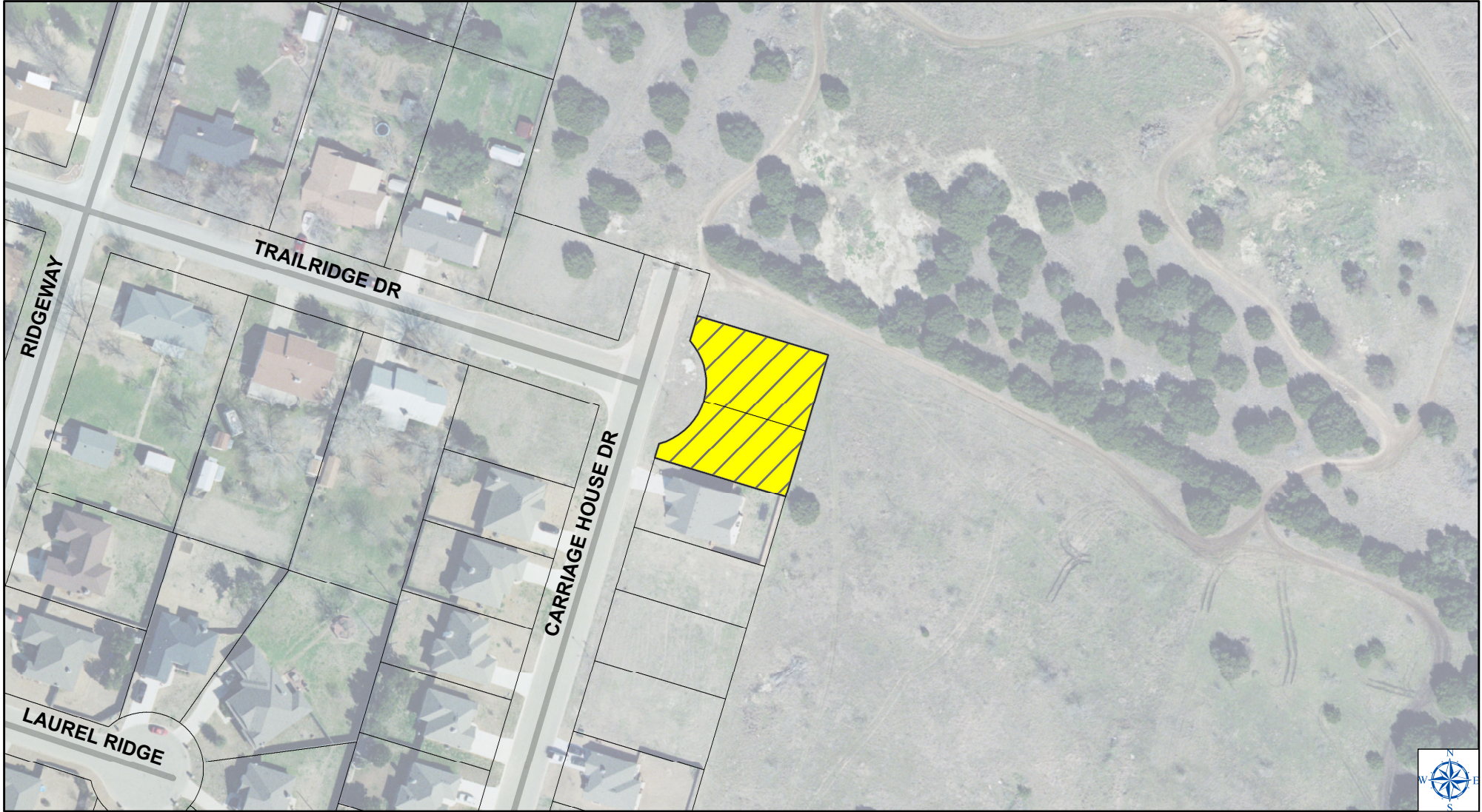


Z-FY-12-38

Thoroughfare, Sidewalk, and Trails Map

SF2 To SF3

1917 & 1921
Carriage House Drive



Trails

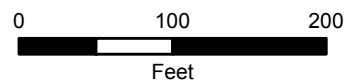
- Existing Citywide Spine Trail
- Under Design/Construction Citywide Spine Trail
- Proposed Citywide Spine Trail
- Existing Community-Wide Connector Trail

- Under Design/Construction Community-Wide Connector Trail
- Proposed Community-Wide Connector Trail
- Existing Local Connector Trail
- Proposed Local Connector Trail

Thoroughfare

- Expressway
- Major Arterial
- Proposed Major Arterial

- Proposed K-TUTS
- Minor Arterial
- Proposed Minor Arterial
- Collector
- Conceptual Collector





Z-FY-12-38

Utility Map
SF2 TO SF3

1917 + 1921
Carriage House Drive



- Case
- Sewer Line
- Major Arterial
- Fire Hydrant
- Water Line
- Minor Arterial

0 25 50 100 Feet

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RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

Rita Ronnebaum
8619 Surrey Drive
Temple, Texas 76502

Zoning Application Number: Z-FY-12-38

Project Manager: Kim Foutz

Location: 1917 and 1921 Carriage House Village Drive

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:

**I don't believe anything has changed in the subdivision to warrant this request. *However I could consider this change if the builder was required to make room for 3 vehicles in front of the home not just 2 as it is currently set up. We must maintain our covenant restrictions to keep this neighborhood's values up.*

My apologies for being tardy - I have been out of town! Thank you

Rita Ronnebaum
Signature

RITA RONNEBAUM
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than May 7, 2012

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

**EXCERPTS FROM THE
PLANNING & ZONING COMMISSION MEETING
MONDAY, MAY 7, 2012**

ACTION ITEMS

Item 3: Z-FY-12-38 - Hold a public hearing to discuss and recommend action on a rezoning from Single Family Two District (SF2) to Single Family Three District (SF3) on Lots 12 and 13, Block 9, Carriage House Village Phase I. (Applicant: Mike Pilkington)

Commissioner Pilkington stated he would have to recuse himself from Item 3 since he was the owner of the property.

Ms. Kim Foutz, Acting Planning Director, stated the applicant was Mr. Mike Pilkington and was requesting a rezoning from Single Family Two (SF2) to Single Family Three (SF3) in order to continue the current single family use zoning and to deal with setbacks. SF2 requires a 25 foot setback and the proposed SF3 zoning allows for a 15 foot setback. This reduction is requested to accommodate existing utilities located in a bulb out. The actual street does not include the bulb out.

Ms. Foutz shows an example of the two lots with the bulb out. Under SF2 the setback measurement from the bulb out would result in the homes being set too far back on the sites. SF3 would reduce the setback and keep the homes more in alignment with the existing homes. Existing zoning in the area is SF2 on all sides.

Surrounding properties include single family residential and a vacant lot to the south, and undeveloped land to the east, all zoned SF2.

The Thoroughfare Plan designates Carriage House as a local street. There are no trails included in this plan. The Future Land Use and Character Map designate this area as Auto Urban Residential and the request complies. Adequate utilities are available to serve the site.

Single Family zoning allows townhomes and patio homes. The applicant wishes to continue as single family residential in order to reduce the 25 foot setback.

Ten notices were mailed out and no notices were returned in favor or opposition.

Staff recommends approval of this request since it is in compliance with the Future Land Use and Character Map, the Thoroughfare Plan, the Master Trails Plan, and has adequate public facilities to serve the site.

Vice-Chair Staats asked if the lots would be replatted to straighten out the bulb out and Ms. Foutz stated the property line would remain as is.

Chair Martin opened the public hearing.

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

Commissioner Sears made a motion to approve Item 3, **Z-FY-12-38**, and Commissioner Jones made a second.

Motion passed: (7:0:1)

Commissioner Pilkington abstained; Commissioner Pope absent

ORDINANCE NO. 2012-4535
[PLANNING NO. Z-FY-12-38]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A ZONING CHANGE FROM SINGLE FAMILY TWO DISTRICT (SF2) TO SINGLE FAMILY THREE DISTRICT (SF3) ON LOTS 12 AND 13, BLOCK 9, CARRIAGE HOUSE VILLAGE PHASE I, LOCATED AT 1917 AND 1921 CARRIAGE HOUSE VILLAGE DRIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Part 1: The City Council approves a zoning change from Single Family Two District (SF2) to Single Family Three District (SF3) on lots 12 and 13, block 9, Carriage House Village Phase I, located at 1917 and 1921 Carriage House Village Drive, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

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

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the 7th day of **June**, 2012.

PASSED AND APPROVED on Second Reading on the 21st day of **June**, 2012.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

06/07/12
Item #7
Regular Agenda
Page 1 of 5

DEPT. / DIVISION SUBMISSION & REVIEW:

Autumn Speer, Community Services Director

ITEM DESCRIPTION: FIRST READING - PUBLIC HEARING - Z-FY-12-39: Consider adopting an ordinance authorizing a rezoning from Single Family One District (SF-1) to Office One District (O-1) on a 0.50 ± acre tract of land out of the Maximo Moreno Survey, Abstract No. 14, Bell County, Texas, located at 3606 South 5th Street.

P&Z RECOMMENDATION: At its May 7, 2012 meeting, the Planning and Zoning Commission voted 8/0 to recommend approval of a rezoning 0.50 acres from Single Family One District (SF-1) to Planned Development Office One (PD-O-1) **excluding duplexes**. Commission member Pope was absent.

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance as presented in item description on first reading and schedule second and final reading for June 21, 2012.

Staff recommends approval of Z-FY-12-39, the requested rezoning to O-1 District 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: A rezoning from the SF-1 to the O-1 zoning district would allow many uses that would not have been allowed before. Those uses include, but are not limited to, the following:

Residential uses

Single Family Attached
Single Family Detached
Townhouse
Duplex **(delete if P&Z recom)**
Home for the aged (C)




Nonresidential uses

Pre-school
Office
Labs (med, dental, science, research)
Veterinary office (no kennels)
Bank
Studio

More intense or atypical uses include: group home or halfway house, and home for aged.

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	SF-1	Single family residential	
North	SF-1	Single family residential	

South	SF-1	Undeveloped land	
East	SF-1	Undeveloped land	
West	SF-1	Undeveloped land backing up to city trail	

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, Objective or Map	Goal, Site Conditions	Compliance?
CP	Map 3.1 - Future Land Use and Character	Suburban commercial with TMED to the east across 5 th St and open space to the west	Yes
CP	Map 5.2 - Thoroughfare Plan	S. 5 th is a Major Arterial Street	Yes
CP	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities.	3' and 6" water line and 12" across the street. 8" sewer line to rear	Yes
CP	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.	O-1 development is complimentary to the existing residential and serves well as a transition to suburban commercial dev.	Yes
STP	Trails Master Plan Map	A city-wide spine is required. An existing trail is already constructed west of the property	Yes

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

DEVELOPMENT REGULATIONS: The Office 1 zoning district permits low rise garden-type office development providing professional, financial, medical, and other office services to residents in nearby neighborhoods. The O-1 District should be located convenient to residential areas and should be complimentary to the character of the residential neighborhood served. This district is designed to be a transitional zone.

Buildings in the Office 1 District may be built to any legal height. Nonresidential buildings over 40 feet in height must provide additional front and side setbacks. Minimum lot sizes, setbacks, and building coverage provisions apply. Continuous buffering is required between nonresidential or multiple-family uses and residential zoning districts. Buffering must consist of either evergreen hedges a minimum of 6 feet high or a wood fences or masonry wall 6 to 8 feet high.

STAFF ANALYSIS: This developed property is located on a heavily traveled Major Arterial street, South 5th. The entire developable area is comprehensive planned for Suburban Commercial, primarily due to its location on a Major Arterial and near a major intersection. Surrounding properties are all zoned SF-1, however over a period of time the surrounding properties will likely convert to commercial uses also. The O-1 zoning district serves well for this transition, particularly because the TMED District begins directly across the street.

Due to the proposed change in use, when the property is utilized for commercial purposes, the property would need to be brought into compliance with specific codes including but not limited to access/circulation/drive approach, parking, buffer fence or hedge, sidewalks/trails, and signage.

Please note that the Planning and Zoning Commission expressed concerns about allowing duplexes in this area and therefore recommended a PD-O-1 excluding duplexes in lieu of the straight O-1 zoning.

PUBLIC NOTICE: Staff mailed notices of the Planning and Zoning Commission's public hearing to the 4 property owners within a 200-foot radius surrounding the subject property. As of Wednesday, May 30, 2012 at 12:00 PM, one notice was 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 April 26, 2012 in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

[Zoning and Location Map](#)
[Land Use and Character Map](#)
[Notice Map](#)
[Thoroughfare, Sidewalk, and Trails Plan Map](#)
[Utility & Thoroughfare Plan Map](#)
[Notice Responses](#)
[P&Z Minutes](#)
[Ordinance](#)



Z-FY-12-39

Zoning and Location Map

SF1 TO O1

3606 S. 5th. Street



Case



Subdivision

1234-A Outblock Number

① Block Number



Zoning



Parcel

1234 Address

1 Lot Number

0 25 50 100
Feet

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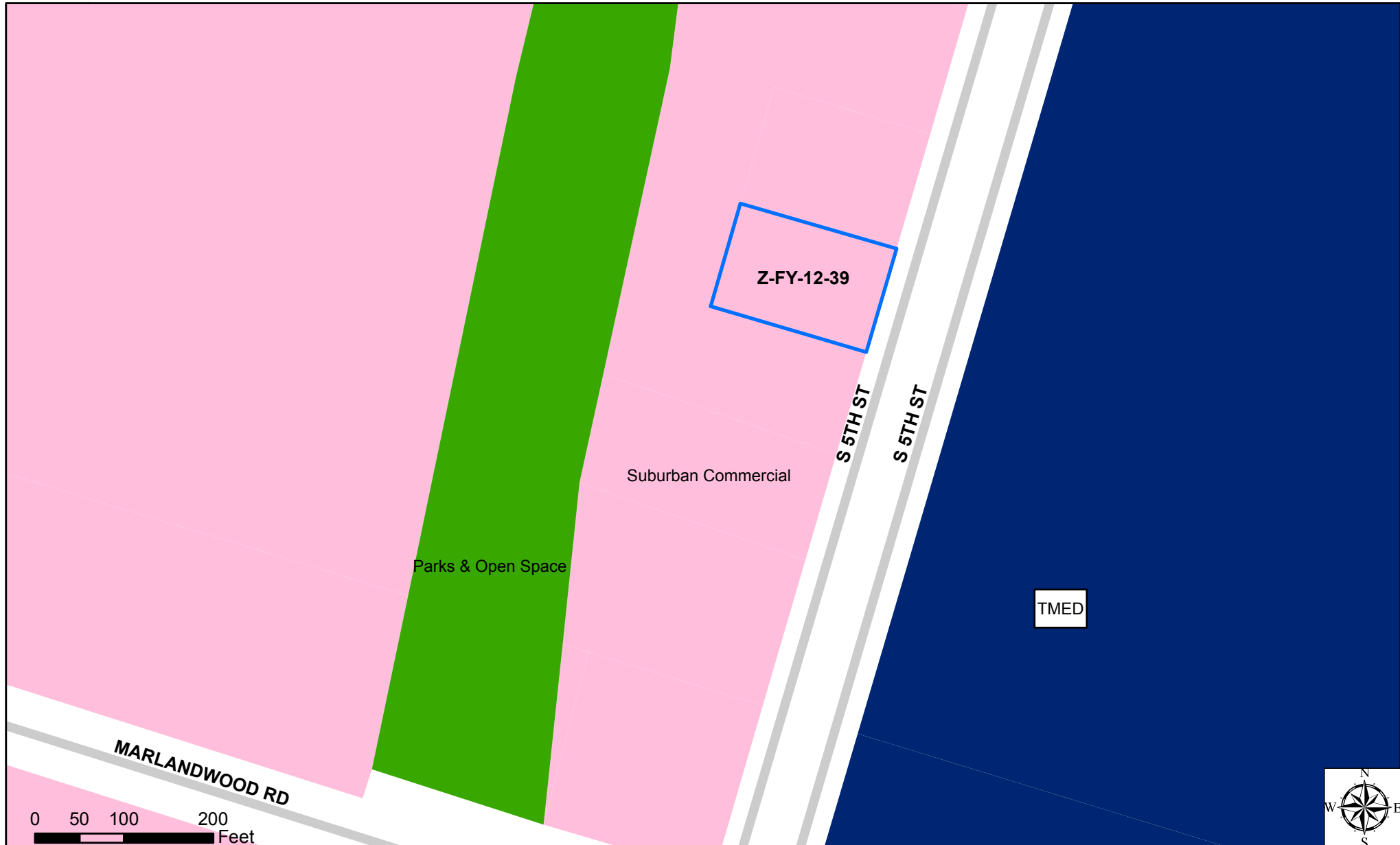


Z-FY-12-39

Future Land Use and Character Map

SF1 To O1

3606 S. 5th. Street



Future Land Use

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

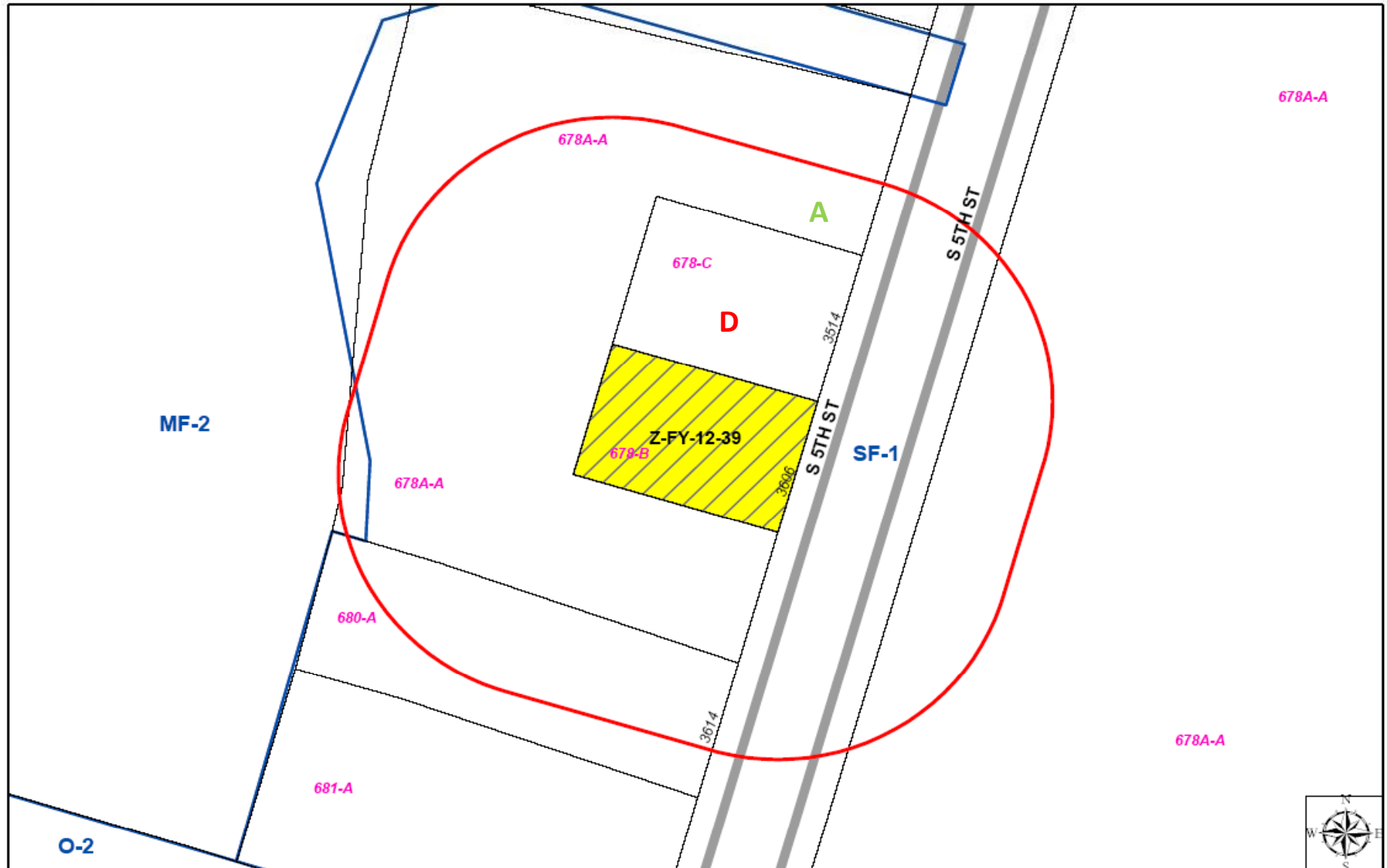
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Z-FY-12-39

4 Notices
1 in Favor; 1 in Opposition

3606 S. 5th. Street



Case



Zoning Boundary

1234-A Outblock Number

① Block Number

0 25 50 100
Feet

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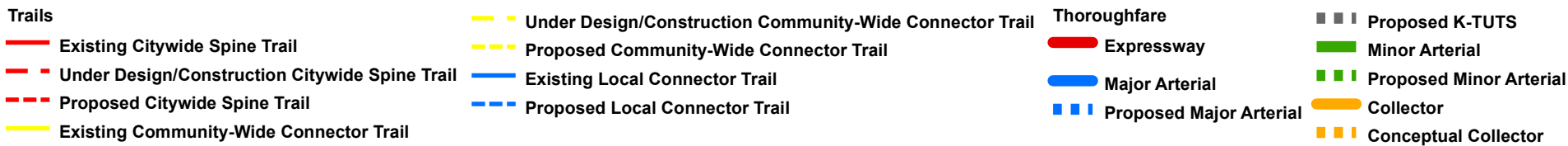
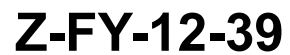
200' Buffer



Subdivision Boundary

1234 Address

1 Lot Number





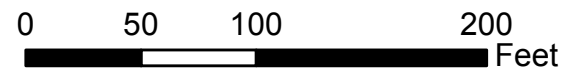
Z-FY-12-39

Utility Map
SF1 To O1

3606 S. 5th. Street



- Case
- Sewer Line
- Major Arterial
- Water Line
- Minor Arterial
- Fire Hydrant



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RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

Mary Nell Carter Chapman
4808 West Parker Road, Apt 203
Plano, Texas 75093

Zoning Application Number: Z-FY-12-39

Project Manager: Kim Foutz

Location: 3606 South 5th Street

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.

We
☒ recommend ☒ approval () denial of this request.

Comments:

The zoning change from SF1 to O1 is in line with other neighborhood properties and will add value to existing and future developments along 5th Street. The property has a circular drive in and out which makes it ideal for anyone entering or leaving the facility safely.

We wish Mr. Victor Pondleton success in his new endeavor and urge the Commissioners to consider the approval of this application as submitted.

Sandra Gilley Atkins
Martha Chapman Bernatis

Signature POA for Mary Nell Carter Chapman

Sandra Gilley Atkins
MARTHA CHAPMAN BERNATIS

Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than May 7, 2012

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

RECEIVED

MAY 10 2012

City of Temple
Planning & Development

Number of Notices Mailed: 4

Date Mailed: April 26, 2012



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

Robert C. Kuryla
3514 South 5th Street
Temple, Texas 76502

Zoning Application Number: Z-FY-12-39

Project Manager: Kim Foutz

Location: 3606 South 5th Street

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:


Signature

Robert C. Kuryla
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than May 7, 2012

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

RECEIVED
MAY 07 2012
City of Temple
Planning & Development

Number of Notices Mailed: 4

Date Mailed: April 26, 2012

**EXCERPTS FROM THE
PLANNING & ZONING COMMISSION MEETING
MONDAY, MAY 7, 2012**

ACTION ITEMS

Item 4: Z-FY-12-39 - Hold a public hearing to discuss and recommend action on a rezoning from Single Family One District (SF1) to Office One District (O1) on 0.50 ± acres of land out of the Maximo Moreno Survey, Abstract No. 14, Bell County, Texas, located at 3606 South 5th Street. (Applicant: Victor Pendleton)

Commissioner Pilkington is reseated.

Ms. Foutz stated the applicant for this request was Mr. Victor Pendleton and he would like to open a psychology office in a residential home. The applicant understands development standards would be triggered for this project to be used as a nonresidential structure.

Surrounding properties include SF1 on all sides. Undeveloped land is located on the south and east, a single family residence is to the north, and undeveloped land that backs up to a city trail is to the west.

The property fronts 5th Street which is designated as a major arterial. A Citywide spine trail (undersized) is nearby but serves the purpose of trails dedications.

The Future Land Use and Character Map designates the area as Suburban Commercial, there is a trail noted as Parks and Open space, and across the street is a Comprehensive Planned for TMED. The request is in compliance with the Future Land Use and Character Map.

Adequate utilities are available to the site.

Some of the allowed uses for Office One (O1) include (but is not comprehensive) pre-schools, offices, various types of labs, veterinary without kennel, bank, or studio.

Development standards required for nonresidential use include buffering fencing on three sides, parking and loading, access and circulation, and possibly refuse screening. Signs would go through the regular ordinance and masonry and sidewalks would apply if future renovations took place. The applicant is aware of these standard requirements.

Four notices were mailed out and zero notices were received in favor with one notice in opposition.

Staff recommends approval of this request since it complies with the Future Land Use and Character Map, the Thoroughfare Plan, The Master Trails plan, adequate facilities are available to serve the site, the location meets the general purpose of the O1 district, and the property is located on a major arterial.

Chair Martin stated he was concerned about O1 because of a specific use and asked if a specific use could be banned for future use. Ms. Foutz stated the Commission could request a Planned Development (PD) O1 and restrict the one use.

Chair Martin asked the Commission to consider this option due to past requests for O1 use with duplexes.

Chair Martin opened the public hearing.

There being no speakers, the public hearing was closed.

Commissioner Sears asked how the motion would be stated with the restricted use and Commissioner Pilkington agreed with the restriction of duplexes.

Commissioner Sears made a motion to approve Item 4, **Z-FY-12-39**, as a Planned Development O1 with the restriction of no duplexes and Commissioner Rhoads made a second.

Motion passed: (8:0)

Commissioner Pope absent

ORDINANCE NO. 2012-4536
(PLANNING NO. Z-FY-12-39)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A REZONING FROM SINGLE FAMILY ONE DISTRICT (SF1) TO OFFICE ONE DISTRICT (O-1) ON APPROXIMATELY 0.50 ACRE TRACT OF LAND OUT OF THE MAXIMO MORENO SURVEY, ABSTRACT NO. 14, BELL COUNTY, TEXAS, LOCATED AT 3606 SOUTH 5TH STREET; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Part 1: The City Council approves a rezoning from Single Family One District (SF1) to Office One District (O-1) on approximately 0.50 acre tract of land out of the Maximo Moreno Survey, Abstract No. 14, Bell County, Texas, located at 3606 South 5th Street, and more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

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

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the 7th day of June, 2012.

PASSED AND APPROVED on Second Reading on the **21st** day of **June**, 2012.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

06/07/12
Item #8
Regular Agenda
Page 1 of 3

DEPT. / DIVISION SUBMISSION & REVIEW:

Autumn Speer, Community Services Director

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING - Z-FY-12-40: Consider adopting an ordinance amending Ordinance No. 2011-4493, originally approved December 15, 2011, Conditional Use Permit for the sale of alcoholic beverages for on-premise consumption with more than 75% revenue from alcohol sales in an existing bar, to reduce the number of security lights from three to two on portions of Lots 11 and 12, Block 22, Original Town Addition, located at 11 East Central Avenue.

P&Z RECOMMENDATION: At its May 7, 2012 meeting, the Planning and Zoning Commission voted 8/0 in accordance with Staff recommendation to recommend approval of an amendment to the CUP request for reducing the number of security lights. Commission member Pope was absent.

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance as presented in item description on first reading and schedule second and final reading for June 21, 2012.

Staff recommends approval of the requested CUP amendment, reducing the security lights from three to two to be installed on the west wall of the subject building a minimum of 30 days after approval of the amended CUP by the City Council.

ITEM SUMMARY: On December 15, 2011, the City Council approved a Conditional Use Permit for the sale of alcoholic beverages for on-premise consumption with more than 75% revenue from alcohol sales in an existing bar, O-Brien's. The adopted ordinance specified that three security lights were to be installed on the west wall of the building adjacent to the alleyway, within 30 days of the CUP approval. The wall extends approximately 60 feet and the security lights were added to increase general safety for bar patrons walking to and from the City-owned parking lot. The applicant has had an electrician perform an analysis of the security lighting needs for the site and wishes to reduce the security lights from three to two.

This request conforms to the CUP general evaluation criteria: "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."



Location and adjacency to parking lot



Western wall of pub along alley. Security lighting is to be installed on catwalk.

PUBLIC NOTICE: Fourteen notices of the Planning and Zoning Commission public hearing were sent to surrounding property owners. As of Wednesday, May 2nd at 12:00 PM, two 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 April 26, 2012, in accordance with state law and local ordinance. Additionally 31 courtesy notices were sent to surrounding business operators within 300-feet of the subject property.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Location Map

CUP Site Plan

Notice Map

Notice Responses

P&Z Minutes

Ordinance No. Z-FY-11-52 (original case)

Ordinance

Aerial and CUP Location Map




Z-FY-12-40

Portion of Lots 11 and 12,
Block 22, Original Town Addition

CUP for Alcohol Sales
11 E. Central Avenue



2008 Bell County Aerial

 ZFY 1151, CA

Feet 0 50 100 150

LMatlock Planning 9.29.11



Z-FY-12-40

CUP Lighting Site Plan for O'Briens Irish Pub



Example of Appropriate
Dark Sky Wall Pack that
would focus light down
into alley increasing
pedestrian safety.



2010 Bell County Aerial

3 Commercial Wall Pack
Light Locations

Door or Blocked Window



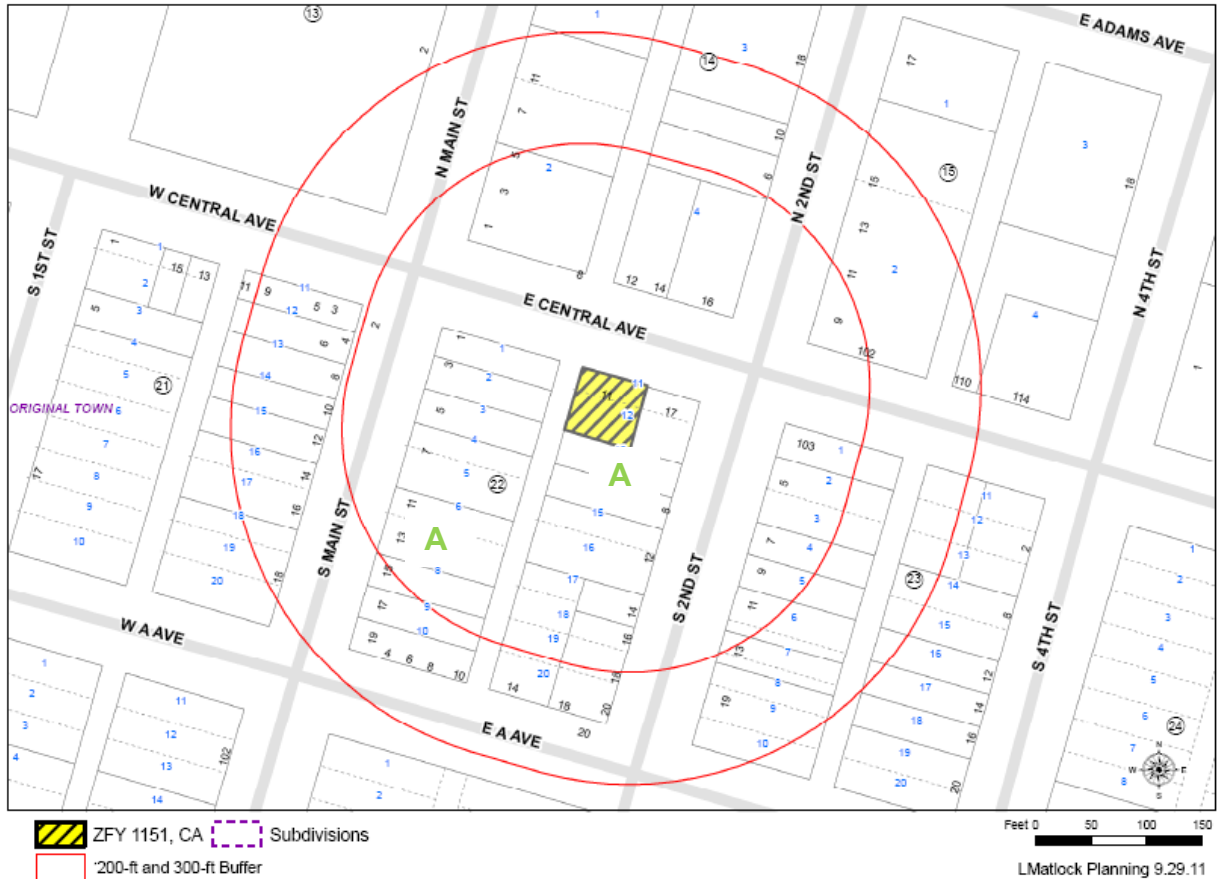
Notice Area



Z-FY-12-40

Portion of Lots 11 and 12,
Block 22, Original Town Addition

CUP for Alcohol Sales
11 E. Central Avenue



14 Notices Mailed
2 Agree (A)
0 Disagree (D)
0 Returned Mail (R)



RESPONSE TO PROPOSED
CONDITIONAL USE PERMIT
AMENDMENT REQUEST
CITY OF TEMPLE

Heartland Resources Inc.
6 South 1st Street
Temple, Texas 76501

Zoning Application Number: Z-FY-12-40


Project Manager: Kim Foutz

Location: 11 East Central Avenue (O'Brien's Irish Pub)

The proposed amendment to reduce the number of security lights from three to two 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:


Signature

Joe Sheppard
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than May 7, 2012

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

RECEIVED
APR 30 2012
City of Temple
Planning & Development

Number of Notices Mailed: 14

Date Mailed: April 26, 2012



RESPONSE TO PROPOSED
CONDITIONAL USE PERMIT
AMENDMENT REQUEST
CITY OF TEMPLE

Rudy Etux Karen Gonzales
13 South Main Street
Temple, Texas 76501

Zoning Application Number: Z-FY-12-40

Project Manager: Kim Foutz

Location: 11 East Central Avenue (O'Brien's Irish Pub)

The proposed amendment to reduce the number of security lights from three to two 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:

Karen Gonzales
Signature

Karen Gonzales
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than May 7, 2012

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

RECEIVED
MAY 07 2012
City of Temple
Planning & Development

Number of Notices Mailed: 14

Date Mailed: April 26, 2012

[PLANNING NO. Z-FY-11-52]

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 75% REVENUE FROM ALCOHOL SALES IN AN EXISTING BAR, ON A PORTION OF LOTS 11 AND 12, BLOCK 22, ORIGINAL TOWN ADDITION, COMMONLY KNOWN AS 11 EAST CENTRAL AVENUE; DECLARING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

WHEREAS, the Planning and Zoning Commission of the City of Temple, Texas, after due consideration of the conditions, operation and location at 11 East Central Avenue, recommends that the City Council approve the application for this Conditional Use Permit for an on-premises consumption with more than 75% alcohol revenue from alcohol sales in an existing bar; 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 for the sale of alcoholic beverages for on-premise consumption with more than 75% revenue from alcohol sales in an existing bar located on a portion of Lots 11 and 12, Block 22, Original Town Addition, commonly known as 11 East Central Avenue, more fully shown on Exhibit A, attached hereto and made a part of for all purposes.

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

General:

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

Specific to this CUP:

- (k) The permittee's site plan is an exhibit to the conditional use permit, attached hereto as Exhibit B.
- (l) Three security lights are to be installed on the west wall of the subject building a minimum of 30 days after approval of CUP.

These conditions run with the land and will be express conditions on 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 1st day of December, 2011.

PASSED AND APPROVED on Second Reading on the 15th day of December, 2011.

THE CITY OF TEMPLE, TEXAS

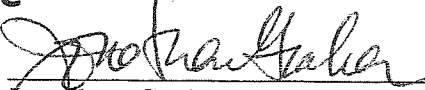

WILLIAM A. JONES, III Mayor

ATTEST:


Lacy Borgeson
City Secretary



APPROVED AS TO FORM:


Jonathan Graham
City Attorney

**EXCERPTS FROM THE
PLANNING & ZONING COMMISSION MEETING
MONDAY, MAY 7, 2012**

ACTION ITEMS

Item 5: Z-FY-12-40 - Hold a public hearing to discuss and recommend action to an amendment to Ordinance No. 2011-4493, originally approved December 15, 2011, Conditional Use Permit, to reduce the number of security lights from three to two on portions of Lots 11 and 12, Block 22, Original Town Addition, located at 11 East Central Avenue. (Applicant: Howard Leshikar)

Ms. Foutz stated this was a limited amendment to the Conditional Use Permit (CUP) for the applicant, Mr. Howard Leshikar, for O'Brien's Irish Pub. The original CUP was approved on December 15, 2011 by City Council. At that time, one of the conditions of the CUP was to install three wall security lights on the west wall of the building between the alleyway and the public parking and was too occurred within 30 days of the approval.

Ms. Foutz shows a picture of the wall where the lights are to be installed, along with the pedestrian path that patrons would use walking through the alleyway to the public parking area.

The original CUP had three wall pack security lighting and was of a specific type. The applicant requested an electrician to perform an analysis on this lighting and the analysis supports using only two security lights which would be sufficient and is a different type of lighting which provides more illumination.

The CUP criteria continue to be the same and there are no conflicts known.

Fourteen notices were mailed out with one approval and zero denials received.

Staff recommends approval allowing for two security lights instead of three, for the type to change, and to be installed 30 days after approval of the CUP by City Council, if that occurs.

Commissioner Talley asked how Staff knew that the electrician's analysis proved only two lights were needed instead of three. Ms. Foutz stated Staff accepted the electrician's professional experience and recommendation and would defer to the applicant to answer details.

Vice-Chair Staats stated the analysis should have been done by either an electrical engineer or a lighting engineer. An electrician merely provides power to the fixture. His concern was more of security and whether the lighting would be adequate for the area.

Commissioner Magaña asked what would happen if the two lights were approved but it turned out it was still not enough lighting. Ms. Foutz stated we would be in a better position than before since there are currently no lights but once it is approved, that is the allowable scenario.

Ms. Foutz references the letter in the P&Z packet from Advanced Electrical Systems which proposes two LED flood lights be attached to the 18 foot high catwalk in the alleyway. The

lights are 23 watt each rated for 10,000 hours of light and cover 207 square feet each. These lights would be angled down to light the alley and should not interfere with visibility with drivers in the area. Ms. Foutz shows a picture of the catwalk located in the alleyway.

Chair Martin opened the public hearing.

Mr. Ryan Leshikar, owner of O'Brien's Irish Pub, located at 11 E. Central Avenue, Temple, Texas, stated the original CUP was approved with three lights, however, there was no reference in terms of actually having an electrician to look at that. The recommendation done by Staff was what they recommended with nothing stating why.

Mr. Leshikar stated the position of the original recommendation of the lights was too low on the wall. It was recommended the lights be placed high on the catwalk so it would provide adequate coverage. The area in question is only about 35 feet by 15 feet. There is already public lighting in the front of the building and in the parking lot.

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

Commissioner Talley made a motion to approve Item 5, **Z-FY-12-40**, and Commissioner Magaña made a second.

Motion passed: (8:0)

Commissioner Pope absent

ORDINANCE NO. 2012-4537
[PLANNING NO. Z-FY-12-40]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING ORDINANCE NO. 2011-4493, ORIGINALLY APPROVED DECEMBER 15, 2011, CONDITIONAL USE PERMIT FOR THE SALE OF ALCOHOLIC BEVERAGES FOR ON-PREMISE CONSUMPTION WITH MORE THAN 75% REVENUE FROM ALCOHOL SALES IN AN EXHISTING BAR; TO REDUCE THE NUMBER OF SECURITY LIGHTS FROM THREE TO TWO ON PORTIONS OF LOTS 11 AND 12, BLOCK 22, ORIGINAL TOWN ADDITION, LOCATED AT 11 EAST CENTRAL AVENUE; DECLARING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

WHEREAS, on December 15, 2011, the City Council approved a Conditional Use Permit for the sale of alcoholic beverages for on-premise consumption with more than 75% revenue from alcohol sales in an existing bar, O'Brien's;

WHEREAS, the adopted ordinance specified that three security lights were to be installed on the west wall of the building adjacent to the alleyway, within 30 days of the CUP approval – the applicant has had an electrician perform an analysis of the security lighting needs for the site and wishes to reduce the security lights from three to two;

WHEREAS, the Planning and Zoning Commission of the City of Temple, Texas, after due consideration of the conditions, operation and location at 11 East Central Avenue, recommends that the City Council approve this amendment to the CUP request for reducing the number of security lights on the west wall of the building adjacent to the alleyway; 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 an amendment to Ordinance No. 2011-4493, originally approved on December 15, 2011, to reduce the number of security lights from three to two on portions of Lots 11 and 12, Block 22, Original Town Addition, located at 11 East Central Avenue.

Part 2: The owner/applicant, his employees, lessees, agents or representatives, hereinafter called "permittee" shall continue to comply with all previous developmental standards and conditions of operation previously outlined in Ordinance No. 2011-4493,

originally approved December 15, 2011. These conditions run with the land and will be express conditions of any building permit issued for construction on the property. These conditions may be enforced by the City of Temple by an action either at law or in equity, including an action to specifically enforce the requirements of the ordinance.

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

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

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the 7th day of **June**, 2012.

PASSED AND APPROVED on Second Reading on the 21st day of **June**, 2012.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

06/07/12
Item #9
Regular Agenda
Page 1 of 5

DEPT/DIVISION SUBMISSION & REVIEW:

Autumn Speer, Community Services Director

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING - Z-FY-12-42: Consider adopting an ordinance authorizing a rezoning from Agricultural District (AG) to Neighborhood Service District (NS) on 3.00 ± acres of land and from Agricultural District (AG) to Urban Estates District (UE) on 7.04 ± acres of land, both being part of the Redding Roberts Survey, Abstract No. 692, in the City of Temple, Bell County, Texas, located on the east side of South 31st Street, south of Fox Glen Lane and north of Venice Parkway.

P&Z RECOMMENDATION: At its May 7, 2012 meeting, the Planning and Zoning Commission voted 8/0 in accordance with Staff recommendation to recommend approval of a rezoning of 3.0 acres from Agricultural District (AG) to Neighborhood Service District (NS) and 7.04 acres from Agricultural District (AG) to Urban Estates (UE). Commission member Pope was absent.

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance as presented in item description on first reading and schedule second and final reading for June 21, 2012.

Staff recommends approval of a rezoning from AG to NS and UE for the following reasons:


1. The request does not comply with the Future Land Use and Character Map but is compatible with surrounding uses, and a future amendment to the Future Land Use and Character Map is reasonable with the property's location along South 31st Street.
2. The request complies with the Thoroughfare Plan.
3. Public facilities will be available to subject property.

ITEM SUMMARY: Please refer to the draft minutes of case Z-FY-12-42 from the Planning and Zoning Commission meeting on May 7, 2012.

The developer requests this rezoning to allow development of the next phase of Residences at D'Antoni's Crossing. He proposes a Neighborhood Service District (NS) adjacent to South 31st Street with site access from South 31st Street. The Urban Estates District (UE) is proposed along the east side of the proposed Neighborhood Service District (NS) with access from within the established Residences at D'Antoni's Crossing development.

Once City Council renders a decision on this rezoning request, the developer will proceed with the platting process for the subject 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	Undeveloped Land	
North	SF1	Single-Family Residential	 

South	SF3 and UE	Single Family Residential	
East	AG and SF1	Undeveloped Land	Picture not available
West	AG	Undeveloped Land	

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 (FLUP)	<p>The future land use and character map designates the entire property as Suburban Residential. Although the requested Neighborhood Service District (NS) does not comply with the Suburban Residential designation, staff supports it because the subject property fronts South 31st Street.</p> <p>The requested Urban Estates District (UE) is more appropriate within an Estate Residential designation, but is compatible since the property borders the Estate Residential designation to the north and east.</p>	N
CP	Map 5.2 - Thoroughfare Plan	The Thoroughfare Plan designates South 31 st Street as a major arterial, which is appropriate for NS development. Venice Parkway is classified as a local street, which is appropriate for Urban Estates development. The rezoning request complies with the Thoroughfare Plan.	Y
CP	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities	Water lines are located along South 31 st Street (12" line), along Venice Parkway, and along Fox Glen Lane. A sewer line runs through the subject property, as well as Venice Parkway, Fox Glen Lane, and the west side of South 31 st Street (12" line).	Y
STP	Temple Trails Master Plan Map	The Sidewalk and Trails Plan calls for local connector trail along the north property line and along Friar's Creek. The developer received an exception to the Trails Master Plan for these two trails from City Council with the approval of the property's preliminary plat in 2010 with Resolution 2010-6131-R. However, a local connector trail (6'-8' width) is still required along South 31 st . Upon development of this tract, a 6' wide trail will be installed by the developer.	Y – if an exception is not requested or granted

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

DEVELOPMENT REGULATIONS: The purpose of the Neighborhood Service zoning district permits limited retail services, usually for a small neighborhood area, with uses such as a convenience store, bank, barber or beauty shop, small cleaners or florist, as well as any residential use except apartments. This district should be located convenient to residential areas in locations such as a corner of a local road and a collector that serves the neighborhood. A rezoning from AG to NS would allow many uses that would not have been allowed before. Those uses include but are not limited to: child care, office, alcoholic beverage sales <75%, convenience store without fuel, florist, pharmacy, and any residential except apartments.

The purpose of the Urban Estates zoning district permits single-family detached residences and related accessory uses and accommodates large lot single-family residential developments. This district is suitable for estate development or areas in which it is desirable to permit only low-density development. Dimensional standards for UE are: 22,500 s.f. minimum lot area; 80' minimum lot width, and 30' minimum front yard setback.

STAFF ANALYSIS: The requested rezoning from AG to NS is a reasonable request with this portion of the property being located along a major arterial such as 31st Street and this being the lowest level retail zoning district available. Buffering will be required along the adjacent residential uses. Also, the Urban Estates lots will have access through the existing segment of D'Antoni's Crossing to the south.

The requested Urban Estates District (UE) is more appropriate within an Estate Residential designation, but is compatible since the property borders the Estate Residential designation to the north and east.

PUBLIC NOTICE: 30 notices of the Planning and Zoning Commission public hearing were sent out to property owners within 200-feet of the property in question, as required by State law and City Ordinance. As of Wednesday, May 30 at 12 PM, four notices were returned in favor of, five notices were returned in opposition of, and two notices were undecided to the request.

The newspaper printed notice of the Planning and Zoning Commission public hearing on April 26, 2012, in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

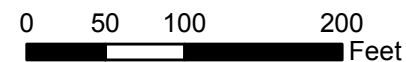
[Zoning and Location Map](#)
[Future Land Use and Character Map](#)
[Notice Map](#)
[Thoroughfare, Sidewalk, and Trails Plan Map](#)
[Utility & Thoroughfare Plan Map](#)
[Notice Responses](#)
[P&Z Minutes](#)
[Ordinance](#)



Z-FY-12-42

Zoning and Location Map
AG To NS & UE

6317 S. 31st. Street



4/30/2012
City of Temple GIS

GIS products are for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries and other features.

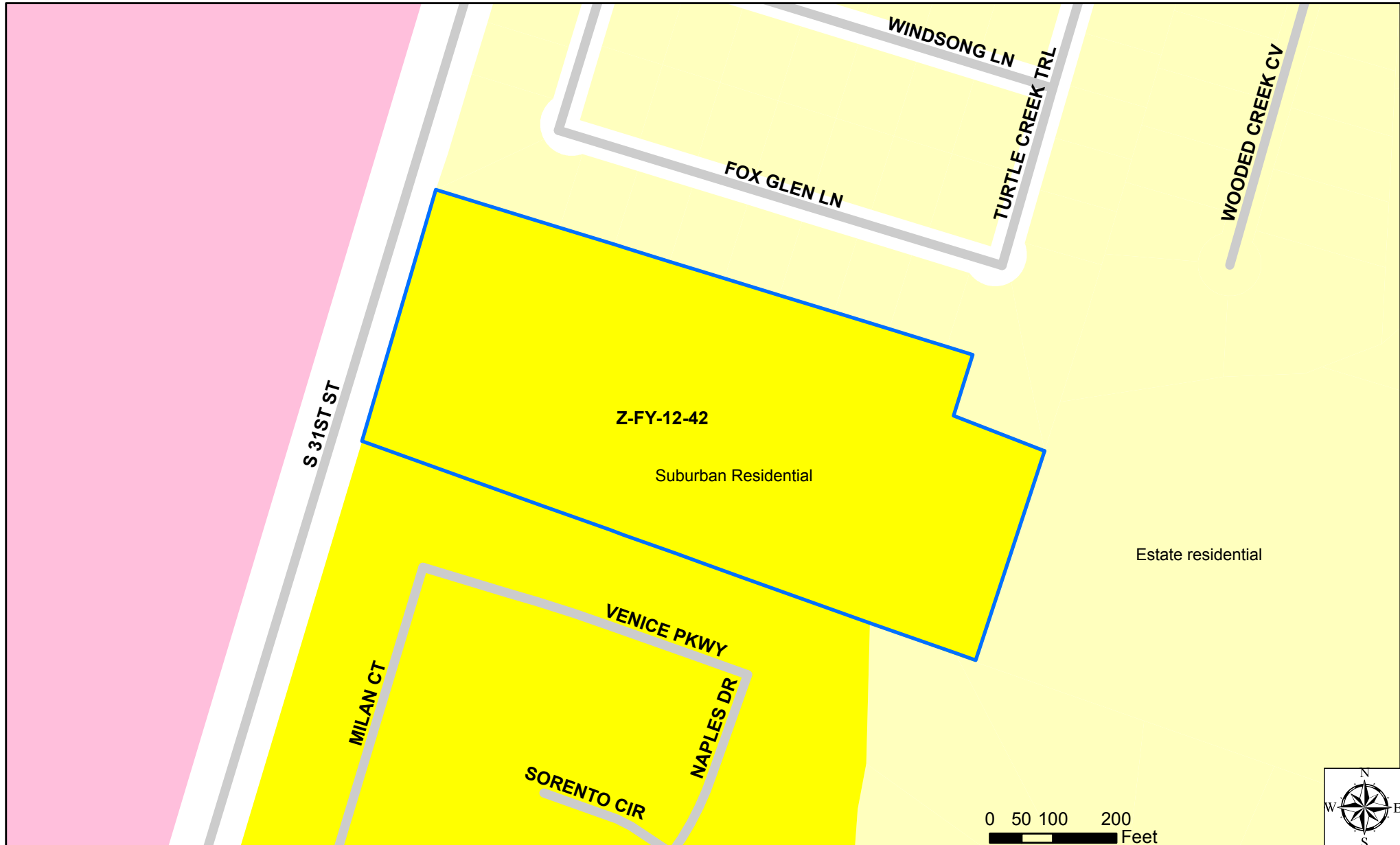


Z-FY-12-42

Future Land Use and Character Map

AG To NS & UE

6317 S. 31st.. Street



Future Land Use

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

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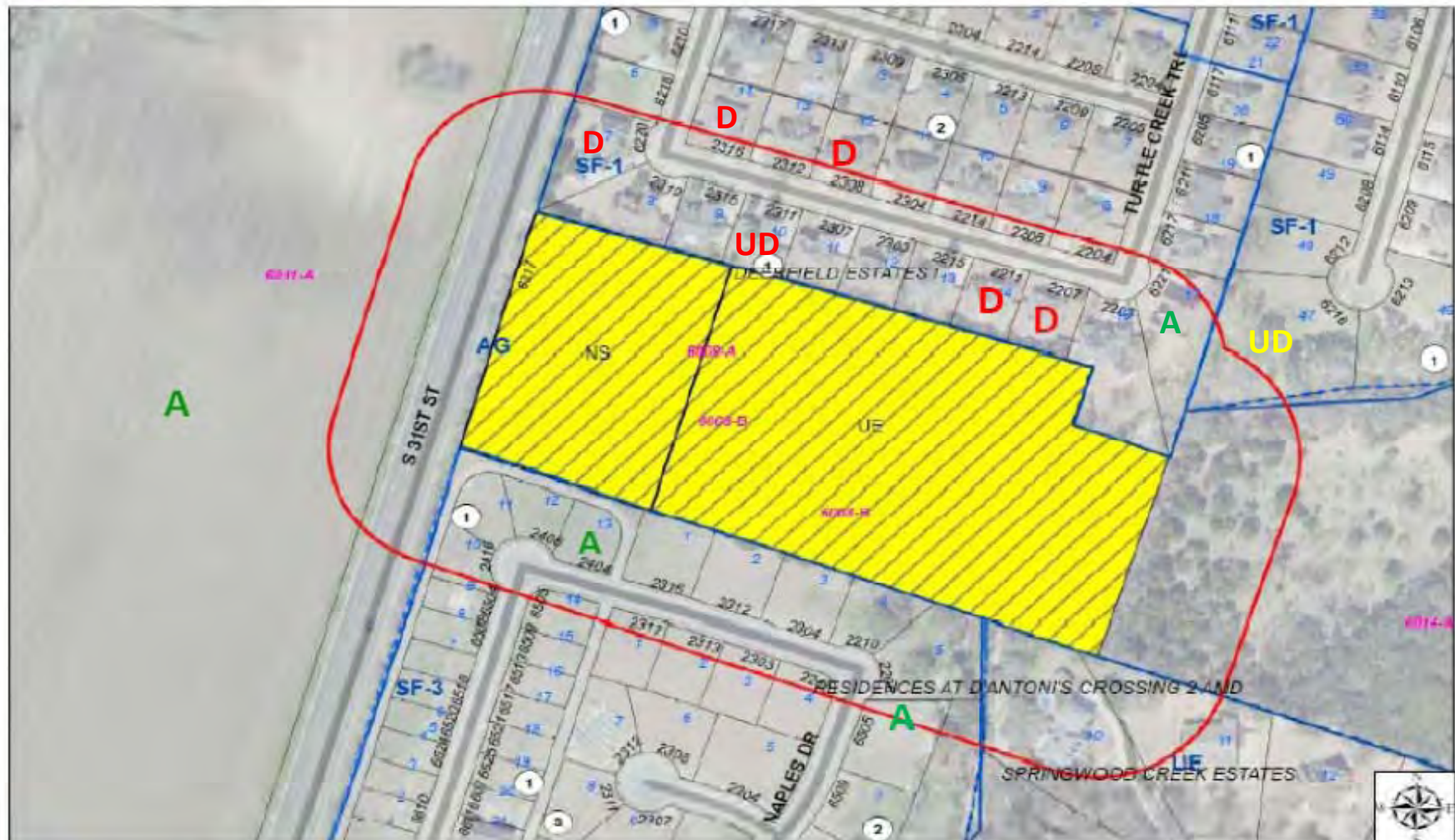
30 Notices
4 in Favor; 5 in Opposition; 2 UD comments



Z-FY-12-42

AG To NS & UE

6317 S. 31st. Street



Case



Zoning Boundary



200' Buffer



Subdivision Boundary

1294-A Outblock

1234 Address

1 Block

1 Lot

0 50 100 200 Feet

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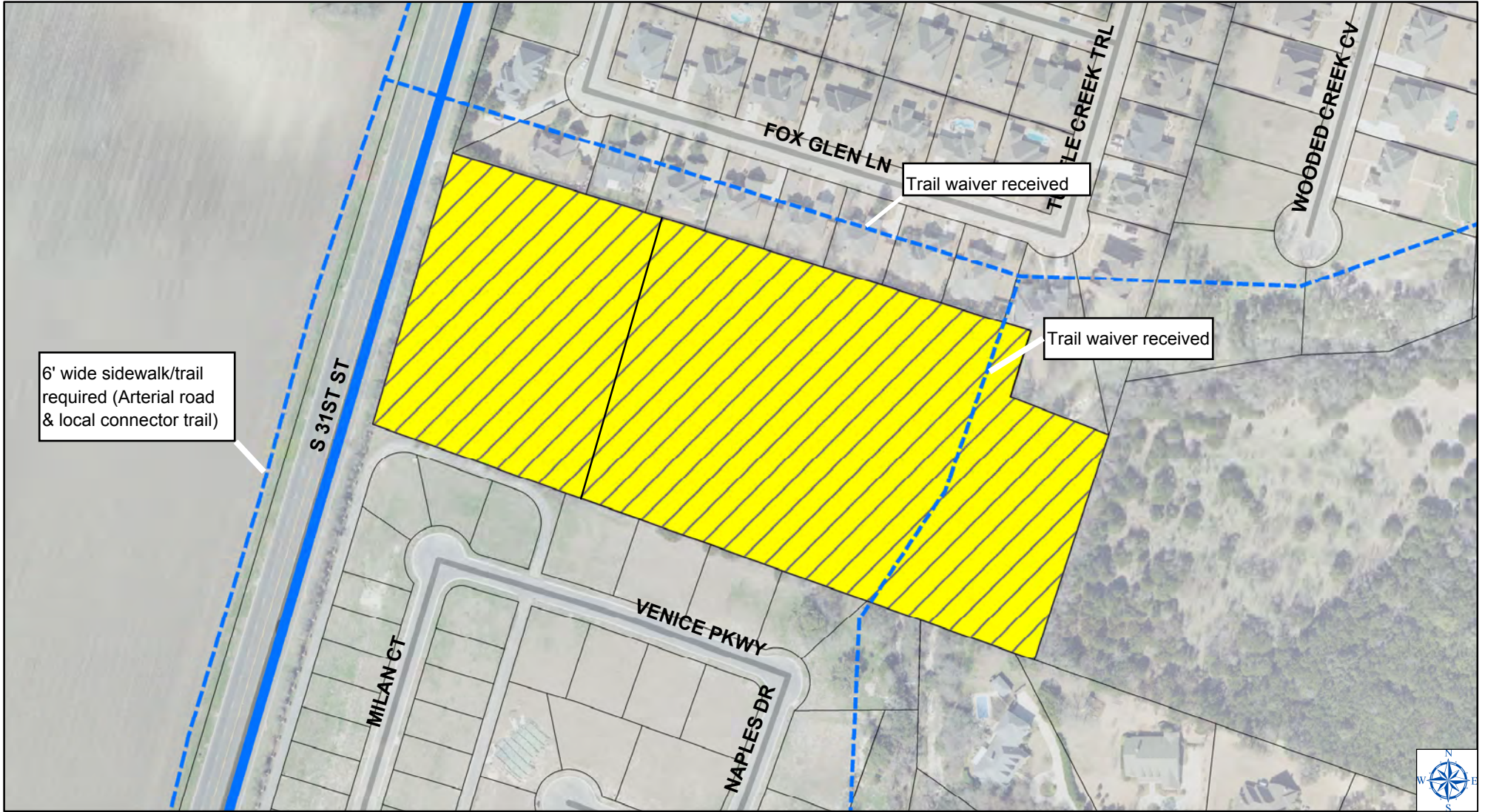


Z-FY-12-42

Thoroughfare, Sidewalk, and Trails Plan Map

AG To NS & UE

6317 S. 31st. Street



Trails

- Existing Citywide Spine Trail
- Under Design/Construction Citywide Spine Trail
- Proposed Citywide Spine Trail
- Existing Community-Wide Connector Trail

- Under Design/Construction Community-Wide Connector Trail
- Proposed Community-Wide Connector Trail
- Existing Local Connector Trail
- Proposed Local Connector Trail

Thoroughfare

- Expressway
- Major Arterial
- Proposed Major Arterial

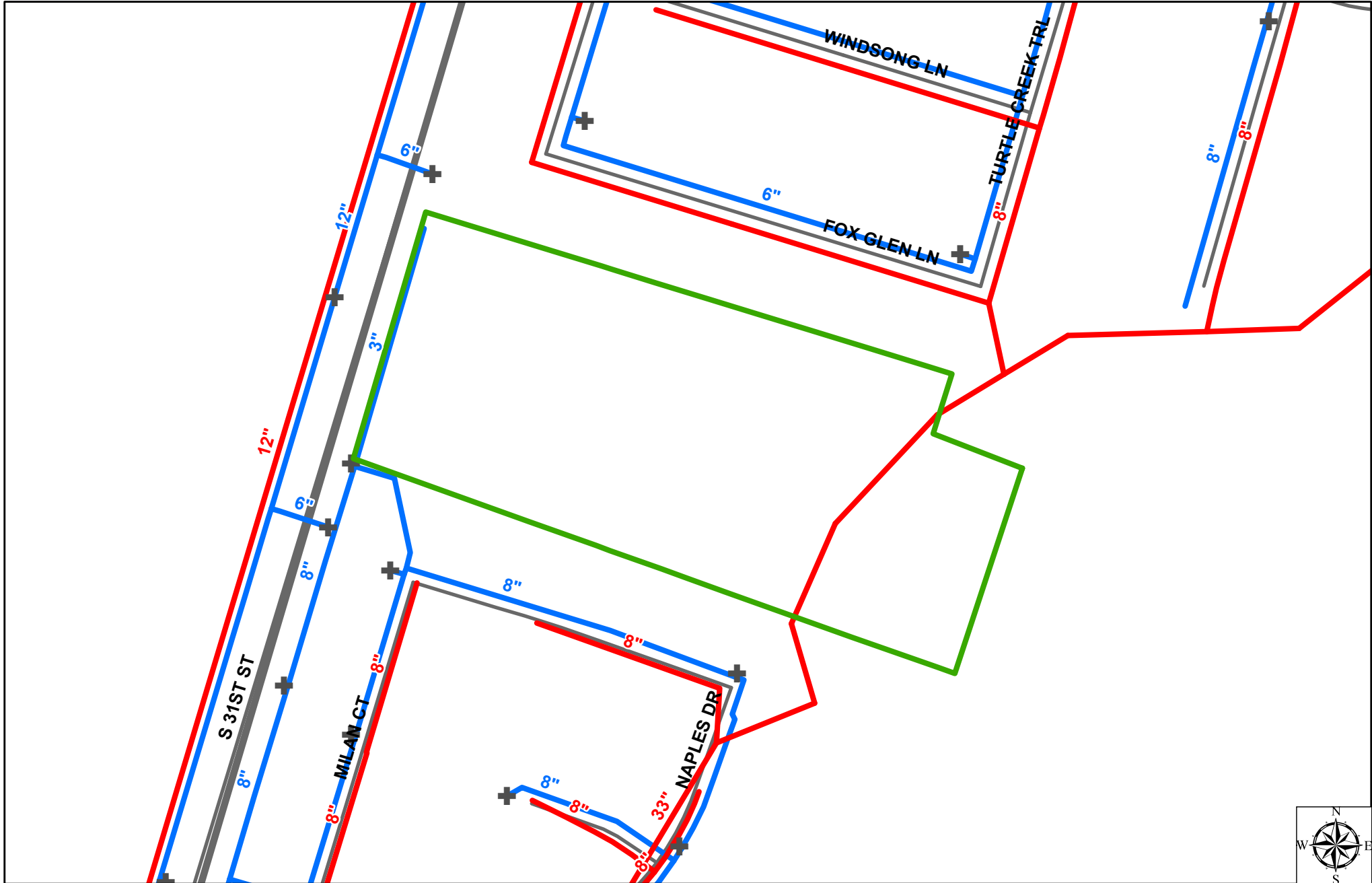
- Proposed K-TUTS
- Minor Arterial
- Proposed Minor Arterial
- Collector
- Conceptual Collector



Z-FY-12-42

Utility Map
AG To NS & UE

6317 S. 31st. Street



- Case
- Sewer Line
- Major Arterial
- Water Line
- Minor Arterial
- Fire Hydrant

0 50 100 200
Feet



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

Dell Martin
P.O. Box 310
Temple, Texas 76502

Zoning Application Number: Z-FY-12-42 **Project Manager:** Kim Foutz

Location: East side of South 31st Street between Fox Glen Lane & Venice Parkway

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:



Signature

Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than May 7, 2012

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

RECEIVED
MAY 08 2012
City of Temple
Planning & Development

Number of Notices Mailed: 30

Date Mailed: April 26, 2012



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

William Etux Marilyn Frank
2308 Fox Glen Lane
Temple, Texas 76502

Zoning Application Number: Z-FY-12-42

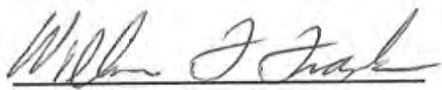
Project Manager: Kim Foutz

Location: East side of South 31st Street between Fox Glen Lane & Venice Parkway

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:


Signature
Marilyn L. Frank

WILLIAM F. FRANK
Print Name
MARILYN L. FRANK

Please mail or hand-deliver this comment form to the address shown below, no later than May 7, 2012

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

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Planning & Development



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

Glen Etux Nell Brindley
2902 Olympia Drive
Temple, Texas 76502

Zoning Application Number: Z-FY-12-42

Project Manager: Kim Foutz

Location: East side of South 31st Street between Fox Glen Lane & Venice Parkway

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:

Glen Brindley
Signature

Glen Brindley
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than May 7, 2012

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Planning Department
Room 201
Municipal Building
Temple, Texas 76501

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Planning & Development



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

Ivey Family Trust
2211 Fox Glen Lane
Temple, Texas 76502

Zoning Application Number: Z-FY-12-42

Project Manager: Kim Foutz

Location: East side of South 31st Street between Fox Glen Lane & Venice Parkway

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:

MANY VARIETY of BIRDS live IN The TREES, including
GOLDEN CHEEK WARBLERS.

Garole A. Ivey
Thomas G. Ivey
Signature

CAROLE A. Ivey
Thomas G. Ivey
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than May 7, 2012

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

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City of Temple
Planning & Development



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

Confidential Owner
6220 Fox Glen Lane
Temple, Texas 76502

Zoning Application Number: Z-FY-12-42

Project Manager: Kim Foutz

Location: East side of South 31st Street between Fox Glen Lane & Venice Parkway

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:

*I would like to see the trees left were they are.
Maybe build a brick fence like the one on 31st Street for
noise.*

Robert Watts
Signature

Robert Watts
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than May 7, 2012

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

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MAY 07 2012

City of Temple
Planning & Development

Number of Notices Mailed: 30

Date Mailed: April 26, 2012



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

Jams & Melody Wann
2316 Fox Glen Lane
Temple, Texas 76502

Zoning Application Number: Z-FY-12-42

Project Manager: Kim Foutz

Location: East side of South 31st Street between Fox Glen Lane & Venice Parkway

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:

Retail business/convenience store will create significant light ^{noise} pollution that will disturb the neighborhood.

The UE zone is not properly buffered from the higher density neighborhoods


Signature

Jim Wann
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than May 7, 2012

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

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City of Temple
Planning & Development

Number of Notices Mailed: 30

Date Mailed: April 26, 2012



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

Joseph Etux Willie Mae Murray
2311 Fox Glen Lane
Temple, Texas 76502

Zoning Application Number: Z-FY-12-42

Project Manager: Kim Foutz

Location: East side of South 31st Street between Fox Glen Lane & Venice Parkway

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:

*This project will decrease value of our property.
We suggest that a 8' fence be installed
so homeowners on Fox Glen would not have
noise from businesses. We do not want
to see the buildings nor hear the noise
from customers in and out all day.*

Joseph P. Murray
Signature

JOSEPH P. MURRAY
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than May 7, 2012

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

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City of Temple
Planning & Development



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

Dennis & Ruth Ready
2404 Venice Parkway
Temple, Texas 76502

Zoning Application Number: Z-FY-12-42 Project Manager: Kim Foutz

Location: East side of South 31st Street between Fox Glen Lane & Venice Parkway

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:


Signature

Dennis Ready
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than May 7, 2012

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

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MAY 02 2012

City of Temple
Planning & Development

Number of Notices Mailed: 30

Date Mailed: April 26, 2012



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

Benjamin J. Cuba
P.O. Box 1003
Temple, Texas 76503-1003

Zoning Application Number: Z-FY-12-42

Project Manager: Kim Foutz

Location: East side of South 31st Street between Fox Glen Lane & Venice Parkway

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:

I AM PLEASED TO RECOMMEND APPROVAL.

MR. ARNOLD IS A QUANTITY DEVELOPER AND
BUILDS AND DEVELOPS DESIRABLE HOMES
AND NEIGHBORHOODS.

Benjamin J. Cuba
Signature

BENJAMIN J. CUBA
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than May 7, 2012

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

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MAY 02 2012

City of Temple
Planning & Development



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

Jeremy Etux Anna Mauldin
2207 Fox Glen Lane
Temple, Texas 76502

Zoning Application Number: Z-FY-12-42

Project Manager: Kim Foutz

Location: East side of South 31st Street between Fox Glen Lane & Venice Parkway

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:

*would prefer to see further and more complete development
of D'Antoni's Crossing before allowing Mr. Arnold to begin a
second development in my back yard.*

AMauldin
Signature

Jeremy Anna Mauldin
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than May 7, 2012

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

RECEIVED

MAY 02 2012

City of Temple
Planning & Development

Number of Notices Mailed: 30

Date Mailed: April 26, 2012



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

Jason Etux Marla Smith
6221 Turtle Creek Trail
Temple, Texas 76502

Zoning Application Number: Z-FY-12-42

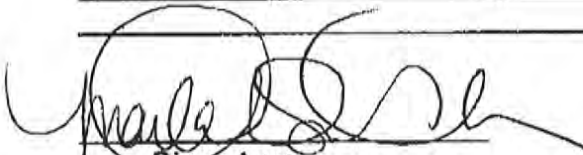
Project Manager: Kim Foutz

Location: East side of South 31st Street between Fox Glen Lane & Venice Parkway

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:


Signature

marla smith
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than May 7, 2012

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

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MAY 08 2012
City of Temple
Planning & Development

Number of Notices Mailed: 30

Date Mailed: April 26, 2012

EXCERPTS FROM THE
PLANNING & ZONING COMMISSION MEETING
MONDAY, MAY 7, 2012

ACTION ITEMS

Item 6: Z-FY-12-42 - Hold a public hearing to discuss and recommend action on a rezoning from Agricultural District (AG) to Neighborhood Service District (NS) on 3.00 ± acres of land and from Agricultural District (AG) to Urban Estates District (UE) on 7.04 ± acres of land, both being part of the Redding Roberts Survey, Abstract No. 692, in the City of Temple, Bell County, Texas, located on the east side of South 31st Street, south of Fox Glen Lane and north of Venice Parkway. (Applicant: Bobby Arnold)

Ms. Foutz stated the applicant was Bobby Arnold and pertained to the next phase of the Residences at D'Antoni's Crossing directly adjacent to the initial phase to the south.

The subject property is currently zoned Agricultural (AG) with approximately three acres being requested for Neighborhood Services (NS) and the back property area for Urban Estates (UE). Surrounding properties include SF1 and SF3 and toward the back in the corner, some UE as part of the initial development.

Surrounding properties to the south include residential zoned SF3 and UE, to the east is undeveloped land zoned AG and SF1, to the north is Deerfield Estates with SF1 with single family use and across 31st Street is undeveloped land zoned AG.

The subject property runs against 31st Street which is designated as a major arterial. A local connector trail is slated to go along 31st Street and, if platted, will be required to install a six foot wide sidewalk. All other trails noted have received waivers for trails by City Council.

The Future Land Use and Character Map designate this area as Suburban Residential. Although the request is not completely compliant with the Future Land Use and Character Map, Staff feels it is appropriate since the tract across the street is entirely planned for Suburban Commercial and the subject property is located along 31st Street. Adequate utilities are available for the site.

The purpose of the NS zoning is to permit limited retail services and for serving a smaller neighborhood area. It is the most restrictive retail zoning available and provides day-to-day retail and service opportunities for an area. It allows for residential except apartment types.

The UE permits single family detached residences, focuses on larger lot and lower density development. UE contains some development standards different from AG.

Thirty notices were mailed out with three notices in favor and five in opposition. Some opposition comments concerned decrease in property values, noise for commercial aspect, and buffering between UE and higher density residential. An eight foot high fence was suggested to mitigate noise for the commercial aspect. According to Code, Staff would require a six to eight foot high buffering fence against the residential. It was also noted that the existing trees should remain.

Staff recommends approval for the rezoning since it meets the intent of the Future Land Use and Character Map, is located along 31st Street with surrounding Suburban Commercial designations, it complies with the Thoroughfare Plan, the Master Trails Plan, and adequate public facilities are available. Although NS does not comply specifically with the Suburban Residential designation, Staff believes it is appropriate since it fronts 31st Street, a major arterial.

Vice-Chair Staats suggested Mr. Arnold be specifically aware of what is and is not allowed at the subject location to head off any potential complications from a tenant putting in a use which is not allowed.

Chair Martin opened the public hearing.

Mr. Pat Murray, 2311 Fox Glen Lane, Temple, Texas, stated his property backs up to the commercial development section and feels his property would decrease in value. Mr. Murray also has security concerns. Privacy fences are already installed but are not that secure. Mr. Murray suggested Mr. Arnold continue the 31st Street fence back around to the commercial part for a sound buffer and for security reasons.

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

Commissioner Talley made a motion to approve Item 6, Z-FY-12-42, as presented and Commissioner Rhoads made a second.

Vice-Chair Staats stated he felt there were some requests on this item that were extremely reasonable: maintaining an eight foot high fence and keeping the existing trees during development. Vice-Chair Staats asked if these items could be considered in Commissioner Talley's motion and Commissioner Talley stated yes.

Commissioner Pilkington stated he would like to hear from the applicant.

Chair Martin reopened the public hearing.

Mr. Bobby Arnold, 5293 S. 31st Street, Temple, Texas, stated he was concerned about how his development impacted the neighbors. Mr. Arnold gave the example of Tuscan Square fencing and landscaping and felt it was a very good buffer for the residential area. There is no parking in the back of the buildings either.

Mr. Arnold asked for clarification on the fencing request. Ms. Foutz stated the Code made reference that fences are required to be between six to eight feet high. Commissioner Magaña asked what the height of the fences were on the existing properties along 31st Street (Deerfield Estates). Vice-Chair Staats stated it was taller than six feet.

Vice-Chair Staats stated he would like to see the trees remain, especially the hardwood trees. Mr. Arnold stated he would save what he could because it creates a buffer. In regards to the fence, that may be a problem but would do what he could. Mr. Arnold stated they would go all the way around with the fence, approximately 800 feet of fencing.

Vice-Chair Staats stated the neighbors were concerned with the NS near UE and the buffering. Mr. Arnold stated there were no plans for the NS area yet but would like to do more office buildings. Mr. Arnold was not opposed to creating a better buffer. Commissioner Pilkington

stated his concern was he did not want to have a six foot fence, a foot wide gap, and then an eight foot fence. Double fences creates a mess and causes more problems.

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

Commissioner Talley stated he would stay with his original motion and Commissioner Rhoads made a second.

Motion passed: 8:0

Commissioner Pope absent

ORDINANCE NO. 2012-4538
(PLANNING NO. Z-FY-12-42)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A REZONING FROM AGRICULTURAL DISTRICT (AG) TO NEIGHBORHOOD SERVICE DISTRICT (NS) ON APPROXIMATELY 3.00 ACRES OF LAND AND REZONING FROM AGRICULTURAL DISTRICT (AG) TO URBAN ESTATES DISTRICT (UE) ON APPROXIMATELY 7.04 ACRES OF LAND, BOTH BEING LOCATED ON THE EAST SIDE OF SOUTH 31ST STREET, SOUTH OF FOX GLEN LAND AND NORTH OF VENICE PARKWAY; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Part 1: The City Council approves a rezoning from Agricultural District (AG) to Neighborhood Service District (NS) on approximately 3.00 acres of land and a rezoning from Agricultural District (AG) to Urban Estates District (UE) on approximately 7.04 acres of land, both being part of the Redding Roberts Survey, Abstract No. 692, in the City of Temple, Bell County, Texas, located on the east side of South 31st Street, south of Fox Glen Lane and north of Venice Parkway, more fully described in Exhibit 'A,' attached hereto and made a part hereof for all purposes.

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

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **7th** day of **June**, 2012.

PASSED AND APPROVED on Second Reading on the **21st** day of **June**, 2012.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

06/07/12
Item #10
Regular Agenda
Page 1 of 5

DEPT. / DIVISION SUBMISSION & REVIEW:

Autumn Speer, Community Services Director

ITEM DESCRIPTION: FIRST READING - PUBLIC HEARING - Z-FY-12-43: Consider adopting an ordinance authorizing a rezoning from Two Family Dwelling District (2F) to General Retail District (GR) on Lot 1, Block 15 of the Freeman Heights Addition, located at 101 South 31st Street, Temple Texas.

P&Z RECOMMENDATION: At its May 7, 2012 meeting, the Planning and Zoning Commission voted 7/1 in accordance with Staff recommendation to recommend approval of a rezoning Lot 1, Block 15 of the Freeman Heights Addition from Two Family Dwelling District (2F) to General Retail District (GR). Commission member Pope was absent.

STAFF RECOMMENDATION Conduct public hearing and adopt ordinance as presented in item description on first reading and schedule second and final reading for June 21, 2012.


Staff recommends approval of Z-FY-12-43, the requested rezoning to GR 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: Please refer to the draft minutes of case Z-FY-12-43 from the Planning and Zoning Commission meeting on May 7, 2012. A rezoning from the 2F to the GR zoning district would allow many uses that would not have been allowed before. Those uses include, but are not limited to, the following:

Lithographic or print shop	On premise consumption of beer and wine -
Plumbing shop	less than 75% revenue
Hospital	Restaurant
Office	Car Wash
Hotel or motel	Fuel sales
	Auto sales, leasing rental:

SURROUNDING PROPERTY AND USES: The following table shows the subject property, existing zoning and current land uses:

Direction	Zoning	Current Land Use	Photo
Subject Property	2F	Single Family Residential	
North	GR	Commercial building – Properties Mart	

Direction	Zoning	Current Land Use	Photo
South	GR	Commercial retail – Advance Auto Parts	 A photograph of an Advance Auto Parts store. The building is a single-story commercial structure with a white facade and a red roof. The store's name is prominently displayed in white lettering on the red roof. A white car is parked in the lot in front of the store, and a paved road is visible in the foreground.
East	2F	Single Family Residential	 A photograph of a single-family residential property. The house is a small, single-story building with white siding and a grey roof. A basketball hoop is mounted on the side of the house. The property is surrounded by a chain-link fence, and there is a grassy area in the foreground. Other houses are visible in the background.
West	GR	Commercial retail – Hair Corral	 A photograph of a Hair Corral store. The building is a single-story commercial structure with a brown roof and light-colored siding. A black car is parked in the lot in front of the store. The property is surrounded by trees and a paved road is visible in the foreground.

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	Site Conditions	Compliance?
CP	Map 3.1 - Future Land Use and Character	Auto-Urban commercial with Auto-Urban across street to north, west, and south and Neighborhood Conservation to east	Yes
CP	Map 5.2 - Thoroughfare Plan	31st Street. is a Major Arterial Street	Yes
CP	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities.	8" water line on 31st and 6" sewer line in alley	Yes
CP	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.	GR zoning is the prevalent zoning and use including to the north, west, and south. To the east is 2F which would be addressed with buffering.	Yes
STP	Temple Trails Master Plan Map	A community-wide connector trail is required for 31 st Street	Sidewalks will be installed if the ordinance is triggered

CP = Comprehensive Plan STP = Sidewalk and Trails Plan

DEVELOPMENT REGULATIONS: The requested GR zoning district is the standard retail district and allows most retail sales, restaurants, grocery stores, department stores, or offices and all residential uses except apartments, with a maximum building height of 3 stories. There is no minimum lot area, width or depth. The building setback for the front yard is 15 feet from the front property line. There is a minimum side yard setback requirement of 10 feet. If a residential use borders the subject property use, as in this case, then a 10-foot setback and fence or vegetative screening is required.

STAFF ANALYSIS: This property is currently developed as a single family use and is located on a heavily traveled Major Arterial Street, 31st Street. The GR zoning district is to the north, west, and south of the subject property and the 2F zoning district is to the east. The GR zoning district would be appropriate for the subject property due to its direct frontage on a Major Arterial Street and its proximity to other conforming retail uses.

Due to the proposed change in use, when the property is utilized for commercial purposes, the property would need to be brought into compliance with specific codes including but not limited to parking, buffer fence or hedge, landscaping, sidewalk/trail (if triggered), and signage.

PUBLIC NOTICE: Staff mailed notices of the Planning and Zoning Commission's public hearing to the 17 property owners within a 200-foot radius surrounding the subject property. As of Wednesday, May 30, 2012 at 12:00 PM, two notices were returned in favor of the request and no notices were returned in opposition to the request.

The newspaper printed notice of the Planning and Zoning Commission public hearing on April 26, 2012 in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Land Use and Character Map
Zoning and Location Map
Notice Map
Thoroughfare, Sidewalk, and Trails Plan Map
Utility & Thoroughfare Plan Map
Notice Responses
P&Z Minutes
Ordinance

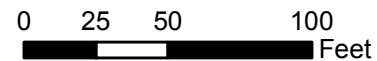
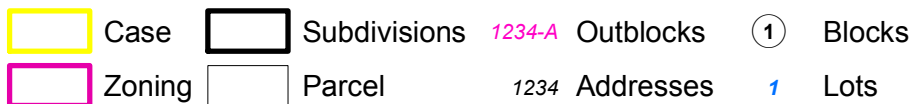
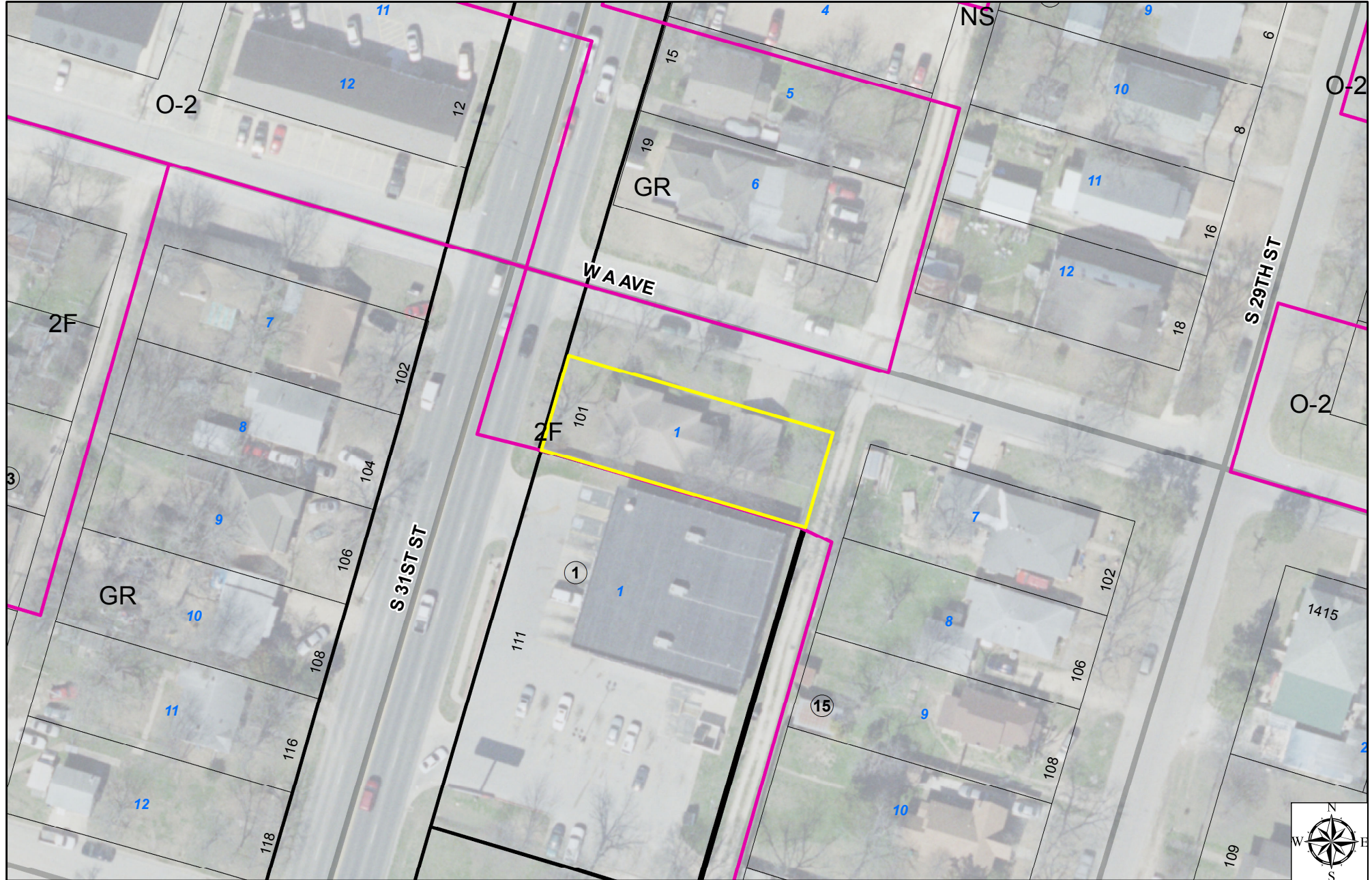


Z-FY-12-43

Zoning and Location Map

2F To GR

101 S. 31st. Street



4/30/2012
City of Temple GIS

GIS products are for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries and other features.



Z-FY-12-43

Future Land Use and Character Map

2F To GR

101 S. 31st. Street



Future Land Use

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

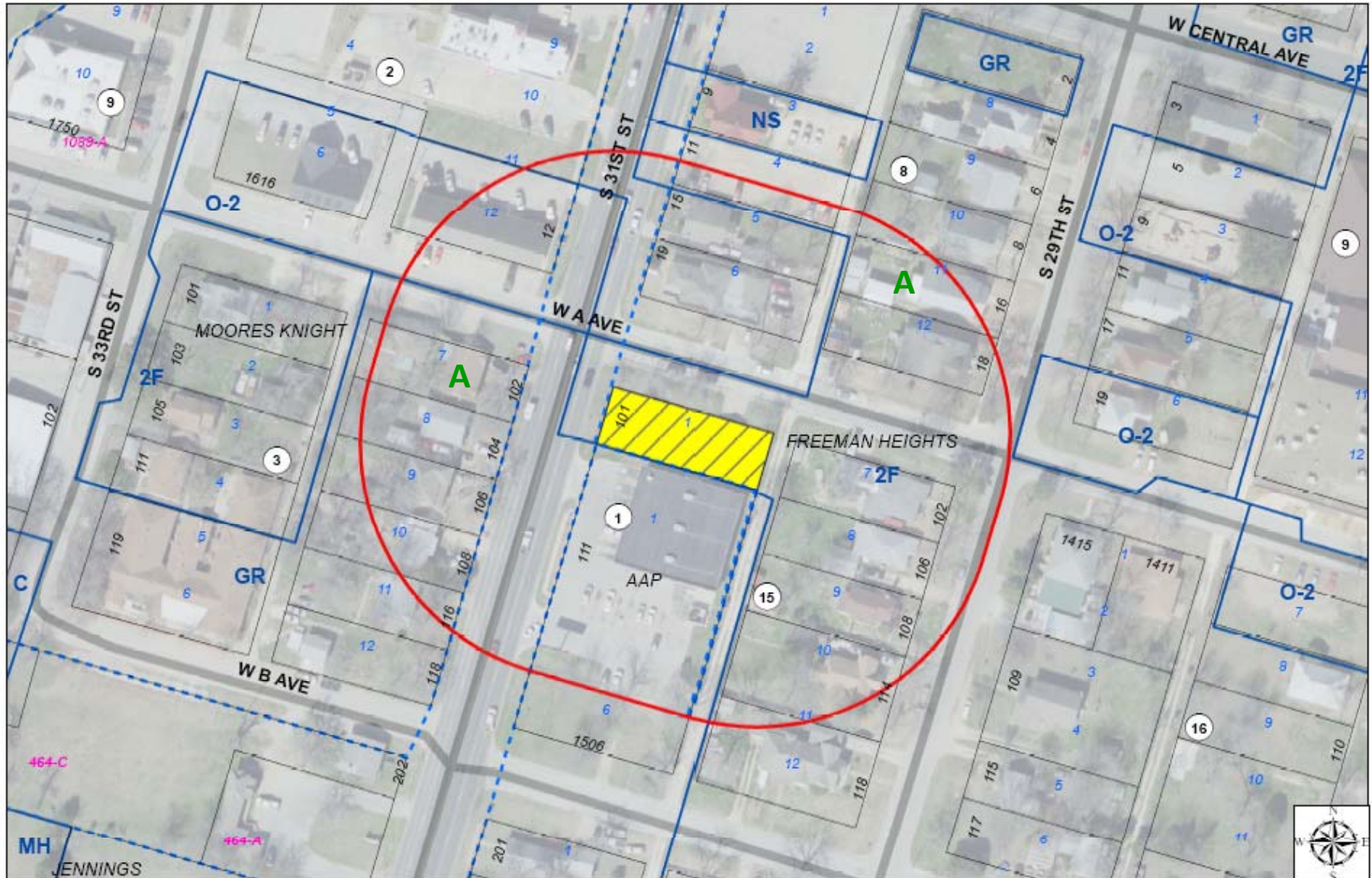
GIS products are for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries and other features.



Z-FY-12-43

17 Notices
2 in Favor; 0 in Opposition

101 S. 31st. Street



Case



Zoning Boundary

1234-A Outblock Number

① Block Number

0 25 50 100
Feet



200' Buffer

Subdivision Boundary

1234 Address

1 Lot Number

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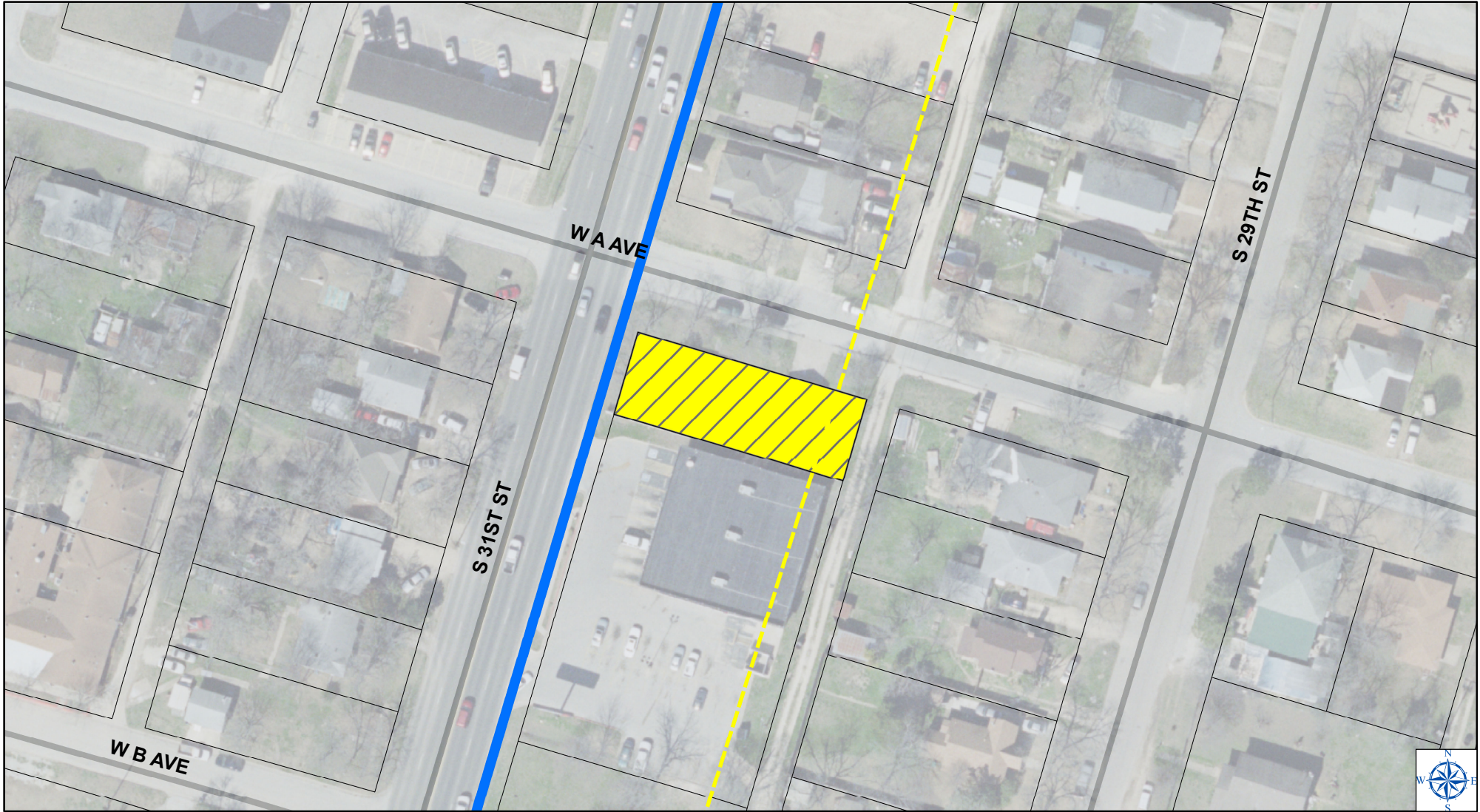


Z-FY-12-43

Thoroughfare, Sidewalk, and Trails Map

2F To GR

101 S. 31st. Street



Trails

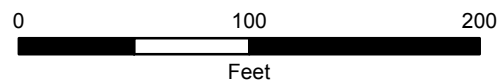
- Existing Citywide Spine Trail
- Under Design/Construction Citywide Spine Trail
- Proposed Citywide Spine Trail
- Existing Community-Wide Connector Trail

- Under Design/Construction Community-Wide Connector Trail
- Proposed Community-Wide Connector Trail
- Existing Local Connector Trail
- Proposed Local Connector Trail

Thoroughfare

- Expressway
- Major Arterial
- Proposed Major Arterial

- Proposed K-TUTS
- Minor Arterial
- Proposed Minor Arterial
- Collector
- Conceptual Collector

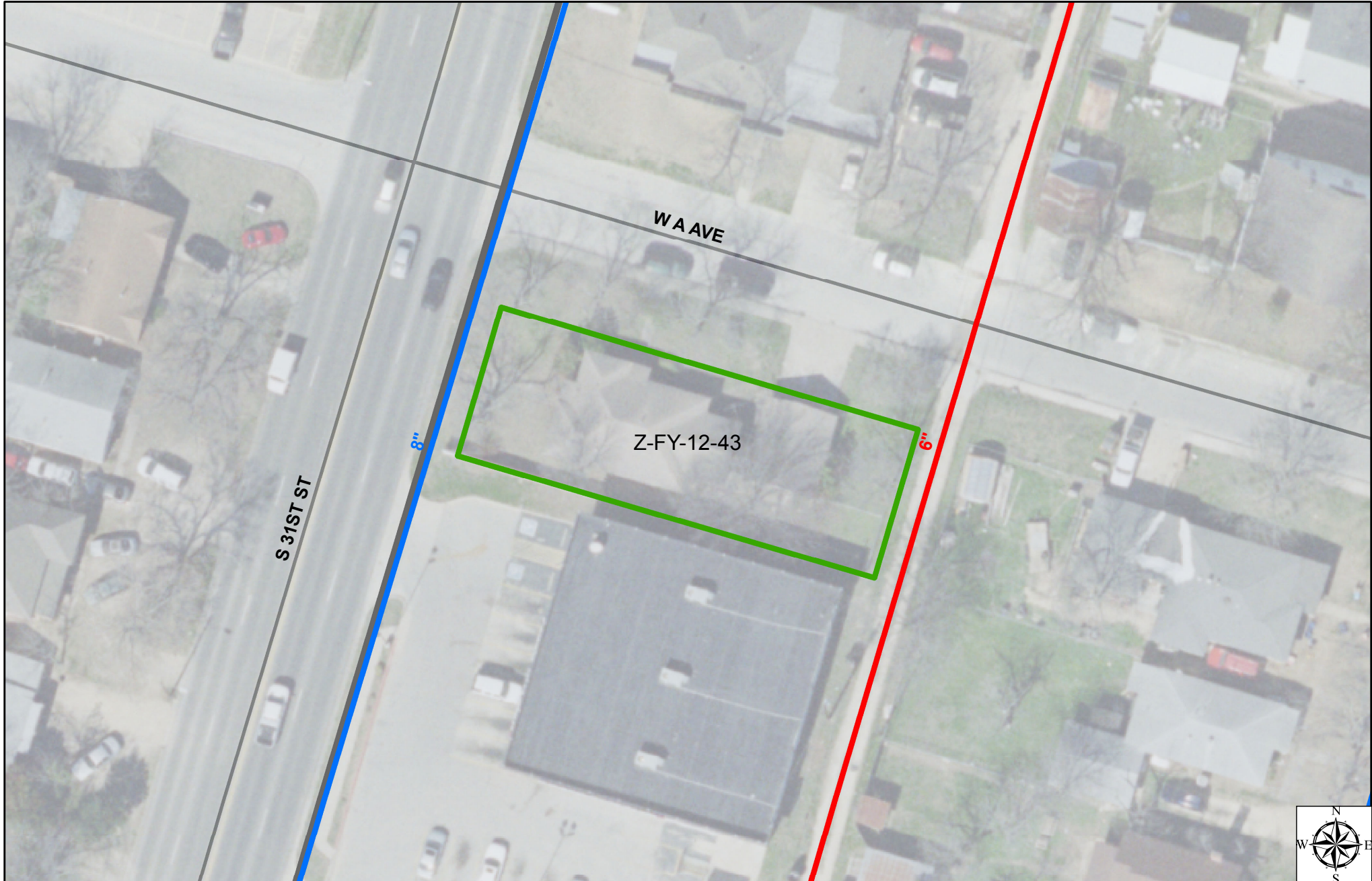




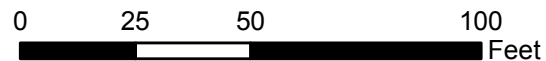
Z-FY-12-43

Utility Map
2F To GR

101 S. 31st. Street



- Case
- Sewer Line
- Major Arterial
- Water Line
- Minor Arterial
- Fire Hydrant



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

Betty Jean McFerrin
16 South 29th Street
Temple, Texas 76504

Zoning Application Number: Z-FY-12-43

Project Manager: Kim Foutz

Location: 3606 South 5th Street

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:

Betty J. McFerrin
Signature

Betty J. McFerrin
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than May 7, 2012

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

Number of Notices Mailed: 17

Date Mailed: April 26, 2012



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

The Hair Corral
102 South 31st Street
Temple, Texas 76503-310

Zoning Application Number: Z-FY-12-43

Project Manager: Kim Foutz

Location: 3606 South 5th Street

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:

Hair Corral Inc
Lana Schoening
Signature

Hair Corral Inc
Lana Schoening
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than May 7, 2012

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

RECEIVED
MAY 07 2012
City of Temple
Planning & Development

Number of Notices Mailed: 17

Date Mailed: April 26, 2012

**EXCERPTS FROM THE
PLANNING & ZONING COMMISSION MEETING
MONDAY, MAY 7, 2012**

ACTION ITEMS

Item 7: Z-FY-12-43 - Hold a public hearing to discuss and recommend action on a rezoning from Two Family District (2F) to General Retail District (GR) on Lot 1, Block 15, Freeman Heights Addition, located at 101 S. 31st Street. (Applicant: Rudy Garza for Diane Waters)

Ms. Foutz stated the applicant was Mr. Rudy Garza and the applicant is rezoning to locate an office on 31st Street in an existing residential structure. The applicant understands that being a nonresidential use, it may trigger standards for development.

The subject property is surrounded by GR except to the east where there is Two Family (2F) and is located along 31st Street which is designated as an arterial street.

The Future Land Use and Character Map designate this area as Auto Urban Commercial on all sides except to the rear which is Neighborhood Conservation and the request complies with the Future Land Use and Character Map. Adequate utilities are available to the property.

GR has a number of uses which also include, but are not limited to, offices, car wash, fuel sales, auto sales, and plumbing. All residential are allowed except apartments.

Development standards would apply as a nonresidential use including buffering and fencing, a buffer fence or hedge would be required to the rear due to single family use. Parking and loading along with access and circulation. Other standards may apply, if applicable, such as refuse, outdoor display and retail display. In the future, signs, masonry and sidewalks may also be triggered, if applicable.

Seventeen notices were mailed out with one notice received in favor and one in opposition.

Staff recommends approval of this request since it is in compliance with the Future Land Use and Character Map, the Thoroughfare Plan, adequate public facilities are available, GR is the prevalent zoning, and it is located on a major arterial street.

Chair Martin opened the public hearing.

Ms. Betty Jean McFerrin, 16 S. 29th Street, Temple, Texas, asked what the property was for now and Ms. Foutz replied the stated use is Office, but would be allowed to conduct any of the businesses for that category (shown on screen). Ms. McFerrin was concerned about noise and traffic.

Ms. McFerrin asked if a person opens an office, what are the chances of someone else coming in later and making it into another use. Chair Martin responded that once the zoning is in place, any future owners may still use that O1 zoning. So if a person goes in with a small office to begin with, in the future someone could come in with a different type of use allowed under O1.

Ms. McFerrin asked if it could be a fast food restaurant and Ms. Foutz stated yes.

Ms. McFerrin was also concerned about property values.

Chair Martin stated he would like to exclude the restaurant use and Vice-Chair Staats stated he would like to limit on-premises consumption of beer and wine.

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

Vice-Chair Staats made a motion to approve Item 7, Z-FY-12-43, as presented, with the exception that on-premise consumption of beer and wine not be allowed and any food facility and/or restaurant not be allowed.

Ms. Foutz stated the alcohol use is allowed by right. There are other alcohol use categories that would require a CUP that are still allowed in the GR zoning but would require coming back to the P&Z Commission.

Chair Martin reopened the public hearing.

Mr. Rudy Garza, 2510 Bluejay, Temple, Texas, stated it is strictly for office for an insurance business. Mr. Garza did not feel there was enough space to have a restaurant regardless. The parking lot is rather small as well, especially for a restaurant. The house has an awkward layout making it more conducive to an office.

Vice-Chair Staats asked Mr. Garza had he had any problems with the motion stated. Mr. Garza stated he did because it might hurt the value of the property in the future if he decided to sell it. Mr. Garza did not have any intention of doing any alcohol there for any reason right now. Mr. Garza just wants to put up a sign and start working as an office.

Commissioner Pilkington asked why the property could not go under an office zoning and Mr. Garza stated it was discussed but the majority of zoning was GR. If he did anything other than GR it would probably hurt the property for the future for any changes. Mr. Garza was the one asking for GR zoning, no one else suggested it.

Commissioner Talley asked if the P&Z Commission had the right to add an amendment and Ms. Foutz stated yes, but they would have to amend the motion to make it a PD.

Commissioner Sears stated he did not see the logic in limiting two items from the numerous choices available in GR zoning and did not agree.

Mr. Garza stated he had no need for alcohol but the future may be different. Vice-Chair Staats stated he felt the residential character should be maintained.

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

Vice-Chair Staats stated he would continue his motion as previously stated. Commissioner Jones asked for the motion to be reread.

Vice-Chair Staats stated the motion as presented, prohibiting the use of on-premise beer and wine and the use of a restaurant.

Ms. Foutz stated the motion must include the language that it be zoned PD-GR.

There being no second on Vice-Chair Staats motion, the motion failed.

Commissioner Sears made a motion to approve Item 7, **Z-FY-12-43**, as presented and Commissioner Rhoads made a second.

Motion passed: 7:1

Vice-Chair Staats voted Nay; Commissioner Pope absent

ORDINANCE NO. 2012-4539
[PLANNING NO. Z-FY-12-43]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE,
TEXAS, APPROVING A REZONING FROM TWO FAMILY DWELLING
DISTRICT (2F) TO GENERAL RETAIL DISTRICT (GR) ON LOT 1,
BLOCK 15, OF THE FREEMAN HEIGHTS ADDITION, LOCATED AT
101 SOUTH 31ST STREET; PROVIDING AN EFFECTIVE DATE; AND
PROVIDING AN OPEN MEETINGS CLAUSE.

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

Part 1: The City Council approves a rezoning from Two Family Dwelling District (2F) to General Retail District (GR) on Lot 1, Block 15, of the Freeman Heights Addition, located at 101 South 31st Street, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

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

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the 7th day of **June**, 2012.

PASSED AND APPROVED on Second Reading on the **21st** day of **June**, 2012.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

06/07/12
Item #11
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Traci L. Barnard, Director of Finance

ITEM DESCRIPTION: FIRST READING - PUBLIC HEARING: Consider adopting an ordinance authorizing amendments to the Tax Increment Financing Reinvestment Zone No. 1 Financing and Project Plans as follows:

- (A)Appropriating \$30,000 to the Pepper Creek Trail Connection to the Scott & White Health Plan Building existing trail Project and recognizing \$30,000 in revenue from additional property taxes received in FY 2012.
- (B)Appropriating \$385,000 to the TMED-1st Street @ Loop 363 Project and recognizing \$250,000 in revenue from a Keep Temple Beautiful Governor's Award grant and recognizing \$135,000 in revenue from additional property taxes received in FY 2012.
- (C)Appropriating \$50,000 to the I-35 Gateway Signage Project and recognizing \$50,000 in revenue from additional property taxes received in FY 2012.

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance as presented in item description, on first reading and schedule second reading and final adoption for June 21, 2012.

ITEM SUMMARY: The Reinvestment Zone No. 1 Board met on May 23, 2012, to recommend to Council amendments to the Financing and Project Plans to reprioritize funding within the Plans. The detail for the required amendments is shown below.

(A)Pepper Creek Trail Connection to Scott & White, Line 204 (Project Plan):

The current Project Plan, Line 204, has \$700,000 allocated for this project. The funding for this project is currently split equally between the City and Scott & White through a Chapter 380 cost sharing agreement. The agreement's purpose is to share the cost of extending the current Pepper Creek Trail to reach an existing Scott & White hike and bike trail near the building housing the Scott & White Health Plan operations.

After funding the design of the project, \$583,383 is remaining to fund the construction and required testing services. Bids were received on May 15, 2012. The base bid was \$600,050 and an add

alternate to construct trail signage was \$6,000. The total recommended construction contract award is \$606,050.

A Financing Plan amendment is presented to allocate \$30,000 to the project from additional property taxes received in FY 2012 to fund the amount needed for the construction contract and for required testing services.

(B) TMED-1st Street @ Loop 363, Line 454 (Project Plan):

The current opinion of probable cost for this project is \$5,000,000. TxDOT has agreed to contribute \$2,500,000 to the project. The current Project Plan, Line 454, has \$2,115,000 in FY 2012 and 2013 to partially fund the 1st Street @ Loop 363 project. To fund the project to the \$2,500,000 level (City's 50% share) an additional \$385,000 is needed. Keep Temple Beautiful (KTB) received a grant from the Governor's office in the amount of \$250,000. KTB has agreed to allocate this grant to the project. \$135,000 is available in additional property taxes received in FY 2012. This will bring the amount of funding in the current Financing Plan to \$2,500,000.

A Financing Plan amendment is presented to allocate \$250,000 of the KTB Governor's Award Grant to the 1st Street @ Loop 363 project and to allocate \$135,000 of property tax revenue to the project.

(C) Gateway Entrance Projects, Line 501 (Project Plan):

The current Project Plan, Line 501, has no projects currently funded. As part of the I-35 expansion project, the City has the opportunity to include design of the I-35 Gateway Sign in TXDOT's plans.

A Financing Plan amendment is presented to allocate \$50,000 from additional property taxes received in FY 2012 to the fund the design of the I-35 Gateway Sign Project.

FISCAL IMPACT: The proposed amendments reallocate funding within the FY 2012 Financing/Project Plans on Lines 4, 10, 204, 454, and 501 as described above.

Revenue in the amount of \$215,000 will be recognized from additional property taxes received in FY 2012 to increase funding for the Pepper Creek Trail Connection to Scott & White project in the amount of \$30,000, to increase funding for the TMED-1st Street @ Loop 363 project in the amount of \$135,000, and to add funding for the I-35 Gateway Sign project design in the amount of \$50,000. Revenue in the amount of \$250,000 will be recognized from grant revenue to be received as part of the Keep Temple Beautiful Governor's Award allocated to the TMED-1st Street @ Loop 363 project.

There will be no change to the previously reported unreserved fund balance at the end of FY 2012 of \$830,812.

ATTACHMENTS:

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

FINANCING PLAN

Revised FY 2012												
DESCRIPTION					Y/E 9/30/16	Y/E 9/30/17	Y/E 9/30/18	Y/E 9/30/19	Y/E 9/30/20	Y/E 9/30/21	Y/E 9/30/22	
Year 30					Year 34	Year 35	Year 36	Year 37	Year 38	Year 39	Year 40	
1	"Taxable Increment"	\$ 132,020,000	\$ 139,995,945	\$ 143,080,007	\$ 145,017,763	\$ 202,529,247	\$ 220,811,496	\$ 224,519,611	\$ 228,264,807	\$ 231,297,455	\$ 234,360,430	\$ 236,704,034
1	FUND BALANCE, Begin	\$ 7,979,748	\$ 830,812	\$ 765,393	\$ 1,861,709	\$ 1,200,316	\$ 704,753	\$ 675,702	\$ 723,882	\$ 821,179	\$ 869,733	\$ 953,754
2	Adjustments to Debt Service Reserve	462,707	1,761,865	1,765,643	-	-	-	-	-	-	-	-
3	Fund Balance Available for Appropriation	\$ 8,442,455	\$ 2,592,677	\$ 2,531,036	\$ 1,861,709	\$ 1,200,316	\$ 704,753	\$ 675,702	\$ 723,882	\$ 821,179	\$ 869,733	\$ 953,754
SOURCES OF FUNDS:												
4	Tax Revenues	4,350,611	4,337,625	4,400,312	4,449,698	6,049,648	6,531,300	6,602,434	6,674,282	6,737,970	6,802,296	6,858,393
6	Allowance for Uncollected Taxes	(115,655)	(116,801)	(117,961)	(119,132)	(120,314)	(121,509)	(122,715)	(123,934)	(125,165)	(126,408)	(127,663)
8	Interest Income-Other	50,000	50,000	50,000	50,000	50,000	50,000	50,000	40,000	40,000	30,000	10,000
10	Grant Funds	300,000	-	-	-	-	-	-	-	-	-	-
12	License Fee - Central Texas Railway	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000
14	Other Revenues	175,000	-	-	-	-	-	-	-	-	-	-
16	P.I.L.O.T.	1,300,000	-	-	-	-	-	-	-	-	-	-
20	Total Sources of Funds	\$ 6,095,956	\$ 4,306,824	\$ 4,368,351	\$ 4,416,566	\$ 6,015,334	\$ 6,495,791	\$ 6,565,719	\$ 6,626,348	\$ 6,688,805	\$ 6,741,888	\$ 6,776,730
25	TOTAL AVAILABLE FOR APPROPRIATION	\$ 14,538,411	\$ 6,899,501	\$ 6,899,387	\$ 6,278,275	\$ 7,215,650	\$ 7,200,544	\$ 7,241,421	\$ 7,350,230	\$ 7,509,984	\$ 7,611,621	\$ 7,730,484
USE OF FUNDS:												
DEBT SERVICE												
26	2003 Bond Issue {\$11.740}	867,035	869,055	869,855	868,930	866,530	867,440	866,753	869,240	869,640	868,070	870,070
27	2008 Bond Issue {\$16.010 mil}	201,960	201,960	201,960	201,960	201,960	201,960	201,960	201,960	1,786,960	1,787,292	1,784,972
28	2009 Bond Refunding	1,473,669	1,474,569	1,479,969	1,499,769	1,508,775	1,510,150	1,488,750	1,485,000	-	-	-
29	2008 Bond Issue-Taxable {\$10.365 mil}	1,241,935	1,239,641	1,240,495	1,239,233	1,240,854	1,240,096	1,241,957	1,241,173	1,237,744	1,241,670	1,242,422
30	Issuance Costs	-	-	-	-	-	-	-	-	-	-	-
31	Refunding Bonds Proceeds	-	-	-	-	-	-	-	-	-	-	-
32	Payment to Refunding Bond Agent	-	-	-	-	-	-	-	-	-	-	-
33	Paying Agent Services	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200
40	Subtotal-Debt Service	3,785,799	3,786,425	3,793,479	3,811,092	3,819,319	3,820,846	3,800,620	3,798,573	3,895,544	3,898,232	3,898,664
OPERATING EXPENDITURES												
50	Prof Svcs/Proj Mgmt	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000
52	Legal/Audit	1,200	1,200	1,200	1,200	1,200	1,300	1,300	1,300	1,300	1,300	1,400
54	Zone Park Maintenance [mowing, utilities, botanical supplies]	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000
54	Zone Park Maintenance [maintenance]	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000
56	Rail Maintenance	274,575	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000
58	Road/Signage Maintenance	158,826	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000
60	Contractual Payments [TEDC - Marketing]	165,000	181,500	199,650	219,615	241,577	253,655	266,338	279,655	293,638	308,320	323,736
62	TISD-Reimbursement for expenses incurred for participation in Zone	22,873	23,102	23,333	23,567	23,802	24,040	24,281	24,523	24,769	25,016	25,267
65	Subtotal-Operating Expenditures	972,474	755,802	774,183	794,382	816,579	828,995	841,919	855,478	869,707	884,636	900,403
70	TOTAL DEBT & OPERATING EXPENDITURES	\$ 4,758,273	\$ 4,542,227	\$ 4,567,662	\$ 4,605,474	\$ 4,635,898	\$ 4,649,841	\$ 4,642,539	\$ 4,654,051	\$ 4,765,251	\$ 4,782,868	\$ 4,799,067
80	Funds Available for Projects	\$ 9,780,138	\$ 2,357,274	\$ 2,331,725	\$ 1,672,801	\$ 2,579,753	\$ 2,550,702	\$ 2,598,882	\$ 2,696,179	\$ 2,744,733	\$ 2,828,754	\$ 2,931,417
PROJECTS												
150	North Zone/Rail Park	58,800	250,000	250,000	250,000	-	-	-	-	-	-	-
200	Airport Park	125,000	625,000	-	-	-	-	-	-	-	-	-
250	Bio-Science Park	730,000	-	-	-	-	-	-	-	-	-	-
300	Outer Loop [from Wendland Rd to IH-35 North]	36,105	-	-	-	-	-	-	-	-	-	-
350	Northwest Loop 363 Improvements [TxDOT commitment]	899,350	-	-	-	-	-	-	-	-	-	-
400	Synergy Park	88,900	-	-	-	-	-	-	-	-	-	-
450	Downtown	692,227	216,881	220,016	222,485	-	-	-	-	-	-	-
500	TMED	4,298,023	500,000	-	-	-	-	-	-	-	-	-
501	Major Gateway Entrances	50,000	-	-	-	-	-	-	-	-	-	-
505	Airport Corporate Hangar Development	1,970,921	-	-	-	-	-	-	-	-	-	-
600	Bond Contingency	-	-	-	-	-	-	-	-	-	-	-
610	Public Improvements	-	-	-	-	1,875,000	1,875,000	1,875,000	1,875,000	1,875,000	1,875,000	2,746,995
	Subtotal-Projects	8,949,326	1,591,881	470,016	472,485	1,875,000	1,875,000	1,875,000	1,875,000	1,875,000	1,875,000	2,746,995
TOTAL USE OF FUNDS					\$ 13,707,599	\$ 6,134,108	\$ 5,037,678	\$ 5,077,959	\$ 6,510,898	\$ 6,524,841	\$ 6,517,539	\$ 6,529,051
700	FUND BALANCE, End	\$ 830,812	\$ 765,393	\$ 1,861,709	\$ 1,200,316	\$ 704,753	\$ 675,702	\$ 723,882	\$ 821,179	\$ 869,733	\$ 953,754	\$ 184,422

Project Plan - 05/23/12 - to Zone Board

SUMMARY FINANCING PLAN				
	Revised FY 2012	FY 2013	FY 2014	FY 2015
1Beginning Available Fund Balance, Oct 1	\$ 7,979,748	\$ 830,812	\$ 765,393	\$ 1,861,709
20Total Sources of Funds	6,095,956	4,306,824	4,368,351	4,416,566
2Adjustments to Debt Service Reserve	462,707	1,761,865	1,765,643	-
25Net Available for Appropriation	14,538,411	6,899,501	6,899,387	6,278,275
50/52General Administrative Expenditures	176,200	176,200	176,200	176,200
54Zone Park Maintenance [mowing, utilities, botanical supplies]	150,000	150,000	150,000	150,000
54Zone Park Maintenance [maintenance]	25,000	25,000	25,000	25,000
56Rail Maintenance	274,575	100,000	100,000	100,000
58Road/Signage Maintenance	158,826	100,000	100,000	100,000
60Contractual Payments (TEDC - Marketing)	165,000	181,500	199,650	219,615
62TISD - Joint Use Facilities [look at contracts and calculation]	22,873	23,102	23,333	23,567
26Debt Service - 2003 Issue {\$11.740 mil}	868,235	870,255	871,055	870,130
27Debt Service - 2008 Issue {\$16.010 mil}	201,960	201,960	201,960	201,960
28Debt Service - 2009 Issue {Refunding}	1,473,669	1,474,569	1,479,969	1,499,769
29Debt Service - 2008 Taxable Issue {\$10.365 mil}	1,241,935	1,239,641	1,240,495	1,239,233
30Issuance Costs	-	-	-	-
31Refunding Bond Proceeds	-	-	-	-
32Payment to Refunding Bond Agent	-	-	-	-
70Total Debt & Operating Expenditures	4,758,273	4,542,227	4,567,662	4,605,474
80Funds Available for Projects	\$ 9,780,138	\$ 2,357,274	\$ 2,331,725	\$ 1,672,801

PROJECT PLAN				
	Revised FY 2012	FY 2013	FY 2014	FY 2015
NORTH ZONE/RAIL PARK (including Enterprise Park):				
100Railroad Spur Improvements	8,800	-	-	-
102Elm Creek Detention Pond	-	-	-	-
103ROW Acquisition - Public Improvements	-	-	-	-
104Extension of Rail Service	-	-	-	-
105BN Trans-Load NE Site Phase I - [\$850K total project cost]	-	-	-	-
106Wendland Road Improvements	-	-	-	-
107Wendland Property Roadway Phase I - [\$1.87M total project cost]	-	-	-	-
110Public Improvements in North Zone	50,000	250,000	250,000	250,000
150Total North Zone/Rail Park (including Enterprise Park)	58,800	250,000	250,000	250,000
AIRPORT PARK:				
151Airport Park Infrastructure Construction	-	-	-	-
155Pepper Creek Trail Extention Phase I - [\$750K total project cost]	125,000	625,000	-	-
200Total Airport Park	125,000	625,000	-	-
BIO-SCIENCE PARK:				
201Greenbelt Development along Pepper Creek	-	-	-	-
202Outer Loop Phase II (from Hwy 36 to FM 2305)	-	-	-	-
203Bio-Science Park Phase 1	-	-	-	-
204Pepper Creek Trail Connection to S&W	730,000	-	-	-
250Total Bio-Science Park	730,000	-	-	-
300Outer Loop (from Wendland Rd to IH-35 North) - [\$15.5M total project cost]	36,105	-	-	-
350Northwest Loop 363 Improvements (TxDOT commitment)	899,350	-	-	-
SYNERGY PARK:				
351Lorraine Drive (Southeast Industrial Park) - [\$1.5M total project cost]	88,900	-	-	-
400Total Synergy Park	88,900	-	-	-
DOWNTOWN:				
401Downtown Improvements [look at 1999 Ordinance]	604,077	216,881	220,016	222,485
402Rail Safety Zone Study	3,150	-	-	-
403Lot Identification & Signage	80,000	-	-	-
404Santa Fe Plaza Study	5,000	-	-	-
405Santa Fe Plaza Parking Lot - [\$1.3M total project cost]	-	-	-	-
450Total Downtown	692,227	216,881	220,016	222,485
TMED:				
451TMED - 1st Street @ Temple College - [\$2.9M total project cost]	466,633	-	-	-
452Master Plan Integration 2010	1,550	-	-	-
453Monumentation Identification Conceptual Design	1,617	-	-	-
454TMED - 1st Street @ Loop 363 Design/Construction - [\$2.5M city project cost]	2,086,120	500,000	-	-
455TMED - Friars Creek Trail 5th Street to S&W Blvd. - [\$1.9M total project cost - DOE Grant of \$400K]	1,430,453	-	-	-
456Avenue R - S&W Blvd, Ave R - 19th Intersections	35,500	-	-	-
457Ave U from S&W Blvd to 1st St & the 13th to 17th connector from Ave R to Loop 363	276,150	-	-	-
500Total TMED	4,298,023	500,000	-	-
OTHER PROJECTS:				
501Gateway Entrance Projects	50,000	-	-	-
505Airport Corporate Hangar Development	1,970,921	-	-	-
550Total Other Projects	2,020,921	-	-	-
600Undesignated Funding - Bonds	-	-	-	-
610Undesignated Funding - Public Improvements	-	-	-	-
Total Planned Project Expenditures	8,949,326	1,591,881	470,016	472,485
700Available Fund Balance at Year End	\$ 830,812	\$ 765,393	\$ 1,861,709	\$ 1,200,316

ORDINANCE NO. 2012-4540

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AMENDMENTS TO THE TAX INCREMENT FINANCING REINVESTMENT ZONE NO. 1 FINANCING AND PROJECT PLANS TO APPROPRIATE \$30,000 TO THE PEPPER CREEK TRAIL CONNECTION TO THE SCOTT & WHITE PLAN BUILDING; TO APPROPRIATE \$385,000 TO THE TMED-1ST STREET AT LOOP 363 PROJECT AND RECOGNIZE \$250,000 IN REVENUE FROM A KEEP TEMPLE BEAUTIFUL GOVERNOR'S AWARD GRANT; TO APPROPRIATE \$50,000 TO THE I-35 GATEWAY SIGNAGE PROJECT AND RECOGNIZE \$50,000 IN REVENUE FROM ADDITIONAL PROPERTY TAXES RECEIVED IN FY2012; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; DECLARING FINDINGS OF FACT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

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

2005; Ordinance No. 2006-4051 on January 5, 2006; Ordinance No. 2006-4076 on the 18th day of May, 2006; Ordinance No. 2006-4118; Ordinance No. 2007-4141 on the 19th day of April, 2007; Ordinance No. 2007-4155 on July 19, 2007; Ordinance No. 2007-4172 on the 20th day of September, 2007; Ordinance No. 2007-4173 on October 25, 2007; Ordinance No. 2008-4201 on the 21st day of February, 2008; and Ordinance No. 2008-4217 the 15th day of May, 2008; Ordinance No. 2008-4242 the 21st day of August, 2009; Ordinance No. 2009-4290 on the 16th day of April, 2009; Ordinance No. 2009-4294 on the 21st day of May, 2009; Ordinance No. 2009-4316 on the 17th day of September, 2009; Ordinance No. 2009-4320 on the 15th day of October, 2009; Ordinance No. 2010-4338 on the 18th day of February, 2010; Ordinance No. 2010-4371 on the 19th day of August, 2010; Ordinance No. 2010-4405 on November 4, 2010; Ordinance No. 2011-4429 on March 17, 2011; Ordinance No. 2011-4455 on July 21, 2011; Ordinance No. 2011-4477 on October 20, 2011; and Ordinance No. 2012-4540 on June 7, 2012;

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

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

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

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

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

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

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

Part 2: Reinvestment Zone Financing and Project Plans. The amendment to the Tax Increment Financing Reinvestment Zone No. One Financing and Project Plans, heretofore adopted by the Board of Directors of the Zone and referred to in the preamble of this ordinance, are hereby approved and adopted, as set forth in the Amendments to Reinvestment Zone Number One, City of Temple, Texas, attached hereto as Exhibits A and B. This expenditure requires an amendment to the 2011-2012 budget, a copy of which is attached hereto, as Exhibit C.

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

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

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

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **7th** day of **June**, 2012.

PASSED AND APPROVED on Second Reading on the **21st** day of **June**, 2012.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney