



**MEETING OF THE
TEMPLE CITY COUNCIL**

MUNICIPAL BUILDING

2 NORTH MAIN STREET

3rd FLOOR – CONFERENCE ROOM

THURSDAY, MARCH 7, 2013

3:30 P.M.

WORKSHOP AGENDA

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, March 7, 2013.
2. Receive a City Council continuing education briefing on agenda development.
3. Discuss and review the zoning of recently annexed properties.

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. PROCLAMATIONS & SPECIAL RECOGNITIONS

3. (A) [National Association of Women in Construction](#) [March 3 – 9, 2013](#)
(B) Recognize the [Temple Public Library](#) for receiving the Achievement of Excellence in Libraries Award from the Texas Municipal Library Directors Association.

III. PUBLIC APPEARANCES

4. Receive comments from [John Bailey](#) and [Allan Einboden](#) regarding Lions Park Amphitheater Project and renovating the current bathroom facilities.

IV. PUBLIC COMMENTS

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

V. CONSENT AGENDA

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

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

Contracts, Leases, & Bids

- (A) [2013-6893-R](#): Consider adopting a resolution authorizing a construction contract with APAC TX – Wheeler Company of Belton for the 2013 Overlay Program based on a unit price of \$78.00 a ton for overlay, \$485 a ton for speed humps, and \$2.00 a square yard for milling, in an amount not to exceed \$3,800,000.
- (B) [2013-6894-R](#): Consider adopting a resolution authorizing a construction contract with Austin Traffic Signal Construction Co, Inc of Round Rock for the construction of a traffic signal at Airport Road and Research Parkway in the amount of \$212,292.
- (C) [2013-6895-R](#): Consider adopting a resolution authorizing the purchase of a wireless backhaul radio system from Crystal Communications LTD, of Kingswood utilizing a BuyBoard contract and a State of Texas DIR contract in the amount of \$57,395.
- (D) [2013-6896-R](#): Consider adopting a resolution authorizing the purchase of ten (10) marked police vehicles from Caldwell Country in Caldwell utilizing a BuyBoard contract in the amount of \$354,630.

Ordinances – Second & Final Reading

- (E) [2013-4577](#): SECOND READING: Consider adopting an ordinance adopting the Temple Youths' Program Standards of Care.
- (F) [2013-4578](#): SECOND READING: Consider adopting an ordinance re-establishing a curfew for minors.

Misc.

- (G) [2013-6897-R](#): Consider adopting a resolution authorizing the City Manager to execute an agreement with TXDOT for the temporary closure of certain streets needed for the Army Marathon.
- (H) [2013-6898-R](#): Consider adopting a resolution authorizing Hill Country Transit District to continue receiving 5310 and 5307 federal funds as the designated representative for the City of Temple urbanized zone area.
- (I) [2013-6899-R](#): Consider adopting a resolution of support for the High Speed Rail and connecting airports in Texas.
- (J) [2013-6900-R](#): Consider adopting a resolution authorizing budget amendments for fiscal year 2012-2013.

VI. REGULAR AGENDA

ORDINANCES

6. [2013-4579](#): FIRST READING - PUBLIC HEARING - Z-FY-13-10: Consider adopting an ordinance authorizing a zone change from Planned Development with specific uses of shopping center and housing development to Commercial (to permit billboard sign) on 0.52 ± acres of Creekside Planned Development Temple, Bell County, Texas according to the plat recorded in Volume 1528, Page 813, of the real property records of Bell County, Texas, located at 3602 SW H K Dodgen Loop.
7. [2013-4580](#): FIRST READING – PUBLIC HEARING - Z-FY-13-12: Consider adopting an ordinance authorizing amendments to Ordinance 2010-4413, Temple Unified Development Code, in its entirety to address personnel title changes; Article 1, General Provisions; Article 2, Development Review Bodies; Article 3, Subdivision Plat Review; Article 5, Use Standards; Article 6, Special Purpose and Overlay Zoning Districts; Article 7, General Development Standards; and Article 8, Subdivision Design and Improvements.
8. [2013-4581](#): FIRST READING - PUBLIC HEARING: Consider adopting an ordinance designating a tract of land consisting of approximately 29.822 acres located at the southeast corner of north Loop 363 and I-35 as City of Temple Tax Abatement Reinvestment Zone Number Twenty-Six for commercial/industrial tax abatement.

BOARD APPOINTMENTS

9. [2013-6901-R](#): Consider adopting a resolution appointing members to the following City boards and commissions:
 - (A) Building and Standards Commission – two members to fill expiring terms through March 1, 2015; three alternate members to fill expiring terms through March 1, 2015
 - (B) Building Board of Appeals – two members to fill expiring terms through March 1, 2017
 - (C) Development Standards Advisory Board – three members to fill expiring terms through March 1, 2016
 - (D) Electrical Board – three members to fill expiring term through March 1, 2016
 - (E) Parks and Leisure Services Advisory Board – three members to fill expiring terms through March 1, 2016
 - (F) Temple Public Safety Advisory Board – three members to fill unexpired terms through September 1, 2013
 - (G) Tree Board – one member to fill an expiring term through March 1, 2016
 - (K) Zoning Board of Adjustment – two members to fill expiring terms through March 1, 2015; two alternate members to fill expiring terms through March 1, 2015

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

I hereby certify that a true and correct copy of this Notice of Meeting was posted in a public place at 11:35 AM, on March 4 , 2013.

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 _____ 2013. _____.



COUNCIL AGENDA ITEM MEMORANDUM

03/07/13
Item #3(A)
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

William A. Jones, III, Mayor

ITEM DESCRIPTION: Presentation of Proclamation:

National Association of Women in Construction March 3 - 9, 2013

STAFF RECOMMENDATION: Present proclamation as presented in item description.

ITEM SUMMARY: This proclamation was requested by Sandy Marek representing the National Association of Women in Construction, Chapter 14 - Waco Chapter, supporting the Central Texas Area to include Waco, Temple, Belton, and Killeen.

FISCAL IMPACT: None

ATTACHMENTS: None



COUNCIL AGENDA ITEM MEMORANDUM

03/07/13
Item #3(B)
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

William A. Jones, III, Mayor

ITEM DESCRIPTION: Recognize the Temple Public Library for receiving the Achievement of Excellence in Libraries Award from the Texas Municipal Library Directors Association.

STAFF RECOMMENDATION: Receive presentation as presented in item description.

ITEM SUMMARY: Lisa Youngblood from the Harker Heights Public Library, representing the Texas Municipal Library Directors Association will present the Temple Public Library staff with a plaque.

FISCAL IMPACT: None.

ATTACHMENTS: None.



COUNCIL AGENDA ITEM MEMORANDUM

03/07/13
Item #4
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

William A. Jones, III, Mayor

ITEM DESCRIPTION: Receive comments from John Bailey and Allan Einboden regarding Lions Park Amphitheater Project and renovating the current bathroom facilities.

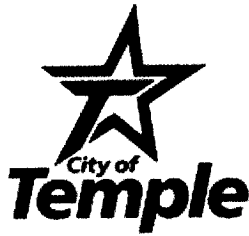
STAFF RECOMMENDATION: Receive comments as presented in item description.

ITEM SUMMARY: Mr. Bailey and Mr. Einboden submitted a Request for Placement on the City Council Agenda, please see attached the forms.

FISCAL IMPACT: None

ATTACHMENTS:

Request for placement on agenda – Mr. John Bailey
Request for placement on agenda – Mr. Allan Einboden



CITY OF TEMPLE, TEXAS

CITY COUNCIL MEETINGS

REQUEST FOR PLACEMENT ON AGENDA

__Priority

NAME OF PRESENTER: John R. Bailey

ADDRESS: 373 Eagle Landing Belton, TX 76513

TELEPHONE NO. 254 780 9114

DATE REQUESTED TO APPEAR BEFORE THE COUNCIL: (Note – The City Council meets the first and third Thursdays of each month.) March 7, 2013

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

Requesting ~~the~~ funds to renovate bathrooms at
site of Lions Pool (via Allan Feinkodeu or myself will
make this request).

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

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

SIGNATURE OF PRESENTER

2/25/13
DATE

For Office Use:



CITY OF TEMPLE, TEXAS

CITY COUNCIL MEETINGS

REQUEST FOR PLACEMENT ON AGENDA

___Priority

NAME OF PRESENTER: Allan F. Einboden

ADDRESS: 302 Mikey Ln Temple 76502

TELEPHONE NO. 254- 913 - 3627

DATE REQUESTED TO APPEAR BEFORE THE COUNCIL: (Note – The City Council meets the first and third Thursdays of each month.) March 7, 2013

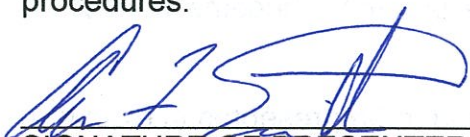
SUBJECT TO BE PRESENTED: (Your description must identify the subject matter of your appearance in sufficient detail to alert the public what topic you will discuss and what action you are requesting by the Council.) _____

Presenting the City of Check to Construct
an Amphitheater at the old Lion's Pool Site.

To request the City's Consideration for renovating the
existing bathroom facilities.

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

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


SIGNATURE OF PRESENTER

2/25/13
DATE

For Office Use:



COUNCIL AGENDA ITEM MEMORANDUM

03/07/13
Item #5(A)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Nicole Torralva P.E., Public Works Director
Kenny Henderson, Director of Street and Drainage Services

ITEM DESCRIPTION: Consider adopting a resolution authorizing a construction contract with APAC TX – Wheeler Company of Belton for the 2013 Overlay Program based on a unit price of \$78.00 a ton for overlay, \$485 a ton for speed humps, and \$2.00 a square yard for milling, in an amount not to exceed \$3,800,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The City of Temple has adopted a Transportation Capital Improvement Program (TCIP) in which pavement maintenance needs are identified. Significant street maintenance work for FY '13 will be met through city-wide overlay improvements, including milling of certain roadways. Funds budgeted for pavement maintenance needs this year total \$3,800,000. Pavement assessment and evaluation criteria have been used to identify roadways which will receive scheduled maintenance.

As shown on the attached bid tabulation, on February 12, 2013, the City received one (1) bid for milling and asphalt overlaying of city streets. Even though only one (1) bid was received, staff has evaluated the bid and has concluded that the offered pricing is a good value. However, as stated in the Invitation to Bid, the actual quantity of contracted work may be adjusted to accommodate appropriated funding, and as such, the awarded value of the contract has been negotiated with Wheeler at \$3,800,00 versus the \$4,451,731.70 as stated on the bid tabulation.

The City has done business with APAC TX – Wheeler Company in the past and finds them a responsible bidder.

FISCAL IMPACT: Funding in the amount of \$3,800,000 is available in account 365-3400-531-6527, project #100955. The overlay program was approved as part of the 2013 TCIP.

ATTACHMENTS:

Bid tabulation
Resolution

**Tabulation of Bids Received
on February 12, 2013 at 2:30 p.m.
Overlay Program
Bid# 34-05-13**

		Bidders	
		APAC TX- Wheeler Co. Belton, TX	
Description	Qty	Unit Price	Total Price
Hot Mix Asphalt	50,000	\$78.00	\$3,900,000.00
Hot Mix Asphalt for Speed Humps	75	\$485.00	\$36,375.00
Milling	159,766	\$2.00	\$319,532.00
4" Yellow Striping	66,320	\$0.36	\$23,875.20
4" White Striping	50,925	\$0.34	\$17,314.50
24" White Striping	3,650	\$5.50	\$20,075.00
White Arrow	57	\$80.00	\$4,560.00
Mobilization	1	\$130,000.00	\$130,000.00
Total Bid Price		\$4,451,731.70	
Acknowledged Addendum		Yes	
Bid Bond		5%	
Bond Requirement Affidavit		Yes	
Credit Check Authorization		Yes	

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

Belinda Mattke

12-Feb-13

Belinda Mattke, Director of Purchasing

Date

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH APAC TX – WHEELER COMPANY, OF BELTON, TEXAS, FOR THE 2013 OVERLAY PROGRAM BASED ON A UNIT PRICE OF \$78 A TON FOR OVERLAY, \$485 A TON FOR SPEED HUMPS, AND \$2 A SQUARE YARD FOR MILLING, IN AN AMOUNT NOT TO EXCEED \$3,800,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City of Temple has adopted a Transportation Capital Improvement Program (TCIP) in which pavement maintenance needs are identified;

Whereas, significant street maintenance work for Fiscal Year 2013 will be met through city-wide overlay improvements, including milling of certain roadways – pavement assessment and evaluation criteria have been used to identify roadways which will receive scheduled maintenance;

Whereas, the City received one bid for milling and asphalt overlaying of city streets from APAC TX – Wheeler Company of Belton, Texas – the actual quantity of contracted work may be adjusted to accommodate appropriate funding;

Whereas, the City has done business with APAC TX-Wheeler Company in the past and finds them to be a responsible vendor;

Whereas, the overlay program was approved as part of the 2013 TCIP - funds are available in Account No. 365-3400-531-6527, Project No. 100955; 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 contract between the City of Temple and APAC TX – Wheeler Company, of Belton, Texas, after approval as to form by the City Attorney, for the 2013 Overlay Program based on a unit price of \$78 a ton for overlay, \$485 a ton for speed humps, and \$2 a square yard for milling, in an amount not to exceed \$3,800,000.

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

PASSED AND APPROVED this the 7th day of **March**, 2013.

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

03/07/13
Item #5(B)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Nicole Torralva P.E., Public Works Director
Kenny Henderson, Director of Street and Drainage Services

ITEM DESCRIPTION: Consider adopting a resolution authorizing a construction contract with Austin Traffic Signal Construction Co, Inc of Round Rock for the construction of a traffic signal at Airport Road and Research Parkway in the amount of \$212,292.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The City of Temple has adopted a Transportation Capital Improvement Program (TCIP) in which public safety and signalized intersection improvements are identified. One of the locations scheduled for improvements is the intersection of Airport Road and Research Parkway, which has met minimum traffic warrants for the installation of a traffic signal.

A warrant study was completed by the Street Services Department in October of 2010, determining the need for a traffic signal at this intersection. Installation of this traffic signal along a TxDOT roadway has been approved by TxDOT. Alliance Transportation Group, Inc. completed design of the signal.

On February 12, 2013, the City received two (2) bids for construction of the traffic signal at Airport Road and Research Parkway. Bids received are shown on the attached tabulation. The City has done business with Austin Traffic Signal Construction of Round Rock in the past and have found them to be a competent bidder.

FISCAL IMPACT: Funding in the amount of \$212,292 is available in accounts 361-2800-532-6810 and 365-2800-532-6223, project #100927 for the construction of the traffic signal at Airport Road and Research Parkway.

This project was approved as part of the FY 2013 TCIP.

ATTACHMENTS:

[Project Area Map](#)
[Bid Tabulation](#)
[Resolution](#)

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.



STATE HIGHWAY 36

RESEARCH PKWY

AIRPORT RD/STATE HIGHWAY 36

LOOP 363

LOOP 363

STATE HIGHWAY 53

INTERSTATE 35

FM 2305

LOOP 363



Airport Rd & Research Pkwy

1 inch = 2,000 feet



28 February 2013

**Tabulation of Bids Received
on February 12, 2013 at 2:00 p.m.
Traffic Signal Construction (Airport Road and Research Parkway)
Bid# 28-02-13**

	Bidders	
	Austin Traffic Signal Construction Co., Inc. Round Rock, TX	G. Carter Construction Co., Inc. Cedar Park, TX
Description		
Total Bid Price	\$212,692.00	\$223,504.25
Bid Bond	5%	5%
Bond Requirement Affidavit	Yes	Yes
Credit Check Authorization	Yes	Yes

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

Belinda Mattke

12-Feb-13

Belinda Mattke, Director of Purchasing

Date

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

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH AUSTIN TRAFFIC SIGNAL CONSTRUCTION CO, INC, OF ROUND ROCK, TEXAS, FOR THE CONSTRUCTION OF A TRAFFIC SIGNAL AT AIRPORT ROAD AND RESEARCH PARKWAY, IN THE AMOUNT OF \$212,292; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City of Temple has adopted a Transportation Capital Improvement Program (TCIP) in which public safety and signalized intersection improvements are identified;

Whereas, one of the locations scheduled for improvement is the intersection of Airport Road and Research Parkway, which has met minimum traffic warrants for the installation of a traffic signal;

Whereas, a warrant study was completed by the Streets Services Department in October of 2010 to determine the need for a traffic signal at this intersection – installation of this traffic signal, along with TxDOT roadway, has been approved by TxDOT;

Whereas, on February 12, 2013, the City received two bids for construction of the traffic signal at Airport Road and Research Parkway and staff recommends accepting the bid received from Austin Traffic Signal Construction Co, Inc., of Round Rock, Texas;

Whereas, this project was approved as part of the 2013 TCIP – funds are available in Account Nos. 361-2800-532-6810 and A365-2800-532-6223, Project No. 100927; 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 contract between the City of Temple, Texas, and Austin Traffic Signal Construction Co, Inc., of Round Rock, Texas, after approval as to form by the City Attorney, for the construction of a traffic signal at Airport Road and Research Parkway, in the amount of \$212,292, as part of the 2013 Transportation Capital Improvement Program.

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 on this the 7th day of **March**, 2013.

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

03/07/13
Item #5(C)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Alan DeLoera, Information Technology Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of a wireless backhaul radio system from Crystal Communications LTD, of Kingswood utilizing a BuyBoard contract and a State of Texas DIR contract in the amount of \$57,395.

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

ITEM SUMMARY: In July of 2006 we set upon a wireless design that was implemented in 2007 in an effort to get high-speed network connections to City Facilities, pumping stations and water towers. The wireless network was designed at that time to allow “connectors” access to the backhaul portion of the network and allow deployment of high-speed network equipment anywhere within the city limits where there is line-of-sight. The Wireless SCADA/Backhaul Network provides increased flexibility for all City departments since the equipment used to add a connector to the network is inexpensive, can be deployed without using costly radio towers and is virtually unlimited as to the number of connectors that can be added. The network has provided for cost-effective network connections to remote city buildings for voice and data services and is a platform for many other technologies, such as video surveillance which is currently active at pumping stations, Airport, etc...

The design was based on equipment that was manufactured in 2005/2006 and the technology is almost 8 years old and is considered obsolete equipment. Unfortunately, like any advanced technology, the equipment must be upgraded equipment after five to six years.

The recommended equipment purchase and installation are being made utilizing a BuyBoard and State of Texas DIR contract. All purchases made through the BuyBoard and State of Texas DIR meet Texas governmental competitive bid requirements.

FISCAL IMPACT: Funding for the wireless backhaul radios and installation services are budgeted in account 351-1900-519-62-24, project #100964 in the amount of \$57,395.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF WIRELESS BACKHAUL RADIOS AND TOWER SERVICES FROM CRYSTAL COMMUNICATIONS LTD, OF KINGSWOOD, TEXAS, UTILIZING A BUYBOARD CONTRACT AND A STATE OF TEXAS DIR CONTRACT, IN THE AMOUNT OF \$57,395; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, in July, 2006, the City set up a wireless design that was implemented in 2007 in an effort to get high-speed network connections to all City facilities, pumping stations and water towers;

Whereas, the wireless SCADA/Backhaul Network provides increased flexibility for all City departments since the equipment used to add a connector to the network is expensive, can be deployed without using costly radio towers and is virtually unlimited as to the number of connectors that can be added;

Whereas, this network has provided for cost-effective network connections to remote City buildings for voice and data services and is a platform for many other technologies, such as video surveillance which is currently acting at pumping stations and the airport;

Whereas, staff recommends the purchase of wireless backhaul radios and tower services through Crystal Communications LTD, of Kingswood, Texas, utilizing a BuyBoard Contract and a State of Texas DIR Contract in the amount of \$57,395;

Whereas, funds are available in Account Nos. 351-1900-519-6224, Project No. 100964; and

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

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

Part 1: The City Council authorizes the purchase of wireless backhaul radios and tower services through Crystal Communications LTD, of Kingswood, Texas, utilizing a BuyBoard Contract and a State of Texas DIR Contract in the amount of \$57,395.

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

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

PASSED AND APPROVED this the 7th day of **March**, 2013.

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

03/07/13
Item #5(D)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Gary O. Smith, Chief of Police Department

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of ten (10) marked police vehicles from Caldwell Country in Caldwell utilizing a BuyBoard contract in the amount of \$354,630.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: In accordance with the vehicle replacement schedule, ten marked police vehicles are due for replacement this year. The Police Department seeks approval to purchase six (6) marked 2013 Chevrolet Caprices, three (3) slick top 2013 Chevrolet Caprices equipped for the SWAT officers, and a 2013 Chevrolet Tahoe for our SIU K-9 unit.

All purchases through the BuyBoard meet Texas governmental competitive bid requirements.

FISCAL IMPACT: Funds are available in account 110-2031-521-62-13, project #100889 to fund the purchase of ten (10) marked police vehicles.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF TEN (10) MARKED POLICE VEHICLES FROM CALDWELL COUNTRY OF CALDWELL, TEXAS, THROUGH THE BUYBOARD LOCAL GOVERNMENT ONLINE PURCHASING COOPERATIVE, IN THE AMOUNT OF \$354,630; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, in accordance with the vehicle replacement schedule, ten (10) marked police vehicles are due for replacement this year;

Whereas, staff recommends the purchase of the following vehicles from Caldwell Country of Caldwell, Texas, utilizing the BuyBoard Local Government Online Purchasing Cooperative, in the amount of \$354,630:

- six (6) marked 2013 Chevrolet Caprices;
- three (3) slick top 2013 Chevrolet Caprices equipped for the SWAT officers;
- one (1) 2013 Chevrolet Tahoe for the SIU K-9 unit;

Whereas, funding for the purchase of these ten (10) vehicles is included in the Council-adopted FY 2013 budget, in Account No. 110-2031-521-6213, Project No. 100889; and

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

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

Part 1: The City Council authorizes the purchase of the following vehicles from Caldwell Country of Caldwell, Texas, utilizing the BuyBoard Local Government Online Purchasing Cooperative, in the amount of \$354,630:

- six (6) marked 2013 Chevrolet Caprices;
- three (3) slick top 2013 Chevrolet Caprices equipped for the SWAT officers;
- one (1) 2013 Chevrolet Tahoe for the SIU K-9 unit.

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

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

PASSED AND APPROVED this the 7th day of **March**, 2013.

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

03/07/13
Item #5(E)
Consent Agenda
Page 1 of 2

DEPT. /DIVISION SUBMISSION & REVIEW:

Ken Cicora, Parks and Leisure Services Director

ITEM DESCRIPTION: SECOND READING: Consider adopting an ordinance adopting the Temple Youths' Program Standards of Care.

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

ITEM SUMMARY: On August 19, 2004, City Council first adopted the Standards of Care for youth programs sponsored by the Parks and Leisure Services Department. The standards were developed after the department was contacted by the Texas Department of Protective and Regulatory Services (TDPRS).

One of the requirements of the TDPRS is for cities that conduct youth programs to adopt a Standards of Care policy annually by ordinance and after a public hearing. The purpose of the policy is to assure the community that when they place their child/children in one of our programs our facilities are safe, a background check has been conducted on our staff and that they are properly trained for the program they will be conducting.

Some of the key elements of the Temple policy include:

- Defining a participant as a youth, ages 5-13, whose parent(s) have completed all required registration procedures and is determined to be eligible for a Temple Youth Program;
- Ensuring that criminal background checks will be conducted on prospective youth program employees;
- Stating that as soon as possible after employment all appropriate staff will complete a course in first aid and Cardiopulmonary Resuscitation (CPR);
- Stating that the Parks and Leisure Services Department will provide training and orientation to program employees and that staff will be provided with a program manual specific to each Youth Program;

- Indicating that in a Temple youth recreation program, the number of participants may not exceed leaders by a minimum ratio of 1 Leader per 20 participants for children 5 years to 13 years of age;
- Assuring parents that they will be notified immediately if a:
 - (1) participant is injured;
 - (2) participant has a sign or symptom requiring exclusion from the site (i.e. communicable disease, fever, illness); or
 - (3) if there is an outbreak of any communicable disease that is reportable to the State Department of Health;
- Confirming that all program site(s) will have an annual fire inspection by the City Fire Marshall prior to September 1 of each year; and
- Requiring the Parks and Leisure Services Director to provide an annual report to the City Council on the overall status of the Youth Programs and their operation relative to compliance with the adopted Standards of Care. The 2012 Child Care Standards Report is attached.

In 2012, average daily attendance at our 8 afterschool sites grew from a daily average of 283 children to 297. The summer camp average for 2012 was 346. In 2011, it was 441. All training and inspection requirements were met.

Each year we are required to review the previous year's afterschool and camp programs and develop an annual report, including making any recommendations we believe necessary to change the Child Care Standards of Care. City Council is then asked to conduct a public hearing, approve the report and adopt the Standards of Care after conducting a public hearing.

We are not recommending any changes to the current (and proposed) Temple Youths' Program Standards of Care.

FISCAL IMPACT: None

ATTACHMENTS:

[2012 Child Care Standards Report](#)
[2013 Child Care Standards](#)
[Ordinance](#)

Parks and Leisure Services Department
Child Care Standards Annual Report
2012

Throughout the 2012 school year, the City of Temple Parks and Leisure Services Department provided after-school programs for boys and girls ages 5-13 at four Temple I.S.D campuses, three Belton I.S.D campuses and St. Mary's Catholic School. The department also organized three summer camps, a spring break camp (Camp Adventure), and a holiday camp (Camp Holidayze) for children ranging from 5 to 13 at the Wilson Recreation Center.

After School Programs

The after-school programs run concurrent with each of the schools including holidays and teacher workdays. Children attended the programs from 3:00 p.m. to 6:00 p.m. Monday through Friday. On teacher workdays and school holidays, the program was offered from 7am – 6pm at Wilson Park Recreation Center.

The children are provided with a quality recreation program that includes activities such as arts and crafts, athletics, tutoring, etc. The children are also provided a healthy snack. The after school programs are staffed with part-time employees but supervised by a full time Program Coordinator and Recreation Specialist.

<u>Location</u>	<u>Attendance (daily average)</u>	
	2011	2012
Thornton Elementary	40	42
Western Hills	25	23
Kennedy Powell	45	45
Cater	15	19
Lakewood	45	45
Pirtle	44	45
Tarver	37	46
St. Mary's	32	32

Camps

In addition to Camp Heatwave, which took place at the Wilson Recreation Center, Camp Horizon was held at Tarver Elementary School and Campstastic was held at the Summit Family Fitness Center. Camp Heatwave and Horizon were 12 week programs and Campstastic was an 11 week program. All three sites were staffed with part-time recreation leaders and a full-time Recreation Specialist and supervised by a Recreation Coordinator. The same staffing format also occurred with Camp Holidayze and Camp Adventure

The summer camp schedule was 7:00 a.m. to 6:00 p.m. Monday through Friday. The children participated in a variety of activities including arts and crafts, athletics, swimming, field trips, hiking, disc golf, archery, outdoor adventure programs, etc. The children at Heatwave and Horizon were provided a lunch and an afternoon snack from the Temple I.S.D. and Belton I.S.D. summer lunch programs.

Each participant submitted a signed waiver, registration form and emergency contact information.

Camp Name**Attendance (daily average)**

	<u>2011</u>	<u>2012</u>
Camp Holiday (Christmas Break)	86	55
Camp Adventure (Spring Break)	92	99
Camp Heatwave (Summer Camp)	247	126
Camp Horizon (Summer Camp)	65	77
Campastic (Summer Camp)	37	44

Scholarships

Parents who are in need of financial support are provided the opportunity to apply for assistance. Based upon the guidelines adopted by The Parks and Leisure Services Advisory Board, 61 participants received aid in the form of reduced fees.

After School Program

28 – 50% reduced (Parents paid \$17 per child, weekly)

2 – 20% reduced (Parents paid \$28 per child, weekly)

Camp Heatwave, Quest, Horizon

17 – 80% reduced (Parents paid \$13 per child, weekly)

7 – 60% reduced (Parents paid \$26 per child, weekly)

7 – 40% reduced (Parents paid \$39 per child, weekly)

At the beginning of the 2012-2013 school year, the Parks and Leisure Services Advisory Board adopted new guidelines for scholarships.

Inspection Schedule

The Wilson Recreation Center was inspected in January and May 2012 for any hazards or potential problems by the Recreation Superintendent. None were noted.

The Wilson Recreation Center passed the annual fire inspection in October, 2012

All school sites were inspected by the Fire Marshall.

To comply with the guidelines, the Health Department was contacted twice by staff, once in May and once in July to do an inspection. No inspections were conducted.

Training

Per the adopted Childcare Standards, all staff are CPR/First trained within one year of their hire date. Training is twice a year.

All staff who worked with children attended a minimum of 10 hours of training pertinent to their programming responsibilities.

All staff was given quarterly safety training.

All training requirements were met.

Recommendations

No recommendations are requested at this time

EXHIBIT “A”

TEMPLE YOUTH PROGRAMS’ STANDARDS OF CARE

The following Standards of Care have been adopted by the City Council of the City of Temple, Texas to pursuant to with Texas Human Resources Code Section 42.041(14). The Standards of Care are the minimum standards by which the City of Temple Parks and Leisure Department will operate the City’s Youth Programs.

General Administration

1. Organization

- A. The governing body of the City of Temple youth programs is the Temple City Council.
- B. Implementation of the Youth Program Standards of Care is the responsibility of the Superintendent of Recreation.
- C. Youth Programs (“Program”) to which these Standards will apply are the programs held at the Wilson Recreation Center and other “Outreach” programs currently operated by the City of Temple. Other programs may be subsequently designated by the City of Temple.
- D. Each Youth Program site will have available for public and staff review a current copy of the Standards of Care.
- E. Standards of Care will be made available on the Parks and Leisure Services Website www.Temple-Parks.net.
- F. Criminal background checks will be conducted on prospective Youth Program employees. If results of that criminal check indicate that an applicant has been convicted of any of the following offenses, he or she will not be considered for employment:
 - (1) felony or a misdemeanor classified as an offense against a person or family;
 - (2) felony or misdemeanor classified as public indecency;
 - (3) felony or misdemeanor violation of any law intended to control the possession or distribution of any controlled substance;
 - (4) offense involving moral turpitude;
 - (5) offense that would potentially put the City of Temple at risk.

2. Definitions

- A. City: City of Temple
- B. City Council: City Council of the City of Temple
- C. Department: Recreation Division of the Parks and Leisure Services Department of the city of Temple
- D. Youth Programs or Program: City of Temple youth programs held at the Wilson Recreation Center, and “Outreach” programs currently operated by the City of Temple. Other programs may be subsequently designated by the City of Temple.
- E. Program Manual: Notebook of policies, procedures, required forms, and organizational and programming information relevant to Temple Youth Programs
- F. Director: City of Temple Director of Parks and Leisure Services or his or her designee
- G. Recreation Superintendent: person responsible for the overall oversight of the Parks and Leisure Services
- H. Program Coordinator or Coordinator: City of Temple, Parks and Leisure Services Department full-time recreation staff person who has been assigned administrative responsibility for a Temple Youth Program
- I. Recreation Specialist: City of Temple, Parks and Leisure Services Department full-time recreation staff person who has been assigned day to day responsibilities to implement the City’s Youth Program.
- J. Recreation Leader or Leaders: City of Temple, Parks and Leisure Services Department part-time employee who has been assigned responsibility to conduct the City’s Youth Programs
- K. Program Site: Any area or facility where Temple Youth Programs are held
- L. Participant: A youth, ages 5-14, whose parent(s) have completed all required registration procedures and determined to be eligible for a Temple Youth Program
- M. Parent(s): This term will be used to represent one or both parent(s) or guardian(s) who have legal custody and authority to enroll their child(ren) in Temple Youth Programs
- N. Employee(s): Term used to describe people who have been hired to work for the City of Temple, Parks and Leisure Services Department and have been assigned responsibility for managing, administering, implementing or conducting some portions of the Temple Youth Programs.

3. Inspections/Monitoring/Enforcement

- A. A bi-annual inspection report will be initiated by the Recreation Superintendent to confirm the Standards of Care are being adhered to.
 - (1) Inspection reports will be sent to the Director for review and kept on record for at least two years.
 - (2) The Director will review the report and establish deadlines and criteria for compliance with the Standards of Care.
- B. The Recreation Superintendent will make visual inspections of the facilities based on the following schedule:
 - (1) pre-summer check in May of each year
 - (2) winter check in January
- C. Complaints regarding enforcement of the Standards of Care will be directed to the Coordinator. The Coordinator will be responsible to take the necessary steps to resolve the problems. All complaints regarding enforcement of the Standards of Care and their resolution will be recorded by the Coordinator. Unresolved complaints regarding enforcement of the Standards of Care will be addressed by the Recreation Superintendent, and should they still not be resolved, by the Director. The complaint and the resolution will be documented.
- D. The Director will provide an annual report to the City Council on the overall status of the Youth Programs and their operation relative to compliance with the adopted Standards of Care.

4. Enrollment

- A. All children participating in the program must be 5 years of age. Before a child can be enrolled, the parents must sign registration forms that contain the child's:
 - (1) name, address, home telephone number;
 - (2) name and address of parents and telephone during program hours;
 - (3) names and telephone numbers of people to whom the child can be released;
 - (4) statement of the child's special problems or needs;

- (5) proof of residency when appropriate;
- (6) liability waiver which also includes permission for field trips and emergency medical authorization.
- (7) any medicines the child may be taking

5. Suspected Abuse

Program employees will report suspected child abuse in accordance with the Texas Family Code.

Staffing-Responsibilities and Training

6. Youth Program Coordinator Qualifications

- A. Coordinators will be full-time, employees of the Temple Parks and Leisure Services Department and will be required to have all Program Leader qualifications as outlined in Section 8 of this document.
- B. Coordinators must be at least 21 years old.
- C. Coordinators must have two years experience planning and implementing recreation activities.
- D. Coordinators must be able to pass a background investigation including testing for illegal substances.
- E. As soon as possible after employment with the City of Temple , but within one year, Coordinators must successfully complete a course in first aid and Cardiopulmonary Resuscitation (CPR) offered by either: the City of Temple, American Red Cross, American Heart Association, Medic First-Aid Training Program of America, National Safety Council, any agency of the State of Texas authorized to provide Emergency Medical Technician or Emergency Care Attendant certification, or any other agency recognized by any agency of the U.S. Department of Labor to provide certification.
- F. Coordinators must be able to furnish proof of a clear tuberculosis test within 12 months prior to their employment date.

7. Coordinator's Responsibilities

- A. Coordinators are responsible to administer the Programs' daily operations in compliance with the adopted Standards of Care.

- B. Coordinators are responsible to recommend for hire, supervise, and evaluate Leaders.
- C. Coordinators are responsible to plan, implement, and evaluate programs.

8. Recreation Leader (“Leader”) Qualifications

- A. Leaders will be full-time, part-time or temporary employees of the Parks and Leisure Services Department.
- B. Leaders working with children must be age sixteen (16) or older.
- C. Leaders should be able to consistently exhibit competency, good judgment, and self-control when working with children.
- D. Leaders must relate to children with courtesy, respect, tolerance, and patience.
- E. As soon as possible, but within one year of hiring, all of the Leaders at each site must have successfully completed a course in first aid and Cardiopulmonary Resuscitation (CPR) offered by either: the City of Temple, American Red Cross, American Heart Association, Medic First-Aid Training Program of America, National Safety Council, any agency of the State of Texas authorized to provide Emergency Medical Technician or Emergency Care Attendant certification, or any other agency recognized by any agency of the U.S. Department of Labor to provide certification.
- F. Each Leader applicant must be able to furnish proof of a clear tuberculosis test within the 12 months prior to their employment date.
- G. Leader must pass a background investigation including testing for illegal substances.

9. Leader Responsibilities

- A. Leaders will be responsible to provide participants with an environment in which they can feel safe, can enjoy wholesome recreation activities, and can participate in appropriate social opportunities with their peers.
- B. Leaders will be responsible to know and follow all City, Departmental, and Program standards, policies, and procedures that apply to Temple Youth Programs.
- C. Leaders will ensure that participants are released only to a parent or an adult designated by the parent. All Program sites will have a copy of the Department approved plan to verify the identity of a person authorized to pick up a participant if that person is not known to the Leader.

- D. A leader must be with participants at all times or aware of the participants location.

10. Training/Orientation

- A. The Department is responsible to provide training and orientation to Program employees in working with children and for specific job responsibilities. Coordinators will provide each Leader with a Program manual specific to each Youth Program.
- B. Leaders must be familiar with the Standards of Care for Youth Program operation as adopted by the City Council.
- C. Program employees must be familiar with the Program's policies including discipline, guidance, and release of participants as outlined in the Program Manual.
- D. Program employees will be trained in appropriate procedures to handle emergencies.
- E. Program employees will be trained in areas including City, Departmental, and Program policies and procedures; provision of recreation activities; safety issues; and organization.
- F. All program employees will receive 10 hours of training annually.
- G. Program employees will be required to sign an acknowledgment that they received the required training.

Operations

11. Staff-Participant Ratio

- A. In a Temple Youth Program, the number of participants may not exceed leaders by a minimum ratio of 1 Leader per 20 participants for children 5 years to 14 years of age.
- B. Each participant should have a Program employee who is responsible for him or her and who is aware of details of the participant's habits, interests, and any special problems as identified by the participant's parents during the registration process.

12. Notification

- A. Parents must be notified immediately if:
 - (1) Participant is injured; or
 - (2) Participant has a sign or symptom requiring exclusion from the site (i.e. communicable disease, fever, illness).
- B. All parents must be notified if there is an outbreak of any communicable disease that is

reportable to the State Department of Health.

13. Discipline

- A. Program employees will implement discipline and guidance in a consistent manner based on the best interests of Program participants.
- B. There will be no cruel or harsh punishment or treatment.
- C. Program employees may use brief, supervised separation from the group if necessary.
- D. As necessary, Program employees will initiate discipline reports to the parent(s) of participants. Parents will be asked to sign participant discipline reports to indicate they have been advised about a specific problem or incident.
- E. A sufficient number and/or severe nature of discipline reports as detailed in the Program manual may result in a participant being suspended from the Program.
- F. In instances where there is a danger to participants or staff, offending participants will be removed from the Program site as soon as possible.

14. Programming

- A. Program employees will attempt to provide activities for each group according to the participants' ages, interests, and abilities. The activities must be appropriate to participants' health, safety, and well-being. The activities also will be flexible and promote the participants' emotional, social, and mental growth.
- B. Program employees will attempt to provide indoor and outdoor time periods to include:
 - (1) alternating active and passive activities,
 - (2) opportunity for individual and group activities, and
 - (3) outdoor time each day weather permits.
- C. Program employees will be attentive and considerate of the participants' safety on field trips and during any transportation provided by the Program.
 - (1) During trips, Program employees supervising participants must have immediate access to emergency medical forms and emergency contact information for each participant.
 - (2) Program employees must have a written list of the participants in the

group and must check the roll frequently.

- (3) Program employees must have first aid supplies and a guide to first aid and emergency care available on field trips.
- (4) Notice of any field trips will be displayed at a prominent place at each site.

15. Communication

- A. Each Program site will have access to a telephone for use in contacting the Recreation Center or making emergency calls.
- B. The Coordinator will post the following telephone numbers adjacent to a telephone accessible to all Program employees at each site:
 - (1) Temple ambulance or emergency medical services.
 - (2) Temple Police Department.
 - (3) Temple Fire Department.
 - (4) Poison Control.
 - (5) The telephone number for the site itself.
 - (6) Numbers at which parents may be reached.

16. Transportation

- A. First aid supplies and a first aid and emergency care guide will be available in all Program vehicles that transport children.
- B. All Program vehicles used for transporting participants must have available a 6-BC portable fire extinguisher which will be installed in the passenger compartment of the vehicle and which must be accessible to the adult occupants.
- C. A notebook containing the names and telephone numbers of Parents and Physicians shall be available in all Program vehicles that transport Participants.

Facility Standards

17. Safety

- A. Program employees will inspect Youth Program sites daily to detect sanitation and safety

concerns that might affect the health and safety of the participants. A daily inspection report will be completed by the Program staff and kept on file by the Program Coordinator.

- B. Buildings, grounds, and equipment on the Program site will be inspected, cleaned, repaired, and maintained to protect the health of the participants.
- C. Program equipment and supplies must be safe for the participant's use.
- D. Program employees must have first aid supplies available at each site, during transportation, and for the duration of any off-site activity.
- E. Program air conditioners, electric fans, and heaters must be mounted out of participants' reach or have safeguards that keep participants from being injured.
- F. Program porches and platforms more than 30 inches above the ground must be equipped with railings participants can reach.
- G. All swing seats at Program sites must be constructed of durable, lightweight, relatively pliable material.
- H. Program employees must have first aid supplies readily available to staff in a designated location. Program employees must have an immediately accessible guide to first aid and emergency care.
- I. The list of Program sites will be provided to the Bell County Health District-Environmental Health Division so that the Health Division can conduct health inspection (s).

18. Fire

- A. In case of fire, danger of fire, explosion, or other emergency, Program employees' first priority is to evacuate the participants to a designated safe area.
- B. The Program site(s) will have an annual fire inspection by the City Fire Marshall prior to September 1 of each year, and the resulting report will detail any safety concerns observed, the report will be forwarded to the Director who will review and establish deadlines and criteria for compliance. Information from this report will be included in the Director's annual report to the Council.
- C. Each Program site must have at least one fire extinguisher approved by the Fire Marshall readily available to all Program employees. The fire extinguisher is to be inspected monthly by the Program Coordinator, and a monthly report will be forwarded to the Coordinator's supervisor who will keep the report on file for a minimum of two years. All Youth Program staff members will be trained in the proper use of fire extinguishers.

19. Health

A. Illness or Injury

- (1) A participant who is considered to be a health or safety concern to other participants or staff will not be admitted to the Program.
- (2) Illnesses and injuries will be handled in a manner to protect the health of all participants and employees.
- (3) Program employees will follow plans to provide emergency care for injured participants or for participants with symptoms of an acute illness as specified in the Program manual.
- (4) Program employees will follow the recommendation of the Texas Department of Health concerning the admission or readmission of any participant after a communicable disease.

B. Program employees will administer medication only if:

- (1) Parent(s) or guardian(s) complete and sign a medication form that provides authorization for staff to dispense medication with details as to time and dosages. The form will include a hold harmless clause to protect the City.
- (2) Prescription medications are in the original containers labeled with the child's name, a date, directions, and the physician's name. Program staff members will administer the medication only as stated on the label. Program staff will not administer medication after the expiration date.
- (3) Nonprescription medications are labeled with the child's name and the date the medication was brought to the Program. Nonprescription medication must be in the original container. The Program staff will administer it only according to label direction.
- (4) Medications dispensed will be limited to routine oral ingestion not requiring special knowledge or skills on the part of Program employees. No injections will be administered by the Program employees.
- (5) Program employees must ensure medications are inaccessible to participants or, if it is necessary to keep medications in the refrigerator (when available), medications will be kept separate from food.

C. Toilet Facilities

- (1) The Program site will have inside toilets located and equipped so children can use them independently and program staff can supervise as needed.
- (2) There must be one flush toilet for every 30 children. Urinals may be counted in the ratio of toilets to children, but must not exceed 50% of the total number of toilets.
- (3) An appropriate and adequate number of lavatories will be provided.

D. Sanitation

- (1) The Program site must have adequate light, ventilation, and heat.
- (2) The Program must have an adequate supply of water meeting the standards of the Texas Department of Health for drinking water and ensure that it will be supplied to the participants in a safe and sanitary manner.
- (3) Program employees must see that garbage is removed from sites daily.

- E. The City will contact the Health Department and request an annual health inspection by the Health Department prior to September 1 of each year, and the resulting report will detail any safety concerns observed, the report will be forwarded to the Director who will review and establish deadlines and criteria for compliance. Information from this report will be included in the Director's annual report to the Council.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS,
ADOPTING THE TEMPLE YOUTHS' PROGRAM STANDARDS OF CARE
POLICY FROM THE PARKS AND LEISURE SERVICES DEPARTMENT;
PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE;
AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on August 19, 2004, City Council first adopted the Standards of Care for youth programs sponsored by the Parks and Leisure Services Department which were developed after the department was contacted by the Texas Department of Protective and Regulatory Services (TDPRS);

Whereas, one of the requirements of the TDPRS is for cities that conduct youth programs to adopt a Standards of Care policy annually – the purpose is to assure the community that when they place their child/children in one of the City of Temple's programs, the facilities are safe, a background check has been conducted on the staff and they are properly trained for any program they conduct;

Whereas, the Temple Youths' Program Standards of Care policy is attached hereto as Exhibit A and the 2012 Child Care Standards Report, which outlines the average daily attendance at all eight afterschool sites for 2012, is attached hereto as Exhibit B; and

Whereas, the City Council has considered these matters and deems it in the public interest to authorize these actions.

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

Part 1: The City Council adopts the Temple Youths' Program Standards of Care Policy from the Temple Parks and Leisure Services Department which is required by the Texas Department of Protective and Regulatory Services (TDPRS) and which assures the community that the City of Temple's facilities are safe, a background check has been conducted on the staff and they are properly trained for any program they conduct, as outlined in Exhibit A attached hereto, as well as the average daily attendance at all eight afterschool sites for 2012, which is also attached hereto and incorporated herein for all purposes.

Part 2: All ordinances or parts of ordinances in conflict with the provisions of this ordinance are to the extent of such conflict hereby repealed.

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **21st** day of **February, 2013**.

PASSED AND APPROVED on Second Reading on the **7th** day of **March, 2013**.

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

03/07/13
Item #5(F)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Gary O. Smith, Chief of Police

ITEM DESCRIPTION: SECOND READING: Consider adopting an ordinance re-establishing a curfew for minors.

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

ITEM SUMMARY: The Temple Police Department seeks council approval for a renewed juvenile curfew ordinance. The original curfew ordinance was enacted in September 1994. Without council action the current ordinance will expire on March 18, 2013. The ordinance will allow the Temple Police Department to continue to intervene when police officers encounter curfew violations. This intervention will be in the best interests of the health, safety and welfare of the general public. The curfew is a valuable tool that helps the community in several ways. First, it helps provide for the protection of minors, both from each other and from other persons. Next, it helps to promote parental control and responsibility for their children. Finally, it is intended to reduce the incidence of juvenile criminal activities. In the past three years, the Temple Police Department cited 448 curfew violations.

The current curfew hours are proposed for continuation:

(A) 11:00 P.M. on any Sunday, Monday, Tuesday, Wednesday, or Thursday until 6:00 A.M. of the following day; and

(B) 12:01 A.M. until 6:00 A.M. on any Saturday or Sunday.

FISCAL IMPACT: There is no direct fiscal impact with regard to expenditures for this ordinance. However, fines will be assessed to violators that may result in revenue through Municipal Court.

ATTACHMENTS:
[Ordinance](#)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF TEMPLE, TEXAS, RE-ESTABLISHING CURFEW HOURS FOR MINORS, DEFINING TERMS, CREATING OFFENSES FOR MINORS, PARENTS AND GUARDIANS OF MINORS, AND BUSINESS ESTABLISHMENTS PROVIDING FOR ENFORCEMENT BY THE POLICE DEPARTMENT; PROVIDING FOR WAIVER BY THE MUNICIPAL COURT OF JURISDICTION OVER A MINOR WHEN REQUIRED UNDER THE TEXAS FAMILY CODE; PROVIDING A PENALTY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City council approved a Curfew Ordinance in September, 1994 which expires March 18, 2013;

Whereas, the ordinance will allow the Temple Police Department to continue to intervene when police officers encounter curfew violations and it will be in the best interests of the health, safety and welfare of the general public;

Whereas, the current curfew hours are proposed for continuation as outlined:

1. 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday until 6:00 a.m. of the following day; and
2. 12:01 a.m. until 6:00 a.m. on any Saturday or Sunday.

Whereas, Staff recommends re-establishing the curfew for minors;

Whereas, the City of Temple desires to continue to provide for the protection of minors from each other and from other persons, to promote parental control over and responsibility for children, in order to protect the general public, and reduce the incidence of juvenile criminal activities; and

Whereas, a curfew for minors is in the interest of the public health, safety, and general welfare and will help to attain the foregoing objectives and to diminish the undesirable impact of such conduct on the citizens of the City of Temple.

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

Part 1: The City Council of the City of Temple, Texas, finds that it is in the interest of the public health, safety, and general welfare of the general public, to re-establish the curfew hours for minors in an effort to continue to provide for the protection of minors from each other and from other persons, to promote parental control over and responsibility for children, in order to protect the general public, and to reduce the incident of juvenile criminal activities.

Part 2: The following curfew requirements for minors are hereby adopted:

1. 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday until 6:00 a.m. of the following day; and
2. 12:01 a.m. until 6:00 a.m. on any Saturday or Sunday.

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

Part 4: If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **21st** day of **February**, 2013.

PASSED AND APPROVED on Second Reading on the **7th** day of **March**, 2013.

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

03/07/13
Item #5(G)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Ken Cicora, Parks and Leisure Services

ITEM DESCRIPTION: Consider adopting a resolution authorizing the City Manager to execute an agreement with TXDOT for the temporary closure of certain streets needed for the Army Marathon.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The inaugural Army Marathon will be held on Sunday, April 21, 2013. The race will start in Killeen at 7:00 a.m. and finish in Temple on Old Waco Road at Research Blvd. Race organizers hope to have up to 2,000 runners in either the marathon or the 5k run that will also be run as part of the event.

In order to ensure the race run properly in Temple both the Police Department and Parks and Leisure Services staff have been meeting with Ed Bandas, the Race Director, to plan the event in Temple.

The race organizers are requesting to close Old Waco Road from FM 2305 to Airport Road from 7:00 a.m. on Saturday, April 20 to 6:00 p.m. on Sunday, April 21. We support that request and it is within the City's authority to make that closer.

The race organizers are also requesting to close one lane of FM 2271 from the Belton – Temple corporate line to FM 2305 and FM 2305 from FM2271 to Old Waco Road from 6:00 a.m. to 3:00 p.m. on Sunday, April 21. We support those closures; however final approval for the closing of those roads is a decision of TXDOT.

As part of the application to close TXDOT streets for the length of time requested for this event, TXDOT requires the City Council to approve a resolution of support for the event, establishing that the event serves a public purpose and execute an agreement with TXDOT for the temporary closure of the affected streets.

We believe this event will have a positive impact on the Temple and has the potential for national exposure. We request Council approval of the resolution of support for the Army Marathon.

FISCAL IMPACT: N/A

ATTACHMENTS:
[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE CLOSURE OF OLD WACO ROAD FROM FM 2305 TO AIRPORT ROAD FOR THE TIME PERIOD BEGINNING AT 7:00 A.M. SATURDAY, APRIL 20, 2013, UNTIL 6:00 P.M. SUNDAY, APRIL 21, 2013, FOR THE PURPOSE OF THE INAUGURAL ARMY MARATHON; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the inaugural Army Marathon will be held on Sunday, April 21, 2013 and will start in Killeen at 7:00 a.m. and finish in Temple on Old Waco Road at Research Boulevard – race organizers hope to have up to 2,000 runners in either the marathon or the 5k that will be also run as part of this inaugural event;

Whereas, in order to ensure the race runs properly in Temple, both the Police Department and the Parks and Leisure Services staff have met with the race director to plan the event;

Whereas, the race organizers have requested the closure of one lane of FM 2271 from the Belton – Temple corporate line to FM 2305 and also from FM 2305 to Old Waco Road from 6:00 a.m. to 3:00 p.m. on Sunday, April 21, 2013;

Whereas, staff supports the requested closures, however final approval for the closing of these roads must come from the Texas Department of Transportation (TxDOT) – TxDOT requires the City Council of the City of Temple to approve a resolution in support of this event; and

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

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

Part 1: The City of Temple supports the closure of Old Waco Road from FM 2305 to Airport Road for the time period beginning at 7:00 a.m. Saturday, April 20, 2013 until 6:00 p.m. Sunday, April 21, 2013 for the purpose of the inaugural Army Marathon.

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 **March**, 2013.

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

03/07/13
Item #5(H)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

David Blackburn, City Manager

ITEM DESCRIPTION: Consider adopting a resolution authorizing Hill Country Transit District to continue receiving 5310 and 5307 federal funds as the designated representative for the City of Temple urbanized zone area.

STAFF RECOMMENDATION: Adopt resolutions as presented in item description.

ITEM SUMMARY: Hill Country Transit District ('HCTD') has been providing public transit services in Temple for the past several years.

On December 7, 2000, the City Council authorized an Interlocal Cooperation Agreement between the City and HCTD assigning all administrative, financial, operational duties, and fixed assets regarding Temple Transit to HCTD under Resolution No. 2000-2810-R. On February 15, 2001, the City Council authorized the City as Designated Recipient to transfer and assign all of its rights and obligations under existing and open Federal Transit Administration (FTA) agreements to HCTD as Grantee under Resolution No. 2001-2884-R.

Funding for the HCTC services in Temple continues to be provided, in part, via federal transportation authorization and appropriation. 'MAP-21' is the most recent legislation providing for the re-authorization and funding for multiple transportation programs, including transit services.

MAP-21, and the ensuing authorizing regulations issued by the Federal Transit Authority ('FTA') and the Texas Department of Transportation, allows a city in an urbanized zone area to designate the recipient of certain funds appropriated for public transit services. Temple has historically designated HCTD to be the authorized recipient of these funds, commonly known as '5307 Funds' and '5310 Funds'.

FTA has asked HCTD to forward to them a recommendation from their local direct recipient in order to access the 5307 and 5310 funds. HCTD has also asked that there be two separate resolutions. The resolution relating to 5307 funds should designate HCTD as the 'direct recipient' of the 5307

funds. The resolution relating to 5310 funds should designate HCTD as the 'designated recipient' of the 5310 funds.

Designation and delegation of HCTD for the 5307 and 5310 funds will allow HCTD to continue to provide public transit services in Temple.

FISCAL IMPACT: NA

ATTACHMENTS:
Resolution - To be provided



COUNCIL AGENDA ITEM MEMORANDUM

03/07/13
Item #5(I)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Mayor, William A. Jones, III

ITEM DESCRIPTION: Consider adopting a resolution of support for the High Speed Rail and connecting airports in Texas.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Information will be provided prior to the March 7, 2013, City Council meeting.

FISCAL IMPACT: N/A

ATTACHMENTS:

Resolution - To be provided



COUNCIL AGENDA ITEM MEMORANDUM

03/07/13
Item #5(J)
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 2012-2013.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: This item is to recommend various budget amendments, based on the adopted FY 2012-2013 budget. The amendments will involve transfers of funds between contingency accounts, department and fund levels.

FISCAL IMPACT: The total amount of budget amendments is \$502,520.

ATTACHMENTS:

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

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2013 BUDGET
March 7, 2013

			APPROPRIATIONS	
ACCOUNT #	PROJECT #	DESCRIPTION	Debit	Credit
110-2020-521-2533		DARE CJD Expenditures (Police)	\$ 1,200	
110-0000-442-0723		DARE Donations		\$ 1,200
This budget adjustment recognizes a donation received from Booster Calendar Co. for School Resource Unit from 2013 poster proceeds and appropriates funds for the associated expenditures.				
110-3240-551-2513		Special Services (Recreation - Adult Programming)	\$ 7,000	
110-0000-445-1590		Special Events/Classes		\$ 7,000
Additional funds are needed in Special Events in order to pay instructor fees for several newly developed year-round classes and two one-week mini summer camps. Additional revenues will be received to offset expenditures.				
110-3260-551-1115		Skilled (Recreation - Wilson Recreation Center)	\$ 11,573	
110-3260-551-1220		Retirement/Pension	\$ 2,083	
110-3260-551-1221		Social Security	\$ 168	
110-3260-551-1222		Health Insurance	\$ 1,887	
110-3260-551-1223		Worker Compensation	\$ 29	
110-3260-551-1224		Unemployment Insurance	\$ 135	
110-3260-551-1225		Dental Insurance	\$ 48	
110-3260-551-1226		Life Insurance	\$ 18	
110-3260-551-1227		AD&D Insurance	\$ 4	
110-3260-551-1228		Long Term Disability	\$ 27	
110-3500-552-1115		Skilled (Parks)		\$ 11,573
110-3500-552-1220		Retirement/Pension		\$ 2,083
110-3500-552-1221		Social Security		\$ 168
110-3500-552-1222		Health Insurance		\$ 1,887
110-3500-552-1223		Worker Compensation		\$ 29
110-3500-552-1224		Unemployment Insurance		\$ 135
110-3500-552-1225		Dental Insurance		\$ 48
110-3500-552-1226		Life Insurance		\$ 18
110-3500-552-1227		AD&D Insurance		\$ 4
110-3500-552-1228		Long Term Disability		\$ 27
This budget adjustment transfers funds from Parks to Recreation for an Office Assistant II position. The position was originally funded as a 50/50 split between the two divisions. However, the actual duties are all Recreation related.				
430-5700-580-7211		Bond Interest	\$ 103,478	
430-0000-490-2582		Transfer In - General Fund		\$ 103,478
110-9100-591-8130		Transfer Out - Debt Service Fund	\$ 103,478	
110-0000-444-2580		Waste Management Lease Payments		\$ 49,973
110-2370-540-2649		Tipping Fees - Rolloff		\$ 53,505
To appropriate funds in FY 13 for the debt service payments related to the 2012 Combination Tax & Revenue CO's issued for the costs associated with the expansion of the City's landfill.				
561-5200-535-6940	100681	Utility Relocation - NW Loop 363	\$ 16,415	
561-0000-373-0411		Unreserved Bond Interest Earnings		\$ 16,415
Appropriate interest earnings to fund change order #3 with Wolff Construction LP for services related to the utility relocation for the NW Loop 363 project.				

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2013 BUDGET
March 7, 2013

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
110-xxxx-5xx-1xxx 110-1500-515-6536		General Fund - Performance Pay Lump Sum Payment Contingency - Compensation	\$ 200,000	\$ 200,000
520-xxxx-535-1xxx 520-5000-535-6536		Water & Sewer Fund - Performance Pay Lump Sum Payment Contingency - Compensation	\$ 44,444	\$ 44,444
292-29xx-534-1xxx 292-2910-534-6536		Drainage Fund - Performance Pay Lump Sum Payment Contingency - Compensation	\$ 5,533	\$ 5,533
240-xxxx-551-1xxx 240-4400-551-6536		Hotel/Motel Tax Fund - Performance Pay Lump Sum Payment Contingency - Compensation	\$ 5,000	\$ 5,000

This budget adjustment appropriates funds from the 2% Performance Pay Lump Sum Payment for all eligible employees. Funds are available in the compensation contingency accounts for each fund.

TOTAL AMENDMENTS

\$ 502,520 \$ 502,520

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	\$ (39,359)
Net Balance of Judgments & Damages Contingency Account	\$ 40,641

Beginning Compensation Contingency	\$ 403,000
Added to Compensation Contingency	\$ -
Taken From Compensation Contingency	\$ (403,000)
Net Balance of Compensation Contingency Account	\$ -

Net Balance Council Contingency	\$ 40,641
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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	\$ (11,882)
Net Balance of Contingency Account	\$ 38,118

Beginning Compensation Contingency	\$ 142,000
Added to Compensation Contingency	\$ -
Taken From Compensation Contingency	\$ (97,509)
Net Balance of Compensation Contingency Account	\$ 44,491

Net Balance Water & Sewer Fund Contingency	\$ 82,609
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CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2013 BUDGET
March 7, 2013

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
		HOTEL/MOTEL TAX FUND		
		Beginning Contingency Balance	\$	147,759
		Added to Contingency Sweep Account	\$	-
		Carry forward from Prior Year	\$	-
		Taken From Contingency	\$	(21,999)
		Net Balance of Contingency Account	\$	125,760
		Beginning Compensation Contingency	\$	10,100
		Added to Compensation Contingency	\$	-
		Taken From Compensation Contingency	\$	(10,100)
		Net Balance of Compensation Contingency Account	\$	-
		Net Balance Hotel/Motel Tax Fund Contingency	\$	125,760
		DRAINAGE FUND		
		Beginning Contingency Balance	\$	69,100
		Added to Contingency Sweep Account	\$	-
		Carry forward from Prior Year	\$	-
		Taken From Contingency	\$	-
		Net Balance of Contingency Account	\$	69,100
		Beginning Compensation Contingency	\$	25,100
		Added to Compensation Contingency	\$	-
		Taken From Compensation Contingency	\$	(25,100)
		Net Balance of Compensation Contingency Account	\$	-
		Net Balance Hotel/Motel Tax Fund Contingency	\$	69,100
		FED/STATE GRANT FUND		
		Beginning Contingency Balance	\$	-
		Carry forward from Prior Year	\$	39,839
		Added to Contingency Sweep Account	\$	114,528
		Taken From Contingency	\$	(11,413)
		Net Balance of Contingency Account	\$	142,954

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING BUDGET AMENDMENTS TO THE 2012-2013 CITY BUDGET; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on the 30th day of August, 2012, the City Council approved a budget for the 2012-2013 fiscal year; and

Whereas, the City Council deems it in the public interest to make certain amendments to the 2012-2013 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 2012-2013 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 **March**, 2013.

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

03/07/13
Item #6
Regular Agenda
Page 1 of 4

DEPT. /DIVISION SUBMISSION & REVIEW:

Autumn Speer, Director of Planning and Development

ITEM DESCRIPTION FIRST READING - PUBLIC HEARING - Z-FY-13-10: Consider adopting an ordinance authorizing a zone change from Planned Development with specific uses of shopping center and housing development to Commercial (to permit billboard sign) on 0.52 ± acres of Creekside Planned Development Temple, Bell County, Texas according to the plat recorded in Volume 1528, Page 813, of the real property records of Bell County, Texas, located at 3602 SW H K Dodgen Loop.

PLANNING AND ZONING COMMISSION RECOMMENDATION: At its February 19, 2013 meeting, the Planning and Zoning Commission voted 6/0 (Commissioners Martin, Magana, and Johnson were absent) in accordance with staff recommendation to recommend approval of a zone change from Planned Development with specific uses of shopping center and housing development to Commercial.

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance as presented in item description on first reading, and schedule a second reading and final adoption for March 21, 2013.

Staff recommends approval of the requested rezoning for the following reasons:

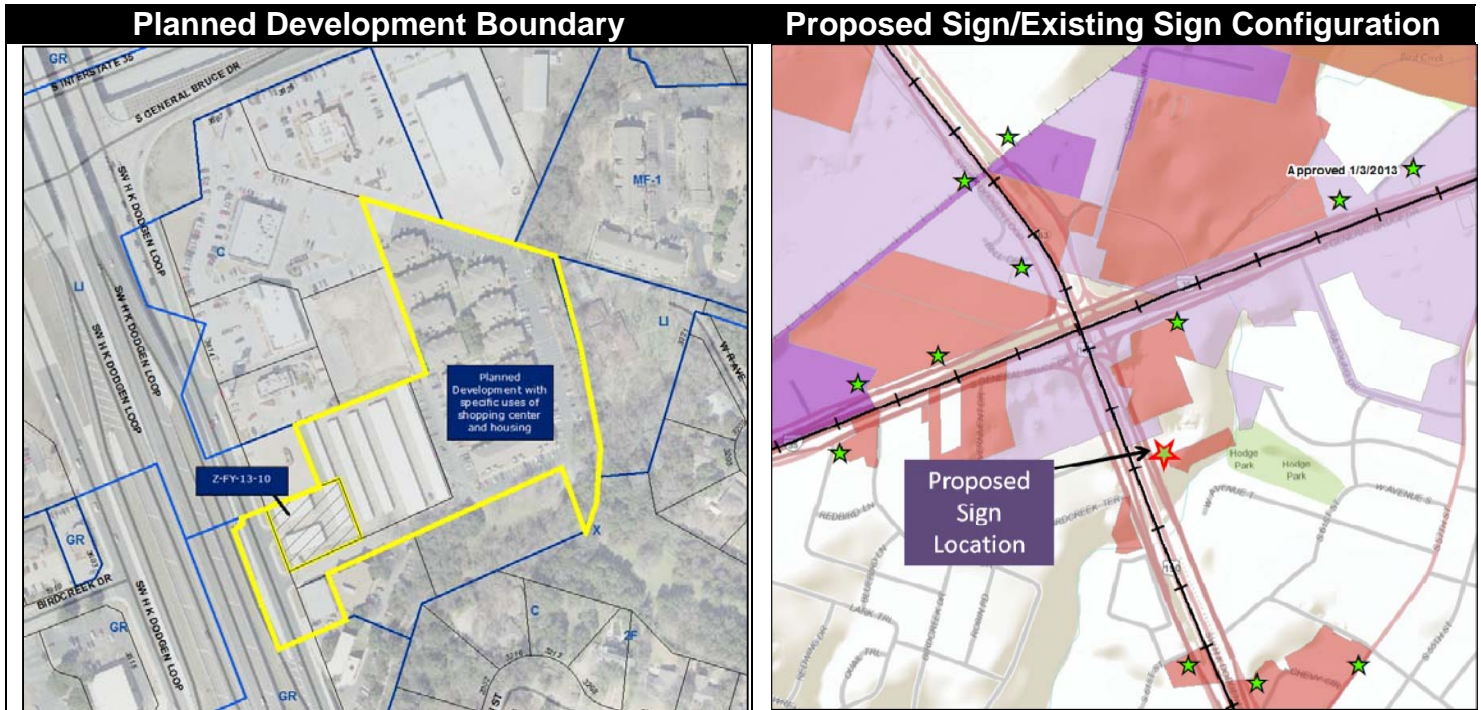
- The proposed zoning is consistent with the Future Land Use Map which identifies this area as Auto-Urban Commercial;
- The proposed zoning is compatible with the surrounding uses; and
- The proposed zoning eliminates a non-conforming use on the subject property providing an appropriate zoning designation for the mini-storage warehouses currently located on the subject tract.

ITEM SUMMARY: The applicant, Lamar Advertising, has requested a rezoning for the subject property for the purpose of relocating an off-premise sign located at 2500 North General Bruce Drive affected by the Texas Department of Transportation I-35 expansion project. The subject tract was originally platted as portion of a larger planned development project that allowed for shopping center and housing development uses. The .52 acre subject tract was subsequently subdivided out of the larger tract, both of which now serve as a location for mini-storage warehouses.

The site proposed for the new sign is currently zoned Planned Development (PD) with specific uses of shopping center and housing development. Off-premise signs are allowed in Light Industrial, Heavy Industrial, and Commercial zoning districts. The applicant has proposed rezoning the proposed site Commercial to allow for the off-premise sign and to provide appropriate zoning for a portion of the existing use of mini-storage warehouses. The purpose of the Commercial zoning district is to permit all retail and most commercial land uses including auto dealerships with complete servicing facilities, building material sales, light manufacturing and heavy machinery sales and storage. Off-premise signs are permitted in Commercial zoning district subject to the requirements and limitations identified in Article 7 of the Unified Development Code. Mini-storage warehouses are allowed in the Commercial zoning district provided that the size of each individual storage unit is limited to a maximum of 2,000 cubic feet. All the mini-storage warehouses in the subject tract provide a maximum of 400 cubic feet of storage.

City staff has maintained the position that if an existing off-premise sign on I-35 must be relocated because of the I-35 expansion, City staff will approve the sign relocation on the same site. If the existing zoning is not correct the City will consider processing a zoning change to allow compliance or a Planned Development if the straight zoning is not a positive option for the City provided that dimensional requirements, design standards and spacing requirements have all been met.

The proposed sign complies with dimensional, setback, and design standards governing off-premise signs located on HK Dodgen Loop. The proposal is for the relocation of a metal, monopole sign setback 17'- 20' from the right-of-way. The height of the new sign will be no taller than 42.5'. The face of the sign will be 10.6' X 36' meeting the dimensional requirements established for signs located along HK Dodgen Loop. Section 7.5.11 of the Unified Development Code (UDC) states that signs located on HK Dodgen Loop may not be erected within 2000' of one another off-premise sign. The proposed sign will be approximately 2,700' from the nearest sign to the west and approximately 2,000' from the nearest sign to the east.



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)	Y *
CP	Map 5.2 - Thoroughfare Plan	Y*
CP	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities	Y*
STP	Temple Trails Master Plan Map and Sidewalks Ordinance	Y*

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

Future Land Use and Character Plan (FLUP) (CP Map 3.1)

The future land use and character map designates the subject property as Auto-Urban Commercial. This area, according the Temple Comprehensive Plan, is appropriate for commercial uses, generally concentrated at intersections versus strip development along the major roads. The Comprehensive Plan identifies Auto-Urban Commercial and the dominant development pattern along H.K. Dodgen Loop. The plan calls for better landscaping along frontages and around and within parking areas and a build-to-line rather than large setbacks.

Thoroughfare Plan (CP Map 5.2)

The Thoroughfare Plan designates HK Dodgen Loop as an Expressway which is appropriate for commercial and industrial development. The rezoning request is compatible with the Thoroughfare Plan.

Availability of Public Facilities (CP Goal 4.1)

Public facilities have already been established in this area and are available at this site.

Temple Trails Master Plan Map and Sidewalks Ordinance

SW HK Dodgen Loop has not been identified on the Trails Master Plan adopted on October 18, 2012.

DEVELOPMENT REGULATIONS: The proposed sign and existing mini-storage warehouses comply with dimensional and setback standards for the Commercial zoning district. The proposed sign complies with all design standards identified in Section 7.5.11 of the UDC. All the mini-storage warehouses on the subject tract provide a maximum of 400 cubic feet of storage in compliance with Section 5.3.8 of the UDC. The Director of Planning and Development has permitted an Administrative Adjustment (up to 10 percent) per Section 3.12 of the Unified Development Code as the proposed spacing for the proposed off-premise sign is deficient by 19' (1%) of the required spacing requirement.

PUBLIC NOTICE: Nine notices of the Planning and Zoning Commission public hearing were sent to surrounding property owners. As of Thursday February 21, 2013 at 3:00 PM, two notices have been returned in opposition to the proposed rezoning and no notices have been returned in favor of the proposed rezoning. The newspaper printed notice of the Planning and Zoning Commission public hearing on February 8, 2013, in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

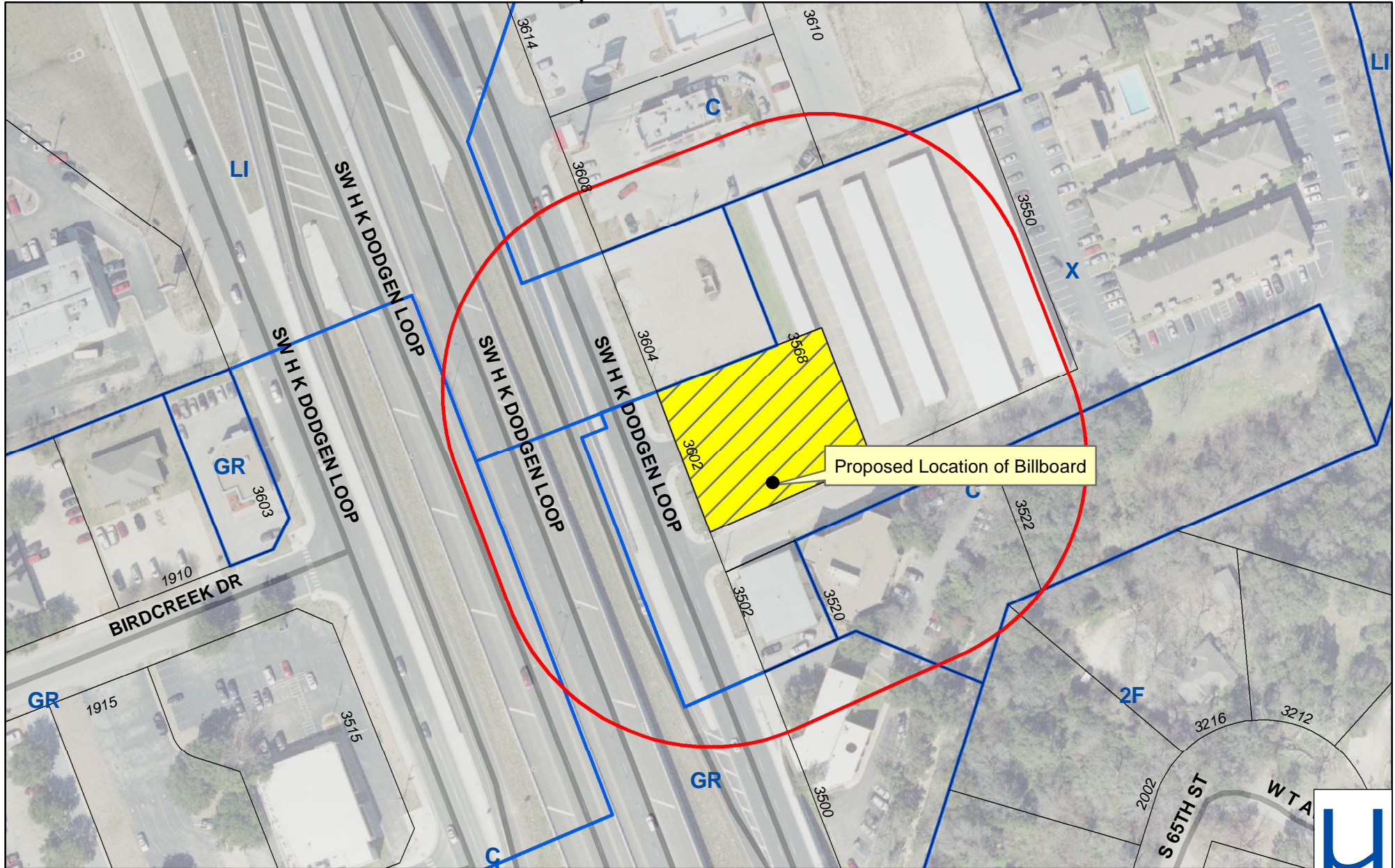
[Aerial and Notification Map](#)
[Surrounding Property Owners](#)
[Response Letters](#)
[PZ Excerpts](#)
[Ordinance](#)



Z-FY-13-10

Planned Development with Specific Uses of Shopping Center and Housing Development to Commercial

3602 SW
HK Dodgen Loop



Case

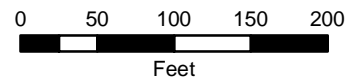


Buffer_200



Zoning

1234 Address



City of Temple Planning
January 23, 2013
bzndt

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.

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	PD- with specific uses for shopping center and housing development	Developed land – mini-storage warehouses	
North	PD- with specific uses for shopping center and housing development	Developed land – mini-storage warehouses and housing	
South Across SW HK Dodgen Loop	PD-GR	Developed Land- professional office uses	

Direction	Zoning	Current Land Use	Photo
East,	PD- with specific uses for shopping Center and housing development	Developed land/ professional office	
West	Light Industrial	Developed land/ professional office/ retail	



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

Bird Creek Properties Ltd
3520 SW H K Dodgen Loop
Temple, Texas 76504

Zoning Application Number: Z-FY-13-10

Project Manager: Beverly Zendt

Location: 3602 SW H K Dodgen Loop

The proposed rezoning is the area shown in hatched marking on the attached map. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the possible rezoning of the property described on the attached notice, and provide any additional comments you may have.

I recommend () approval

☒ denial of this request.

Comments:

*The billboard would diminish the
value and visibility of our property.*

Stephen H. Niemcier
Signature

Stephen H. Niemcier
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than February 19, 2013

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

RECEIVED

FEB 13 2013

City of Temple
Planning & Development

Number of Notices Mailed: 9

Date Mailed: February 8, 2013



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

Rebecca L. Trimble-Valenzuela
3216 West Avenue T
Temple, Texas 76504

Zoning Application Number: Z-FY-13-10

Project Manager: Beverly Zendt

Location: 3602 SW H K Dodgen Loop

The proposed rezoning is the area shown in hatched marking on the attached map. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the possible rezoning of the property described on the attached notice, and provide any additional comments you may have.

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

Comments:

This area is saturated with bill boards, lighted signs
+ traffic lights + businesses crowded up.
this sign will add to traffic diversion hazards.

Becky Trimble Valenzuela
Signature

Becky Trimble Valenzuela
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than February 19, 2013

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

RECEIVED

FEB 20 2013

City of Temple
Planning & Development

Number of Notices Mailed: 9

Date Mailed: February 8, 2013

EXCERPTS FROM THE
PLANNING & ZONING COMMISSION MEETING
MONDAY, FEBRUARY 19, 2013

ACTION ITEMS

Item 2: Z-FY-13-10: Hold a public hearing to discuss and recommend action on a zone change from Planned Development with specific uses of shopping center and housing development to Commercial on 0.52 ± acres of Creekside Planned Development Temple, Bell County, Texas according to the plat recorded in Volume 1528, Page 813, of the real property records of Bell County, Texas, located at 3602 SW H K Dodgen Loop. (Applicant: Lamar Advertising)

Ms. Beverly Zendt, Assistant Planning Director, stated the applicant is Lamar Advertising on behalf of V. W. Barge. City Council will consider this matter on first reading on March 7, 2013 and second reading on March 21, 2013.

The applicant is requesting zoning from Planned Development (PD) for shopping center housing development for the purpose of an off-site premise sign. The current zoning does not permit off-premise signs. The PD dates back to 1978.

Uses on the current PD include multi-family towards the rear, a mini-storage warehouse, and professional office building.

The proposed sign will be set back 17 to 20 feet off of the right-of-way.

The Unified Development Code (UDC) Section 7.5.11 identifies standards for off-premise signs. This proposed sign meets most of the standards but falls short of the spacing requirements by approximately 15 to 18 feet. The Director of Planning and Development has approved an administrative adjustment per Section 3.1.2 of the UDC as it is within ten percent of the requirement. As billboards are only allowed in Commercial (C), Light Industrial (LI) or Heavy Industrial (HI) zoning districts, the applicant is requesting rezoning.

Surrounding uses include additional mini-storage warehouses and multi-family use to the north, PD-GR (Planned Development General Retail) retail and professional uses to the south, PD (professional office) with specific uses to the east, and LI (retail and professional office) to the west.

The Future Land Use and Character Map designate this area as Auto-Urban Commercial. According to the Comprehensive Plan Auto-Urban Commercial is appropriate for commercial uses and is the dominant pattern along H K Dodgen Loop.

The UDC states Commercial districts should permit most retail and commercial land uses and is intended to serve citywide or regional service areas and should be located along major highways and major intersections.

Prohibited uses in Commercial districts include most industrial such as asphalt, concrete batch plants, wrecking yards, refinery or chemical plants to name a few.

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

Staff recommends approval for the following reasons:

The proposed zoning is consistent with the Future Land Use Map which identifies this area as Auto-Urban Commercial;

The proposed zoning is compatible with the surrounding uses; and

The proposed zoning eliminates a non-conforming use on the subject property providing an appropriate zoning designation for the mini-storage warehouses currently located on the subject tract.

Chair Staats opened the public hearing. There being no speakers, the public hearing was closed.

Vice-Chair Sears made a motion to approve Item 2, **Z-FY-10-13**, as proposed and Commissioner Rhoads made a second.

Motion passed: (6:0)

Commissioners Magaña, Martin, and Johnson absent

ORDINANCE NO. _____

(PLANNING NO. Z-FY-13-10)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ZONE CHANGE FROM PLANNED DEVELOPMENT WITH SPECIFIC USES OF A SHOPPING CENTER AND HOUSING DEVELOPMENT, TO COMMERCIAL, ON APPROXIMATELY 0.52 ACRES OF CREEKSIDE PLANNED DEVELOPMENT, TEMPLE, TEXAS, ACCORDING TO THE PLAT RECORDED IN VOLUME 1528, PAGE 813, OF THE REAL PROPERTY RECORDS OF BELL COUNTY, TEXAS AND LOCATED AT 3602 SW HK DODGEN LOOP; 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 zone change from Planned Development with specific uses of a shopping center and housing development, to Commercial on approximately 0.52 acres of Creekside Planned Development, Temple, Texas according to the plat recorded in Volume 1528, Page 813 of the real property records of Bell County, Texas, and located at 3602 SW HK Dodgen Loop, 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 **March**, 2013.

PASSED AND APPROVED on Second Reading on the 21st day of **March**, 2013.

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

03/07/13
Item #7
Regular Agenda
Page 1 of 3

DEPT./DIVISION SUBMISSION & REVIEW:

Autumn Speer, Director of Planning and Development

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING - Z-FY-13-12: Consider adopting an ordinance authorizing amendments to Ordinance 2010-4413, Temple Unified Development Code, in its entirety to address personnel title changes; Article 1, General Provisions; Article 2, Development Review Bodies; Article 3, Subdivision Plat Review; Article 5, Use Standards; Article 6, Special Purpose and Overlay Zoning Districts; Article 7, General Development Standards; and Article 8, Subdivision Design and Improvements.

P&Z COMMISSION RECOMMENDATION: At its meeting on February 19, 2013, the Planning and Zoning Commission voted 6/0 to recommend approval of the proposed text amendments.

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance as presented in item description on first reading, and schedule a second reading and final adoption for March 21, 2013.

ITEM SUMMARY: Staff has prepared the following text amendments to provide correction and clarification to certain Sections of the Unified Development Code. Additionally, certain proposed amendments have also been included in order to facilitate the responsiveness, effectiveness, and accuracy of the development review process and address repeated use concerns.

The purpose of this package of amendments to the text of the Unified Development Code (UDC) is to:

- Change the title Director of Construction safety to Chief Building Official and Change Director of Community Services to Director of Planning;
- Address purpose, compliance, enforcement and violations to allow prosecution;
- Clarify final action requirements for items left out of previous versions;
- Amend subdivision plat review, add requirements for preliminary plat, amend site plan requirements, clarify appeal processes, amend warrant and variance requirements in TMED;
- Clarify manufactured home requirements must have one acre for one manufactured home;
- Amend landscape requirements for overlay districts to refer to general landscape standards
- Clarify tilt wall as an allowable primary material in I-35;
- Amend general landscape requirements to adopt drought tolerant species;
- Amend lighting requirements relating to glare;
- Amend sidewalk requirements and responsibility;
- Address wall sign placement for certain facades;
- Address fire safety requirements;
- Amend fire and park requirements in ETJ;

ARTICLE 1: GENERAL PROVISIONS (ATTACHMENT 1): The proposed amendment addresses purpose, compliance, enforcement and violations. This amendment is requested by the Legal department in order to better enforce compliance and prosecute potential violations through the court system.

ARTICLE 2: DEVELOPMENT REVIEW BODIES (ATTACHMENT 2): The proposed amendment adds the I-35 appeal request to final action list by City Council and the review and recommendation list by Planning and Zoning Commission.

ARTICLE 3: SUBDIVISION PLAT REVIEW (ATTACHMENT 3): The proposed amendment amends the application process to add a general applications process, sets parameters for a pre-application process, establishes requirements for preliminary plats for certain residential subdivisions, and amends the detailed list of site plan requirements to create a reference to the application checklist. The amendment made last year to eliminate the requirement that developers pay improvement/construction costs for Perimeter Streets adjacent to subdivisions was counterbalanced by a future new requirement to submit a Preliminary Plat for all development projects of 50 lots or greater.

ARTICLE 5: USE STANDARDS (ATTACHMENT 4): The proposed amendment clarifies the requirement of one acre minimum for a new single manufactured home.

ARTICLE 6: SPECIAL PURPOSE AND OVERLAY ZONING DISTRICTS (ATTACHMENT 5): The proposed amendment refers the I-35, TMED and 1st and 3rd Street Overlays to the new planting list in Article 7 for consistency and to reduce redundancy with numerous plant lists. Also clarifies tilt wall is a permitted primary material in Freeway Commercial sub-districts.

ARTICLE 7 GENERAL DEVELOPMENT STANDARDS (ATTACHMENT 6): The proposed amendment clarifies sidewalk requirements as they relate to building permits. Also created are general planting criteria to define drought tolerant species appropriate for planting. These were approved by the Tree Care Advisory Board and the City Arborist. The amendment addresses lighting requirements relating to glare for all zoning districts and addresses wall sign placement for certain facades.

ARTICLE 8 SUBDIVISION DESIGN AND IMPROVEMENTS (ATTACHMENT 7): The proposed amendments adds references to the City Code Chapter 12, Fire Safety; adds exceptions for fire hydrants in the ETJ; clarifies sidewalk requirements as they relate to platting and applicability in Industrial Parks; amends cost sharing for sidewalks; and provides an exception for park dedication requirements in the ETJ.

PUBLIC NOTICE: The newspaper printed notice of the Planning and Zoning Commission public hearing on February 8, 2013, in accordance with state law and local ordinance.

FISCAL IMPACT: NA

ATTACHMENTS:

[Attachment 1: Article 1](#)
[Attachment 2: Article 2](#)
[Attachment 3: Article 3](#)
[Attachment 4: Article 5](#)
[Attachment 5: Article 6](#)
[Attachment 6: Article 7](#)
[Attachment 7: Article 8](#)
[PZ Excerpts](#)
[Ordinance](#)

Article 1 General Provisions

Sec. 1.1. Title

This Ordinance is known as the Unified Development Code. References to “this Code” or “this UDC” are interpreted as references to this Unified Development Code.

Sec. 1.2. Purpose

1.2.1 This UDC is established in accordance with the City’s Comprehensive Plan for the purpose of promoting the health, safety and general welfare of the City. It is designed to:

- A. Lessen the congestion in the streets;
- B. Secure safety from fire, panic and other dangers;
- C. Provide adequate light and air;
- D. Prevent the overcrowding of land and avoid undue concentration of population; and
- E. Facilitate the adequate provision of transportation, water, wastewater, schools, parks and other public requirements.

~~**1.2.2** This UDC is adopted with reasonable consideration, among other things, for the character of each zoning district, and its peculiar suitability for the particular uses specified; and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City consistent with a Comprehensive Plan.~~

Sec. 1.3. Compliance

~~**1.3.1** No land may be hereafter used or occupied and no structure may be hereafter designed, erected, altered, used, or occupied except in compliance with all standards established in this UDC.~~

~~**1.3.2** No land may be used or occupied and no structure may be designed, erected, altered, used, or occupied except in compliance with all conditions set forth and approved by City Council through ordinance or resolution.~~

Sec. 1.4. Enforcement

~~**1.4.1** Relocated from Article 10 – The Planning Director, in coordination with the Chief building Official and the Director of Public Works, will be responsible for the administration, interpretation, and enforcement of this UDC. The City~~

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Article 1: General Provisions

Sec. 1.5. Violations and Penalties

Manager may make a final staff ruling, if necessary, concerning any administration, interpretation or enforcement of this UDC.

1.4.2 Relocated from Article 10 – The City Attorney may institute appropriate action in a court of competent jurisdiction to enforce the provisions of this UDC with respect to any applicable violation that occurs within any area subject to the provisions of this UDC.

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Sec. 1.5. Violations and Penalties

Relocated from Article 10 – All violations are subject to the enforcement and penalties established in Chapter 1, Sec. 1–9 of the City Code of Ordinances.

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Sec. 1.3. Sec. 1.6. Authority

1.3.1.6.1 This UDC is adopted under authority of the constitution and laws of the State of Texas, including particularly Chapters 211, 212, 213, 216 and 242 of the Local Government Code, and pursuant to the provisions of the Charter of the City.

1.3.2.1.6.2 Wherever this UDC cites a local, state or federal statute that is later amended or superseded, the citation is deemed to refer to the amended statute or the statute that most closely corresponds to the superseded statute.

Sec. 1.4. Sec. 1.7. Jurisdiction

1.4.1.1.7.1 Within City Limits

The provisions of this UDC apply to all land within the City Limits.

1.4.2.1.7.2 Within the City's Extraterritorial Jurisdiction

Under the authority of Chapter 242 of the Local Government Code and the Interlocal Agreement between the City and Bell County (Resolution 2002–32–68–R), the City applies the subdivision provisions of this UDC to the City's extraterritorial jurisdiction (ETJ).

Sec. 1.5. Sec. 1.8. Definition Reference

Article 11 contains the definitions used throughout this UDC. Definitions related to Signs are contained in Sec. 7.6.27-5-2.

Article 2 Development Review Bodies

Sec. 2.1. General

This Article establishes or describes the development review bodies that pertain to this UDC and that are not established elsewhere in the City Code.

Sec. 2.2. City Council

2.2.1 Establishment, Membership and Procedure

Information regarding the establishment, membership and rules of procedure of the City Council is available in Article Four of the City Charter and in the City Council's policies and procedures for City Council meetings (Resolution 99-2288-R).

2.2.2 Final Action

The City Council hears and takes final action on the following development review procedures:

A. UDC Text Amendment;

~~B. I-35 Appeal;~~

~~B.C. Zoning District Map Amendment;~~

~~C.D. Planned Development;~~

~~D.E. Conditional Use Permit; and~~

~~F. Approval of plats requiring exceptions to; and~~

~~G. Extension of time for completing plat review process.~~

~~Sec. 2.3. Sec. 3.6.6 of this UDC.~~

~~A. Sec. 2.3. Zoning Board of Adjustment~~

~~2.3.22.3.1 Establishment~~

A Zoning Board of Adjustment is established in accordance with and controlled by the provisions of Chapter 211 of the Local Government Code.

~~2.3.32.3.2 Final Action~~

The Zoning Board of Adjustment hears and takes final action on the following development review procedures:

A. Variance; and

B. Appeal of Administrative Decision.

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D. Rules of Proceeding

The Zoning Board of Adjustment must adopt rules to govern its proceedings provided that such rules are not inconsistent with this UDC or statutes of the State of Texas.

E. Minutes

The Zoning Board of Adjustment must keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicate such fact and must keep records of its examinations and other official actions, all of which must be immediately filed with the Board and are a public record. The Planning Director is the permanent secretary and regular technical advisor to the Board and must prepare written staff reports on each case that the Board hears.

Sec. 2.4. Planning and Zoning Commission

2.4.1 Establishment

The Planning and Zoning Commission is established by the Planning Commission Ordinance in accordance with the City Charter Sec. 3.26 and in accordance with the provisions of Chapter 211 of the Local Government Code.

2.4.2 Powers and Duties

The following powers and duties are assigned to the Planning and Zoning Commission under this UDC.

A. Review and Recommendation

The Planning and Zoning Commission must review and make a recommendation on the following development review procedures:

1. UDC Text Amendment;
2. I-35 Appeal;
- ~~2-3.~~ Zoning District Map Amendment;
- ~~3-4.~~ Planned Development; and
- ~~4-5.~~ Conditional Use Permit.

Sec. 3.6. Subdivision Plat Review

3.6.1 Applicability

- A. Pursuant to the authority granted in Chapter 212 of the Local Government Code, the owner of a tract of land located within the City limits or in the extraterritorial jurisdiction who divides the tract in two or more parts must have a plat prepared in order to lay out:
 - 1. A subdivision;
 - 2. Lots; or
 - 3. Streets, alleys, squares, parks or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts.
- B. A division of a tract under this subsection includes a division regardless of whether it is made:
 - 1. Using a metes and bounds description in a deed of conveyance;
 - 2. In a contract for a deed, by using a contract of sale or other executory contract to convey; or
 - 3. Using any other method.

3.6.2 Exemptions from Required Plat

The following actions do not require development review under these subdivision provisions:

- A. A division of land into lots all of which are five acres or more in the City limits and 10 acres or more in the ETJ, where each lot has public street access and no public improvement is being dedicated;
- B. Establishment of a cemetery complying with all state and local laws and regulations;
- C. Acquisition of land for a governmental purpose by dedication, condemnation or easement; or
- D. Partitions of land among co-tenants by a court.

3.6.3 Application Process

A subdivision of land must generally proceed in accordance with the following steps:

- A. Pre-Application Conference
- B. Preliminary Plat (where applicable per 3.6.5)
- C. Final Plat and Construction Plans
- D. Acceptance of subdivision as complete
- E. Acceptance of public improvements for ownership and maintenance

3.6.3 Where Subdivision is Unit of a Larger Tract

- A. It is recommended that where the proposed subdivision constitutes a unit of a larger tract under common ownership that is intended to be subsequently subdivided as additional units of the same subdivision, the Preliminary and Final Plats may be accompanied by a layout of the entire area, showing the tentative proposed layout of streets, blocks, drainage, water, sewage, parks, schools and other improvements for such areas.
- B. An applicant may obtain approval of a phase of a subdivision, provided that the Preliminary Plat meets all the requirements with reference to such portion or section in the same manner as is required for a complete addition. In the event a subdivision is approved in phases, each Final Plat of each phase is to carry the name of the entire subdivision, but is to be distinguished from each other section by a distinguishing phase number. Block numbers must run consecutively and names must be consistent throughout the entire subdivision, even though such subdivision may be finally approved in sections.

3.6.4 Pre-Application Conference

Prior to the submittal of a subdivision application, a pre-application conference must be held with the Planning Director and Development and other assigned City staff to discuss the proposed subdivision unless determined otherwise by the Planning Director and Development.

3.6.43.6.5 Preliminary Plat

Applicability.

A. A preliminary plat is required for:

All development projects where the subdivision constitutes a unit of a larger tract or group of tracts that is 100 acres or larger under common ownership or control; and

All development projects where the subdivision is planned for multiple phases.

B. Preliminary Plat Requirements

The Preliminary Plat must include all information needed to ensure compliance with Article 8 of this UDC, the Comprehensive Plan, other master plans, the Design and Development Service Manual, and applicable State Laws as identified in the established Plat Application Checklist.

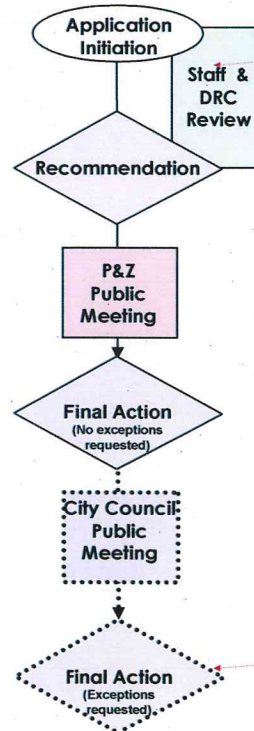
A.C. Review Process

1. ~~Development Review Committee Review and Determination of Completeness~~

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

2. Planning Director Review

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



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Sec. 3.13. Building Permit

3.13.1 Applicability

A Building Permit may not be issued for any property until one of the following events has occurred.

A. Approved Plat

The lot appears on an approved plat of record filed in the plat records of Bell County.

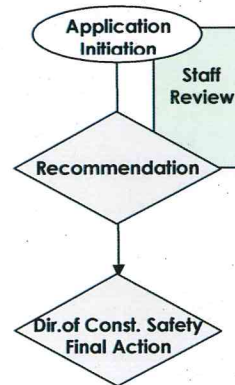
B. Development Plan Approval

The property is all or part of a Development Plan that the City Council has officially approved in a Planned Development district in accordance with Sec. 3.4.2. The Development Plan must provide all utility and drainage easements, alleys, streets and other public improvements necessary to meet the normal requirements for platting including designation of building areas. Such easements, alleys and streets must have been properly dedicated and the necessary public improvements provided.

C. Unplatted Property

A Building Permit for only one principal building may be issued without requiring Final Plat approval in accordance with Sec. 3.6 where the property faces upon a publicly dedicated street and the last division of the property from other land occurred prior to:

1. September 1st, 1983;
2. City annexation; or
3. Extension of the City's extraterritorial jurisdiction.



3.13.2 Site Plan Required with Building Permit for Nonresidential or Multiple Family Uses

A. Applicability

1. In addition to the above requirements, a Building Permit may not be issued for any nonresidential or multiple family property until a Site Plan has been submitted for review and approval by the Planning Director.

Article 3: Development Review Procedures

Sec. 3.13. Building Permit

2. Site Plan submission and review for projects in the Temple Medical and Educational (TMED) Overlay District will be conducted in accordance with Sec.3.11.
3. Site Plan submission and review for projects in the I-35 Corridor Overlay District will be conducted in accordance with Sec 6.7.4.

B. Site Plan Requirements

~~B.1. The applicant must submit a legible Site Plan together with a Site Plan check list certified for completeness with the applicant's signature.~~

~~C. The Site Plan may be submitted in advance or concurrently with the building permit application.~~

~~2.~~

~~3. The Site Plan must must be drawn to scale, dimensioned and labeled and include all information needed to ensure compliance with Articles 7 and 8 of this UDC, the Comprehensive Plan, other master plans, the Design and Development Service Manual, and all requirements identified in the established Plat Application Checklist.~~

~~D.C. The applicant must submit a legible Site Plan together with a Site Plan check list certified for completeness with the applicant's signature.~~

~~E.D. The Site Plan may be submitted in advance or concurrently with the building permit application.~~

~~F. The Site Plan must be drawn to scale, dimensioned and labeled. The site plan must include the following information:~~

- ~~1. Existing and proposed condition of lot or lots;~~
- ~~2. Adjacent development;~~
- ~~3. Lot dimensions;~~
- ~~4. Uses;~~
- ~~5. Sidewalks;~~
- ~~6. Curb cuts and drive approaches;~~
- ~~7. Curb and gutter locations;~~

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- ~~8. Off-street parking and loading spaces;~~
- ~~9. Drive aisles;~~
- ~~10. Fire Hydrants;~~
- ~~11. Easements;~~
- ~~12. Access and circulation;~~
- ~~13. Utilities;~~
- ~~14. Drainage area locations~~
- ~~15. Building locations, heights, and gross floor area;~~
- ~~16. Setbacks from property lines;~~
- ~~17. Location of signs;~~
- ~~18. Refuse containers and compactors;~~
- ~~19. Outdoor storage and display areas;~~
- ~~20. Location and material of fences;~~
- ~~21. Screening and buffering;~~
- ~~22. Lighting;~~
- ~~23. Mechanical equipment location;~~
- ~~24. Existing and proposed pole locations;~~
- ~~25. Public open space, parks, and playgrounds;~~
- ~~26. Landscaping areas;~~
- ~~27. North arrow;~~
- ~~28. Any other information reasonable required to make an informed judgement about the conformance with development standards.~~

3.13.3 Review Process

A. Planning Director Review

1. The Planning Director must determine whether a Site Plan is complete and satisfies the submittal requirements.

Sec. 5.2. Classification of New and Unlisted Uses

In order to evaluate a proposal for a land use not contained in the use table in Sec. 5.1, a determination of the appropriate classification of any new or unlisted land use must occur as follows.

- 5.2.1** The Planning Director may refer the question concerning any new or unlisted use to the Planning and Zoning Commission requesting an interpretation of the appropriate zoning classification for such a use.
- 5.2.2** The Planning Director must submit to the Planning and Zoning Commission a statement of facts listing the nature of the use and whether it involves dwelling activity, sales, processing, type of product produced, amount and nature of storage, anticipated employment, transportation requirements, the amount of noise, odor, fumes, dust, toxic material and vibration likely to be generated and the general requirements for public utilities such as water and wastewater.
- 5.2.3** The Planning and Zoning Commission must consider the nature and described performance of the proposed use; its compatibility with the uses permitted in the various districts, and amend the use table in accordance with the UDC Text Amendment procedures set forth in Sec. 3.2.

Sec. 5.3. Specific Use Standards

5.3.1 Family or Group Home

A family or group home may be permitted in accordance with the use table in Sec. 5.1 provided that no more than one vehicle per bedroom may be allowed on the premises of a family or group home for use of the residents of the home.

5.3.2 HUD-Code Manufactured Home ~~Subdivision or Land Lease Community~~

A HUD-Code manufactured home may be permitted in accordance with the use table in Sec. 5.1 subject to the following standards.

A. ~~Minimum Area and Front and Rear Yard Setbacks~~

~~1. For individual homes, each lot must be minimum one acre in size.~~

~~2. A HUD-Code manufactured home must observe a minimum front yard setback of 20 feet.~~

Article 6: Special Purpose and Overlay Zoning Districts

Sec. 6.3. TMED, Temple Medical and Educational

3. Pedestrian-scale lighting must be provided at all intersections and at 100' intervals along all public and private roadways within the development. Refer to the TMED Design Criteria Manual for the specific pedestrian-scale lighting models and styles that are permitted in the TMED zoning district.

G. Public Frontage Hike and Bike Trail Implementation

Hike and bike trail dedication is required for implementation of the Citywide Trails Master Plan.

6.3.12 General Planting Criteria

A. Applicability

The TMED general planting criteria in this Section apply to all transect zones.

- B. Approved Tree List – Article 7: General Development Standards; Section 7.4 Landscaping; Subsection 7.4.5. General Planting Criteria; B Approved Tree List.**

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- B. The table below lists the tree species that are eligible to fulfill the tree planting requirements in TMED. The Planning Director and City Arborist may determine as acceptable other species for plantings other than street trees.**

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Large Canopy Trees			
Common Name	Scientific Name	Type	Street Tree
American Sycamore	<i>Platanus occidentalis</i>	Deciduous	
Cypress, Bald	<i>Taxodium distichum</i>	Deciduous	Yes
Cypress, Arizona	<i>Cupressus arizonica</i>	Evergreen	Yes
Elm, Cedar	<i>Ulmus crassifolia</i>	Deciduous	Yes
Oak, Chinkapin	<i>Quercus muhlenbergii</i>	Deciduous	
Oak, Live	<i>Quercus virginiana</i>	Evergreen	
Pecan	<i>Carya illinoensis</i>	Deciduous	
Southern Magnolia	<i>Magnolia grandiflora</i>	Evergreen	
Medium Canopy Trees			
Common Name	Scientific Name	Type	Street Tree
Chinese Pistache	<i>Pistacia chinensis</i>	Deciduous	Yes
Elm, Lacebark	<i>Ulmus parvifolia</i>	Deciduous	
Oak, Lacey	<i>Quercus laceyi</i>	Deciduous	Yes
Oak, Mexican White	<i>Quercus polymorpha</i>	Deciduous	
Oak, Texas Red	<i>Quercus texana</i>	Deciduous	Yes
Small Trees			
Common Name	Scientific Name	Type	Screening Street Tree (1 st St. Only)
Buckeye, Mexican	<i>Ungnadia speciosa</i>	Deciduous	
Grape Myrtle	<i>Lagerstroemia indica</i>	Deciduous	Yes

Temple, Texas Unified Development Code

Effective 12/16/10 • Last Amended 01/15/13

Article 6: Special Purpose and Overlay Zoning Districts

Sec. 6.3. TMED, Temple Medical and Educational

Large Canopy Trees			
Common Name	Scientific Name	Type	Street Tree
Holly, Yaupon	<i>Ilex vomitoria</i>	Evergreen	Yes
Laurel, Texas Mountain	<i>Sophora secundiflora</i>	Evergreen	
Persimmon, Texas	<i>Diospyros texana</i>	Deciduous	
Pistache, Texas	<i>Pistacia texana</i>	Deciduous	Yes
Plum, Mexican	<i>Prunus mexicana</i>	Deciduous	
Possumhaw Holly	<i>Ilex decidua</i>	Deciduous	
Redbud, Eastern	<i>Cercis canadensis</i>	Deciduous	Yes
Southern Wax Myrtle	<i>Myrica cerifera</i>	Evergreen	
Vitex (Chaste Tree)	<i>Vitex agnus-castus</i>	Deciduous	
Willow, Desert	<i>Chilopsis linearis</i>	Deciduous	

C. Approved Groundcover List

The table below lists the groundcover species that are eligible to fulfill the groundcover planting requirements in TMED.

Groundcover		
Common Name	Scientific Name	Type
Asian Jasmine	<i>Trachelospermum asiaticum</i>	Evergreen
English Ivy	<i>Hedera helix</i>	Evergreen
Liriope	<i>Liriope muscari</i>	Evergreen
Monkey Grass (Mondo Grass)	<i>Ophiopogon japonicus</i>	Evergreen

D. Approved Shrubs – Article 7: General Development Standards; Section 7.4 Landscaping; Subsection 7.4.5. General Planting Criteria; C Approved Shrub List.

D. —

E. Shrubs must be appropriate perennial and evergreen species for the Central Texas region. Approved Lawn Grass – Article 7: General Development Standards; Section 7.4 Landscaping; Subsection 7.4.5. General Planting Criteria; E Approved Lawn Grass.

E.F. Landscape Installation – Applicable to TMED

1. **Trees**

- All required large trees must be a minimum of three inches in diameter at breast height or 65-gallon container size at planting.
- All required medium trees must be a minimum of two and one-half inches in diameter at breast height at planting.
- All required small trees must be a minimum of two inches in diameter at breast height at planting at planting.

Temple, Texas Unified Development Code

Effective 12/16/10 • Last Amended 01/15/13

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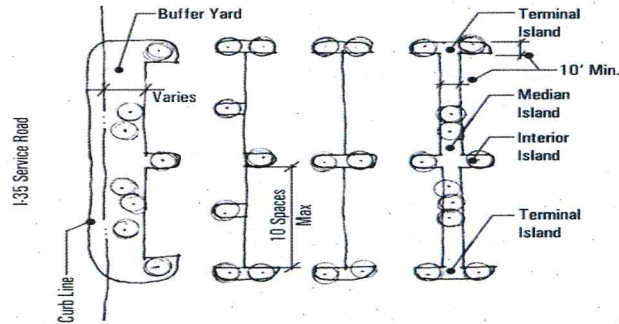
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Article 6: Special Purpose and Overlay Zoning Districts

Sec. 6.7. I35, Interstate 35 Corridor Overlay



13. All landscape areas must accent building features, entryways and driveways.
14. Native plants and drought tolerant species are preferable to reduce water requirements.

F. Approved Tree List – See Article 7: General Development Standards; Section 7.4 Landscaping; Subsection 7.4.5. General Planting Criteria; B Approved Tree List.

G. Approved Groundcover List – See Article 7: General Development Standards; Section 7.4 Landscaping; Subsection 7.4.5. General Planting Criteria; C Approved Shrub List.

H. Approved Shrubs – See Article 7: General Development Standards; Section 7.4 Landscaping; Subsection 7.4.5. General Planting Criteria; D Approved Groundcover List.

I. Approved Lawn Grass – See Article 7: General Development Standards; Section 7.4 Landscaping; Subsection 7.4.5. General Planting Criteria; E Approved Lawn Grass.

F. — Plant List

The table below constitutes the list plant species that are eligible to fulfill the tree preservation, screening and landscaping provisions of this Section.

Common Name	Scientific Name
Canopy Trees	
Ash, Green	Fraxinus pennsylvanica
Ash, Texas	Fraxinus texensis
Cypress, Arizona	Cupressus arizonica

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Article 6: Special Purpose and Overlay Zoning Districts

Sec. 6.7. I35, Interstate 35 Corridor Overlay

Common Name	Scientific Name
Cypress, Bald	<i>Taxodium distichum</i>
Elm, American	<i>Ulmus americana</i>
Elm, Cedar	<i>Ulmus crassifolia</i>
Eve's Necklace	<i>Sophora affinis</i>
Holly, American	<i>Ilex opaca</i>
Laurelcherry, Carolina	<i>Prunus caroliniana</i>
Maple, Bigtooth	<i>Acer grandidentatum</i>
Oak Shumard	<i>Quercus shumardii</i>
Oak, Blackjack	<i>Quercus marilandica</i>
Oak, Bur	<i>Quercus macrocarpa</i>
Oak, Chinquapin	<i>Quercus muhlenbergii</i>
Oak, Durand	<i>Quercus sinuate</i>
Oak, Live	<i>Quercus virginiana</i>
Oak, Post	<i>Quercus stellata</i>
Oak, Red	<i>Quercus texana</i>
Oak, Shumard	<i>Quercus shumardii</i>
Pecan	<i>Carya drummondii</i>
Sycamore	<i>Platanus occidentalis</i>
Walnut, Arizona	<i>Juglans major</i>
Walnut, Eastern	<i>Juglans nigra</i>
Ornamental Trees	
Blackhaw, Rusty	<i>Viburnum rufidulum</i>
Buckeye, Mexican	<i>Ungnadia speciosa</i>
Crabapple	
Crepe Myrtle Cultivars: — Basham's Party Pink — Biloxi — Choctaw — Dynamite — Miami — Muscogee — Natchez — Pink Velour — Potomac — Red Rocket — Siren Red — Townhouse — Tuscarora — Wichita	<i>Lagerstroemia indica</i>
Chaste Tree	<i>Vitex agnus-castus</i>
Dogwood, Roughleaf	<i>Cornus drummondii</i>
Hawthorn	<i>Crataegus spp.</i>
Holly, Yaupon	<i>Ilex vomitoria</i>

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Article 6: Special Purpose and Overlay Zoning Districts

Sec. 6.7. I35, Interstate 35 Corridor Overlay

Primary Materials: Max. 90%, Min. 70%	Accent Materials: Max. 30%, Min. 10%
Stone Brick <u>Painted Tilt Wall</u>	<ul style="list-style-type: none">• Wood• Cast Stone• Glass Block• Architectural Metal• Tile• Granite• Marble• Textured or Patterned Concrete• All Primary Materials (other than material used to achieve the min. 70%)

E. Landscape

The following landscape requirements are required in addition to those requirements described in Sec. 6.7.5E, Landscape.

1. A minimum of 15 percent of the total site area must be landscaped.
2. All driveways into the site must have enhanced paving of stone, brick or patterned concrete for a minimum of 50 percent of the driveway throat.
3. An additional 10 percent of vegetation is required above the general landscaping requirements in landscaped buffer areas.
4. In addition to those trees already required, ornamental-small canopy trees must be used in the landscape buffer. One minimum two-inch caliper ornamental-small canopy tree must be planted for each 30 feet of frontage along public street rights-of-way as measured along the lot lines.
5. One minimum three-inch caliper large or medium canopy tree must be planted for each 25 feet of frontage along public street rights-of-way as measured along the lot lines.

F. Lighting

All on-premises outdoor lighting fixtures in the City Entry Sub-District must be ornamental or decorative where appropriate.

Article 6: Special Purpose and Overlay Zoning Districts

Sec. 6.8. 1st and 3rd Overlay District

B. Approved Tree List – Article 7: General Development Standards; Section 7.4 Landscaping; Subsection 7.4.5. General Planting Criteria; B Approved Tree List.

The table below lists the tree species that are eligible to fulfill the tree planting requirements in 1st and 3rd Overlay District. The Planning Director and City Arborist may determine as acceptable other species for plantings other than street trees.

Large Canopy Trees			
Common Name	Scientific Name	Type	Street Tree
American Sycamore	Platanus occidentalis	Deciduous	
Cypress, Bald	Taxodium distichum	Deciduous	Yes
Cypress, Arizona	Cupressus arizonica	Evergreen	Yes
Elm, Cedar	Ulmus crassifolia	Deciduous	Yes
Oak, Chinquapin	Quercus muhlenbergii	Deciduous	
Oak, Live	Quercus virginiana	Evergreen	Yes
Pecan	Carya illinoensis	Deciduous	
Southern	Magnolia	Evergreen	

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Article 6: Special Purpose and Overlay Zoning Districts

Sec. 6.8. 1st and 3rd Overlay District

Large Canopy Trees			
Common Name	Scientific Name	Type	Street Tree
White Tree)	castus	uous	
Willow, Desert	Chilopsis linearis	Deciduous	

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B. Approved Shrubs – Article 7: General Development Standards; Section 7.4 Landscaping; Subsection 7.4.5. General Planting Criteria; C Approved Shrub List.

D-C. Approved Groundcover List

The table below lists the groundcover species that are eligible to fulfill the groundcover planting requirements in the 1st and 3rd Overlay District.

Groundcover		
Common Name	Scientific Name	Type
Asian Jasmine	<i>Trachelospermum asiaticum</i>	Evergreen
English Ivy	<i>Hedera helix</i>	Evergreen
Liriope	<i>Liriope muscari</i>	Evergreen
Monkey Grass (Mondo Grass)	<i>Ophiopogon japonicus</i>	Evergreen

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D. Approved Lawn Grass – Article 7: General Development Standards; Section 7.4 Landscaping; Subsection 7.4.5. General Planting Criteria; E Approved Lawn Grass.

E. Approved Shrubs

Shrubs must be appropriate perennial and evergreen species for the Central Texas region.

F. Approved Lawn Grass

Grass areas must be planted with drought resistant species normally grown as permanent lawns, such as Bermuda, Zoysia or Buffalo.

G-E. Landscape Installation – Applicable to 1st and 3rd Street Overlay

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1. Trees

- All required large trees must be a minimum of three inches in diameter (single trunk) at breast height or 65-gallon container size at planting.

Article 7: General Development Standards

Sec. 7.3. Sidewalks

- E. Joint access curb cuts are encouraged where lots are less than 100 feet in width.

7.2.6 Industrial Drive Approaches

- A. A drive approach for Industrial Uses and Natural Resource Storage and Extraction Uses set listed in the use table in Sec. 5.1 must conform to the standards in the table below.

Property Frontage (ft)	A		B	C	D		E
	Curb Return Radii (ft)		Suggested Min. Island Width (ft.)	Min. Corner Clearance Min. (ft.)	Two-way Curb Cut Width (ft)		Maximum Number of Two-Way Curb Cuts Per Frontage
	Min.	Max.			Min.	Max.	
Up to 200	15	50	15	15	35	50	3
201-400	15	50	20	15	35	50	5
401-600	15	50	25	15	35	50	7
601-800	15	30	30	15	35	50	9
801-1,000	15	30	35	15	35	50	11
1,001 and up	The Planning and Zoning Commission reviews curb cuts for industrial tract sizes in excess of 1,001 feet						

- B. Maximum drive approach widths and maximum number of drive approaches may be used only where the frontage is sufficient to achieve minimum corner clearance, curb return radii and suggested minimum island width.
- C. One-way access curb cuts are permitted, but may not be less than 25 feet. The combination of one-way curb cut widths must not exceed the maximum width for a two-way curb cut based on lot frontage.

7.2.7 Sec. 7.3. Sidewalks**7.3.1 Applicability**

Sidewalks built in accordance with the standards in Sec. 8.2.3 are required adjacent to a collector street, minor arterial or major arterial if:

- A. A new building or structure is built requiring a Building Permit as set forth in Sec. 3.13; or
- B. The cost to remodel an existing structure is by 50 percent or more of the assessed value of the property per the current tax rolls.

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7.3.2 Sidewalks Not Required

Sidewalks are not required:

A. For a new single-family dwelling where all adjacent properties are developed and where no sidewalks have been provided on adjoining property.

B. For property located within an Industrial Park as set forth in Sec. 8.2.3.

7.3.3 Waiver of Sidewalk Requirements

The Director of Planning may exercise discretion to waive all or a portion of the requirement that a sidewalk be constructed as a condition of a Building permit in accordance with the procedures in Sec 3.10.

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Sec. 7.4. Landscaping

7.4.1 Purpose

The purpose of these landscaping standards is to enhance the attractiveness of the City through a limited amount of landscaping provided in conjunction with new development.

7.4.2 Applicability

- A. These standards do not apply to single-family or duplex residential uses located in any zoning district, since these uses typically exceed the required landscaping. All other land uses, including HUD-Code manufactured home subdivisions and land lease communities, apartments, offices, retail, commercial and industrial uses and parking lots are subject to these standards, except in the CA district. Existing development is encouraged, but not required, to provide this landscaping standard.
- B. These landscaping standards are applicable in conjunction with a Building Permit for new development, or an addition that increases site intensity on the lot or tract by 100 percent or more. Site intensity includes, but is not limited to, number of apartment units, paved surface or square footage proposed for nonresidential development.

7.4.3 Landscape Plan Required

A landscape plan must be submitted with the Building Permit application demonstrating compliance with the standards of this Section.

7.4.4 Landscaping Standards

- A. The developer of each lot subject to these standards is required to provide a minimum landscaped area of five percent of the lot area to be utilized. ~~Areas covered by driveways, paved walks or street and alley rights-of-way will not be counted as part of the total lot area when calculating the five percent minimum landscaping requirement.~~
- B. If the public street right-of-way is developed with landscaping conforming to these standards, and is combined into an integrated landscape plan with required landscaping, total required landscaping may be reduced to three percent of the lot area. The adjacent property owner must maintain the public street right-of-way adjacent to the

required landscaped area in the same manner as the required landscaping.

- C. The required landscaped area must be located in the front and side yards, except in the C, LI and HI zoning districts where no front or side yard is required. In these districts, required landscaping must be provided between the principal buildings and the streets to which the buildings are oriented.
- D. Required landscaped area must consist of living trees, shrubs, turf or other living groundcover, native to Central Texas and Bell County, as described below.
- E. A minimum of one tree is required to be planted in the landscaped area described in paragraph A above or in the parking lot for each 40 feet, or fraction thereof, of linear street frontage. The required number of trees need not be placed uniformly, but may be clustered in groups.
- ~~E. Tree species must be a minimum of five feet overall height immediately after planting. Trees of species whose roots are known to cause damage to public roadways or other improvements are prohibited.~~
- ~~F. Required trees must have a minimum caliper of two inches except as indicated, staked and wrapped and must be listed as a Canopy Tree in the Plant List in subsection 6.7.5F.1~~
- G.F. As an alternative to satisfying the requirement above for one tree per 40 linear feet of street frontage, three shrubs, a minimum of five gallons each in size ~~and listed as a Shrub in the Plant List in 6.7.5F,~~ may be substituted.
- H.G. The height and placement of landscaping must not encroach upon the intersection visibility triangle defined in Sec. 4.4.8.
- H. Where ~~Sec. 7.7~~~~Sec. 7.6~~ requires a wood or masonry fence, it may be located within the required landscaped area.

7.4.5 General Planting Criteria

A. Applicability

General planting criteria in this Section apply to all zoning districts and uses.

required landscaped area in the same manner as the required landscaping.

- C. The required landscaped area must be located in the front and side yards, except in the C, LI and HI zoning districts where no front or side yard is required. In these districts, required landscaping must be provided between the principal buildings and the streets to which the buildings are oriented.
- D. Required landscaped area must consist of living trees, shrubs, turf or other living groundcover, native to Central Texas and Bell County, as described below.
- E. A minimum of one tree is required to be planted in the landscaped area described in paragraph A above or in the parking lot for each 40 feet, or fraction thereof, of linear street frontage. The required number of trees need not be placed uniformly, but may be clustered in groups.
- ~~E. Tree species must be a minimum of five feet overall height immediately after planting. Trees of species whose roots are known to cause damage to public roadways or other improvements are prohibited.~~
- ~~F. Required trees must have a minimum caliper of two inches except as indicated, staked and wrapped and must be listed as a Canopy Tree in the Plant List in subsection 6.7.5F.1~~
- G.F. As an alternative to satisfying the requirement above for one tree per 40 linear feet of street frontage, three shrubs, a minimum of five gallons each in size ~~and listed as a Shrub in the Plant List in 6.7.5F,~~ may be substituted.
- H.G. The height and placement of landscaping must not encroach upon the intersection visibility triangle defined in Sec. 4.4.8.
- H. Where ~~Sec. 7.7~~~~Sec. 7.6~~ requires a wood or masonry fence, it may be located within the required landscaped area.

7.4.5 General Planting Criteria

A. Applicability

General planting criteria in this Section apply to all zoning districts and uses.

B. Approved Tree List

The table below lists the tree species that are eligible to fulfill tree planting requirements. The Planning Director and City Arborist may determine as acceptable other species for plantings.

Large Canopy Trees			
Common Name	Scientific Name	Type	Street Tree
Cypress, Arizona	<i>Cupressus arizonica</i>	Evergreen	Yes
Cypress, Montezuma	<i>Taxodium mucronatum</i>	Deciduous	Yes
Elm, Cedar	<i>Ulmus crassifolia</i>	Deciduous	Yes
Elm, Lacebark	<i>Ulmus parvifolia</i>	Deciduous	
Oak, Bur	<i>Quercus macrocarpa</i>	Deciduous	
Oak, Chinkapin	<i>Quercus muhlenbergii</i>	Deciduous	
Oak, Live	<i>Quercus virginiana</i>	Evergreen	
Pecan	<i>Carya illinoensis</i>	Deciduous	
Medium Canopy Trees			
Common Name	Scientific Name	Type	Street Tree
Oak, Lacey	<i>Quercus laceyi</i>	Deciduous	Yes
Oak, Mexican White	<i>Quercus polymorpha</i>	Deciduous	
Oak, Texas Red	<i>Quercus texana</i>	Deciduous	Yes
Pistache, Chinese	<i>Pistacia chinensis</i>	Deciduous	Yes
Small Trees			
Common Name	Scientific Name	Type	Street Tree or Screening Street Tree (1 st St. Only as applicable in TMED)
Buckeye, Mexican	<i>Ungnadia speciosa</i>	Deciduous	
Crape Myrtle	<i>Lagerstroemia indica</i>	Deciduous	Yes
Holly, Yaupon	<i>Ilex vomitoria</i>	Evergreen	Yes (1 st Street Screening Only)
Laurel, Texas Mountain	<i>Sophora secundiflora</i>	Evergreen	
Maple, Shantung	<i>Acer truncatum</i>	Deciduous	Yes
Persimmon, Texas	<i>Diospyros texana</i>	Deciduous	
Pistache, Texas	<i>Pistacia texana</i>	Deciduous	Yes (1 st Street Screening Only)
Plum, Mexican	<i>Prunus mexicana</i>	Deciduous	
Possumhaw Holly	<i>Ilex decidua</i>	Deciduous	
Redbud, Oklahoma	<i>Cercis reniformis</i>	Deciduous	Yes
Redbud, Texas	<i>Cercis Canadensis var. texensis</i>	Deciduous	Yes
Vitex (Chaste Tree)	<i>Vitex agnus castus</i>	Deciduous	Yes

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C. Approved Shrub List

The table below lists the shrub species that are eligible to fulfill landscape planting requirements. The Planning Director and City Arborist may determine as acceptable other species for plantings.

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Article 7: General Development Standards

Sec. 7.4. Landscaping

Drought Tolerant Shrub List

<u>Abelia, Glossy</u>	<u>Abelia grandiflora</u>
<u>Agarita</u>	<u>Berberis trifoliata</u>
<u>Agave, Century Plant</u>	<u>Agave sp.</u>
<u>Artemisia</u>	<u>Artemisia 'Powis Castle'</u>
<u>Barberry, Japanese</u>	<u>Berberis thunbergii</u>
<u>Black Dalea</u>	<u>Dalea frutescens</u>
<u>Butterfly Bush</u>	<u>Buddleja davidii</u>
<u>Butterfly Bush, Woolly</u>	<u>Buddleja marrubifolia</u>
<u>Cotoneaster</u>	<u>Cotoneaster sp.</u>
<u>Flame Acanthus</u>	<u>Anisacanthus quadrifidus var.</u>
<u>Holly, Burford</u>	<u>Ilex cornuta 'Burfordii'</u>
<u>Holly, Dwarf Burford</u>	<u>Ilex cornuta 'Burfordii Nana'</u>
<u>Holly, Dwarf Chinese</u>	<u>Ilex cornuta 'Rotunda Nana'</u>
<u>Holly, Dwarf Yaupon</u>	<u>Ilex vomitoria 'Nana'</u>
<u>Lantana, Pink</u>	<u>Lantana camara</u>
<u>Lantana, Texas</u>	<u>Lantana horrida</u>
<u>Mountain Sage</u>	<u>Salvia regia</u>
<u>Nandina (dwarf types)</u>	<u>Nandina sp.</u>
<u>Oleander</u>	<u>Nerium olender</u>
<u>Primrose Jasmine</u>	<u>Jasminum mesnyi</u>
<u>Rock Rose</u>	<u>Pavonia lasiopetala</u>
<u>Rose, Belinda's Dream</u>	<u>Rosa, 'Belinda's Dream'</u>
<u>Rose, Knock Out</u>	<u>Rosa, 'Knock Out'</u>
<u>Rose, Living Easy</u>	<u>Rosa, 'Living Easy'</u>
<u>Rose, Marie Pavie</u>	<u>Rosa, 'Marie Pavie'</u>
<u>Rose, Mutabilis</u>	<u>Rosa, 'Mutabilis'</u>
<u>Rose, Nearly Wild</u>	<u>Rosa, 'Nearly Wild'</u>
<u>Rose, Old Bush</u>	<u>Rosa, 'Old Bush'</u>
<u>Rosemary</u>	<u>Rosmarinus officinalis</u>
<u>Sage, Texas</u>	<u>Leucophyllum frutescens</u>
<u>Sotol, Texas</u>	<u>Dasyliroium texanum</u>
<u>Sumac, Evergreen</u>	<u>Rhus virens</u>
<u>Sumac, Fragrant (Aromatic)</u>	<u>Rhus aromatic</u>
<u>Turk's Cap</u>	<u>Malvaviscus arboreus</u>
<u>Yucca, Paleleaf</u>	<u>Yucca pallida</u>
<u>Yucca, Red</u>	<u>Hesperaloe parviflora</u>
<u>Yucca, Softleaf</u>	<u>Yucca, recurvifolia</u>
<u>Yucca, Twistleaf</u>	<u>Yucca, rupicola</u>

D. Approved Groundcover List

The table below lists the groundcover species that are eligible to fulfill landscape planting requirements. The Planning Director and City Arborist may determine as acceptable other species for plantings.

Groundcover	
Common Name	Scientific Name
<u>Asian Jasmine</u>	<u>Trachelospermum asiaticum</u>
<u>Big Bluestem</u>	<u>Andropogon gerardii</u>

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Article 7: General Development Standards

Sec. 7.4. Landscaping

Groundcover	
Common Name	Scientific Name
Bushy Bluestem	<i>Andropogon gerardii</i>
Carolina Jessamine	<i>Lonicera sempervirens</i>
Coral Honeysuckle	<i>Lonicera sempervirens</i>
Coral Vine	<i>Antigonon leptopus</i>
Cross Vine	<i>Bignonia capreolata</i>
Dwarf Fountain Grass	<i>Pennisetum alopecuroides</i>
Fig Vine	<i>Ficus pumila</i>
Frogfruit	<i>Phyla incisa</i>
Horseherb	<i>Calyptocarpus vialis</i>
Indian Grass	<i>Sorghastrum nutans</i>
Inland Seaoats	<i>Chasmanthium latifolium</i>
Lady Banksia Rose	<i>Rose banksiae</i>
Leadwort Plumbago	<i>Ceratostigma plumbaginoides</i>
Liriope (including Giant)	<i>Liriope muscari</i>
Little Bluestem	<i>Schizachyrium scoparium</i>
Muhly, Big	<i>Muhlenbergia lindheimeri</i>
Muhly, Deer	<i>Muhlenbergia rigens</i>
Muhly, Seep	<i>Muhlenbergia reverchonii</i>
Oregano	<i>Origanum vulgare</i>
Passion Vine	<i>Passiflora incarnata</i>
Littleleaf Periwinkle	<i>Vinca minor</i>
Pigeonberry	<i>Rivina humilis</i>
Purple Heart	<i>Secreasea pallida</i>
Sanotlina	<i>Santolina chamaecyparissus</i>
Sedge, Berkeley	<i>Carex tumicola</i>
Sedge, Meadow	<i>Carex perdentata</i>
Sedge, Texas	<i>Carex texensis</i>
Sedum	<i>Sedum nuttallianum</i>
Sideoats Grama	<i>Bouteloua curtipendula</i>
Silver Pony-foot	<i>Dichondra argentea</i>
Sweet Autumn Clematis	<i>Clematis paniculata</i>
Switch Grass	<i>Punica vigatum</i>
Trumpet Vine	<i>Campsis radicans</i>
Virginia Creeper	<i>Parthenocissus quinquefolia</i>
White Avens	<i>Gerum canadense</i>
Wooly Stemodia	<i>Stemodia lanata or tomentosa</i>

E. Approved Lawn Grass

The table below lists the turf grass species that are eligible to fulfill landscape planting requirements. The Planning Director and City Arborist may determine as acceptable other species for plantings.

Turfgrass	
Common Name	Scientific Name

Temple, Texas Unified Development Code

Effective 12/16/10 • Last Amended 01/15/13

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Article 7: General Development Standards

Sec. 7.4. Landscaping

Buffalo Grass	<i>Buchloe dactyloides</i>
Palisades Zoysia Grass	<i>Zoysia japonica</i>
El Toro Zoysia Grass	<i>Zoysia japonica, El toro</i>
Empire Zoysia Grass	<i>Zoysia japonica, Empire</i>
Jamur Zoysia Grass	<i>Zoysia japonica, Jamur</i>
Argentine Bahia Grass	<i>Paspalum notatum, Argentina</i>
Pensacola Bahia Grass	<i>Paspalum notatum, Pensacola</i>
Common Bermuda Grass	<i>Cynodon dactylon</i>
Tiffway 419 Bermuda Grass	<i>Cynodon dactylon, Tiffway 419</i>
Celebration Bermuda Grass	<i>Cynodon dactylon, Celebration</i>
Sahara Bermuda Grass	<i>Cynodon dactylon, Sahara</i>
GN I Bermuda Grass	<i>Cynodon dactylon, GN I</i>
TexTurf Bermuda Grass	<i>Cynodon dactylon, Tex Turf</i>
TifSport Bermuda Grass	<i>Cynodon dactylon, TifSport</i>
Grimes EXP Bermuda Grass	<i>Cynodon dactylon, Grimes EXP</i>

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F. Landscape Installation

1. Trees

- a. All required canopy trees must be a minimum of two inches in diameter (single trunk) at breast height or 65-gallon container size at planting.

2. Shrubs

All required shrubs must be a minimum three-gallon container size at planting.

3. Groundcover

All required groundcover must be a minimum one-gallon container size at planting.

4. Lawn Grass

Grass areas must be sodded, plugged, sprigged, or seeded. However, solid sod must be used in swales, berms or other areas subject to erosion.

1.

7.3.57.4.6 Phased Projects

Each phase of a phased project must comply with the requirements of this Section.

7.3.67.4.7 Existing Plant Material

In instances where healthy plant material exists on a site prior to its development, the application of the above landscaping requirements may be adjusted if these standards are satisfied.

7.3.77.4.8 Maintenance and Irrigation

- A.** All required landscaping must be maintained at all times in a living and growing condition.
- B.** The owner must replace, within 30 days, any plant material that is diseased, deteriorated or dead. The Planning Director may issue up to a 90-day extension of time for replacement during drought or summer months.
- C.** All required landscaping must be irrigated by an automatic sprinkling system or have access to a hose connection within 100 feet of all landscaping.

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7.3.87.4.9 Installment Guarantee

A final Certificate of Occupancy may be issued without the required landscaping in place, provided a letter of credit or other suitable assurance is given that landscaping complying with these standards will be installed no later than six months after issuance of the Certificate of Occupancy.

- B. A use in the HI zoning district may not at any time create earthborn vibration that, when measured at the property line of the subject property, exceed the limit of displacement set forth in the following table in the frequency ranges specified.

Frequency (Cycles per Second)	Displacement in Inches
0 to 10	.0020
10 to 20	.0016
10 to 30	.0010
30 to 40	.0006
40 and over	.0005

7.1.8 Glare

A use in any ~~LI-zoning d~~District ~~or an HI-District~~ may not be located or conducted so as to produce intense glare or direct illumination across the bounding property line from a visible source of illumination nor may any such light be of such intensity as to create a nuisance or detract from the use and enjoyment of adjacent property.

~~7.5.10~~ 7.6.10 Wall Signs

A. Location and area

1. A maximum 50 percent of each tenant's store front, side or rear oriented to each street may be utilized for a wall sign. A single wall sign may not exceed 300 square feet in area.
2. In the MU district, the maximum aggregate area of wall signs is 200 square feet.
3. A wall sign must not cover wholly or partially any wall opening, nor project beyond the ends or top of the wall to which it is attached in excess of four feet.
4. A wall sign must not extend more than six inches beyond the building line or be attached to a wall at a height of less than 10 feet above the sidewalk or ground. Alternative placement may be permitted with approval by the Planning Director for facades that can not meet this requirement.

~~7.5.11~~ 7.6.11 Standards for Off-Premise Signs

An off-premise sign erected after March 7, 2002, must comply with the following standards unless an alternate standard applies because the sign is erected under incentive or relocation provisions.

A. Sign Permit Required

A person may not erect an off-premise sign without a Sign Permit issued in accordance with Sec. 3.14. The ~~Director of Construction Safety~~Chief Building Official may issue a permit for an off-premise sign only when all requirements of this section are met. A permit for off-premise sign construction is valid for a period of six months from date of issuance. The Planning Director may extend the time limit for construction of a sign for up to one additional year. The permittee may present, and the Planning Director must consider, evidence relating to market conditions for new sign construction, availability of local financing for new sign construction, the permittee's history of compliance with the requirements of this section, and other relevant factors.

Article 8 Subdivision Design and Improvements

Sec. 8.1. General Provisions

8.1.1 Authority

The provisions of this Article are adopted pursuant to the City Charter and under the authority of Chapters 211 and 212 of the Local Government Code. Subdivisions located in whole or in part in extraterritorial jurisdiction (ETJ) of the City are subject to an interlocal agreement with Bell County under Chapter 242 of the Local Government Code.

8.1.2 Applicability

- A. Unless otherwise stated, the standards of this Article apply if a property is proposed to be subdivided in accordance with the procedures set forth in Sec. 3.6, Sec. 3.7 or Sec. 3.8.
- B. This Article is administered in coordination with all other applicable local, state or federal ordinances, codes, standards and regulations. The provisions in this Article are also administered in conjunction with the Comprehensive Plan, Design and Development Standards Manual, Drainage Criteria Manual, Citywide Trails Master Plan and the Water and Sewer Master plan.
- C. Plat approval is not required for a division of land into two or more parts for the sole purpose of securing a loan, so long as all of the land remains in the same ownership.

8.1.3 Type of Improvements Required

- A. -The applicant must provide the following improvements, of adequate width and size, in accordance with the standards of this UDC, the Design and Development Standards Manual, The Drainage Criteria manual, City Code Chapter 12 (Fire Prevention and Protection), and any applicable local, state or federal requirements:
 - 1. Building setback lines;
 - 2. Public streets and alleys;
 - 3. Sidewalks;
 - 4. Easements;
 - 5. Blocks and lots;

Article 8: Subdivision Design and Improvements

Sec. 8.1. General Provisions

6. Water, wastewater and drainage facilities;
7. Fire hydrants;
8. Street lights;
9. Parks;
10. Other public places or facilities.

B. Fire hydrants in the extraterritorial jurisdiction

Fire Hydrants will not be required in the City's Extraterritorial Jurisdiction (ETJ) when all of the following circumstances exist:

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1. The proposed plat is not within the City's fire district;
2. The City does not provide water service to the area proposed for platting; and
3. The City has not set forth plans to annex the area proposed for platting in the City's Municipal Annexation Plan.

Other exceptions to the requirement to provide fire hydrants in the ETJ will be considered in accordance with the requirements and procedures provided in Sec. 3.6.6.

10. —

- B.C. The applicant must coordinate street layouts and street planning with the Comprehensive Plan, with other municipalities, and with county, state and federally designated highways, as applicable review bodies may deem in the best interest of the general public.

8.1.4 Compliance with Exceptions

If a subdivision has been granted an exception to the standards in this Article in accordance with the procedures set forth in Sec. ~~3.6.73-6-6~~ then the subdivision must comply with all conditions and requirements of the exception where these vary with this Article. In all other instances the subdivision must comply with the requirements of this Article. No City Maintenance

- A. The City does not repair, maintain, install, provide , or issue permits for any streets or public services in any subdivision for which a Final Plat has not been approved and filed for record in accordance with Sec.

8.2.3 Sidewalks ~~and Trails~~

A. Purpose

The purpose of this subsection is to provide safe, continuous pedestrian access along arterial and collector streets, for linking residential areas, neighborhood services, retail services and public facilities.

B. Where Required

1. Sidewalks must be provided in the public street right-of-way, along both sides of arterial streets and along one side of collector streets.

~~2. Sidewalks are not required:~~

- ~~a. Where an applicant is requesting a Building Permit for a single-family dwelling unless there are sidewalks on adjoining property or the Director of Public Works reasonably determines that extension of sidewalks to property adjoining the single lot will occur within five years;~~
- ~~b. Where the subject property is proposed for single-family residential use in the UE, Urban Estates zoning district.~~

- ~~3-2.~~ The location of new sidewalks along a collector street must be in the established pattern, or as the Director of ~~Public Works~~ Planning determines, considering available public street right-of-way and existing or future infrastructure, or, all factors being equal, along the north and east sides of the collector. Sidewalks must be built in accordance with the Design and Development Standards Manual.

C. Dimensional and Construction Standards

Except as modified for Industrial Parks in subsection D below, the following standards apply to sidewalks citywide.

1. Sidewalks along local (if provided) and collector streets must be a minimum of four feet wide.
2. Sidewalks along arterial streets must be a minimum of six feet wide.

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3. Sidewalks must be built in line with existing sidewalks. In the absence of an adjoining sidewalk, the edge of the sidewalk closest to the street must be a minimum of two feet from the curb. This section should not be construed to prohibit paving the area between the sidewalk and the street.
4. Sidewalks must be built in accordance with the Design and Development Standards Manual.
5. Construction plans must be submitted with the Building Permit application. Required sidewalks must be constructed before the ~~Director of Construction Safety~~ Chief Building Official issues a Certificate of Occupancy.
6. Obstructions including, but not limited to utility poles and signs are not permitted in sidewalks.

[Ord. 2012-4516]

D. Sidewalk Not Required

Sidewalks are not required:

1. Where the subject property is proposed for single-family residential use in the UE Orban Estates zoning district.
2. Where the subject property is located along streets within Industrial Parks described below:
 - a. Northwest Industrial Park – for the purposes of this Section, the Northwest Industrial Park consists of properties within or fronting on the boundary depicted below and formed by:
 - i. Moore’s Mill Road from Wendland Road to Pegasus Drive;
 - ii. Pegasus Drive from Moore’s Mill Road to North General Bruce Drive;
 - iii. North General Bruce Drive from Pegasus Drive to Enterprise Road;
 - iv. Enterprise Road from North General Bruce Drive to Eberhardt Road;

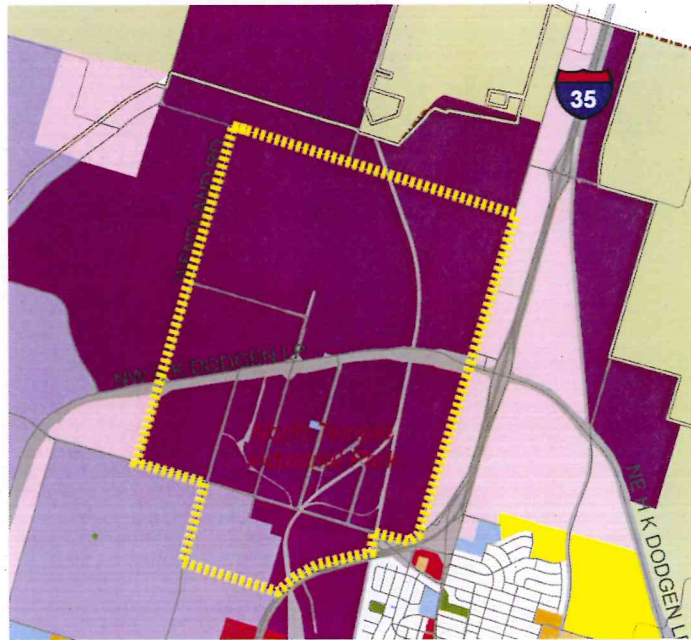
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- v. Eberhardt Road from Enterprise Road to Industrial Boulevard;
- vi. Industrial Boulevard from Eberhardt Road to Wendland Road; and
- vii. Wendland Road from Industrial Boulevard to Moore's Mill Road.



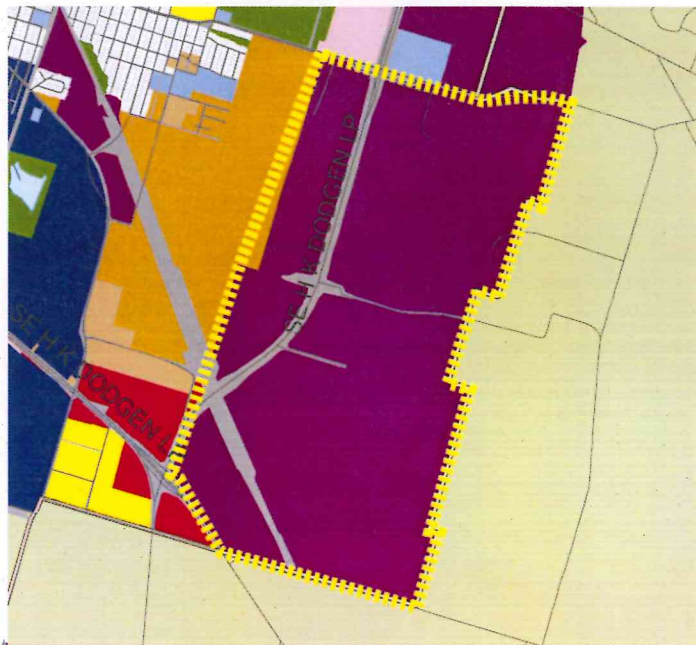
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- b. Southeast Industrial Park – for the purposes of this Section, the Southeast Industrial Park consists of properties within or fronting on the boundary depicted below and formed by:
 - i. East Avenue H from one-half mile west of the western H. K. Dodgen Loop right-of-way line to easternmost city limit line;

Article 8: Subdivision Design and Improvements

Sec. 8.2. Design Standards

- ii. The easternmost city limit line from East Avenue H to Farm to Market Road 3117;
- iii. Farm to Market Road 3117 from the easternmost city limit line to the eastern State Highway 36 right-of-way line;
- iv. The eastern State Highway 36 right-of-way line from the southern city limit line to the eastern H.K. Dodgen Loop right-of-way line;
- v. A straight line from the eastern State Highway 36 right-of-way line to one-half mile west of the western H.K. Dodgen Loop right-of-way line.



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D.E. Cost Sharing for Sidewalks

1. On portions of property developed for single-family residential use that adjoin an arterial street, or a County, State, or Federally maintained highway, the developer shall build an arterial width sidewalk, and the City shall bear the cost of sidewalk construction of those portions of sidewalk adjoining an arterial street or a County, State, or Federally maintained highway. The City shall reimburse the developer at the time the sidewalk improvements are accepted by the City, the City and applicant must share the cost of sidewalk construction. The City must reimburse the developer the difference in cost between a collector street sidewalk and an arterial street sidewalk at the time the City accepts the sidewalk improvements.
2. ~~On portions of property developed for single-family residential use that adjoin a county, state or federally maintained highway, the applicant must build an arterial width sidewalk, and of those portions of sidewalk adjoining such county, state or federally maintained highway.~~

E.F. Waiver of Sidewalk Requirements

The Director of ~~Community Services~~Planning may exercise discretion to waive ~~all or a portion of the requirement that a sidewalk be constructed as a condition of a Building Permit requirements~~ in accordance with the procedures in Sec. 3.10.

8.2.4 Utility Easements

- A. Each block that does not contain an alley must contain or have access to a utility easement at the rear of all lots, or at other appropriate locations as determined by utility providers or the City Engineer, reserved for the use of all public utility lines, conduits and equipment. In the case of rear lot or side lot locations, the utility easements must be a minimum of 15 feet in width.
- B. Required drainage easements must allow for a minimum of 15 feet in width in addition to any width required for a drainageway structure. This easement may be split between drainageway sides but one side (easement) must be a minimum of 10 feet in width unless other

B. Prior Dedication or Absence of Prior Dedication

1. Credit may be given for dedication of land or cash paid instead of land dedication that was dedicated or paid pursuant to the previously existing zoning ordinance or subdivision ordinance of the City.
2. If a dedication requirement arose prior to the passage of this section, the ordinance in effect at the time such obligation arose controls that dedication requirement, except that additional dedication is required if the actual density of the dwelling units constructed on the property is greater than the former assumed density. Additional dedication is required only for the increase in density and must be based on the ratio set forth in paragraph A.1 of this subsection.
3. At the discretion of the Planning and Zoning Commission, any former gift of parkland to the City that any provision of the City Code, the previously existing zoning ordinance or other applicable laws did not require, may be credited on a per acre basis toward eventual parkland dedication requirements imposed on the donor of such land. The Planning and Zoning Commission may, if requested, consider the recommendation of the Parks and Leisure Services Board, in exercising its discretion under this Section.

C. General Requirements in the Extraterritorial Jurisdiction (ETJ)

Park land dedication will not be required in the City's extraterritorial jurisdiction if all of the following circumstances exist:

1. The area proposed for development is more than one mile from the existing city limits;
2. The proposed subdivision will create fewer than nine lots; and
3. The City has not set forth plans to annex the area proposed for development in the City's Municipal Annexation Plan.
3. —

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8.3.2 Cash Instead of Land Dedication

Subject to the approval of the Planning and Zoning Commission:

EXCERPTS FROM THE
PLANNING & ZONING COMMISSION MEETING
MONDAY, FEBRUARY 19, 2013

ACTION ITEMS

Item 3: Z-FY-13-12: Hold a public hearing to discuss and recommend action on an amendment to Ordinance 2010-4413, Temple Unified Development Code, in its entirety to address personnel title changes; Article 1 to address purpose, compliance, enforcement and violations; Article 2 to clarify final action requirements; Article 3 to amend subdivision plat review, add requirements for preliminary plat, amend site plan requirements, clarify appeal processes, amend warrant and variance requirements in TMED; Article 5 to clarify manufactured home requirements; Article 6 to amend landscape requirements for overlay districts and clarify materials in I-35; Article 7 to amend landscape requirements, lighting requirements relating to glare, amend sidewalk requirements, address wall sign placement for certain facades; and Article 8 to amend general provisions to address fire safety requirements, amend fire and park requirements in ETJ, and amend sidewalk requirements and applicability in Industrial Park.

Ms. Autumn Speer, Director of Planning and Development, stated some of the changes include personnel title changes which read through the entire UDC.

Other changes include:

Article 1, General Provisions were requested by Legal to better prosecute violations of the UDC when Code Enforcement is involved.

Article 2, Development Review Bodies clarifies that the I-35 appeal needs to be included with the final action items for City Council.

Article 3, Subdivision Plat Review had additional general process flow so the application process makes sense and Staff has something to fall back on. Also some preliminary plat requirements were added and when it would be required for larger residential subdivisions. The detailed list of the site plan requirements was amended.

Article 5, the 'Cycle of Life' was clarified on how to determine how large the property has to be for a manufactured home for Planning Staff. The minimum acreage requirement for one manufactured home is one acre and the amendment would make it easier for administration of the UDC.

Article 6, Special Purpose and Overlay Zoning Districts, refers the I-35, TMED and 1st and 3rd Street Overlays to the new planting list in Article 7 for consistency and to reduce redundancy with numerous plant lists. It also clarifies tilt wall is a permitted primary material in Freeway Commercial sub-districts.

Article 7, General Development Standards, clarifies sidewalk requirements as they relate to building permits. Also created were general planting criteria to define drought tolerant species appropriate for planting. These were approved by the Tree Care

Advisory Board, the Parks Department and the City Arborist. The amendment addresses lighting requirements relating to glare for all zoning districts and addresses wall sign placement for certain façades.

Article 8, Subdivision Design And Improvements, references were added to the City Code Chapter 12, Fire Safety; and adds exceptions for fire hydrants in the ETJ; clarifies sidewalk requirements as they relate to platting and applicability in Industrial Parks; amends cost sharing for sidewalks; and provides an exception for park dedication requirements in the ETJ.

Staff recommends approval of all text amendments.

Chair Staats opened the public hearing. There being no speakers, the public hearing was closed.

Vice-Chair Sears made a motion to approve Item 3, **Z-FY-13-12**, as proposed, and Commissioner Talley made a second.

Motion passed: (6:0)

Commissioners Magaña, Martin, and Johnson absent

[Z-FY-13-12]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AMENDMENTS TO ORDINANCE NO. 2010-4413, THE “UNIFIED DEVELOPMENT CODE (UDC),” ARTICLE 1, ARTICLE 2, ARTICLE 3, ARTICLE 5, ARTICLE 6, ARTICLE 7 AND ARTICLE 8 TO PROVIDE CORRECTION AND CLARIFICATION TO CERTAIN SECTIONS OF THE UDC; PROVIDING A REPEALER; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on December 16, 2010, the City of Temple adopted Ordinance No. 2010-4413, the “Unified Development Code,” which is a consolidated set of land development regulations related to zoning, platting and site design;

Whereas, at its February 19, 2013 meeting, the Planning and Zoning Commission voted to amend Articles 1, 2, 3, 5, 6, 7 and Article 8, to recommend approval of certain amendments to the Unified Development Code to provide correction and clarification to certain sections of the Unified Development Code (UDC) in order to facilitate the responsiveness, effectiveness and accuracy of the development review process and address repeated use concerns - the recommended changes are as follows:

- ARTICLE 1: GENERAL PROVISIONS: The proposed amendment addresses purpose, compliance, enforcement and violations. This amendment is requested by the Legal department in order to better enforce compliance and prosecute potential violations through the court system.
- ARTICLE 2: DEVELOPMENT REVIEW BODIES: The proposed amendment adds the I-35 appeal request to final action list by City Council and the review and recommendation list by Planning and Zoning Commission.
- ARTICLE 3: SUBDIVISION PLAT REVIEW: The proposed amendment amends the application process to add a general applications process, sets parameters for a pre-application process, establishes requirements for preliminary plats for certain residential subdivisions, and amends the detailed list of site plan requirements to create a reference to the application checklist. The amendment made last year to eliminate the requirement that developers pay improvement/construction costs for Perimeter Streets adjacent to subdivisions was counterbalanced by a future new requirement to submit a Preliminary Plat for all development projects of 50 lots or greater.
- ARTICLE 5: USE STANDARDS: The proposed amendment clarifies the requirement of one acre minimum for a new single manufactured home.

- **ARTICLE 6: SPECIAL PURPOSE AND OVERLAY ZONING DISTRICTS:** The proposed amendment refers the I-35, TMED and 1st and 3rd Street Overlays to the new planting list in Article 7 for consistency and to reduce redundancy with numerous plant lists. Also clarifies tilt wall is a permitted primary material in Freeway Commercial sub-districts.
- **ARTICLE 7 GENERAL DEVELOPMENT STANDARDS:** The proposed amendment clarifies sidewalk requirements as they relate to building permits. Also created are general planting criteria to define drought tolerant species appropriate for planting. These were approved by the Tree Care Advisory Board and the City Arborist. The amendment addresses lighting requirements relating to glare for all zoning districts and addresses wall sign placement for certain facades.
- **ARTICLE 8 SUBDIVISION DESIGN AND IMPROVEMENTS:** The proposed amendments adds references to the City Code Chapter 12, Fire Safety; adds exceptions for fire hydrants in the ETJ; clarifies sidewalk requirements as they relate to platting and applicability in Industrial Parks; amends cost sharing for sidewalks; and provides an exception for park dedication requirements in the ETJ.

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

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

Part 1: The City Council approves an amendment to Ordinance No. 2010-4413, the “Unified Development Code,” by amending Articles 1, 2, 3, 5, 6, 7 and Article 8, to recommend approval of certain amendments to the Unified Development Code to provide correction and clarification to certain sections of the Unified Development Code (UDC) in order to facilitate the responsiveness, effectiveness and accuracy of the development review process and address repeated use concerns - the recommended changes are as follows:

- **ARTICLE 1: GENERAL PROVISIONS:** The proposed amendment addresses purpose, compliance, enforcement and violations. This amendment is requested by the Legal department in order to better enforce compliance and prosecute potential violations through the court system.
- **ARTICLE 2: DEVELOPMENT REVIEW BODIES:** The proposed amendment adds the I-35 appeal request to final action list by City Council and the review and recommendation list by Planning and Zoning Commission.
- **ARTICLE 3: SUBDIVISION PLAT REVIEW:** The proposed amendment amends the application process to add a general applications process, sets parameters for a pre-application process, establishes requirements for preliminary plats for certain residential subdivisions, and amends the detailed list of site plan requirements to create a reference to the application checklist. The amendment made last year to eliminate the requirement that developers pay improvement/construction costs for Perimeter Streets adjacent to subdivisions was counterbalanced by a future new

requirement to submit a Preliminary Plat for all development projects of 50 lots or greater.

- **ARTICLE 5: USE STANDARDS:** The proposed amendment clarifies the requirement of one acre minimum for a new single manufactured home.
- **ARTICLE 6: SPECIAL PURPOSE AND OVERLAY ZONING DISTRICTS:** The proposed amendment refers the I-35, TMED and 1st and 3rd Street Overlays to the new planting list in Article 7 for consistency and to reduce redundancy with numerous plant lists. Also clarifies tilt wall is a permitted primary material in Freeway Commercial sub-districts.
- **ARTICLE 7 GENERAL DEVELOPMENT STANDARDS:** The proposed amendment clarifies sidewalk requirements as they relate to building permits. Also created are general planting criteria to define drought tolerant species appropriate for planting. These were approved by the Tree Care Advisory Board and the City Arborist. The amendment addresses lighting requirements relating to glare for all zoning districts and addresses wall sign placement for certain facades.
- **ARTICLE 8 SUBDIVISION DESIGN AND IMPROVEMENTS:** The proposed amendments adds references to the City Code Chapter 12, Fire Safety; adds exceptions for fire hydrants in the ETJ; clarifies sidewalk requirements as they relate to platting and applicability in Industrial Parks; amends cost sharing for sidewalks; and provides an exception for park dedication requirements in the ETJ.

said amendments being more fully described in Exhibits A, B, C, D, E, F and Exhibit G, attached hereto for all purposes.

Part 2: All ordinances or parts of ordinances in conflict with the provisions of this ordinance are to the extent of such conflict hereby repealed.

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the 7th day of **March**, 2013.

PASSED AND APPROVED on Second Reading on the 21st day of **March**, 2013.

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

03/07/13
Item #8
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney

ITEM DESCRIPTION: FIRST READING - PUBLIC HEARING: Consider adopting an ordinance designating a tract of land consisting of approximately 29.822 acres located at the southeast corner of north Loop 363 and I-35 as City of Temple Tax Abatement Reinvestment Zone Number Twenty-Six for commercial/industrial tax abatement.

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance as presented in item description on first reading, and schedule a second reading and final adoption for March 21, 2013.

ITEM SUMMARY: The proposed ordinance designates a tract of land consisting of approximately 29.822 acres and described as Tax Abatement Reinvestment Zone Number Twenty-Six, located at the southeast corner of north Loop 363 and I-35, as a commercial/industrial tax abatement reinvestment zone, as depicted in the attached survey.

The tract proposed for designation as a tax abatement reinvestment zone will be the location for Buc-ee's, Ltd. Travel Center. The designation of a tax abatement reinvestment zone lasts for five years and is a prerequisite for entering into a tax abatement agreement with a future economic development prospect. We anticipate bringing a tax abatement agreement for the improvements that will constitute Buc-ee's Travel Center on March 21, 2013.

FISCAL IMPACT: None at this time.

ATTACHMENTS:

[Survey](#)
[Ordinance](#)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, DESIGNATING A CERTAIN TRACT OF LAND CONSISTING OF APPROXIMATELY 29.822 ACRES OF LAND LOCATED AT THE SOUTHEAST CORNER OF NORTH LOOP 363 AND I-35, TEMPLE, BELL COUNTY, TEXAS, AS TAX ABATEMENT REINVESTMENT ZONE NUMBER TWENTY-SIX FOR COMMERCIAL/INDUSTRIAL TAX ABATEMENT; ESTABLISHING THE BOUNDARIES THEREOF AND OTHER MATTERS RELATING THERETO; DECLARING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

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

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

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

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

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

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

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

B. That the boundaries of the reinvestment zone (hereinafter "REINVESTMENT ZONE NUMBER TWENTY-SIX") should be approximately 29.822 acres of land located at the southeast corner of north Loop 363 and I-35, Temple, Bell County, Texas, as described in the drawing attached as Exhibit "A."

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

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

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

Part 3: Pursuant to Section 312.201 of the Code, the City hereby creates a reinvestment zone for commercial/industrial tax abatement encompassing approximately 29.822 acres of land located at the southeast corner of north Loop 363 and I-35, Temple, Bell County, Texas, described by the drawing in Exhibit "A," attached hereto and such REINVESTMENT ZONE is hereby designated and shall hereafter be officially designated as Tax Abatement Reinvestment Zone Number Twenty-Six, City of Temple, Texas.

Part 4: The REINVESTMENT ZONE shall take effect on March 21, 2013, or at an earlier time designated by subsequent ordinance.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the 7th day of **March**, 2013.

PASSED AND APPROVED on Second Reading on the **21st** day of **March**, 2013.

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:

Lacy Borgeson, City Secretary

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

- (H) Building and Standards Commission – two members to fill expiring terms through March 1, 2015; three alternate members to fill expiring terms through March 1, 2015
- (I) Building Board of Appeals – two members to fill expiring terms through March 1, 2017
- (J) Development Standards Advisory Board – three members to fill expiring terms through March 1, 2016
- (K) Electrical Board – three members to fill expiring term through March 1, 2016
- (L) Parks and Leisure Services Advisory Board – three members to fill expiring terms through March 1, 2016
- (M) Temple Public Safety Advisory Board – three members to fill unexpired terms through September 1, 2013
- (N) Tree Board – one member to fill an expiring term through March 1, 2016
- (K) Zoning Board of Adjustment – two members to fill expiring terms through March 1, 2015; two alternate members to fill expiring terms through March 1, 2015

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: In accordance with the City Council adopted policies governing the appointment and training of citizens to City boards, appointments to the above stated boards are to be made with an effective date of March 1, 2011.

Please see the attached board summary forms, which list current board members, purpose, membership requirements, term and meeting time/place for the boards. Also attached is a summary listing of all applications received for board appointments. Individual board application forms on file for these boards have already been provided. New application forms received will be forwarded to the Council as received.

FISCAL IMPACT: N/A

ATTACHMENTS:

Board Summary Forms
Board Applications
Resolution