



**MEETING OF THE
TEMPLE CITY COUNCIL**

MUNICIPAL BUILDING

2 NORTH MAIN STREET

3rd FLOOR – CONFERENCE ROOM

THURSDAY, MARCH 21, 2013

3:30 P.M.

WORKSHOP AGENDA

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, March 21, 2013.
2. Receive an I-35 project overview and update from TxDOT.
3. Receive a City Council continuing education briefing on responding to constituent issues and concerns.

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) [Professional Social Work Month](#) [March, 2013](#)
(B) [National Safe Place Week](#) [March 17 – 23, 2013](#)

III. PUBLIC COMMENTS

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

IV. REPORTS

4. Receive the Planning and Zoning Commission [Annual Report](#).
5. [2013-6902-R](#): Consider adopting a resolution accepting the FY2011-2012 Risk Management Annual Report.

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.

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

Contracts, Leases, & Bids

- (A) [2013-6903-R](#): Consider adopting a resolution authorizing the purchase of a 26' X 47' Band Shell utilizing a BuyBoard contract with Exerplay, Inc. of Cedar Crest, New Mexico in the amount of \$36,158.50.
- (B) [2013-6904-R](#): Consider adopting a resolution authorizing a one-year renewal to a professional services agreement with SAI-CCBS, a Division of Gallagher Benefit Services, Inc., for employee benefits consulting services at an annual cost of \$33,693.84.
- (C) [2013-6905-R](#): Consider adopting a resolution authorizing the purchase of three (3) replacement motorcycles for the Police Department from Lone Star BMW of Austin in the amount of \$73,660.50.
- (D) [2013-6906-R](#): Consider adopting a resolution authorizing the purchase of various vehicles in the amount of \$203,958.32.
- (E) [2013-6907-R](#): Consider adopting a resolution authorizing a Chapter 380 Strategic Investment Zone "matching grant" agreement with R.J. Development for redevelopment improvements on West Avenue B in downtown Temple located within the South 1st Street Strategic Investment Zone corridor in an amount not to exceed \$18,000 plus waiver of permits and fees.
- (F) [2013-6908-R](#): Consider adopting a resolution authorizing the execution of Consent Agreements with Panda Temple Power II, LLC and Union Bank, N.A. consenting to the collateral assignment of (1) Panda Temple Power II, LLC's rights and obligations under the 2013 Tax Abatement Agreement and (2) Panda Temple Power II, LLC's rights and obligations under the 2013 Effluent and Water Purchase Agreement.
- (G) [2013-6909-R](#): Consider adopting a resolution authorizing the execution of a Consent Agreement with Panda Temple Power II, LLC and Temple Economic Development Corporation confirming that the benefits and obligations set forth in the 2011 Economic Development Agreement between the City, Temple Economic Development Corporation, and Panda Temple Power, LLC also apply to and bind Panda Temple Power II, LLC.

- (H) [2013-6910-R](#): Consider adopting a resolution authorizing the execution of a Utility and Access Easement granting an easement from the City of Temple to Panda Temple Power II, LLC over the south 778.72 feet of Tract A, Block 1 of the Panda Temple Power Project Plat which is filed in Cabinet D, Slide 335-A, Plat Records of Bell County, Texas.

Ordinances – Second & Final Reading

- (I) [2013-4580](#): SECOND READING - 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.
- (J) [2013-4581](#): SECOND READING: 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.

Misc.

- (K) [2013-6911-R](#): Consider adopting a resolution ratifying the Temple Police Department's application for a Juvenile Justice and Delinquency Prevention Grant through the Criminal Justice Division (CJD) of the Governor's Office for two new School Resource Officers.
- (L) [2013-6912-R](#): Consider adopting a resolution authorizing budget amendments for fiscal year 2012-2013.

VI. REGULAR AGENDA

ORDINANCES

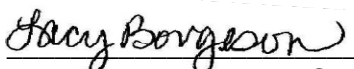
7. [2013-4579](#): SECOND READING - Z-FY-13-10: Consider adopting an ordinance authorizing a zone change from Planned Development with specific uses of shopping center and housing development to Commercial (to permit billboard sign) on 0.52 ± acres of Creekside Planned Development Temple, Bell County, 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.
8. [2013-4582](#): FIRST READING – PUBLIC HEARING: Consider adopting an ordinance establishing school crosswalks and setting speed limits within school zones to conform to school schedules.

RESOLUTIONS

9. [2013-6913-R](#): Consider adopting a resolution authorizing the purchase of various vehicles in the amount of \$104,682.

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 3:00 PM, on March 15, 2013.



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

03/21/13
Item #3(A-B)
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DEPT./DIVISION SUBMISSION & REVIEW:

William A. Jones, III, Mayor

ITEM DESCRIPTION: Presentation of Proclamation:

- | | | |
|-----|--------------------------------|---------------------|
| (A) | Professional Social Work Month | March, 2013 |
| (B) | National Safe Place Week | March 17 – 23, 2013 |

STAFF RECOMMENDATION: Present proclamation as presented in item description.

ITEM SUMMARY: (A) This proclamation was requested by the National Association of Social Workers (NASW) Central Texas Branch. (B) This proclamation was requested by Kelly Jenkins, Street Outreach Coordinator, with Central Texas Youth Services.

FISCAL IMPACT: None

ATTACHMENTS: None



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT. / DIVISION SUBMISSION & REVIEW:

Beverly Zendt, Interim Director of Planning and Development

ITEM DESCRIPTION: Receive a report from that Planning Department as required by Ordinance 2008-4222.

STAFF RECOMMENDATION: Receive report as presented.

ITEM SUMMARY: The Ordinance that governs the Planning and Zoning Commission requires that the Commission provide an Annual Report to the City Council. The attached report shows some basic demographic information for Temple and activity in Fiscal Years 2010 and 2011 for the following development-related items: Annexation, Amendments to the Future Land Use and Character Map, Amendments to the Thoroughfare Plan, Code Amendments, Basic Rezonings, Planned Developments, Conditional Use Permits and various Permits and Licenses.

It is recommended that the Council receive this report. No other action is required.

FISCAL IMPACT: NA

ATTACHMENTS:
[Report](#)

Annual Report: 2012



City of Temple Planning Department
February 19, 2013

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Introduction

This Annual Report is a summary of development activity within the City of Temple and its Extraterritorial Jurisdiction for Fiscal Year 2012 (Oct. 1 – September 30). The Report also describes the functions, responsibilities, and accomplishments of the following programs:

Administration

Program to professionally staff the Planning & Zoning Commission with Staff reports, exhibits and presentations in public hearings and workshops.

Long Range Planning

Program to assist interagency efforts for the Temple Medical Education District (TMED), SIZ Corridors, and Transportation Planning.

Development Planning

Program to manage the Development Review Committee which includes City Staff review of Plats, Planned Developments, Conditional Use Permits and Street Use Licenses.

Staff

The Planning Department consists of seven full-time positions. The Planning Director, Autumn Speer, along with Assistant Director of Planning, Beverly Mesa-Zendt manages the department. The City's planning team is pictured below.



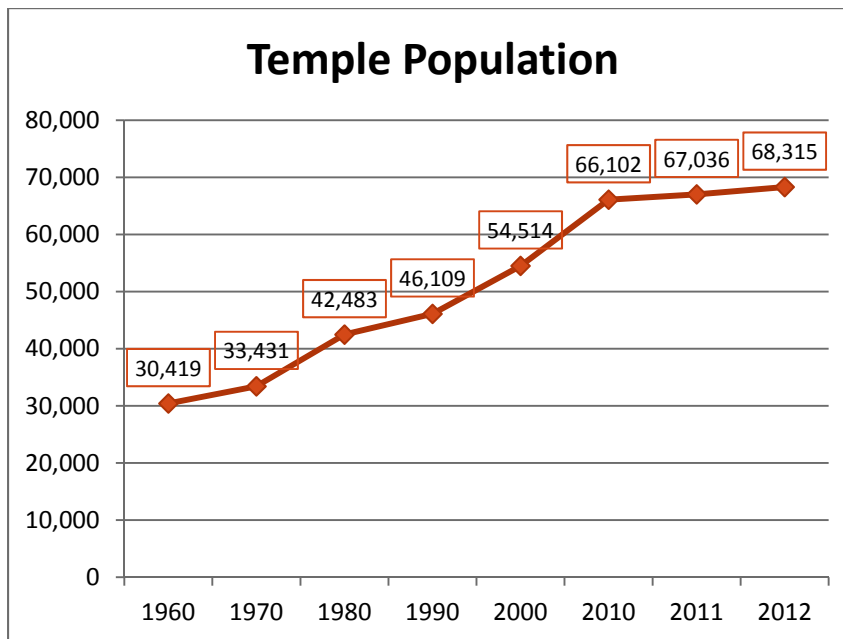
City of Temple Planning Staff (l to r back row to front) Barbara Morgenroth, Development Service Coordinator; Leslie Evans, Administrative Assistant; Mark Baker, Planner; Mary Maxfield, Planning Technician; Tammy Lyerly, Senior Planner; Beverly Mesa-Zendt, Asst. Director of Planning Autumn Speer, Director of Planning

Planning Department Mission Statement

The Planning Department provides professional planning services related to urban growth and development issues to promote quality of place. The Department maintains an updated Comprehensive Plan and Unified Development Code to provide policy recommendations and regulations related to land development. The staff works cooperatively with design professionals, property owners and developers from the concept stage to completion of the project.

2010 Census and Current 2012 Population Estimate

The 2010 U.S. Census showed Temple's population as 66,102. The City's population estimate for 2012, based on water accounts, was 68,315. The following chart and table shows Temple's historic growth from 1960 to 2012.



Year	Temple Population	Percent Change
1960	30,419	
1970	33,431	9.90%
1980	42,483	27.08%
1990	46,109	8.54%
2000	54,514	18.23%
2010	66,102	21.26%
2011	67,036 (est.)	1.41%
2012	68,315 (est.)	1.91%

A 21 percent growth rate from 2000 to 2010 is admirable and in line with what the state has experienced overall. Growth rates for the state and for nearby and comparable cities listed in the Choices '08 Comprehensive Plan are as follows.

City	Percent Population Change, 2000-2010
State of Texas	20.6%
Baytown	8.1%
Belton	24.6%
Bryan	16.1%
Georgetown	67.3%
Killeen	47.2%
N. Richland Hills	13.9%
Victoria	3.3%

Additional planning-related data for Temple from the 2010 Census, which compares the City to the state of Texas as a whole, is shown in the table below.

	Temple	Texas
Mean Travel Time to Work	16.1 minutes	24.8 minutes
Homeownership Rate	60.5%	64.8%
Housing Units in multi-unit structures*	31.5%	24.1%
Median Value of Owner-Occupied Units	\$107,100	\$123,500
Persons Per Household	2.67	2.78

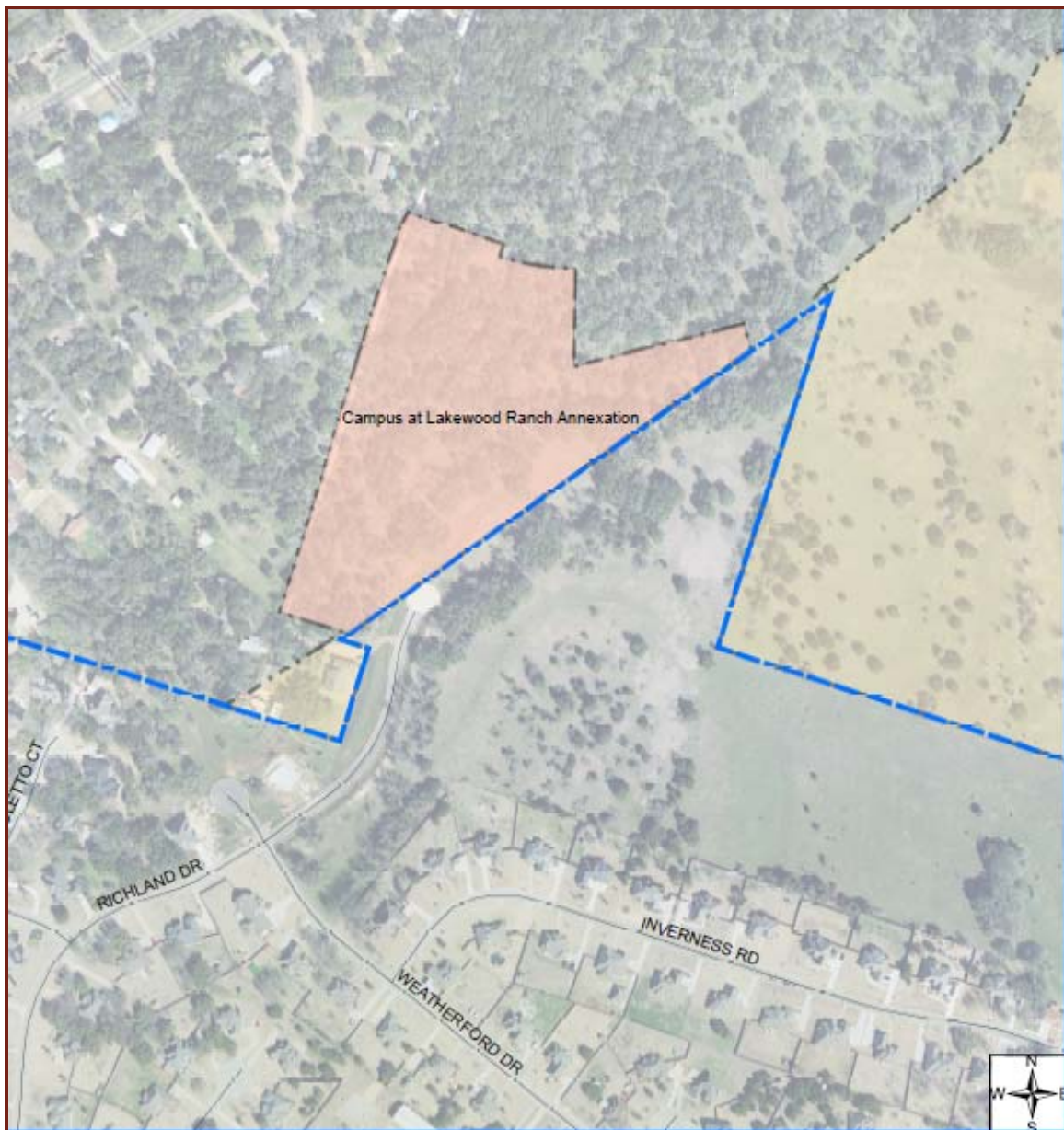
*Duplexes, triplexes and apartments

This data shows that Temple has a vigorous growth rate. Commuters have a shorter drive to work and a lower homeownership rate than the state-wide average. Temple has more of its housing stock in the form of apartments and duplexes and lower values of owner-occupied homes than the state average. In addition, Temple has a slightly smaller household size than the state average.

2012 Year in Review

Annexations

The City Council approved one annexation for this Fiscal Year in November 2012. The annexation was for 10.00 acres on located at the north end of Richland Drive, north of The Campus at Lakewood Ranch Phase VII. This was a voluntary annexation, proposed by the developer of the Campus at Lakewood who intends to develop additional residential lots. At the publication of this Annual Report, 47,604.74 acres of land and water were within the City's boundaries.



10-acre annexation approved in November 2012

UDC Text Amendments and Comprehensive Plan Amendments

The City Council approved 12 text amendments to the Unified Development Code (UDC) in Fiscal Year 2012. The following table shows the purpose of each approved UDC text amendment.

Case Number	Purpose
Z-FY-12-01	Future Land Use Plan Amendments to address prior year zoning changes
Z-FY-12-04	Creation of the 1 st and 3 rd Street Overlay
Z-FY-12-05a	Articles 5, 6 and 11 of the Unified Development Code to add "Recreational Vehicle Park" as a Conditional Use in the use tables and to establish a definition
Z-FY-12-05b	Articles 3, 5, 6 and 11 of the Unified Development Code to allow the City Council to add a time limit to the approval of a Conditional Use Permit; add "Transitional Shelter" as Conditional Uses in the use table; increase the setbacks for street trees in the TMED zoning district; amend sidewalk and sign requirements in the Interstate 35 Corridor Overlay zoning district; and to establish definitions related to such standards
Z-FY-12-08	Thoroughfare Plan Amendment - designating existing and future Westfield Boulevard from W Adams to SH 36 as an arterial road and reclassifying N Pea Ridge from W Adams to SH 36 from a minor arterial road to a collector road
Z-FY-12-19	Articles 5, 7, 8 and 11 of the Unified Development Code to add "Kiosk" as permitted uses in the use table of certain zoning districts with specifications; remove "home occupation" as an allowable residential accessory use in the LI and HI zoning districts; Clarify all parking areas must be paved with either asphalt or concrete; Clarify that vehicular backing motions are prohibited into a public street from a parking area on all non-residential sites; Clarify utility poles or other obstructions are not permitted in sidewalks; and to establish or amend definitions related to such uses and standards
Z-FY-12-20	I-35 Appeal Change to require City Council approval
Z-FY-12-49	Articles 3, 5, 7 and 8 of the Unified Development Code to add requirement for development master plan (2) add requirement for Site Plan & establish review procedures & submission standards related to such requirement (3) clarify language related to requirement for enclosure of Major Vehicle repair (4) clarify language related to Access & Circulation standards (5) add requirement for curb & gutter for off-street parking & landscaping (6) amend required size of subdivision water & wastewater mains (7) eliminate developer cost participation requirements on certain streets adjacent to subdivisions (8) establish or amend definitions related to such uses & standards
Z-FY-12-53	Trails Master Plan Amendments
Z-FY-12-54	Choices '08 Thoroughfare Plan Amendments
Z-FY-12-55	Article 7 of the Unified Development Code to remove height restriction for state and national flags
Z-FY-12-57	Article 7 of the Unified Development Code to establish procedures to request CUP for off-premise signs due to relocation

I-35 Appeals

The Planning Department processed seven I-35 Appeals for Fiscal Year 2012. The following table shows the location, purpose, request and outcome for each rezoning application received in Fiscal Year 2012.

Case Number	Location	Purpose	Staff Rec.	P&Z Rec.	City Council Action
Z-FY-12-03	Johnson Brothers Ford	Landscaping Appeal	Approval with Conditions	Approval	NA
Z-FY-12-18	Longhorn International Trucking; 6043 N General Bruce Drive	Landscaping Appeal	Denial	Approval	NA
Z-FY-12-31	111 N General Bruce Drive	Starbucks Remodel	Approval	Approval	Approval
Z-FY-12-41	111 N General Bruce Drive	Starbucks Sign	Approval	Approval	Approval with 6' base on 40' sign
Z-FY-12-44	2001 West Adams	Old Albertsons remodel	Approval	Approval	Approval
Z-FY-12-48	3207 S General Bruce Drive	Mac Haik Dealership Remodel and New Construction	Approval with Conditions	Approval with Conditions	Approval with Conditions
Z-FY-12-51	7455 S General Bruce Drive	Signs	Approval with conditions	Approval	Approval

Rezoning

The Planning Department processed 21 Rezoning applications for Fiscal Year 2012, and the City Council approved 19. One application was tabled and remains so; one application was denied at City Council. The following table shows the location, purpose, request and outcome for each rezoning application received in Fiscal Year 2012.

Case Number	Location	Purpose	Zoned		Staff Rec.	P&Z Rec.	City Council Action
			From	To			
Z-FY-12-06	North of Inverness Drive	Residential Development	AG	UE	Approval	Approval	Approval
Z-FY-12-07	SE Corner of Morgans	Residential Development	AG	SF-1	Approval	Approval	Approval

Case Number	Location	Purpose	Zoned		Staff Rec.	P&Z Rec.	City Council Action
			From	To			
	Point Road and City Limits						
Z-FY-12-16	East Side of North Pea Ridge Road South of Stonehollow Drive	Residential Development	SF-2	SF-3	Approval	Approval	Approval
Z-FY-12-21	East side of South Kegley Road, north of the Caddy Shack Golf Range	Commercial Development	AG	C	Approval	Approval	Approval
Z-FY-12-22	1208 and 1219 S 53 rd 2702 and 2706 W Avenue M	Expansion of applicant's body shop business	2F, GR	C	Approval	Approval	Approval
Z-FY-12-25	2102 Scott Boulevard	City Initiated	2F	GR	Approval	Approval	Approval
Z-FY-12-29	2007 N 7 th Street	Dollar General	SF-1	GR	Approval	Approval	Approval
Z-FY-12-30	N Side of SW H K Dodgen Loop, West of Commerce Street	Multi-family housing	SF-1 and SF-2	MF-2	Approval	Approval	Approval
Z-FY-12-36	5412 S SH 317	Retail Sales Use	AG	GR	Approval	Approval	Approval
Z-FY-12-38	1917 & 1912 Carriage House Village Drive	Reduced front yard setback for existing lot	SF-2	SF-3	Approval	Approval	Approval
Z-FY-12-39	3606 South 5 th Street	Office uses	SF-1	O-1	Approval	Approval	Approval
Z-FY-12-42	S. 5 th Street	Residences at D'Antoni's Crossing	AG	NS and UE	Approval	Approval	Approval
Z-FY-12-43	101 S 31 st Street	Retail Uses	SF-2	GR	Approval	Approval	Approval

Case Number	Location	Purpose	Zoned		Staff Rec.	P&Z Rec.	City Council Action
			From	To			
Z-FY-12-45	North of Intersection of Rocky Lane and Kings Cove	Residential Development	AG	UE	Approval	Approval	Approval
Z-FY-12-46A	7300 and 7330 N General Bruce Drive	Relocate Billboards	AG	LI	Approval	Approval	Approval
Z-FY-12-46B	7405 Pegasus Drive	Relocate Billboards	AG	LI	Approval	Approval	Approval
Z-FY-12-50	FM 93 and Dubose Road	Residential Development	PD U-E	SF-1	Tabled	Tabled	Tabled
Z-FY-12-58	3000 S General Bruce Drive	Multi-family Development	HI	MF-2	Approval	Approval	Approval
Z-FY-12-59	3408 and 3410 S Kegley Road	Retail Development	AG	GR	Approval	Approval	Approval
Z-FY-12-60	West of Hartrick Bluff Road	Duplex Subdivision	SF-2	2F	Approval	Approval	Denied
Z-FY-12-61	Campus at Lakewood North of Richland Road	Residential development	Upon Annexation	UE	Approval	Approval	Approval

Conditional Use Permits

The Planning Department processed 11 CUP applications for Fiscal Year 2012, and the City Council approved 11. The following table shows the location, purpose, base zoning and outcome for each CUP application received in Fiscal Year 2012.

Case Number	Location	Purpose	Zoning	Staff Rec.	P&Z Rec.	City Council Action
Z-FY-12-09	Rocky Oaks Mobile Home Park 55 Rocky Oaks Drive	CUP for 2 RV's	AG	Approval	Approval	Approval
Z-FY-12-10	Midway Mobile Home Park 4505 Midway Drive	CUP for 2 RV's	MH	Approval	Approval	Approval
Z-FY-12-11	Robins Mobile	CUP for 4 RV's	MH	Approval	Approval	Approval

Case Number	Location	Purpose	Zoning	Staff Rec.	P&Z Rec.	City Council Action
	Home Park 4707 Midway Drive					
Z-FY-12-12	Santa Fe Trails Mobile Home Park 1618 West Avenue H	CUP for 14 RV's	2F and LI	Approval	Approval	Approval
Z-FY-12-17	Livingston Farms Mobile Home Park 1558 N Pea Ridge Road	Cup for 2 RV spaces (5 year time limit 2017)	AG	Approval	Approval	Approval
Z-FY-12-26	4984 FM 93	Bo's Barn Cup (>75% alcohol)	C	Approval	Approval	Approval
Z-FY-12-32	3008 S 31st Street	Smashburger CUP (>75% alcohol)	GR	Approval	Approval	Approval
Z-FY-12-33	5434 205 Loop	Spare Time CUP (>50%&<75% alcohol)	GR	Approval	Approval	Approval
Z-FY-12-40	11 East Central	Amend CUP for 2 security lights instead of 3	CA	Approval	Approval	Approval
Z-FY-12-47	221 SW HK Dodgen Loop	Fire and Ice Grill CUP (>50%&<75% alcohol)	C	Approval	Approval	Approval
Z-FY-12-56	5275 S General Bruce Drive	Lamar Off Premise Sign CUP	C	Approval	Approval	Approval

Planned Developments

The Planning Department processed three PD applications for Fiscal Year 2012, one approved, one denied at P&Z and withdrawn and the third denied at City Council. The following table shows the location, purpose, base zoning and outcome for each PD application received in Fiscal Year 2012.

Case Number	Location	Purpose	Zoned		Staff Rec.	P&Z Rec.	City Council Action
			From	To			
Z-FY-12-23	7950 N SH 317		Amend PD	Amend PD	Approval	Approval	Approval
Z-FY-12-24	4011 Brooklawn Drive	Multi-Family Development	GR	PD (MF-1)	Approval	Denied	Withdrawn
Z-FY-12-28	3802 S 5 th Street	Construction Yard	PD O-2	PD to allow construction yard	Approval	Approval	Denied

Plats

The Planning Department processed 35 subdivision plats for Fiscal Year 2012, including one preliminary plat, 22 final plats, and 11 minor or amending plats. The following table shows the name, location, type of plat, acreage, lot count, and land use for each plat application received in Fiscal Year 2012.

Residential

Case Number	Subdivision Name	Location	Type of Plat	Acres	# of Lots
P-FY-12-03	Westfield Development Phase VIII	SE corner of Stonehollow Dr & N Pea Ridge Rd	Final	13.336	72-R 1 tract-NF
P-FY-12-04	Heritage Place & Heritage Place Village	S of W Nugent, W of Bird Creek & E of Heritage Place Phase II	2d Amend /Prelim	37.868	212
P-FY-12-05	Lake Pointe Phase II-	SE corner of Intersection of SH 317 and Prairie View Road	Final	132.97	341
P-FY-12-06	West Ridge Village	SW corner of 205 Loop and East Ridge Blvd	Final	3.38	13
P-FY-12-08	Residences at D'Antoni's Crossing # 3	SW corner of Naples Dr & Palermo Pkwy	Admin	0.916	3
P-FY-12-09	Highland Park Estates	N of FM 93, adjacent to Ridgewood Estates	Final	10	30
P-FY-12-15	Residences at D'Antoni's Crossing Phase V	S of Fox Glen Lane & N of Venice Pkwy	Final	11.048	8
P-FY-12-16	Ashworth Hill Addition	E of Denman's Hollow & W of Denman's Loop	Admin	0.564	1
P-FY-12-19	The Campus At Lakewood Ranch Phase VIII	N end of Richland Drive	Final	15.047	19
P-FY-12-21	Residences At D'Antoni's Crossing #4	Along north side of Venice Pkwy & Naples Drive	Final	1.002	2
P-FY-12-23	The Oaks At Lakewood	E side of Morgan's Pointe Rd, N of W Adams	Preliminary	19.065	38
P-FY-12-24	Sommer Estates	NW corner of Luther Curtis Rd & Franklin Rd	Final	10	2
P-FY-12-25	Misty Creek Phase	N side of FM 93, E of	Admin	1.15	2

Case Number	Subdivision Name	Location	Type of Plat	Acres	# of Lots
	III	Residences At D'Antoni's Crossing			
P-FY-12-27	Prairie Crossing Addn	NE corner of N 8th St & E Young Ave	Final	6.91	33
P-FY-12-29	Nathans Addition Phase 2	NE corner of S 22nd St & E Ave C	Final	0.257	2
P-FY-12-31	Valley Ranch Phases 3 & 4	S side of FM 93 along west side of Dubos Rd	Final	44.234	94
P-FY-12-33	Village of Sage Meadows Phase VI	S side of Tarver Dr, across from Green Pasture Drive	Final	15.12	66
P-FY-12-35	The Ranch at Woodland Trails	Corner of Canyon Trail & Bench Mark Trail, W of FM 2271	Final	11.88	20
P-FY-12-36	King's Cove	N of Rocky Lane and King's Cove intersection	Final	7.2	5

Nonresidential

Case Number	Subdivision Name	Location	Type of Plat	Acres	# of Lots
P-FY-12-01	Friendship Plaza	NW corner of W Adams and 205 Loop	Final	11.5	5
P-FY-12-02	Joshlin Subdivision	NW corner of W Adams Ave & entrance to Holy Trinity Catholic High School	Admin	9.23	2
P-FY-12-03	Westfield Development Phase VIII	SE corner of Stonehollow Dr & N Pea Ridge Rd	Final	2.25	72-R 1 tract-NF
P-FY-12-07	Temple (Adams) DTP VI LLC Addition	NE corner of N 16th St & E Adams Ave	Admin	1.27	1
P-FY-12-10	Wildflower Commercial Phase Two	E side of Bright Lane, S side of W Adams Ave	Final	1.417	2
P-FY-12-11	Janke Acres	E side of intersection of Poison Oak Rd & S Pea Ridge Rd	Admin	5.33	1
P-FY-12-12	Diamond Subdivision	SE corner of Midway Drive and South General Bruce Drive	Final	10.39	2
P-FY-12-14	Enterprise	NE corner of	Final	20.076	2

Case Number	Subdivision Name	Location	Type of Plat	Acres	# of Lots
	Business Park Phase III	Enterprise Road & Lucius McCelvey Drive			
P-FY-12-17	Fryers Creek Medical Subdivision	NE corner of S 13th St & SW H K Dodgen Loop	Final	3.72	2
P-FY-12-18	RBA Third Street Subdivision	W side of N 3rd St, & N of intersection of Mayborn Dr & N 7th St	Final	1.289	1
P-FY-12-20	Star of Texas Propane Addition	NE corner of SE H K Dodgen Loop & MKT RR	Concept Plan	0.61	2
P-FY-12-22	West Adams Addition	SW corner of W Adams & S Kegley Rd	Final	1.770	1
P-FY-12-26	3513-RSD Joint Venture Addn	E side of S Gen Bruce Dr adjacent to & N of Don Ringler Dealership	Admin	9.819	1
P-FY-12-30	Temple Bioscience Park Subdivision	S side of Research Pkwy/Hilliard Rd	Final	45.489	11
P-FY-12-32	Medical Park of Temple	N side of Scott Blvd, E of S 37th St	Admin	0.94	1
P-FY-12-34	Enterprise Business Park Phase IV	SW corner of Industrial Blvd & Lucius McCelvey Drive	Admin	8.144	2
P-FY-12-37	Family Dollar	NE corner of N 49th St & W Adams Ave	Sketch Plan	2	1

The following table shows the number of residential and nonresidential lots and acreages that were submitted for Final or Minor Plat review in Fiscal year 2012 and eventually approved.

Type of Plat	Number of Lots and Acres
Residential Lots Final or Minor Platted	925
Nonresidential Lots Final or Minor Platted	47
Total Lots Final or Minor Platted	972

Residential Acres Final Platted	323
Nonresidential Acres Final Platted	133
Total Acres Final or Minor Platted	456

Building Permits

The Planning Department reviewed the following Building Permits, not counting resubmittals with requested revisions, in Fiscal Year 2012.

Permit Type	Number Received	Average Review Time (Days)
Residential – All types	719	2.05
Nonresidential	204	3.46
Signs	133	2.57

Miscellaneous Approvals

In addition to the applications described above, the Planning Department reviewed five abandonment requests, four street use license request and seven variance requests.



COUNCIL AGENDA ITEM MEMORANDUM

03/21/13
Item #5
Regular Agenda
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DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney
Gloria Elder, Risk Manager

ITEM DESCRIPTION: Consider adopting a resolution accepting the FY2011-2012 Risk Management Annual Report.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The Risk Manager will present findings from the FY2011-2012 Risk Management Annual Report. For the period covered by the Report, the presentation will review:

- the City's overall loss and claim experience through an analysis of claims filed *by* and *against* the City;
- the number and severity of vehicle and equipment accidents;
- the number and type of on-the-job injuries suffered by City employees; and
- the costs to the City of insuring against loss for property, liability and workers compensation claims.

FISCAL IMPACT: None

ATTACHMENTS:

Risk Management 2011-12 Annual Report - To be provided
[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, ACCEPTING THE FY2011-2012 RISK MANAGEMENT ANNUAL REPORT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the FY2011-2012 Risk Management Annual Report covers the period of October 1, 2011 through September 30, 2012 and outlines the City's overall loss and claim experience, the number and severity of vehicle and equipment accidents, the number and type of on-the-job injuries suffered by City employees and outlines the costs to the City of insuring against loss for property, liability and workers compensation claims;

Whereas, staff recommends accepting the FY2011-2012 Risk Management Annual Report as presented and attached hereto as Exhibit A; 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 accepts the FY2011-2012 Risk Management Annual Report which outlines the City's overall loss and claim experience, the number and severity of vehicle and equipment accidents, the number and type of on-the-job injuries suffered by City employees and outlines the costs to the City of insuring against loss for property, liability and workers compensation claims as presented and attached hereto as Exhibit A.

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

PASSED AND APPROVED this the **21st** day of **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

03/21/13
Item #6(A)
Consent Agenda
Page 1 of 2

DEPT. /DIVISION SUBMISSION & REVIEW:

Ken Cicora, Director of Parks and Leisure Services

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of a 26' X 47' Band Shell utilizing a BuyBoard contract with Exerplay, Inc. of Cedar Crest, New Mexico in the amount of \$36,158.50.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: For the past two years, the Temple Parks Foundation has been working on raising funds to develop an amphitheater in Lions Park at the site of the old swimming pools. This was a project identified by the staff and is part of the Lions Park Master Plan. \$70,000 was the amount of funds that was needed to be raised.

The Foundation developed a sponsorship packet and the Temple Lions Club purchased the title sponsorship for \$35,000 ensuring their name would be on the title of the amphitheater. The Foundation successfully raised the remaining \$35,000.

The price received is from the Buy Board, a cooperative purchasing contract, and is for the purchase of a 26' X 47' Laminated Arch Band Shell from Exerplay, Inc. of Cedar Crest, New Mexico. All purchases from the Buy Board meet competitive bid requirements. Once ordered, the estimated time of delivery for the band shell is 8 – 12 weeks.

It is our hope to have amphitheater constructed, and opened, by mid to late summer.

The total estimated cost of the project is \$127,400.

FISCAL IMPACT: The total cost of the project is \$127,400. A budget adjustment is presented for Council's approval recognizing the revenue to be received from the Parks Foundation and Temple Lions Club and appropriating additional funds from Parks operations to fund the amphitheater and to repair and remodel the restrooms and entry way.

After approval of the budget adjustment, funds for the purchase of the band shell will be available in account #110-3500-552-6310, project #100974

ATTACHMENTS:
Budget Adjustment
Resolution

FY **2013****BUDGET ADJUSTMENT FORM**

Use this form to make adjustments to your budget. All adjustments must balance within a Department.

Adjustments should be rounded to the nearest \$1.

		+		-	
ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE		DECREASE
110-3500-552-63-10	100974	Building & Grounds-Amphitheater	\$ 67,058		
110-0000-445-15-87		Donations	49,658		
110-3500-552-23-11		Building & Grounds			17,400
110-5935-552-63-10	100974	Building & Grounds-Amphitheater	38,228		
110-5935-552-63-10	350009	Building & Grounds-Maintenance			29,941
110-5935-552-63-10	100766	Building & Grounds-Maintenance			8,287
351-3500-552-63-10	100974	Building & Grounds-Amphitheater	1,772		
351-3500-552-23-11	350009	Building & Grounds			1,772
TOTAL.....			\$ 156,716		\$ 57,400

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

This budget adjustment recognizes the donation to be received from the Parks Foundation and the Temple Lions Club for the development of the amphitheater in Lions Park net of the \$20,342 for costs the Parks Foundation will be paying for directly. In addition, it appropriates funds for the purchase of the band shell and repair and remodel of the restrooms and entry way. The total cost of the project is \$127,400 with donations covering \$70,000 of the costs and the City covering \$57,400 of the costs.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒

Yes

☐

No

DATE OF COUNCIL MEETING

March 21, 2013

WITH AGENDA ITEM?

☒

Yes

☐

No

Department Head/Division Director

Date

☐

Approved

☐

Disapproved

Finance

Date

☐

Approved

☐

Disapproved

City Manager

Date

☐

Approved

☐

Disapproved

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF A 26' x 47' BAND SHELL FROM EXERPLAY, INC. OF CEDAR CREST, NEW MEXICO, THROUGH THE BUYBOARD LOCAL GOVERNMENT ONLINE PURCHASING COOPERATIVE, IN THE AMOUNT OF \$36,158.50; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, for the past two years, the Temple Parks Foundation has been working on raising funds to develop an amphitheater in Lions Park at the site of the old swimming pools;

Whereas, the Parks Foundation developed a sponsorship packet and the Lions Club purchased the title sponsorship for \$35,000 which ensured their name would be on the title of the amphitheater;

Whereas, Staff recommends purchasing the Band Shell from Exerplay, Inc. of Cedar Crest, New Mexico, using the BuyBoard local government online purchasing cooperative in the amount of \$36,158.50;

Whereas, funds are available for this purchase in Account No. 110-3500-552-6310, Project No. 100974, but an amendment to the FY2012-13 budget needs to be approved to transfer the funds to the appropriate expenditure accounts; and

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

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

Part 1: The City Council authorizes the purchase of a Band Shell from Exerplay, Inc. of Cedar Crest, New Mexico, using the BuyBoard local government online purchasing cooperative in the amount of \$36,158.50;

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

Part 3: The City Council approves an amendment to the FY2012-13 budget, substantially in the form of the copy attached as Exhibit A, for this purchase.

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

PASSED AND APPROVED this the **21st** day of **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

03/21/13
Item #6(B)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Brynn Myers, Director of Administrative Services

Randy A. Stonerod, Director of Human Resources/Civil Service

ITEM DESCRIPTION: Consider adopting a resolution authorizing a one-year renewal to a professional services agreement with SAI-CCBS, a Division of Gallagher Benefit Services, Inc., for employee benefits consulting services at an annual cost of \$33,693.84.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On March 5, 2009, the Council authorized a professional services agreement with City-County Benefits Services (CCBS) for professional benefit consulting services. On August 15, 2012, (CCBS) merged with Arthur J. Gallagher & Company. As a result of this merger, SAI-CCBS, a Division of Gallagher Benefit Services, Inc., was formed. They are agreeable to honoring the original proposal from CCBS dated February 23, 2009.

On March 4, 2010, March 17, 2011, and March 15, 2012, Council authorized a one-year renewal to the agreement over a five year period, to be awarded one year at a time. Staff has worked closely with SAI-CCBS, a Division of Gallagher Benefit Services, Inc., over the past eight years on health insurance, dental insurance, retiree insurance, long term disability insurance, life insurance, Section 125 insurances, GASB 45 compliance issues and the Patient Protection Affordable Care Act (PPACA). SAI-CCBS, a Division of Gallagher Benefit Services, Inc., has provided invaluable guidance in these areas. Throughout the year, SAI-CCBS, a Division of Gallagher Benefit Services, Inc., will continue to monitor our claims experience and help staff with administering the contracts, as well as guiding us through recommendations for complying PPACA.

Staff recommends Council authorize the final one-year renewal to the professional services agreement with SAI-CCBS, a Division of Gallagher Benefit Services, Inc.

Resolution

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE-YEAR RENEWAL TO A PROFESSIONAL SERVICES AGREEMENT WITH SAI-CCBS, A DIVISION OF GALLAGHER BENEFIT SERVICES, INC., FOR EMPLOYEE BENEFITS CONSULTING SERVICES IN AN ANNUAL COST OF \$33,693.84; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on March 5, 2009, the City Council authorized a professional services agreement with City-County Benefits Services (“CCBS”) for professional benefit consulting services over a 5 year period to be awarded one year at a time;

Whereas, on August 15, 2012, CCBS merged with Arthur J. Gallagher & Company and as a result of that merger, SAI-CCBS, a Division of Gallagher Benefit Services, Inc., was formed;

Whereas, on March 4, 2010, March 17, 2011 and March 15, 2012, Council authorized one-year renewals to the agreement over a five-year period to be awarded one year at a time;

Whereas, staff has worked closely with SAI-CCBS, a Division of Gallagher Benefit Services, Inc., over the past eight years and information they have provided has proved to be invaluable;

Whereas, the Staff recommends authorizing a one-year renewal to the professional services agreement in an annual cost of \$33,693.84; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute a one-year renewal to a professional services agreement, after approval as to form by the City Attorney, with SAI-CCBS, a Division of Gallagher Benefit Services, Inc., for employee benefit consulting services in an annual amount not to exceed \$33,693.84.

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

PASSED AND APPROVED this the **21st** day of **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

03/21/13
Item #6(C)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Gary Smith, Chief of Police

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of three (3) replacement motorcycles for the Police Department from Lone Star BMW/Triumph of Austin in the amount of \$73,660.50.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The Police Department seeks to replace three (3) of the 2007 BMW Motorcycles based on the age and mileage of the cycles: mileage over 30,000 miles and the units being over five (5) years old.

For safety and training reasons, the Police Department has requested that only BMW motorcycles be utilized in the City's public safety fleet.

On February 26, 2013, one (1) bid was received for the motorcycles from Lone Star BMW/Triumph. Although there was only one (1) bid, staff has reviewed the pricing and deems it reasonable and a good value.

FISCAL IMPACT: Funding in the amount of \$85,500 is appropriated in account 110-5900-521-6213, project #100891 for the purchase of 3 replacement motorcycles. A balance of \$11,839.50 will remain available for the purchase additional graphics and radars.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF THREE (3) REPLACEMENT MOTORCYCLES FOR THE POLICE DEPARTMENT FROM LONE STAR BMW/TRIUMPH OF AUSTIN, TEXAS, IN THE AMOUNT OF \$73,660.50; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on February 26, 2013, one (1) bid was received for the replacement of three (3) of the City's 2007 BMW Motorcycles due to the age and mileage of the motorcycles;

Whereas, for safety and training reasons, the Police Department has requested that only BMW Motorcycles be utilized in the City's public safety fleet;

Whereas, staff recommends the purchase of three (3) BMW Motorcycles from Lone Star BMW/Triumph of Austin, Texas in the amount of \$73,660.50;

Whereas, funding for the purchase of these three (3) motorcycles is appropriated in Account No. 110-5900-521-6213, Project No. 100891; 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 (3) BMW Motorcycles from Lone Star BMW/Triumph of Austin, Texas in the amount of \$73,660.50.

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

03/21/13
Item #6(D)
Consent Agenda
Page 1 of 3

DEPT./DIVISION SUBMISSION & REVIEW:

Belinda Mattke, Director of Purchasing
Sam Weed, Superintendent of Fleet Services

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of various vehicles in the amount of \$203,958.32.

1. Three (3) Ford Fusion passenger cars from Johnson Brothers Ford II, Ltd of Temple in the amount of \$57,425.52 (Bid Tabulation #1);
2. One (1) Ford Transit Connect light duty cargo van from Johnson Brothers Ford II, Ltd of Temple in the amount of \$20,971.44 (Bid Tabulation #3);
3. Two (2) ½-ton light duty full-size pickup (F150) from Johnson Brothers Ford II, Ltd of Temple in the amount of \$36,687.36 (Bid Tabulation #5);
4. One (1) ¾-ton regular diesel cab and chassis with utility body (F-250) from Randall Reed's Prestige Ford of Garland in the amount of \$34,740 (Bid Tabulation #8); and
5. Two (2) ¾-ton regular cab and chassis with utility body (F-250) from Caldwell Country Ford of Caldwell in the amount of \$54,134 (Bid Tabulation #9).

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On February 19, 2013, four (4) vendors submitted pricing on five (5) independent vehicle bids.

Staff recommends award of the following three (3) bids to **Johnson Brothers Ford II, Ltd.** Exceptions taken by Johnson Brothers were routine in nature and did not impact the overall quality of the vehicles; accordingly, staff is will to accept their exceptions. The City has done business with Johnson Brothers in the past and finds them to be a responsible vendor.

Bid Tabulation #1-Five Passenger Midsize Cars (Ford Fusion):

Bid Tab #	Description	Qty	Account	Project #	Budget	Recommended Bid
1	Police (2 additions to fleet; 1 replacement)	3	110-5900-521-6213	100890	\$ 51,943.00	\$ 57,425.52
			110-2041-521-6229	100890	\$ 17,007.00	
					(Budget Adjustment)	
Sub-Total for three (3) five passenger midsize cars					\$ 68,950.00	\$ 57,425.52

This bid allowed for additional units to be purchased if budget allowed. The police had a vehicle that was wrecked and had insurance monies for replacement in the amount of \$7,542.75. The additional monies are coming from their seized funds to purchase the additional unit and associated equipment needed. Therefore, three (3) units will be purchased.

Bid Tabulation #3-One (1) Light Duty Cargo Van (Ford Transit Connect):

Bid Tab #	Description	Qty	Account	Project #	Budget	Recommended Bid
3	ITS (replaces Asset #11463)	1	110-5919-519-6213	100880	\$ 21,500.00	\$ 20,971.44
Sub-Total for one (1) Light Duty Cargo Van					\$ 21,500.00	\$20,971.44

Bid Tabulation #5-Two (2) ½-Ton Light Duty Full Size Pickup (F-150):

Bid Tab #	Description	Qty	Account	Project #	Budget	Recommended Bid
5	Animal Svc (replaces Asset #12133)	1	110-5900-529-6213	100868	\$ 21,500.00	\$ 18,343.68
5	Animal Svc (replaces Asset #11609)	1	110-5900-529-6213	100869	\$ 21,500.00	\$ 18,343.68
Sub-Total for two (2) ½-Ton Light Duty Full Size Pickup					\$ 43,000.00	\$ 36,687.36

Staff recommends award of the following bid to **Randall Reed's Prestige Ford**. Randall Reed's Prestige Ford took no exceptions to the specifications. The City has not done business with Randall Reeds Prestige Ford previously; accordingly, references were checked and Randall Reeds Prestige Ford was found to be a responsible vendor.

Bid Tabulation #8- ¾-Ton Diesel Regular Cab & Chassis with Utility Body (F-250):

Bid Tab #	Description	Qty	Account	Project #	Budget	Recommended Bid
8	Streets (replaces Asset # 11477 & 9832)	1	110-5900-531-6213	100892	\$ 35,000.00	\$ 34,740.00
Sub-Total for one ¾-Ton Cab & Chassis with Utility Body					\$ 35,000.00	\$ 34,740.00

Staff recommends award of the following bid to **Caldwell Country Ford**. Exceptions taken by Caldwell Country Ford were routine in nature and did not impact the overall quality of the vehicles; accordingly, staff is will to accept their exceptions. The City has done business with Caldwell Country Ford in the past and finds them to be a responsible vendor

Bid Tabulation #9- ¾-Ton Regular Cab & Chassis with Utility Body (F-250):

Bid Tab #	Description	Qty	Account	Project #	Budget	Recommended Bid
9	Parks (replaces Asset #10367)	1	110-5935-552-6213	100882	\$ 32,500.00	\$ 28,172.00
9	Facility Services (replaces Asset # 10246)	1	110-5924-519-6213	100871	\$ 32,500.00	\$ 25,962.00
Sub-Total for two ¾-Ton Cab & Chassis with Utility Body					\$65,000.00	\$ 54,134.00

SUSTAINABILITY IMPACT: Each vehicle scheduled for replacement has been evaluated to ensure the most sustainable and fuel efficient vehicle that will meet the needs of the department is being purchased. The evaluation includes “right-sizing” engines and assessing whether a different, more efficient vehicle could be used to accomplish the operation requirements. This evaluation also includes determining whether an alternative fuel is viable for the vehicle and application.

The engine size for the two Animal Service’s ½-Ton Light Duty Full Size Pickups (F-150) was “right-sized” for the application and will result in an increased miles per gallon, sue to a smaller engine. The vehicle type for the Information Technology’s Light Duty Cargo Van (Ford Transit Connect) was selected to maximize miles per gallon, by utilizing a different body style and smaller engine than the current vehicle. The purchase of one ¾-Ton Diesel Regular Cab & Chassis with Utility Body (F-250) recommended for purchase for Street Services will replace two existing vehicles resulting in a reduction to fleet size and cost.

FISCAL IMPACT: Funding for the purchase of the nine (9) vehicles identified above were included in the Council-adopted FY 2013 budget in the accounts as defined in the Item Summary above in the amount of \$208,900, plus an additional \$7,543 of insurance proceeds received, A budget adjustment has been submitted for Council’s approval for \$17,007 for the additional unit for the Police Department bringing the total available to \$233,450. Total funding needed for the recommended purchases is \$203,958.32, resulting in a net savings under budget in the amount of \$29,491.68. A portion of the savings will be used to purchase equipment for the police vehicles.

ATTACHMENTS:

[Bid Tabulations \(5\)](#)
[Budget Adjustment](#)
[Resolution](#)

Bid Tabulation #1

Tabulation of Bids Received on February 19, 2013 at 2:30 p.m. 5 Passenger Midsize Sedan (4-door) Bid# 13-20-13

		Bidders					
		Caldwell Country Ford Caldwell, TX		Johnson Brothers Ford II, LTD Temple, TX		Sam Pack's Five Star Ford Carrollton, TX	
Description	Qty	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
Total Bid Price	2*	\$19,145.00	\$38,290.00	\$19,141.84	\$38,283.68	No Bid	
Delivery within 120 days?		Yes		No		No Bid	
Local Preference?		No		Yes		No Bid	
Exceptions?		No		Yes		No Bid	
Credit Check Authorization		Yes		Yes		No Bid	

		Bidders			
		Randall Reed's Prestige Ford Garland, TX		Reliable Chevrolet Richardson, TX	
Description	Qty	Unit Price	Total Price	Unit Price	Total Price
Total Bid Price	2*	\$19,400.00	\$38,800.00	\$19,644.00	\$39,288.00
Delivery within 120 days?		Yes		Yes	
Local Preference?		No		No	
Exceptions?		No		No	
Credit Check Authorization		Yes		Yes	

* The Invitation to Bid indicated a Quantity of 2 with the option to add additional units.

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

Belinda Mattke **19-Feb-13**

Belinda Mattke, Director of Purchasing Date

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

Bid Tabulation #3

**Tabulation of Bids Received
on February 19, 2013 at 2:30 p.m.
Light Duty Cargo Van
Bid# 13-20-13**

	Bidders		
	Caldwell Country Ford Caldwell, TX	Johnson Brothers Ford II, LTD Temple, TX	Sam Pack's Five Star Ford Carrollton, TX
Description			
Total Bid Price	\$21,379.00	\$20,971.44	No Bid
Delivery within 120 days?	No	No	No Bid
Local Preference?	No	Yes	No Bid
Exceptions?	No	No	No Bid
Credit Check Authorization	Yes	Yes	No Bid

	Bidders	
	Randall Reed's Prestige Ford Garland, TX	Reliable Chevrolet Richardson, TX
Description		
Total Bid Price	\$21,250.00	No Bid
Delivery within 120 days?	Yes	No Bid
Local Preference?	No	No Bid
Exceptions?	No	No Bid
Credit Check Authorization	Yes	No Bid

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

Belinda Mattke

19-Feb-13

Belinda Mattke, Director of Purchasing

Date

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

Bid Tabulation #5

Tabulation of Bids Received
on February 19, 2013 at 2:30 p.m.
1/2-Ton Light Duty Full-Size Pickup
Bid# 13-20-13

		Bidders					
		Caldwell Country Ford		Johnson Brothers Ford II, LTD		Sam Pack's Five Star Ford	
		Caldwell, TX		Temple, TX		Carrollton, TX	
Description	Qty	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
TOTAL BASE BID PRICE	2	\$17,980.00	\$35,960.00	\$17,873.68	\$35,747.36	No Bid	
AFTER MARKET OPTIONS:							
Sprayed-on Bed Liner	2	\$375.00	\$750.00	\$395.00	\$790.00	No Bid	
Back-Up Alarm	2	\$65.00	\$130.00	\$75.00	\$150.00	No Bid	
Total Bid Being Recommended for Award		\$18,420.00	\$36,840.00	\$18,343.68	\$36,687.36	No Bid	
Delivery within 120 days?		Yes		No		No Bid	
Local Preference?		No		Yes		No Bid	
Exceptions?		No		No		No Bid	
Credit Check Authorization		Yes		Yes		No Bid	

		Bidders			
		Randall Reed's Prestige Ford Garland, TX		Reliable Chevrolet Richardson, TX	
Description	Qty	Unit Price	Total Price	Unit Price	Total Price
TOTAL BASE BID PRICE	2	\$18,080.00	\$36,160.00	\$19,546.00	\$39,092.00
AFTER MARKET OPTIONS:					
Sprayed-on Bed Liner	2	\$325.00	\$650.00	\$300.00	\$600.00
Back-Up Alarm	2	\$65.00	\$130.00	\$65.00	\$130.00
Total Bid Being Recommended for Award		\$18,470.00	\$36,940.00	\$19,911.00	\$39,822.00
Delivery within 120 days?		Yes		No	
Local Preference?		No		No	
Exceptions?		No		Yes	
Credit Check Authorization		Yes		Yes	

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

Belinda Mattke

2/19/2013

Belinda Mattke, Director of Purchasing

Date

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

Bid Tabulation #8

Tabulation of Bids Received
on February 19, 2013 at 2:30 p.m.
3/4-Ton Regular Cab Diesel Pickup Bed Delete w/Utility ody
Bid# 13-20-13

	Bidders		
	Caldwell Country Ford Caldwell, TX	Johnson Brothers Ford II, LTD Temple, TX	Sam Pack's Five Star Ford Carrollton, TX
Description	Unit Price	Unit Price	Unit Price
TOTAL BASE BID PRICE	\$33,774.00	\$34,074.72	No Bid
AFTER MARKET OPTIONS:			
Light Bar	\$1,700.00	\$2,495.00	No Bid
Labor to Install Light Bars and Control Boxes	\$145.00	\$480.00	No Bid
Back-up Alarm	\$65.00	\$55.00	No Bid
Total Bid Being Recommended for Award	\$35,539.00	\$36,624.72	No Bid
Delivery within 180 days?	Yes	No	No Bid
Local Preference?	No	Yes	No Bid
Exceptions?	Yes	Yes	No Bid
Credit Check Authorization	Yes	Yes	No Bid

	Bidders	
	Randall Reed's Prestige Ford Garland, TX	Reliable Chevrolet Richardson, TX
Description	Unit Price	Unit Price
TOTAL BASE BID PRICE	\$32,960.00	\$35,382.00
AFTER MARKET OPTIONS:		
Light Bar	\$1,715.00	\$1,715.00
Labor to Install Light Bars and Control Boxes	\$120.00	\$180.00
Back-up Alarm	\$65.00	\$65.00
Total Bid Being Recommended for Award	\$34,740.00	\$37,162.00
Delivery within 180 days?	Yes	Yes
Local Preference?	No	No
Exceptions?	No	Yes
Credit Check Authorization	Yes	Yes

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

Belinda Mattke

19-Feb-13

Belinda Mattke, Director of Purchasing

Date

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

Bid Tabulation #9

**Tabulation of Bids Received
on February 19, 2013 at 2:30 p.m.
3/4-Ton Regular Cab Pickup Bed Delete with Utility Body
Bid# 13-20-13**

		Bidders					
		Caldwell Country Ford Caldwell, TX		Johnson Brothers Ford II, LTD Temple, TX		Sam Pack's Five Star Ford Carrollton, TX	
Description	Qty	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
TOTAL BASE BID PRICE	2	\$24,412.00	\$48,824.00	\$27,628.52	\$55,257.04	No Bid	
AFTER MARKET OPTIONS:							
Light Bar	1	\$1,700.00	\$1,700.00	\$2,495.00	\$2,495.00	No Bid	
Labor to Install Light Bars and Control Boxes	0	\$145.00	\$0.00	\$480.00	\$0.00	No Bid	
Back-up Alarm	2	\$65.00	\$130.00	\$55.00	\$110.00	No Bid	
Hydraulic Utility Bobby Lift Gate	1	\$1,995.00	\$1,995.00	\$2,059.00	\$2,059.00	No Bid	
Pipe/Ladder Rack	1	\$1,485.00	\$1,485.00	\$2,571.00	\$2,571.00	No Bid	
Total Bid Being Recommended for Award		\$54,134.00		\$62,492.04		No Bid	
Delivery within 180 days?		Yes		No		No Bid	
Local Preference?		No		Yes		No Bid	
Exceptions?		Yes		No		No Bid	
Credit Check Authorization		Yes		Yes		No Bid	

		Bidders			
		Randall Reed's Prestige Ford Garland, TX		Reliable Chevrolet Richardson, TX	
Description	Qty	Unit Price	Total Price	Unit Price	Total Price
TOTAL BASE BID PRICE	2	\$32,800.00	\$65,600.00	\$29,055.00	\$58,110.00
AFTER MARKET OPTIONS:					
Light Bar	1	No Bid	\$0.00	\$1,715.00	\$1,715.00
Labor to Install Light Bars and Control Boxes	0	\$120.00	\$0.00	\$180.00	\$0.00
Back-up Alarm	2	\$65.00	\$130.00	\$65.00	\$130.00
Hydraulic Utility Body Lift Gate	1	\$1,995.00	\$1,995.00	\$1,995.00	\$1,995.00
Pipe/Ladder Rack	1	\$1,485.00	\$1,485.00	\$1,485.00	\$1,485.00
Total Bid Being Recommended for Award		\$69,210.00		\$63,435.00	
Delivery within 180 days?		Yes		Yes	
Local Preference?		No		No	
Exceptions?		No		Yes	
Credit Check Authorization		Yes		Yes	

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

Belinda Mattke

19-Feb-13

Belinda Mattke, Director of Purchasing

Date

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

FY 2013**BUDGET ADJUSTMENT FORM**

Use this form to make adjustments to your budget. All adjustments must balance within a Department.
Adjustments should be rounded to the nearest \$1.

+

-

ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE	DECREASE
110-2041-521-62-29	100890	OCU State Seized Expenditure	\$ 17,007	
110-0000-313-03-30		Reserved for Seized Funds		17,007
TOTAL.....			\$ 17,007	\$ 17,007

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

State seized funds needed to replace Marlon Reed's unmarked unit due to an accident he was involved in on 1/25/12. Insurance only paid \$7,543 which went into our budgeted line item for the unmarked units, 110-5900-521-6213.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒ Yes☐ No

DATE OF COUNCIL MEETING

3/21/2013

WITH AGENDA ITEM?

☒ Yes☐ No


 Department Head/Division Director

03-13-13
 Date

☒ Approved
☐ Disapproved

Finance

Date

☐ Approved
☐ Disapproved

City Manager

Date

☐ Approved
☐ Disapproved

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF NINE (9) VEHICLES FROM VARIOUS VENDORS, IN THE CUMULATIVE AMOUNT OF \$203,958.32; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, staff recommends the purchase of the following vehicles from Johnson Brothers Ford II, Ltd of Temple, Texas in the following amounts:

- Three (3) five passenger midsize cars (Ford Fusion) - \$57,425.52;
- One (1) light duty cargo van (Ford Transit Connect) – 20,971.44;
- Two (2) ½-ton light duty full size pickups (F-150) - \$36,687.36;

Whereas, staff recommends the purchase of the following vehicles from Randall Reed’s Prestige Ford of Garland, Texas in the following amounts:

- One (1) ¾-ton diesel regular cab & chassis with utility body (F-250) - \$34,740.00;

Whereas, staff recommends the purchase of the following vehicles from Caldwell County Ford of Caldwell, Texas in the following amounts:

- Two (2) ¾-ton regular cab & chassis with utility body (F-250) - \$54,134.00

Whereas, funding for the purchase of these nine (9) vehicles is included in the Council-adopted FY 2013 budget, in Account No. 110-5900-521-6213, Project No. 100890, Account No. 110-5919-519-6213, Project No. 100880, Account No. 110-5900-529-6213, Project Nos. 100868 and 100869, Account No. 110-5900-531-6213, Project No. 100892, Account No. 110-5935-552-6213, Project No. 100882 and Account No. 110-5924-519-6213, Project No. 100871; 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 Johnson Brothers Ford II, Ltd of Temple, Texas, Randall Reed’s Prestige Ford of Garland, Texas and Caldwell Country of Caldwell, Texas, in the cumulative amount of \$203,958.32:

- Three (3) five passenger midsize cars (Ford Fusion) - \$57,425.52;
- One (1) light duty cargo van (Ford Transit Connect) – 20,971.44;
- Two (2) ½-ton light duty full size pickups (F-150) - \$36,687.36;

- One (1) ¾-ton diesel regular cab & chassis with utility body (F-250) - \$34,740.00;
- Two (2) ¾-ton regular cab & chassis with utility body (F-250) - \$54,134.00

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 **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

03/21/13
Item #6(E)
Consent Agenda
Page 1 of 2

DEPT. /DIVISION SUBMISSION & REVIEW:

Kim Foutz, Assistant City Manager
Jonathan Graham, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing a Chapter 380 Strategic Investment Zone “matching grant” agreement with R.J. Development for redevelopment improvements on West Avenue B in downtown Temple located within the South 1st Street Strategic Investment Zone corridor in an amount not to exceed \$18,000 plus waiver of permits and fees.

STAFF RECOMMENDATION: The proposed incentives are consistent with the incentive guidelines for the South 1st Street Strategic Investment zone adopted by City Council, therefore staff recommends approval of the grant and resolution as presented.

ITEM SUMMARY: This agreement outlines the obligations and representations of R. J. Development (Reed Realty) and also defines the City's incentive package for R.J. Development, located at 10 West Ave B, situated in downtown Temple and within the South 1st Street Strategic Investment Zone.

The agreement and resolution will allow R.J. Development to receive a Chapter 380 SIZ 1:1 matching grant of up to \$8,000 match for façade improvements; up to \$2,500 match for sign improvements; up to \$4,000 match for asbestos survey and abatement; up to \$2,500 for demolition; up to \$1,000 for landscaping; and up to \$2,000 for waiver of permits and fees. Requested matching funds are below the required cap.

R.J. Development's total project investment is \$159,000 in renovations, landscaping, and sign improvements. The applicant proposes to utilize the building for office and retail use. These improvements meet the City's ordinance requirements. Improvements must be completed by September 1, 2013 (approx.6 months). In return R.J. Development has agreed to:

- Replace existing sheet metal with copper standing seam-like material (band at the top of the building façade)
- Remove existing aggregate insets in façade and replace with copper-like material
- Install outdoor decorative lighting
- Install double doors and awnings
- Install new sign(s)
- Install large potted plants
- Perform asbestos abatement, demolition, and remodel interior

FISCAL IMPACT: The total maximum grant match by the City is \$18,000 plus waiver of permits and fees not to exceed \$2,000. A total of \$314,244 has been appropriated for the Strategic Investment Zone matching grant incentives for FY 2013 of which \$109,046 is currently available in account 110-1500-515-2695. If this grant is approved, a balance of \$91,046 will remain available for future grants.

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

ATTACHMENTS:

[Grant Agreement](#)

[Location Map, Picture of Existing Building, and proposed elevations](#)

[Resolution](#)



South 1st Street Strategic Investment Zone Chapter 380 Development Agreement

This Agreement is executed by and between the City of Temple, a home rule city in Bell County, Texas (hereinafter “the City”) and R.J. Development, LLC (hereinafter “Owner”).

City and Owner agree as follows:

Section 1. Purpose. Pursuant to authority granted to home rule cities under Chapter 380 of the Local Government Code and pursuant to a program established for the South 1st Street Strategic Investment Zone under City Ordinance Number 2011-4504, the City and the Owner enter into this Agreement to promote economic development within the South 1st Street Strategic Investment Zone. As an inducement to Owner to make certain specified improvements to the property located at 10 West Ave. B (hereinafter the “Property”), City and Owner agree to assume the responsibilities set forth below.

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

Improvements, hereinafter collectively referred to as “the Improvements” include the following: replace existing sheet metal with copper standing seam-like material (band at the top of the building façade), remove existing aggregate insets in façade and replace with copper-like material, install outdoor decorative lighting, install double doors and awnings, install new sign(s), install large potted plants, perform asbestos abatement and demolition, and remodel interior. Exterior façade improvements will be in accordance with Exhibit “A.” The total anticipated investment in the Property by Owner is \$159,000. Any match made by the City, as described in Section 3 below, is limited to \$20,000, which includes waiver of permit fees not to exceed \$2,000.

Owner agrees to complete said Improvements on or before September 1, 2013. As a condition to receiving the matching grants from the City described in Section 3, Owner further agrees to complete the improvements described in each subpart of Section 3. If Improvements are not completed on September 1, 2013, the City may administratively grant a one time extension of time for 90 days.

Section 3. Matching Grants by the City. The City agrees to provide matching grants to the Owner, subject to the maximum cap of \$20,000, as described below if Owner satisfactorily completes and maintains the additional improvements described in each subpart below:

- (a) **Façade Improvement Grant.** The City will make a grant of up to \$8,000 on a 1:1 matching basis for the replacement and repair of an existing façade with an eligible masonry product on the Improvements. Eligible masonry materials for a replacement façade under this subsection include brick, stone, stucco, EIFS, simulated stone block, and such other materials that the City may approve from time to time. Applicant may utilize accent metal/steel materials as depicted and described in Exhibit “A.” A list of eligible materials for the South 1st Street Strategic Investment Zone is maintained in the Construction Safety Office, 1st Floor, the Municipal Building, 2 North Main Street. Other façade improvement costs eligible for reimbursement with a façade improvement grant include demolition costs (including labor), landfill costs, and material and construction (including labor) costs, but specifically exclude design costs.
- (b) **Sign.** The City will make a grant of up to \$2,500.00 on a 1:1 matching basis for sign construction and installation.
- (c) **Asbestos Survey and Abatement.** The City will make a grant of up to \$4,000 on a 1:1 matching basis for Owner-initiated asbestos survey of the Property. Asbestos survey grant eligible costs include professional fees, labor costs, and replacement materials.
- (d) **Landscaping.** The City will make a grant of up to \$1,000 on a 1:1 matching basis for landscaping. Landscaping improvement costs eligible for reimbursement with a landscaping improvement grant include ground preparation costs (including labor), materials (trees, shrubs, soil and amendments thereto and other decorative hardscape such as arbors, art, large pots, railings, and walls or fences) and material and construction (including labor) costs, curbed islands, but specifically *exclude* design costs.
- (f) **Demolition Grant.** The City will make a grant of up to \$2,500 on a 1:1 matching basis for demolition costs.
- (g) **Waiver of Permit Fees.** All permit fees that would be typically charged by the City of Temple to perform the work outlined in this Agreement are waived up to \$2,000 in value except that water and wastewater tap fees are not waived and will be the responsibility of Owner.

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

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

Section 5. Maintenance of Improvements. Owner, or its successors and assigns, agree to maintain the Improvements described in Section 2 and the subparts of Section 3 for a period of not less than five (5) years from the date matching grants are received from the City. Maintenance includes, but is not limited to, maintenance of all buildings, parking, and site improvements; removal of all weeds, removal of dead plants, and replacement of all dead plants with comparable materials. In the case of developments in the Temple Medical Education District, replacement of dead plants must be exact species replacements.

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

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

Section 8. Contract Execution. Execution of this Agreement by Owner must occur within **sixty (60) days** of City Council approval. If execution of the Agreement does not occur within this period, Owner will have to reapply for the matching grant funds.

Executed on this the ____ day of _____, 2013.

City of Temple, Texas

Owner

David A. Blackburn
City Manager

R.J. Development, LLC

Attest:

Approved as to form:

Lacy Borgeson
City Secretary

City Attorney

State of Texas §

County of Bell §

This instrument was acknowledged before me on the ____ day of _____,
2013 by David A. Blackburn, City Manager, for the City of Temple, a Texas home
rule City.

Notary Public

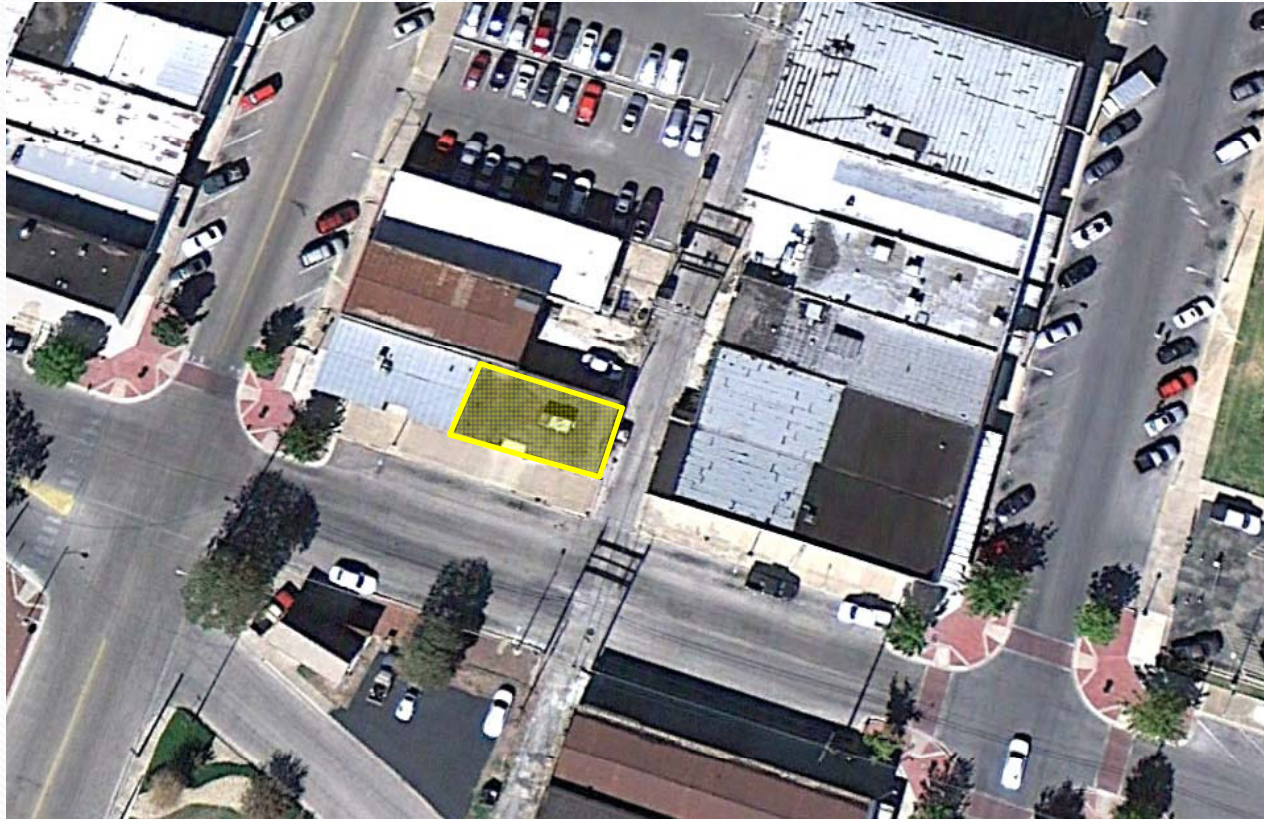
State of Texas §

County of Bell §

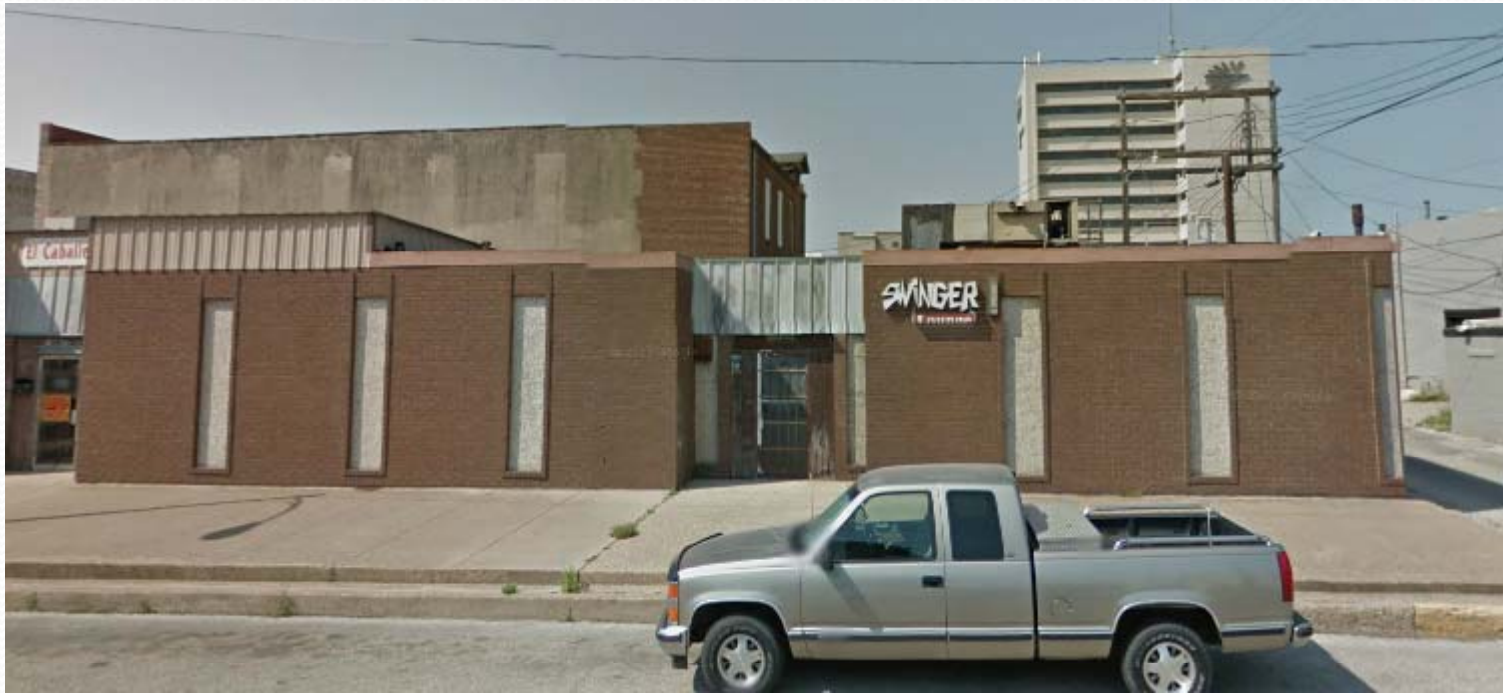
This instrument was acknowledged before me on the ____ day of _____,
2013 by _____ (name),
_____ (title) of R.J. Development, LLC.

Notary Public

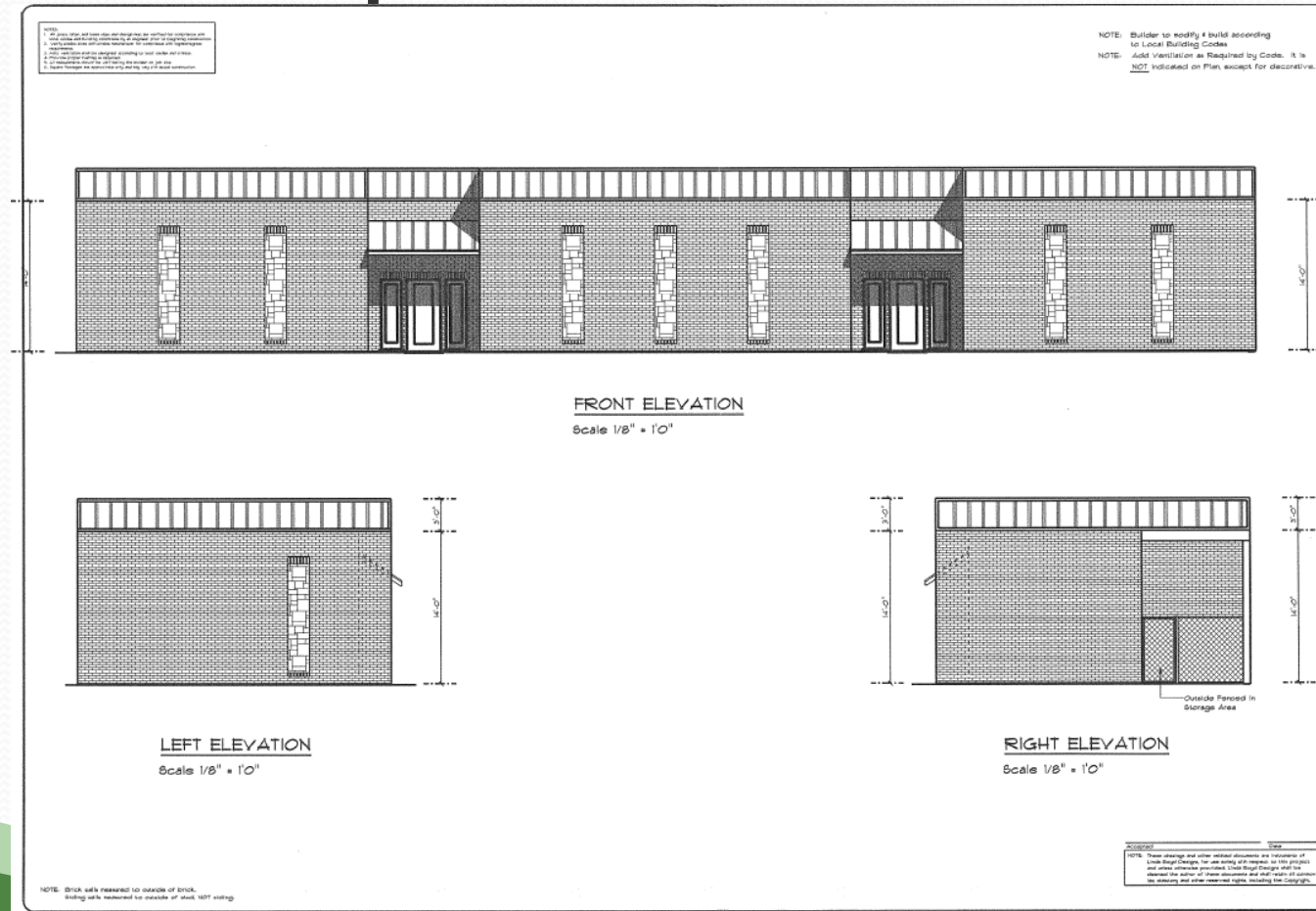
Location



Existing Facade



Proposed Elevation



RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CHAPTER 380 STRATEGIC INVESTMENT ZONE 'MATCHING GRANT' AGREEMENT BETWEEN THE CITY OF TEMPLE AND R. J. DEVELOPMENT FOR REDEVELOPMENT IMPROVEMENTS ON WEST AVENUE B IN DOWNTOWN TEMPLE, LOCATED WITHIN THE SOUTH 1ST STREET STRATEGIC INVESTMENT ZONE CORRIDOR; IN AN AMOUNT NOT TO EXCEED \$18,000, PLUS WAIVER OF FEES UP TO \$2,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, R. J. Development is located at 10 West Avenue B, and situated in downtown Temple and within the 1st Street Strategic Investment Zone corridor which makes it eligible to receive a matching grant incentive from the City which is authorized by Ordinance No. 2011-4504, passed by the Temple City Council on January 5, 2012;

Whereas, the Staff recommends entering into a Chapter 380 Strategic Investment Zone 'matching grant' agreement which will outline the obligations and representations of R. J. Development and will define the City's incentive package, as outlined in Exhibit A attached - the City's total match may not exceed \$18,000 plus waiver of fees up to \$2,000;

Whereas, funds are available for this matching grant incentive in Account No. 110-1500-515-2695; if this grant is approved, a balance of \$91,046 will remain for future grants; and

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

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

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

Part 2: The agreement will define the City's incentive package, as outlined in Exhibit A attached, for this project.

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

PASSED AND APPROVED this the **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

03/21/13
Item #6(F)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing the execution of Consent Agreements with Panda Temple Power II, LLC and Union Bank, N.A. consenting to the collateral assignment of (1) Panda Temple Power II, LLC's rights and obligations under the 2013 Tax Abatement Agreement and (2) Panda Temple Power II, LLC's rights and obligations under the 2013 Effluent and Water Purchase Agreement.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: In 2013, the City entered into a Tax Abatement Agreement with Panda Temple Power II, LLC ("Panda") which allows for 10 years of declining percentage tax abatement on the increased taxable value of real property improvements on an 11.444 acre tract of land in the Southeast Industrial Park, south of Lorraine Drive. Also in 2013, the City entered into an Effluent and Water Purchase Agreement with Panda in which the City agreed to sell effluent from the Temple Belton Wastewater Treatment Plant to Panda.

Panda is in the process of securing its long term financing for the construction of Phase II of its power plant and Panda's lender, Union Bank, N.A., has requested that Panda secure consent from the City to collaterally assign Panda's rights and obligations under the Tax Abatement Agreement and Effluent and Water Purchase Agreement as security for the financing. The collateral assignment allows but does not require Union Bank, N.A. to step into Panda's shoes in the event of a default for any reason and to continue operation of the power plant and receive the benefit (and obligations) of Panda's agreements with the City.

We have reviewed the requested Consent Agreements and feel that the agreements adequately protect the City's interests (a party assuming Panda's rights under the agreements will have to comply with all the term and conditions of the agreements) and our consent increases the chances that Panda will secure financing for Phase II.

FISCAL IMPACT: The is no direct fiscal impact on the collateral assignment of the 2013 Tax Abatement Agreement and the 2013 Effluent and Water Purchase Agreement.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE EXECUTION OF CONSENT AGREEMENTS WITH PANDA TEMPLE POWER II, LLC AND UNION BANK, N.A., CONSENTING TO THE COLLATERAL ASSIGNMENT OF (1) PANDA TEMPLE POWER II, LLC'S RIGHTS AND OBLIGATIONS UNDER THE 2013 TAX ABATEMENT AGREEMENT AND (2) PANDA TEMPLE POWER II, LLC'S RIGHTS AND OBLIGATIONS UNDER THE 2013 EFFLUENT AND WATER PURCHASE AGREEMENT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, in 2013, the City entered into a Tax Abatement Agreement with Panda Temple Power II, LLC ("Panda") which allows for 10 years of declining percentage tax abatement on the increased taxable value of real property improvements on an 11.444 acre tract of land in the Southeast Industrial Park, south of Lorraine Drive - also in 2013, the City entered into an Effluent and Water Purchase Agreement with Panda in which the City agreed to sell effluent from the Temple Belton Wastewater Treatment Plant to Panda;

Whereas, Panda is in the process of securing its long term financing for the construction of Phase II of its power plant and Panda's lender, Union Bank, N.A., has requested that Panda secure consent from the City to collaterally assign Panda's rights and obligations under the Tax Abatement Agreement and Effluent and Water Purchase Agreement as security for the financing;

Whereas, staff has reviewed the requested Consent Agreements and feel that the agreements adequately protect the City's interests and our consent increases the chances that Panda will secure financing for Phase II ; and

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

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

Part 1: The City of Temple, Texas, authorizes the City Manager or his designee to execute Consent Agreements with Panda Temple Power II, LLC and Union Bank N.A., after approval as to form by the City Attorney, consenting to the collateral assignment of Panda Temple Power II, LLC's rights and obligations under the 2013 Tax Abatement Agreement and Panda Temple Power II, LLC's rights and obligations under the 2013 Effluent and Water Purchase Agreement.

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

PASSED AND APPROVED this the **21st** day of **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

03/21/13
Item #6(G)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing the execution of a Consent Agreement with Panda Temple Power II, LLC and Temple Economic Development Corporation confirming that the benefits and obligations set forth in the 2011 Economic Development Agreement between the City, Temple Economic Development Corporation, and Panda Temple Power, LLC also apply to and bind Panda Temple Power II, LLC.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: In 2011, the City, Temple Economic Development Corporation ("TEDC"), and Panda Temple Power, LLC ("Panda I") entered into an Economic Development Agreement which conferred certain rights and obligations on the parties with regards to Panda I's construction of Phase I its power plant. The Economic Development Agreement mentioned the possibility of Panda constructing a Phase II to the plant, but the Agreement was not signed by Panda Temple Power II, LLC ("Panda II"). Panda II is in the process of securing financing for construction of Phase II of the plant and its lenders have requested that the City and TEDC sign a Consent Agreement with Panda II which confirms that the rights and obligations set forth in the Economic Development Agreement are shared by Panda I and Panda II.

The Consent Agreement does not expand any rights or obligations of the parties. It only confirms that Panda II may share in the benefits of the Economic Development Agreement and is subject to the obligations agreed to by Panda I in that Agreement.

We have reviewed the requested Consent Agreement and feel that the Agreement adequately protects the City's interests and our consent increases the chances that Panda II will secure financing for Phase II.

FISCAL IMPACT: There is no direct fiscal impact with the execution of a consent agreement with Temple Power II, LLC and Temple Economic Development Corporation confirming that the benefits and obligations set forth in the 2011 Economic Development Agreement between the City, Temple Economic Development Corporation, and Panda Temple Power, LLC also apply to and bind Panda Temple Power II, LLC.

ATTACHMENTS:
[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE EXECUTION OF A CONSENT AGREEMENT WITH PANDA TEMPLE POWER II, LLC AND TEMPLE ECONOMIC DEVELOPMENT CORPORATION CONFIRMING THAT THE BENEFITS AND OBLIGATIONS SET FORTH IN THE 2011 ECONOMIC DEVELOPMENT AGREEMENT APPLY TO AND BIND PANDA TEMPLE POWER II, LLC; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, in 2011, the City, Temple Economic Development Corporation (“TEDC”), and Panda Temple Power, LLC (“Panda I”) entered into an Economic Development Agreement which conferred certain rights and obligations on the parties with regards to Panda I’s construction of Phase I of its power plant;

Whereas, the Economic Development Agreement mentioned the possibility of Panda constructing a Phase II to the plant, but the Agreement was not signed by Panda Temple Power II, LLC (“Panda II”) and Panda II is now in the process of securing financing for construction of Phase II of the plant;

Whereas, Panda Temple Power II, LLC’s lenders have requested that the City and TEDC sign a Consent Agreement with Panda II which confirms that the rights and obligations set forth in the Economic Development Agreement are shared by Panda I and Panda II; and

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

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

Part 1: The City of Temple, Texas, authorizes the execution of a Consent Agreement, after approval as to form by the City Attorney, with Panda Temple Power II, LLC and Temple Economic Development Corporation confirming that the benefits and obligations set forth in the 2011 Economic Development Agreement between the City, Temple Economic Development Corporation, and Panda Temple Power, LLC also apply to and bind Panda Temple Power II, LLC.

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

PASSED AND APPROVED this the **21st** day of **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

03/21/13
Item #6(H)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing the execution of a Utility and Access Easement granting an easement from the City of Temple to Panda Temple Power II, LLC over the south 778.72 feet of Tract A, Block 1 of the Panda Temple Power Project Plat which is filed in Cabinet D, Slide 335-A, Plat Records of Bell County, Texas.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Panda Temple Power II, LLC is in the process of purchasing additional land near its power plant site. The additional property is separated from Panda's site by a 100 foot strip of land that is owned by the City of Temple. In order for Panda to access the property it is purchasing, it needs a Utility and Access Easement over the City's 100 foot strip of land. The Utility and Access Easement will consist of an easement over the south 778.72 feet of Tract A, Block 1 of the Panda Temple Power Project Plat which is filed in Cabinet D, Slide 335-A, Plat Records of Bell County, Texas.

FISCAL IMPACT: To be provided prior to meeting.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE EXECUTION OF A UTILITY AND ACCESS EASEMENT GRANTING AN EASEMENT FROM THE CITY OF TEMPLE TO PANDA TEMPLE POWER II, LLC; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Panda Temple Power II, LLC is in the process of purchasing additional land near its power plant site and the additional property is separated from Panda's site by a 100 foot strip of land that is owned by the City;

Whereas, in order for Panda to access the property it is purchasing, it needs a utility and access easement over the City's 100 foot strip of land which will consist of an easement over the south 778.72 feet of Tract A, Block 1 of the Panda Temple Power Project Plat which is filed in Cabinet D, Slide 335-A, Plat Records of Bell County, Texas; and

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

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

Part 1: The City of Temple, Texas, authorizes the execution of a utility and access easement from the City to Panda Temple Power II, LLC, consisting of an easement over the south 778.72 feet of Tract A, Block 1 of the Panda Temple Power Project Plat which is filed in Cabinet D, Slide 335-A, Plat Records of Bell County, Texas.

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

PASSED AND APPROVED this the **21st** day of **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

03/21/13
Item #6(I)
Consent Agenda
Page 1 of 3

DEPT./DIVISION SUBMISSION & REVIEW:

Beverly Zendt, Interim Director of Planning and Development

ITEM DESCRIPTION: SECOND READING - 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: Adopt ordinance as presented in item description, on second and final reading.

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.

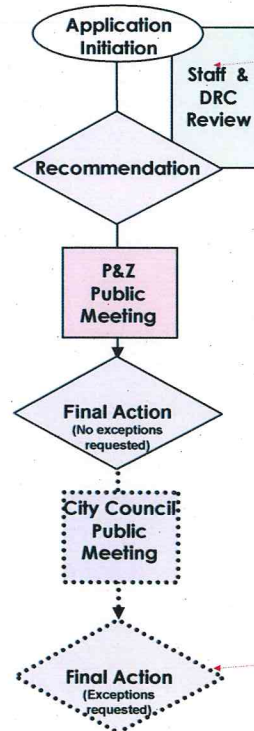
A.C. Review Process

~~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.

~~2.1. 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.

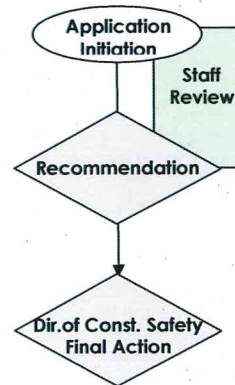
B. Development Plan Approval

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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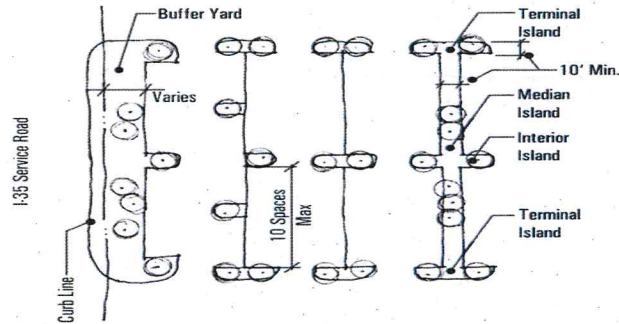
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Article 6: Special Purpose and Overlay Zoning Districts

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

Temple, Texas Unified Development Code

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

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>Rosa 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

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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.

7.5.107.6.10 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.

7.5.117.6.11 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;

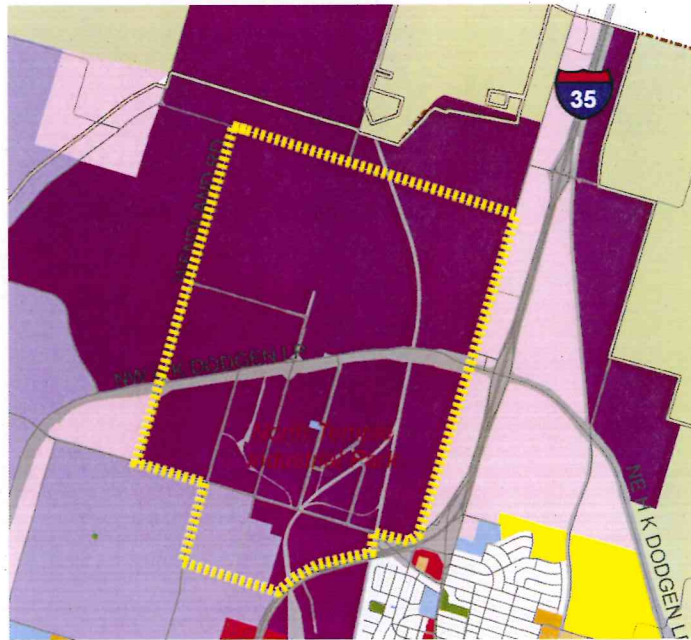
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- v. Eberhardt Road from Enterprise Road to Industrial Boulevard;
- vi. Industrial Boulevard from Eberhardt Road to Wendland Road; and
- vii. Wendland Road from Industrial Boulevard to Moore's Mill Road.



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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. —

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

03/21/13
Item #6(J)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney

ITEM DESCRIPTION: SECOND READING: 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: Adopt ordinance as presented in item description, on second and final reading.

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: N/A

ATTACHMENTS:

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

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

03/21/13
Item #6(K)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Gary O. Smith, Chief of Police

ITEM DESCRIPTION: Consider adopting a resolution ratifying the Temple Police Department's application for a Juvenile Justice and Delinquency Prevention Grant through the Criminal Justice Division (CJD) of the Governor's Office for two new School Resource Officers.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The Police Department has made an initial grant application to the Central Texas Council of Governments (CTCOG) Criminal Justice Advisory Committee (CJAC) for the purpose of receiving funding for the salary and benefits for two school resource officers. If funded, one of these officers will serve in the Temple Independent School District (TISD), while the other will serve in the Belton Independent School District (BISD) schools that are inside the Temple city limits. Both the BISD and the TISD have indicated their strong desire for these services.

If Council approves, the two districts and the police department will execute cooperative working agreements in support of the grant. The CJAC will review the grant application and make its recommendations to the CJD. The grant-funded project must begin on or after September 1, 2013, and will expire on or before August 31, 2014. A request for renewal may be made on an annual basis and is dependent upon the availability of funds. No cash match is required.

FISCAL IMPACT: The estimated total cost of hiring two Police Officers over the 12 month grant period is \$123,150. This cost includes salary, benefits, hiring expenses and operational costs. The grant would fund the salaries and benefits for a total of \$107,966. The City's operational cost not covered by the grant would be approximately \$15,184.

Police vehicles are not requested at this time. This request will follow over future budgets as needs are better identified and projected.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, RATIFYING THE SUBMISSION OF A GRANT APPLICATION FOR A JUVENILE JUSTICE AND DELINQUENCY PREVENTION GRANT THROUGH THE CENTRAL TEXAS COUNCIL OF GOVERNMENTS (CTCOG) CRIMINAL JUSTICE ADVISORY COMMITTEE (CJAC) DIVISION OF THE GOVERNOR'S OFFICE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Police Department has made an initial grant application to the Central Texas Council of Governments (CTCOG) Criminal Justice Advisory Committee (CJAC) for the purpose of receiving funding for the salary and benefits for two school resource officers;

Whereas, one of these officers will serve in the Temple Independent School District (TISD), while the other will serve in the Belton Independent School District (BISD) schools that are inside the Temple city limits - both the BISD and the TISD have indicated their strong desire for these services;

Whereas, both districts and the police department will execute cooperative working agreements in support of the grant - the grant-funded project must begin on or after September 1, 2013, and will expire on or before August 31, 2014 with a request for renewal on an annual basis dependent upon the availability of funds;

Whereas, there is no cash match required with this grant and the estimated total cost of hiring two police officers over the 12-month grant period is \$123,150 – these costs include salary, benefits, hiring expenses and operational costs; 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 ratify a grant application for a Juvenile Justice and Delinquency Prevention grant through the Central Texas Council of Governments (CTCOG) Criminal Justice Advisory Committee (CJAC) for the purpose of receiving funding for the salary and benefits for two school resource officers.

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

PASSED AND APPROVED this the **21st** day of **March**, 2013.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

ATTEST:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

03/21/13
Item #6(L)
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 \$13,069,573.

ATTACHMENTS:

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

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2013 BUDGET
March 21, 2013

			APPROPRIATIONS	
ACCOUNT #	PROJECT #	DESCRIPTION	Debit	Credit
110-2210-522-1220		Retirement/Pension (Fire Admin Overhead)	\$ 277	
110-2221-522-1220		Retirement/Pension (Fire Public Education/Information)	\$ 137	
110-2222-522-1220		Retirement/Pension (Fire Inspections/Investigations/Plan Review)	\$ 557	
110-2223-522-1220		Retirement/Pension (Fire Training)	\$ 1,447	
110-2231-522-1220		Retirement/Pension (Fire Suppression)	\$ 2,136	
110-2232-522-1220		Retirement/Pension (Fire HazMat)	\$ 137	
110-2233-522-1220		Retirement/Pension (Fire Hydrants)	\$ 664	
110-2234-522-1220		Retirement/Pension (EMS)	\$ 8,600	
110-2240-522-1220		Retirement/Pension (Emergency Management)	\$ 45	
110-0000-352-1345		Designated Capital Projects - Unallocated		\$ 14,000
<p>On January 24, 2013, members of the Temple Firefighter's Relief and Retirement Fund voted to increase the Firefighter retirement contribution rate from 14.69% to 15.00%. The Firemen's Pension Board voted on February 21, 2013 to canvas the votes and set the plan effective date of March 1, 2013. In accordance with Ordinance 94-2296, dated September 1, 1994, the City of Temple's contribution rate to the Temple Firefighter's Pension Fund for fiscal year 1994-95 and future fiscal years shall be: the lesser of the rate the City of Temple contributes to the Texas Municipal Retirement System or the rate the firefighters contribute to the Firefighter's Pension and Retirement System. This budget adjustment appropriates Designated Capital Projects - Unallocated to cover the additional cost of the retirement contribution increase.</p>				
364-9100-591-7560		Attorney's Fees	\$ 1,900,000	
364-9100-591-8130		Transfer Out - Debt Service Fund	\$ 5,350,000	
364-0000-490-3010		Claims Settlement		\$ 7,250,000
364-9100-591-8130		Transfer Out - Debt Service Fund	\$ 204,350	
364-0000-461-0111		Interest Income		\$ 210
364-0000-315-1116		Reserved for Future Expenditures		\$ 156,103
364-2000-521-6855	100407	Police Mold Remediation		\$ 48,037
430-0000-354-0520		Reserved for Debt Service - 2011 Limited Tax Note	\$ 5,554,350	
430-0000-490-2580		Transfer In - Bond Fund		\$ 5,350,000
430-0000-490-2580		Transfer In - Bond Fund		\$ 204,350
<p>To appropriate funds from the settlement of the police facility litigation. The total settlement amount was \$7,250,000. The City directly received \$5,350,000 and the attorney directly received \$1,900,000. This budget adjustment also moves the net settlement funds and remaining LTN proceeds from the Capital Projects Fund to the Debt Service Fund to pay towards the debt issued for the repairs.</p>				
365-1500-515-1112		Professional (TCIP Projects)	\$ 37,678	
365-1500-515-1220		Retirement/Pension	\$ 6,782	
365-1500-515-1221		Social Security	\$ 546	
365-1500-515-1222		Health Insurance	\$ 1,484	
365-1500-515-1223		Workers Compensation	\$ 169	
365-1500-515-1224		Unemployment Insurance	\$ 9	
365-1500-515-1225		Dental Insurance	\$ 48	
365-1500-515-1226		Life Insurance	\$ 56	
365-1500-515-1227		AD&D Insurance	\$ 12	
365-1500-515-1228		Long Term Disability	\$ 89	
365-3400-531-6527	100953	Street/Road Improvements		\$ 46,873
<p>Funding for the Project Engineer position. This position is being funded with bond proceeds for FY 2013 TCIP Projects. 100% of the salary and benefits for the Project Engineer is being funded from the 2012 Combination Tax and Revenue Certificates of Obligation bonds.</p>				

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2013 BUDGET
March 21, 2013

			APPROPRIATIONS	
ACCOUNT #	PROJECT #	DESCRIPTION	Debit	Credit
TOTAL AMENDMENTS			\$ 13,069,573	\$ 13,069,573
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
		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
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

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2013 BUDGET
March 21, 2013

			APPROPRIATIONS	
ACCOUNT #	PROJECT #	DESCRIPTION	Debit	Credit
		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 **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

03/21/13
Item #7
Regular Agenda
Page 1 of 4

DEPT. /DIVISION SUBMISSION & REVIEW:

Beverly Zendt, Interim Director of Planning and Development

ITEM DESCRIPTION SECOND READING - 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: Adopt ordinance as presented in item description, on second and final reading.

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

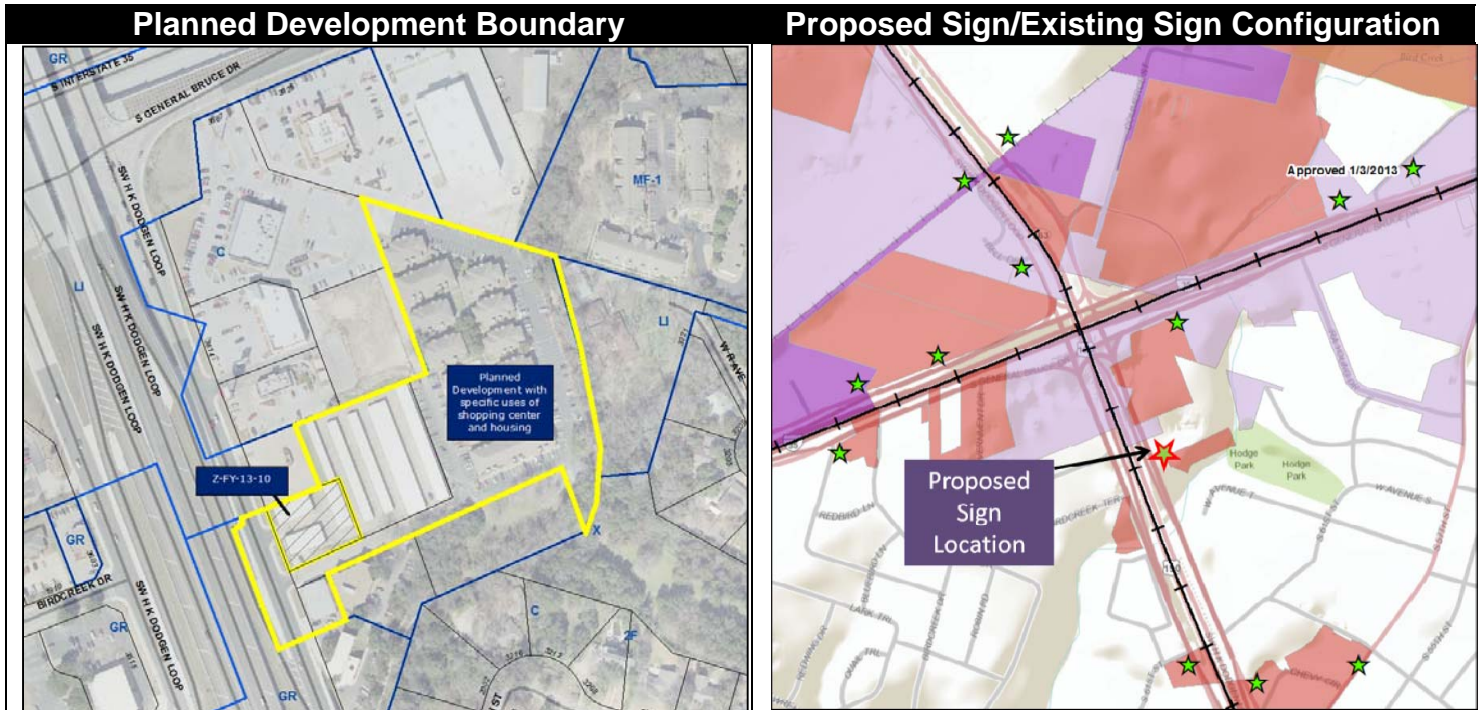
- The proposed zoning is consistent with the Future Land Use Map which identifies this area as Auto-Urban Commercial;
- The proposed zoning is compatible with the surrounding uses; and
- The proposed zoning eliminates a non-conforming use on the subject property providing an appropriate zoning designation 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: NA

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

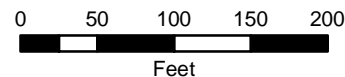


Buffer_200



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

03/21/13
Item #8
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DEPT./DIVISION SUBMISSION & REVIEW:

Nicole Torralva, Director of Public Works

Kenny Henderson, Director of Street and Drainage Services

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING: Consider adopting an ordinance establishing school crosswalks and setting speed limits within school zones to conform to school schedules.

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance presented in item description, on first reading, and schedule second reading and final adoption for 04/04/2013.

ITEM SUMMARY: In January of 2012 the City adopted an ordinance establishing school crosswalk and setting limits within school zones as agreed upon by the City, TISD and BISD. TISD has requested a new school zone be established on South 25th Street from West Avenue R just south of West Avenue M for Travis Middle School reducing the speed limit from 30 mph to 20 mph from 6:30am to 8:30am and 2:30pm to 4:30pm on school days.

TISD is constructing a new addition to the Travis Middle School campus this will make the main parent entrance to the school on South 25th Street.

FISCAL IMPACT: Funding in the amount of \$36,000 is available in account #110-2840-532-6323, project #100894 for school zones. It is estimated that it will cost \$18,000 for the additional school zone at Travis Middle School.

ATTACHMENTS:

[List of school crossings](#)

[Map](#)

[Ordinance](#)

**City of Temple
School Zones**

Schools	Cones	Flags	Zone Times
Bethune Elementary 510 E Ave J A. Crossing guard works crosswalk on MLK Blvd and Ave J B. School Zone is on E Ave J and S 10th St. The front and westside of school C. One Way on S 10th St from E Ave I to E Ave J	Yes	Yes	School Zone Signs 6:30 to 8:30 14:45 to 16:30 One Way Time as Posted 7:00 to 8:30 14:00 to 15:30
Cater Elementary 4111 Lark Trail A. Crossing guard works Crosswalk in school parking area B. School Zone is on Lark Trail in front of School	Yes	Yes	
Emerson Elementary 1400 E Ave B A. Crossing Guard works Crosswalk Works E Ave B and S 24th ST	Yes	Yes	
Hector P. Garcia Elementary 2525 Lavendusky Dr A. No Crosswalk B. Flasing lights on Lavendusky just West of HK Dodgen Lp and just east of S 50th. St.	No	No	Flashing Lights 06:30 to 08:30 14:45 to 16:30
Jefferson Elementary 400 W. Walker Ave A. Crossing Guards (2) Works Crosswalk At N 3rd St and W. Walker Ave B. Crossing Guard works Crosswalk at N 3rd ST and Industrial Blvd this is a controlled signal light. C. Flashing lights on N 3rd St are North of W. Walker Ave and North of W Shell Ave.	Yes	Yes	Flashing Lights 06:30 to 08:30 14:45 to 16:30
Kennedy-Powell Elementary 3707 W. Nugent Ave A. Crossing Guard will work Crosswalks W. Nugent Ave and Cearley Rd. B. Flashing lights on W. Nugent Ave west and east of Cearley Rd	Yes	Yes	Flashing Lights 06:30 to 08:30 14:45 to 16:30
Dickson Elementary 1100 S 33rd St A. One way south from W Ave K to W Ave L			One Way Time as Posted 7:00 to 8:30 14:00 to 15:00

Meridith-Dunbar 1717 E Ave J A. Crossing Guard will work Crosswalks at S 30th St and E. Ave J B. Flashing lights on S 30th St C. One Way on E Ave J from S 30th St to S 34th St at posted times	Yes	Yes	Flashing Lights 06:30 to 08:30 14:45 to 16:30 One Way Time as Posted 7:00 to 8:30 14:00 to 15:00
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**City of Temple
School Zones**

Schools	Cones	Flags	Zone Times
Raye Allen Elementary 5015 S 5th St A. Crossing Guards will work Crosswalks on S 5th St B. Flashing lights on S 5th St north and south of school	Yes	Yes	Flashing Lights 06:30 to 08:30 14:45 to 16:30
Scott Elementary 2301 W Ave P A. Crossing Guard will work Crosswalk on W Ave P B. Crossing Guard will work Crosswalk on W Ave M @ S 45th St. C. Flashing lights on W Ave P east of S 49th St and west of S 39th St.	Yes	Yes	Flashing Lights 06:30 to 08:30 14:45 to 16:30
Thornton Elementary 2900 Pin Oak Dr A. Crossing Guard will work Crosswalk on Pin Oak @ East Dr. B. One way on Pin Oak from East Dr. to Mesquite at posted times	Yes	Yes	School Zone Signs 07:30 to 8:30 14:30 to 16:00 One Way Time as Posted 7:30 to 8:30 14:30 to 16:00
Western Hills Elementary 600 Arapaho A. Crossing Guard will work Crosswalk on Apache @ Deer Tr B. Crossing Guard will work Crosswalk on Apache @ Gila C. Flashing lights on Apache North of Deer Tr. South of Gila.	Yes	Yes	Flashing Lights 06:30 to 08:30 14:45 to 16:30
Bonham Middle School 4600 Midway Dr A. Flashing Lights on Midway Dr. east and west of school.			Flashing Lights 07:00 to 08:30 15:00 to 16:30
Lamar Middle School 2120 N 1st St			Flashing Lights

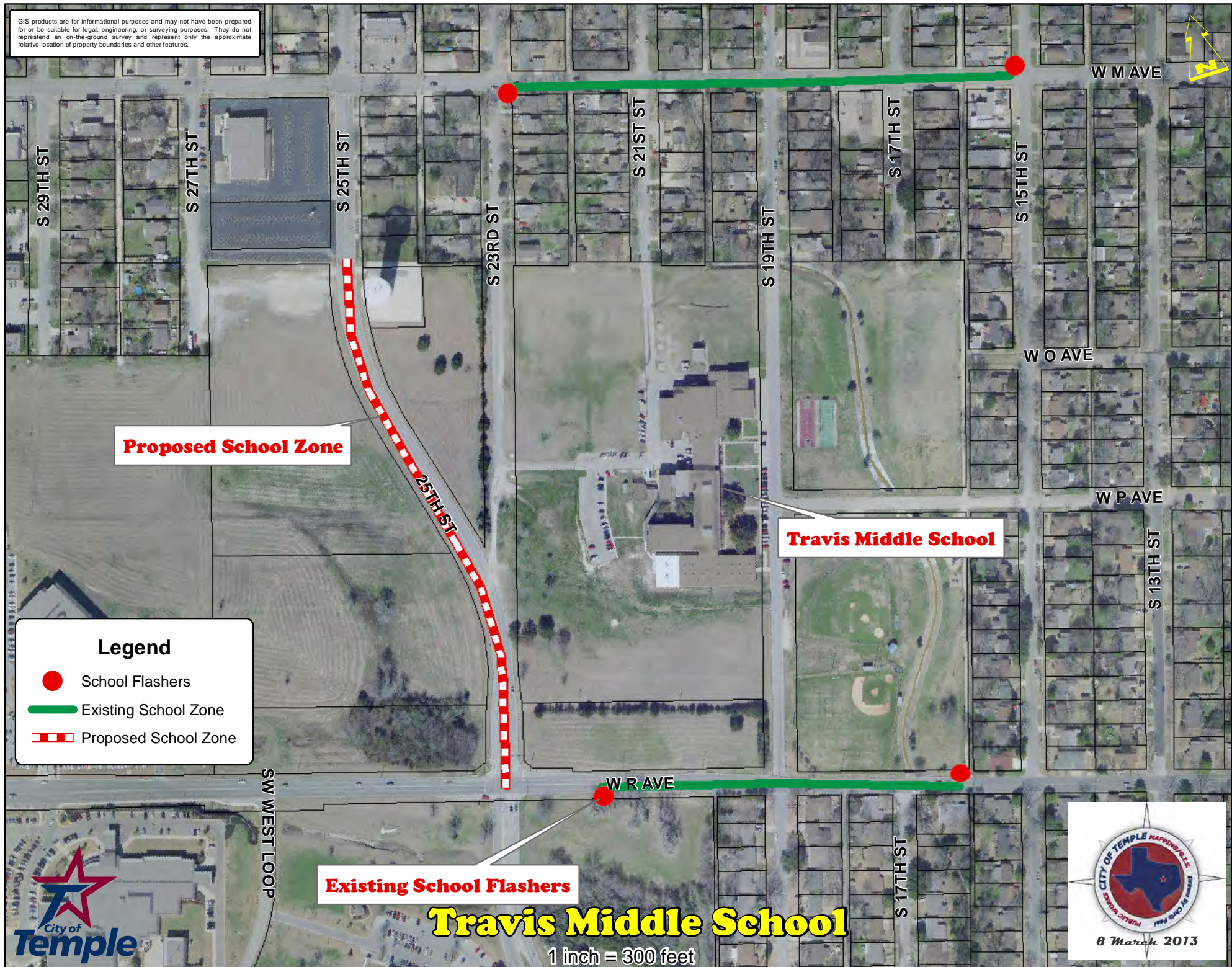
A. Flashing lights on N 3rd St are North of W. Walker Ave and North of W Shell Ave. B. One way on N 1st St from W Park Ave to W. Virginia Ave at posted times			06:30 to 08:30 14:45 to 16:30 One Way Time as Posted 7:30 to 8:30 15:00 to 16:00
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**City of Temple
School Zones**

Schools	Cones	Flags	Zone Times
Travis Middle School 1500 S 19th St A. Crossing Guard will work Crosswalk on W Ave M @ S 19th St B. One way on S 19th St from W Ave R to W Ave M C. Flashing lights on W Ave M from S 15th to S 23rd D. Flashing lights on W Ave R from S 15th to S 25th E. Flashing lights on S 25th from W Ave R to just south of W Ave M			One Way Time as Posted 6:30 to 8:30 14:30 to 16:00 Flashing lights 6:30 to 8:30 14:30 to 16:30
Temple High School 415 N 31st St A. Flashing Lights on N 31st St north of W Barton Ave and North of W Houston Ave			Flashing Lights 07:00 to 16:00
Temple High School Campus 1414 W Barton Ave A. School Zone on Barton from N 31st St to North 27th St			School Zone Signs 07:00 to 16:30
<u>B.I.S.D</u> Lakewood Elementary 11200 FM 2305 A. Flashing lights on FM 2305 in front of school			Flashing Lights 7:15 to 8:00 14:15 to 15:00
Joe M. Pirtle Elementary 714 South Pea Ridge Rd A. Flashing lights on South Pea Ridge in from of school			Flashing Lights 7:15 to 8:00 14:15 to 15:00
Tarver Elementary 7949 Shone Hollow Dr A. School Zone on Stone Hollow Dr in front of school.			School Zone Signs 7:00 to 8:30 14:30 to 16:00

B. School Zone on Prairie Lark on northside of school			
B. School Zone on on Westfield on southside of school			
Lake Belton Middle School 8815 Tarver A. Flashing lights on Tarver in front of school. B. School zone on Cedar Ln from Tarver to just north of school			Flashing Lights 7:00 to 8:30 14:30 to 16:30
			School Zone Signs 7:00 to 8:30 14:30 to 16:30

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.



ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, ESTABLISHING SCHOOL CROSSWALKS AND SETTING SPEED LIMITS WITHIN SCHOOL ZONES TO CONFORM TO SCHOOL SCHEDULES; PROVIDING AN EFFECTIVE DATE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, in January of 2012, the City adopted an ordinance establishing school crosswalks and setting speed limits within school zones as agreed upon by the City, Temple Independent School District (“TISD”) and Belton Independent School District (“BISD”);

Whereas, TISD has requested a new school zone be established on South 25th Street from West Avenue R just south of West Avenue M for Travis Middle School – reducing the speed limit from 30 mph to 20 mph from the hours of 6:30 a.m. to 8:30 a.m. and 2:30 p.m. to 4:30 p.m. on school days;

Whereas, TISD is constructing a new addition to the Travis Middle School campus which will become the main parent entrance to the school on South 25th Street; and

Whereas, the City Council has considered the matter and deems it in the public interest to establish this school zone for the benefit of the citizens for the promotion of the public health, welfare, and safety.

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

Part 1: The City Council finds that a school zone shall be established on South 25th Street from West Avenue R just south of West Avenue M for Travis Middle School – reducing the speed limit from 30 mph to 20 mph from the hours of 6:30 a.m. to 8:30 a.m. and 2:30 p.m. to 4:30 p.m. on school days, more fully shown on Exhibit A which is attached hereto and made a part hereof for all purposes.

Part 2: It shall be unlawful for any person to drive or operate a motor vehicle, bicycle, or other vehicle of any kind, whether or not motor powered, on that portion of the roadways described above under the conditions described herein, at a speed greater than is reasonable and prudent under the circumstances then existing, but any speed in excess of the reasonable and prudent prima facie maximum speed limits as set forth in Part 1 hereof shall be prima facie evidence that such speed is not reasonable or prudent and that it is unlawful.

Part 3: All ordinances or parts of ordinances in conflict with the provisions of this ordinance are to the extent of such conflict hereby repealed.

Part 4: 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 on the **21st** day of **March**, 2013.

PASSED AND APPROVED on Second Reading on the **4th** day of **April**, 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

03/21/13
Item #9
Regular Agenda
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DEPT./DIVISION SUBMISSION & REVIEW:

Belinda Mattke, Director of Purchasing
Sam Weed, Superintendent of Fleet Services

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of various vehicles in the amount of \$104,682:

- (A) One (1) 5 door passenger sedan (Ford Focus Hatchback SE) from Caldwell Country Ford of Caldwell in the amount of \$15,333 (Bid Tabulation #2);
- (B) Two (2) ½-ton light duty full size fuel efficient pickup (F-150) from Randall Reed's Prestige Ford of Garland in the amount of \$39,470 (Bid Tabulation #4);
- (C) One (1) ¾-ton regular cab pickup (F-250) from Caldwell Country Ford of Caldwell in the amount of \$23,420 (Bid Tabulation #6); and
- (D) One (1) ¾-ton super crew/quad cab pickup (F-250) from Caldwell Country Ford of Caldwell in the amount of \$26,459 (Bid Tabulation #7).

STAFF RECOMMENDATION: Adopt resolution as presented in item description or consider local preference options as noted below.

ITEM SUMMARY: On February 19, 2013, (4) vendors submitted pricing on four (4) independent vehicle bids. Johnson Brothers Ford II, Ltd, declared the right to be considered a local business under the City's Local Preference Policy.

Per the City's Local Preference Policy, for non-construction expenditures less than \$500,000, if the City receives a competitive sealed bid from a bidder whose principal place of business is within the City limits and whose bid is within five percent of the lowest bid price, the Council has the option to consider awarding the purchase to the local bidder if the Council determines that the local bidder offers the City the best combination of contract price and additional economic development opportunities for the City created by the contract award.

Staff recommends award of the following three (3) bids to **Caldwell Country Ford**. Exceptions taken by Caldwell Country Ford were routine in nature and did not impact the overall quality of the vehicles; accordingly, staff is will to accept their exceptions. The City has done business with Caldwell Country Ford in the past and finds them to be a responsible vendor.

Bid Tabulation #2 – Five Door Passenger Sedan (Ford Focus Hatchback SE):

Bid Tab #	Description	Qty	Account	Project #	Budget	Recommended Bid	Local Preference Option
2	Engineering/Drainage/Administration (addition to fleet)	1	110-5900-533-6213 292-2910-534-6213 520-5000-535-6213	100870 100870 100870	\$ 8,000 \$ 4,000 \$ 8,000	\$15,333.00	\$ 15,987.84
Sub-Total for one (1) Five Door Passenger Sedan					\$ 20,000.00	\$ 15,333.00	\$ 15,987.84

In accordance with the City's adopted Local Preference Policy, Council does have the option to award the Five Door Passenger Sedan to Johnson Brothers Ford in the amount of \$15,987.84, versus the low bid of \$15,333.00 from Caldwell Country Ford, a \$654.84 spread. Johnson Brother's bid is 4.3% higher than Caldwell Country Ford's low bid.

Bid Tabulation #6 – ¾-Ton Regular Cab Pickup (F-250):

Bid Tab #	Description	Qty	Account	Project #	Budget	Recommended Bid	Local Preference Option
6	Parks (replaces Asset # 10648)	1	110-5935-552-6213	100883	\$ 28,000.00	\$ 23,420.00	\$ 24,016.52
Sub-Total for one (1) ¾-Ton Regular Cab Pick-Up					\$ 28,000.00	\$ 23,420.00	\$ 24,016.52

In accordance with the City's adopted Local Preference Policy, Council does have the option to award the ¾-Ton Regular Cab Pickup to Johnson Brothers Ford in the amount of \$24,016.52, versus the low bid of \$23,420.00 from Caldwell Country Ford, a \$596.52 spread. Johnson Brother's bid is 2.5% higher than Caldwell Country Ford's low bid.

Bid Tabulation #7 – ¾-Ton Super Crew/Quad Cab Pickup (F-250):

Bid Tab #	Description	Qty	Account	Project #	Budget	Recommended Bid	Local Preference Option
7	Parks (replaces Asset # 11181)	1	110-5935-552-6213	100884	\$ 32,500.00	\$ 26,459.00	\$ 26,619.52
Sub-Total for one (1) ¾-Ton Super Crew/Quad Cab Pickup					\$ 32,500.00	\$ 26,459.00	\$ 26,619.52

In accordance with the City's adopted Local Preference Policy, Council does have the option to award the ¾-Ton Super Crew/Quad Cab Pickup to Johnson Brothers Ford in the amount of \$26,619.52, versus the low bid of \$26,459.00 from Caldwell Country Ford, a \$160.52 spread. Johnson Brother's bid is 0.6% higher than Caldwell Country Ford's low bid.

Staff recommends award of the following bid to **Randall Reed's Prestige Ford**. Randall Reed's Prestige Ford took no exceptions to the specifications. The City has not done business with Randall Reeds Prestige Ford previously; accordingly, references were checked and Randall Reed's Prestige Ford was found to be a responsible vendor.

Bid Tabulation #4 – ½-Ton Light Duty Full Size Fuel Efficient Pickup (F-150):

Bid Tab #	Description	Qty	Account	Project #	Budget	Recommended Bid	Local Preference Option
4	Metering (replaces Asset # 12344)	1	520-5300-535-6213	100901	\$ 21,500.00	\$19,735.00	\$ 19,816.88
4	Metering (replaces Asset # 12343)	1	520-5300-535-6213	100902	\$ 21,500.00	\$19,735.00	\$19,816.88
Sub-Total for two (2) ½-Ton Light Duty Full Size Fuel Efficient Pickups					\$ 43,000.00	\$ 39,470.00	\$ 39,633.76

In accordance with the City's adopted Local Preference Policy, Council does have the option to award the ½-Ton Light Duty Full Size Fuel Efficient Pickup to Johnson Brothers Ford in the amount of \$39,633.76, versus the low bid of \$39,470.00 from Randall Reed's Prestige Ford, a \$163.76 spread. Johnson Brother's bid is 0.4% higher than Randall Reed's Prestige Ford's low bid.

SUSTAINABILITY IMPACT: Each vehicle scheduled for replacement has been evaluated to ensure the most sustainable and fuel efficient vehicle that will meet the needs of the department is being purchased. The evaluation includes "right-sizing" engines and assessing whether a different, more efficient vehicle could be used to accomplish the duties. This evaluation also includes determining whether an alternative fuel is viable.

The engine size for the two Metering's ½-Ton Light Duty Full Size Pickups (F-150) was "right-sized" for the application and will result in an increased miles per gallon, due to a decrease in engine size and smaller body style.

FISCAL IMPACT: Funding for the purchase of the 5 vehicles identified above were included in the Council-adopted FY 2013 budget in the accounts as defined in the Item Summary above in the amount of \$123,500. Total funding needed for the recommended purchases is \$104,682, resulting in a net savings under budget in the amount of \$18,818.

The local preference options total \$1,575.64.

ATTACHMENTS:

[Bid Tabulations \(4\)](#)
[Resolution](#)

Vehicle Bid Tabulation #2

**Tabulation of Bids Received
on February 19, 2013 at 2:30 p.m.
5 Door Passenger Sedan
Bid# 13-20-13**

	Bidders		
	Caldwell Country Ford Caldwell, TX	Johnson Brothers Ford II, LTD Temple, TX	Sam Pack's Five Star Ford Carrollton, TX
Description			
Total Bid Price	\$15,333.00	\$15,987.84	No Bid
Delivery within 120 days?	Yes	No	No Bid
Local Preference?	No	Yes	No Bid
Exceptions?	Yes	Yes	No Bid
Credit Check Authorization	Yes	Yes	No Bid

	Bidders	
	Randall Reed's Prestige Ford Garland, TX	Reliable Chevrolet Richardson, TX
Description		
Total Bid Price	\$15,500.00	No Bid
Delivery within 120 days?	Yes	No Bid
Local Preference?	No	No Bid
Exceptions?	No	No Bid
Credit Check Authorization	Yes	No Bid

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

Belinda Mattke **19-Feb-13**

Belinda Mattke, Director of Purchas Date

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

Local Option Available

Vehicle Bid Tabulation #4

Tabulation of Bids Received on February 19, 2013 at 2:30 p.m. 1/2 Ton Light Duty Full-Size Fuel Efficient PU Bid# 13-20-13

		Bidders					
		Caldwell Country Ford		Johnson Brothers Ford II, LTD		Sam Pack's Five Star Ford	
		Caldwell, TX		Temple, TX		Carrollton, TX	
Description	Qty	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
TOTAL BASE BID PRICE	2	\$16,695.00	\$33,390.00	\$16,496.88	\$32,993.76	No Bid	
AFTER MARKET OPTIONS:							
Light Bar	2	\$1,821.00	\$3,642.00	\$1,850.00	\$3,700.00	No Bid	
Labor to Install Light Bars and Control Boxes	0	\$145.00	\$0.00	\$350.00	\$0.00	No Bid	
Sprayed-on Bed Liner	2	\$375.00	\$750.00	\$395.00	\$790.00	No Bid	
Headache Rack	2	\$376.00	\$752.00	\$450.00	\$900.00	No Bid	
Tool Box	2	\$512.00	\$1,024.00	\$550.00	\$1,100.00	No Bid	
Back-Up Alarm	2	\$65.00	\$130.00	\$75.00	\$150.00	No Bid	
Total Bid Being Recommended for Award		\$19,844.00	\$39,688.00	\$19,816.88	\$39,633.76	No Bid	
Delivery within 120 days?		Yes		No		No Bid	
Local Preference?		No		Yes		No Bid	
Exceptions?		No		Yes		No Bid	
Credit Check Authorization		Yes		Yes		No Bid	

		Bidders			
		Randall Reed's Prestige Ford		Reliable Chevrolet	
		Garland, TX		Richardson, TX	
Description	Qty	Unit Price	Total Price	Unit Price	Total Price
TOTAL BASE BID PRICE	2	\$16,700.00	\$33,400.00	No Bid	
AFTER MARKET OPTIONS:					
Light Bar	2	\$1,715.00	\$3,430.00	No Bid	
Labor to Install Light Bars and Control Boxes	0	\$120.00	\$0.00	No Bid	
Sprayed-on Bed Liner	2	\$325.00	\$650.00	No Bid	
Headache Rack	2	\$350.00	\$700.00	No Bid	
Tool Box	2	\$580.00	\$1,160.00	No Bid	
Back-Up Alarm	2	\$65.00	\$130.00	No Bid	
Total Bid Being Recommended for Award		\$19,735.00	\$39,470.00	No Bid	
Delivery within 120 days?		Yes		No Bid	
Local Preference?		No		No Bid	
Exceptions?		No		No Bid	
Credit Check Authorization		Yes		No Bid	

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

Belinda Mattke

19-Feb-13

Belinda Mattke, Director of Purchasing

Date

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

Local Option Available

Vehicle Bid Tabulation #6

**Tabulation of Bids Received
on February 19, 2013 at 2:30 p.m.
3/4-Ton Regular Cab P/U
Bid# 13-20-13**

	Bidders		
	Caldwell Country Ford Caldwell, TX	Johnson Brothers Ford II, LTD Temple, TX	Sam Pack's Five Star Ford Carrollton, TX
Description	Unit Price	Unit Price	Unit Price
TOTAL BASE BID PRICE	\$20,435.00	\$20,771.52	No Bid
AFTER MARKET OPTIONS:			
Light Bar	\$1,700.00	\$1,850.00	No Bid
Labor to Install Light Bars and Control Boxes	\$145.00	\$350.00	No Bid
Headache Rack	\$350.00	\$450.00	No bid
Sprayed-on Bed Liner	\$375.00	\$395.00	No Bid
Tool Box	\$560.00	\$550.00	No Bid
Total Bid Being Recommended for Award	\$23,420.00	\$24,016.52	No Bid
Delivery within 120 days?	Yes	No	No Bid
Local Preference?	No	Yes	No Bid
Exceptions?	Yes	No	No Bid
Credit Check Authorization	Yes	Yes	No Bid

	Bidders	
	Randall Reed's Prestige Ford Garland, TX	Reliable Chevrolet Richardson, TX
Description	Unit Price	Unit Price
TOTAL BASE BID PRICE	\$20,600.00	\$22,389.00
AFTER MARKET OPTIONS:		
Light Bar	\$1,715.00	\$1,715.00
Labor to Install Light Bars and Control Boxes	\$120.00	\$180.00
Headache Rack	\$350.00	\$350.00
Sprayed-on Bed Liner	\$350.00	\$300.00
Tool Box	\$580.00	\$580.00
Total Bid Being Recommended for Award	\$23,595.00	\$25,334.00
Delivery within 120 days?	Yes	Yes
Local Preference?	No	No
Exceptions?	No	No
Credit Check Authorization	Yes	Yes

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

Belinda Mattke

19-Feb-13

Belinda Mattke, Director of Purchasing

Date

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

Vehicle Bid Tabulation #7

Tabulation of Bids Received
on February 19, 2013 at 2:30 p.m.
3/4-Ton Super Crew/Quad Cab P/U
Bid# 13-20-13

	Bidders		
	Caldwell Country Ford Caldwell, TX	Johnson Brothers Ford II, LTD Temple, TX	Sam Pack's Five Star Ford Carrollton, TX
Description	Unit Price	Unit Price	Unit Price
TOTAL BASE BID PRICE	\$23,849.00	\$23,769.52	No Bid
AFTER MARKET OPTIONS:			
Headache Rack	\$350.00	\$450.00	No Bid
Tool Box	\$560.00	\$550.00	No Bid
Light Bar	\$1,700.00	\$1,850.00	No Bid
Labor to Install Light Bars and Control Boxes	\$145.00	\$350.00	No Bid
Total Bid Being Recommended for Award	\$26,459.00	\$26,619.52	No Bid
Delivery within 120 days?	Yes	No	No Bid
Local Preference?	No	Yes	No Bid
Exceptions?	Yes	No	No Bid
Credit Check Authorization	Yes	Yes	No Bid

	Bidders	
	Randall Reed's Prestige Ford Garland, TX	Reliable Chevrolet Richardson, TX
Description	Unit Price	Unit Price
TOTAL BASE BID PRICE	\$24,080.00	\$25,051.00
AFTER MARKET OPTIONS:		
Headache Rack	\$350.00	\$350.00
Tool Box	\$580.00	\$580.00
Light Bar	\$1,715.00	\$1,715.00
Labor to Install Light Bars and Control Boxes	\$120.00	\$180.00
Total Bid Being Recommended for Award	\$26,725.00	\$27,696.00
Delivery within 120 days?	Yes	Yes
Local Preference?	No	No
Exceptions?	No	No
Credit Check Authorization	Yes	Yes

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

Belinda Mattke

19-Feb-13

Belinda Mattke, Director of Purchasing

Date

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

Local Option Available

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF FIVE (5) VEHICLES FROM VARIOUS VENDORS, IN THE CUMULATIVE AMOUNT OF \$104,682 OR CONSIDER LOCAL PREFERENCE OPTIONS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, funding for the purchase of five (5) vehicles was included in the adopted FY2013 budget;

Whereas, on February 19, 2013, four vendors submitted pricing on four independent vehicle bids – Johnson Brothers Ford II, Ltd., declared the right to be considered a local business under the City's Local Preference Policy;

Whereas, per the City's Local Preference Policy for non-construction expenditures less than \$500,000, if the City receives a competitive sealed bid from a bidder whose principal place of business is within the City limits and whose bid is within five percent (5%) of the lowest bid price, the Council has the option to consider awarding the purchase to the local bidder if determined that the local bidder offers the City the best combination of contract price and additional economic development opportunities for the City created by the contract award;

Whereas, staff recommends the purchase of the following vehicles from Caldwell Country Ford of Caldwell, Texas in the following amounts:

- One (1) five-door passenger sedan (Ford Focus Hatchback SE) - \$15,333;
- One (1) ¾-ton regular cab pickup (F-250) – 23,420;
- One (1) ¾-ton super crew/quad cab pickup (F-250) – 26,459;

Whereas, staff also recommends the purchase of the following vehicles from Randall Reed's Prestige Ford of Garland, Texas in the following amounts:

- Two (2) ½-ton light duty full size fuel efficient pickups (F-150) - \$39,470;

Whereas, funding for the purchase of these five (5) vehicles is included in the Council-adopted FY 2013 budget, in Account No. 110-5900-533-6213, Project No. 100870, Account No. 110-5935-552-6213, Project No. 100883, Account No. 110-5935-552-6213, Project No. 100884; 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 Ford of Caldwell, Texas and Randall Reed's Prestige Ford of Garland, Texas, in the cumulative amount of \$104,682:

- One (1) five-door passenger sedan (Ford Focus Hatchback SE) - \$15,333;
- One (1) ¾-ton regular cab pickup (F-250) – 23,420;
- One (1) ¾-ton super crew/quad cab pickup (F-250) – 26,459;
- Two (2) ½-ton light duty full size fuel efficient pickups (F-150) - \$39,470;

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 **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