



**MEETING OF THE
TEMPLE CITY COUNCIL**

MUNICIPAL BUILDING

2 NORTH MAIN STREET

3rd FLOOR – CONFERENCE ROOM

THURSDAY, MAY 2, 2013

3:30 P.M.

WORKSHOP AGENDA

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, May 2, 2013.
2. Discuss acquisition of properties near the City of Temple's landfill in regards to future landfill expansion.

Executive Session – Pursuant to Chapter 551, Government Code § 551.072 – Real Property – The City Council may enter into executive session to discuss the purchase, exchange, lease or value of real property relating to City projects, the public discussion of which would have a detrimental effect on negotiations with a third party.

3. *Executive Session: Chapter 551, Government Code, §551.071 – Consultation with Attorney - The City Council will meet in executive session with the City Attorney to discuss pending and contemplated litigation.*

City Attorney will discuss pending and contemplated litigation cases as outlined below:

*Jeffrey Walker Kindred v. City of Temple Police Department, et al –
Cause No. W-12-CA-252 in the United States District Court
for the Western District of Texas;*

*Willis Martin, Jr. v. City of Temple, Texas, et al –
Cause No. W-10-CA-166 in the United States District Court
for the Western District of Texas;*

*Larry Robinson v. City of Temple, Texas, et al –
Cause No. S-12-CA-309 in the United States District Court
for the Western District of Texas, Waco Division;*

*Potential Claim by Christopher J. Grisham
Joseph Alvarez, et al v. City of Temple Police Department, et al –
TML Claim #: 1300196529;*

*Carla Mahan, Individually and as Next Friend of Her Minor Son, Trapper John Mahan v.
The City of Temple, Texas, et al -
TML Claim #: 1200193837;*

*Rebecca Lock v. City of Temple, et al –
TML Claim #:1300196579;*

*Martha Jane Trudo v. City of Temple Police Department, et al –
TML Claim #:1300196342*

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) Youth Week, Temple Elks Lodge May 1-7, 2013

III. PUBLIC APPEARANCES

4. (A) Receive presentation from Preston Watson, Life Scout, regarding improvements to Fire Station #7.
- (B) Receive comments from Mark Clardy regarding support of funding for park improvements in the 2013-2014 Budget.
- (C) Receive comments from Alicia Dunn regarding support of funding for park improvements in the 2013-2014 Budget.
- (D) Receive presentation from Tanya Grey, Executive Director, Keep Temple Beautiful, regarding the Canyon Creek Planting and partnership with TXU Energy.

IV. PUBLIC COMMENTS

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

V. CONSENT AGENDA

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

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

Contracts, Leases, & Bids

- (A) [2013-6942-R](#): Consider adopting a resolution authorizing a service agreement with Alexander's Contract Services, Inc. of Atascadero, CA, for contracted water meter reading services in an annual amount not to exceed \$270,000.
- (B) [2013-6943-R](#): Consider adopting a resolution authorizing a Chapter 380 Economic Development Agreement between the City of Temple, Temple Economic Development Corporation and HEB Grocery Company, LP.
- (C) [2013-6944-R](#): Consider adopting a resolution authorizing the execution of a Chapter 380 Agreement with Temple Economic Development Corporation to convey an 8.14 acre tract of City owned property to TEDC for economic development purposes.
- (D) [2013-6945-R](#): Consider adopting a resolution authorizing the acceptance of an assignment of a Commercial Contract from W.C. Patterson for the purchase of property located at 17 South 7th Street, Temple, Texas 76501.

Executive Session – Pursuant to Chapter 551, Government Code § 551.072 – Real Property – The City Council may enter into executive session to discuss the purchase, exchange, lease or value of real property relating to City projects, the public discussion of which would have a detrimental effect on negotiations with a third party.

Ordinances – Second & Final Reading

- (E) [2013-4584](#): SECOND READING - A-FY-13-10: Consider adopting an ordinance abandoning an existing alley with a width of 20 feet and depth of 300 feet, located in Block 35, Original Town of Temple, between the south right-of-way line of East Avenue B and the north right-of-way line of East Avenue C and between South 2nd Street and South 4th Street, more fully shown in the attached exhibit; and reserving a public drainage and utility easement in the entire abandoned rights-of-way.
- (F) [2013-4585](#): SECOND READING - Z-FY-13-14: Consider adopting an ordinance authorizing amendments to Ordinance 2010-4413, Temple Unified Development Code, Articles 5 and 11, related to the following land uses: boarding/rooming house; correctional facility; halfway house; institution for alcoholic and narcotic patients; institution, religious, charitable, philanthropic nature; substance abuse treatment facility; social service shelter; and transitional or emergency shelter.
- (G) [2013-4586](#): SECOND READING: Consider adopting an ordinance amending Chapter 12, "Fire Prevention and Protection," Article IV, Section 12-10; Article V, Section 12-13 "Private Fire Apparatus Access Road and Fire Lanes"; and Article V, Section 12-14 "Fire Hydrants", of the Code of Ordinance of the City of Temple, Texas.

Misc.

- (H) [2013-6946-R](#): Consider adopting a resolution authorizing budget amendments for fiscal year 2012-2013.

VI. REGULAR AGENDA

ORDINANCES

6. [2013-4587](#): FIRST READING - PUBLIC HEARING - Z-FY-13-15: Consider adopting an ordinance authorizing a Conditional Use Permit to allow an off-premise sign (billboard) relocation closer than 2,000 feet from another off-premise sign at 1611 Commerce Street.

RESOLUTIONS

7. [2013-6947-R](#): Consider adopting a resolution authorizing the purchase of a tract of land near the City of Temple's landfill.
8. [2013-6948-R](#): Consider adopting a resolution authorizing the City Manager to implement a City-wide residential curbside recycling program and to negotiate and enter into a contract with Balcones Resources, Inc. of Austin for processing and marketing services needed to implement a City-wide residential curbside recycling program.

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 2:15 PM, on April 29, 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

05/02/13
Item #3(A)
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

William A. Jones, III, Mayor

ITEM DESCRIPTION: Presentation of Proclamation:

3. (A) Youth Week, Temple Elks Lodge May 1-7, 2013

STAFF RECOMMENDATION: Present proclamation as presented in item descriptions.

ITEM SUMMARY:(A) This proclamation was requested by and will be presented to Willie Capps with the Temple Elks Lodge.

FISCAL IMPACT: None

ATTACHMENTS: None



COUNCIL AGENDA ITEM MEMORANDUM

05/02/13
Item #4
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

William A. Jones, III, Mayor

ITEM DESCRIPTION:

- (A) Receive presentation from Preston Watson, Life Scout, regarding improvements to Fire Station #7.
- (B) Receive comments from Mark Clardy regarding support of funding for park improvements in the 2013-2014 Budget.
- (C) Receive comments from Alicia Dunn regarding support of funding for park improvements in the 2013-2014 Budget.
- (D) Receive presentation from Tanya Gray, Executive Director, Keep Temple Beautiful, regarding the Canyon Creek Planting and partnership with TXU Energy.

STAFF RECOMMENDATION: Receive comments as presented in item description.

ITEM SUMMARY: (A) Mark Watson submitted a Request for Placement on the City Council Agenda, please see attached form.
(B) Mr. Mark Clardy submitted a Request for Placement on the City Council Agenda, please see attached the form.
(C) Alicia Dunn submitted a Request for Placement on the City Council Agenda, please see attached form.
(D) Tanya Gray, Executive Director, Keep Temple Beautiful, will be presenting a short video regarding the Canyon Creek Planting and partnership with TXU and highlighting Park's hard work.

FISCAL IMPACT: None

ATTACHMENTS:

[Request for placement on agenda – Mr. Preston Watson](#)
[Request for placement on agenda – Mr. Mark Clardy](#)
[Request for placement on agenda – Mrs. Alicia Dunn](#)



CITY OF TEMPLE, TEXAS
CITY COUNCIL MEETINGS

RECEIVED
APR 25 2013
CITY CLERK

REQUEST FOR PLACEMENT ON AGENDA

____ Priority

NAME OF PRESENTER: Preston Watson

ADDRESS: 11503 Meredith Dr.

TELEPHONE NO. 254-780-3291

DATE REQUESTED TO APPEAR BEFORE THE COUNCIL: (Note – The City Council meets the first and third Thursdays of each month.) May 2nd 2013

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

Presenting my Eagle Scout project for Fire Station #7 and requesting for volunteers. Speaking to the need for renovations to be done at Station #7 and requesting that the council add or not delete budgeted items for the renovations.

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

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

Preston Watson
SIGNATURE OF PRESENTER

4/24/13
DATE

For Office Use:



CITY OF TEMPLE, TEXAS

CITY COUNCIL MEETINGS

RECEIVED

APR 12 2013

CITY SECRETARY

REQUEST FOR PLACEMENT ON AGENDA

___Priority

NAME OF PRESENTER: Mark ClafdyADDRESS: 3201 Aspen Trail, Temple, TXTELEPHONE NO. 254-534-0045DATE REQUESTED TO APPEAR BEFORE THE COUNCIL: (Note - The City Council meets the first and third Thursdays of each month.) 18 Apr 13SUBJECT TO BE PRESENTED: (Your description must identify the subject matter of your appearance in sufficient detail to alert the public what topic you will discuss and what action you are requesting by the Council.) _____Funding for maintenance of our parks; from Soccer perspective.

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

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

Jan H. Clafdy
SIGNATURE OF PRESENTER13 Apr 13
DATE

For Office Use:

254-298-5637



CITY OF TEMPLE, TEXAS

CITY COUNCIL MEETINGS

REQUEST FOR PLACEMENT ON AGENDA

NAME OF PRESENTER: ALICIA DUNN on behalf of
ROBERT PRYOR, MD, President & CEO of Scott & White Healthcare

ADDRESS: Scott & White Healthcare 2401 South 31st Street Temple, TX 76508

TELEPHONE NO. 254.724.8565

DATE REQUESTED TO APPEAR BEFORE THE COUNCIL: (Note – The City Council meets the first and third Thursdays of each month). MAY 2, 2013

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

On behalf of Dr. Robert Pryor and Scott & White Healthcare, I would like to emphasize the importance of the Temple parks, trails and green space as a valuable element for the successful recruiting of physicians and staff to the area. As the community's largest employer, this is an essential tool which is critical to our success. Scott & White is most appreciative of the improvements that Temple has made over the last several years and we are asking for continued diligent improvement and development in order for our community to remain competitive with other communities with these quality of life enhancements.

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

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

Alicia Dunn (s)

April 25, 2013

SIGNATURE OF PRESENTER

DATE

For Office Use:



COUNCIL AGENDA ITEM MEMORANDUM

05/02/13
Item #5(A)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Heather Mikulas, Utility Business Office Manager
Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing a service agreement with Alexander's Contract Services, Inc. of Atascadero, CA, for contracted water meter reading services in an annual amount not to exceed \$270,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The Water Meter Reading Program is a critical component of the Metering Department. The City currently has 25,719 meters. All of these meters must be read on a monthly basis. On a daily basis, approximately 1,300 water meters are read. The Metering Department has six (6) meter readers that perform these duties.

The Metering Department is also responsible for turning water on and off, for both new accounts and for delinquent bills. Meter Maintenance is another critical component within the department to ensure meters are working properly and that water usage is being measured accurately.

The City Manager authorized staff to explore the benefits of outsourcing meter reading.

On April 9, 2013, four (4) proposals were received from vendors offering to provide meter reading services: Alexander's Contract Services, Inc. out of Atascadero, CA; Severn Trent Environmental Services, Inc. out of Houston, TX; Contract Callers, Inc. out of Augusta, GA; and Olameter Corporation out of Ann Arbor, MI. A committee comprised of members from the Utility Business Office, Metering Department, Public Works, Information Technology, and the City Attorney's Office was formed to evaluate the proposals.

The committee unanimously rated Alexander's Contract Services, Inc. (Alexander's) proposal the highest based on Alexander's proposed rate being approximately 40% lower than the rate proposed by the other three (3) firms (i.e. \$.87 per meter read versus \$1.50), and Alexander's high reference ratings.

Alexander's proposed rates include all of the labor, transportation and equipment necessary to integrate with the City's utility billing software. Staff has performed an analysis of Alexander's proposed rates and they have determined that no additional funding will be needed in order to outsource this service.

Staff is also recommending that the outsourcing implementation plan not displace any City-employed meter readers and that the meter reading eventually become 100% outsourced as meter readers retire, promote to another position, or terminate their employment with the City. As such, staff will implement a phased approach to implementation based upon retirements, promotions and/or other separations from service for the existing positions.

Staff is recommending that Alexander's commence meter reading services in the City on May 13, 2013. The proposed contract with Alexander's is through September 30, 2015 with the option for three (3) additional one-year renewal periods.

Based on the analysis, staff has determined the cost of outsourcing would be offset by savings recognized from personnel, operational cost, and capital cost for the current meter program cost and is recommending outsourcing our meter reading services.

FISCAL IMPACT: The FY 2013 budget included \$268,415 for the metering reading program. This included \$215,962 for salaries and benefits, operational cost of \$30,953, and \$21,500 for capital cost for vehicle replacements. Once the program is 100% implemented, these cost will be replaced with contracted services expenses. Due to 3 current vacancies in the metering department, the current estimated annual cost will be \$140,000. This expense is offset in the current FY 13 budget by three (3) positions that are currently vacant and by expenses associated with fleet and fuel.

ATTACHMENTS:
[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A SERVICES AGREEMENT WITH ALEXANDER'S CONTRACT SERVICES, INC., OF ATASCADERO, CALIFORNIA, FOR CONTRACTED WATER METER READING SERVICES, IN AN ANNUAL AMOUNT NOT TO EXCEED OF \$270,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City current has 25,719 meters that must be read on a monthly basis, and approximately 1,300 water meters which are read daily – the Metering Department of the Utility Billing Office has six meter readers that perform these duties;

Whereas, the Metering Department is responsible for turning water on and off and when the department is short staffed, meter reading is the activity that takes priority – all reading routes must be completed on a daily basis to keep utility billing on schedule;

Whereas, the City Manager authorized staff to explore the benefits of outsourcing meter - on April 9, 2013, four proposals were received and staff recommends awarding the contract to Alexander's Contract Services, Inc., of Atascadero, California beginning May 13, 2013 through September 30, 2015, with the option for three additional one-year renewal periods;

Whereas, staff also recommends that the outsourcing implementation plan not displace any City-employed meter readers and that the meter reading eventually become 100% outsourced as City employees retire, promote or terminate their employment with the City; and

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

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

Part 1: The City Council authorizes a services agreement with Alexander's Contract Services, Inc., of Atascadero, California, after approval as to form by the City Attorney, for contracted water meter reading services, in the estimated annual amount of \$200,000.

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

PASSED AND APPROVED this the **2nd** day of **May**, 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

05/02/13
Item #5(B)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing a Chapter 380 Economic Development Agreement between the City of Temple, Temple Economic Development Corporation and HEB Grocery Company, LP.

TAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: HEB Grocery Company, LP ("HEB") desires to construct and operate a produce warehouse and distribution facility approximately 230,000 square feet in size and at a cost of at least \$20,000,000 at its existing property within the city limits of Temple. City staff believes that the construction of the produce warehouse will benefit Temple's economy by creating a number of new jobs. Staff seeks approval of a Chapter 380 Economic Development Agreement between the City, TEDC, and HEB which includes the following material terms:

- **HEB's Obligations:**
 - HEB intends, but is not obligated, to construct the produce warehouse described above and to complete construction within 24 months of the execution of the Economic Development Agreement;
 - HEB agrees to employ an annual average minimum of 60 people at the produce warehouse;
 - HEB agrees to tender to the City \$163,000 to assist with the cost of construction of the regional detention pond discussed below.
- **City's Obligations:**
 - City agrees to construct a regional detention pond with an estimated cost of \$850,000;
- **TEDC's Obligations:**
 - TEDC agrees to convey to HEB an 8.14 acre tract of land.

FISCAL IMPACT: The Reinvestment Zone No. 1 will include the \$850,000 in the Project and Financing Plans in a future amendment. The Zone will fund \$687,000 and will recognize \$163,000 in revenue to be received from HEB as stated in the agreement.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CHAPTER 380 ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE CITY OF TEMPLE, TEMPLE ECONOMIC DEVELOPMENT CORPORATION, AND HEB GROCERY COMPANY, LP.; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, HEB Grocery Company, LP (“HEB”) desires to construct and operate a produce warehouse and distribution facility approximately 230,000 square feet in size and at an estimated cost of \$20,000,000 at its existing property within the city limits;

Whereas, staff believes that the construction of the warehouse will benefit Temple’s economy by creating a number of new jobs and therefor recommends entering into a Chapter 380 economic development agreement between the City of Temple, TEDC, and HEB;

Whereas, HEBs obligations in the agreement include complete construction of the produce warehouse within 24 months of the execution of the economic agreement, employ an average minimum of 60 people and provide funds to the City to assist with the construction costs associated with construction of a regional detention pond;

Whereas, the City’s obligations in the agreement include the construction of a regional detention pond in an estimated amount of \$850,000;

Whereas, TEDC’s obligations in the agreement include conveying an 8.14 tract of land to HEB for the development of the produce warehouse and distribution facility; 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 economic development agreement between the City of Temple, TEDC, and HEB Grocery Company, LP, after approval as to form by the City Attorney, which includes the following terms:

- **HEB’s Obligations:**
 - Construct a 230,000 square foot produce warehouse and complete construction within 24 months of the execution of an economic development agreement;
 - Employ an annual average minimum of 60 employees at the produce warehouse; and
 - Tender \$163,000 to the City of Temple to assist with the cost of construction of the regional detention pond.

- City's Obligations:
 - Construct a regional detention pond with an estimated cost of \$850,000.
- TEDC's Obligations:
 - Convey an 8.14 acre tract of land to HEB for the development of the produce warehouse and distribution facility.

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 **2nd** day of **May**, 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

05/02/13
Item #5(C)
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 Chapter 380 Agreement with Temple Economic Development Corporation to convey an 8.14 acre tract of City owned property to TEDC for economic development purposes.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Temple Economic Development Corporation ("TEDC") has requested that the City transfer to TEDC an approximately 8.14 acre tract of City owned property. The subject property is located near the existing HEB Distribution facility. As part of an Economic Development Agreement with HEB Grocery Company, LP ("HEB") (also included on the May 2, 2013 agenda) TEDC has agreed to transfer the property to HEB for the future construction of HEB's produce warehouse.

FISCAL IMPACT: At the present time, the property is exempt from property taxes, and it will remain so under the ownership of TEDC. When the property is conveyed for an economic development purpose, it will be added back to the property tax rolls.

The City's cost value for the 8.14 acre tract of land is \$61,312.62.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CHAPTER 380 AGREEMENT WITH TEMPLE ECONOMIC DEVELOPMENT CORPORATION (TEDC) TO AUTHORIZE THE CONVEYANCE OF AN APPROXIMATE 8.14 ACRE TRACT OF CITY OWNED PROPERTY TO THE TEMPLE ECONOMIC DEVELOPMENT CORPORATION FOR ECONOMIC DEVELOPMENT PURPOSES; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Board of Directors of the Temple Economic Development Corporation (TEDC) has requested that the City approve a Chapter 380 Agreement to convey an approximate 8.14 acre tract of City owned property located near the existing HEB Distribution facility;

Whereas, as part of this agreement, the Temple Economic Development Corporation has agreed to transfer this property to HEB Grocery Company, LP for the future construction of a produce warehouse; and

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

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

Part 1: The City Council authorizes a Chapter 380 Agreement with TEDC to authorize the conveyance of an approximate 8.14 acre tract of City owned land located near the existing HEB Distribution facility, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes, to the Temple Economic Development Corporation.

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 2nd day of May, 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

05/02/13
Item #5(D)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing the acceptance of an assignment of a Commercial Contract from W.C. Patterson for the purchase of property located at 17 South 7th Street, Temple, Texas 76501.

Executive Session – Pursuant to Chapter 551, Government Code § 551.072 – Real Property – The City Council may enter into executive session to discuss the purchase, exchange, lease or value of real property relating to City projects, the public discussion of which would have a detrimental effect on negotiations with a third party.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The City is interested in accepting the assignment of the Commercial Contract from Mr. Patterson to purchase the property located at 17 South 7th Street, Temple, Texas 76501. The property is intended for use as a future green space in downtown. Mr. Patterson has negotiated a purchase price of \$45,000 for the property which Staff believes is reasonable.

FISCAL IMPACT: Funding for the purchase of the property has been identified in the Reinvestment Zone No. 1 Financing Plan, Line 401, account 795-9500-531-6110, project 100968.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE ACCEPTANCE OF AN ASSIGNMENT OF A COMMERCIAL CONTRACT FROM W.C. PATTERSON FOR THE PURCHASE OF PROPERTY LOCATED AT 17 SOUTH 7TH STREET, TEMPLE, TEXAS, IN A NEGOTIATED PRICE OF \$45,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Mr. W.C. Patterson has approached the City with an interest to purchase the property located at 17 South 7th Street, Temple, Texas to be used as a future green space in downtown Temple;

Whereas, staff is interested in accepting the assignment of a commercial contract with Mr. Patterson and believes a negotiated price of \$45,000 is fair and reasonable;

Whereas, funds are available for this purchase in the Reinvestment Zone No. 1 Financing Plan, Line 401, Account No. 795-9500-531-6110, Project No. 100968; 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 acceptance of a commercial contract from W.C. Patterson, after approval as to form by the City Attorney, for the purchase of property located at 17 South 7th Street, Temple, Texas, in the negotiated amount of \$45,000.

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

PASSED AND APPROVED this the 2nd day of May, 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

05/02/13
Item #5(E)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Beverly Zendt, Interim Director of Planning

ITEM DESCRIPTION: SECOND READING - A-FY-13-10: Consider adopting an ordinance abandoning an existing alley with a width of 20 feet and depth of 300 feet, located in Block 35, Original Town of Temple, between the south right-of-way line of East Avenue B and the north right-of-way line of East Avenue C and between South 2nd Street and South 4th Street, more fully shown in the attached exhibit; and reserving a public drainage and utility easement in the entire abandoned rights-of-way.

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

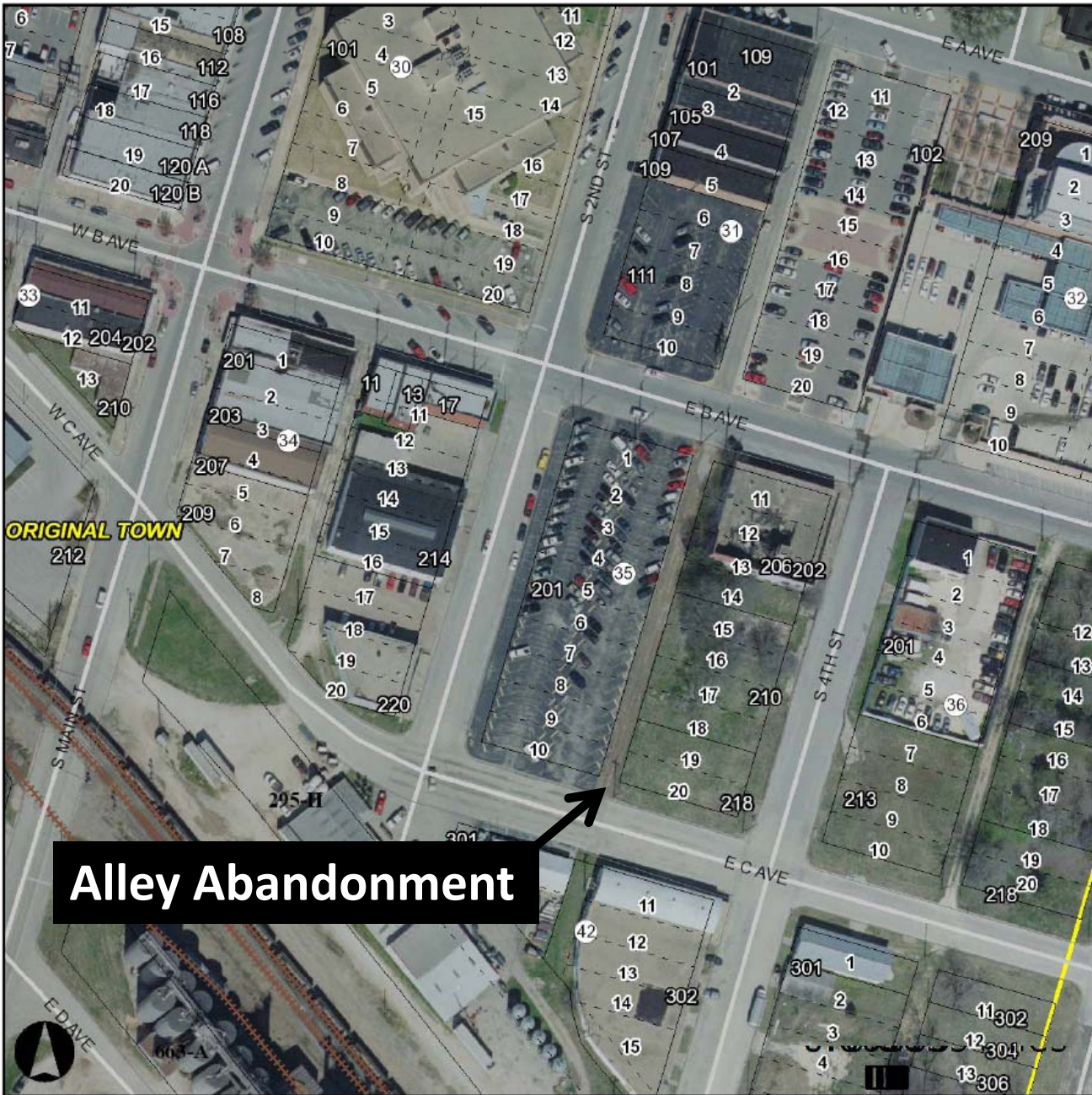
ITEM SUMMARY: The applicant, R.G.R. Inc, owns the property on both sides of the subject alley. If approved, the abandoned alley would be incorporated into improvements for a new joint use parking lot for the W.R. Poage Federal Office Building and the City of Temple. A portion of the area will be fenced, but access will be provided for utility providers.

Planning staff contacted all utility providers, including the Public Works Department, regarding the proposed alley abandonment. Since there are existing services in the alley, the utility providers have requested the alley be converted into a utility easement to allow full access to their service lines. There are no objections to the abandonment request as long as the requested easement is retained. Staff requests a public drainage and utility easement in the entire abandoned rights-of-way to protect existing service lines.

FISCAL IMPACT: If approved, the applicant will be allowed to purchase the abandoned alley rights-of-way at the fair market value of \$6,900.

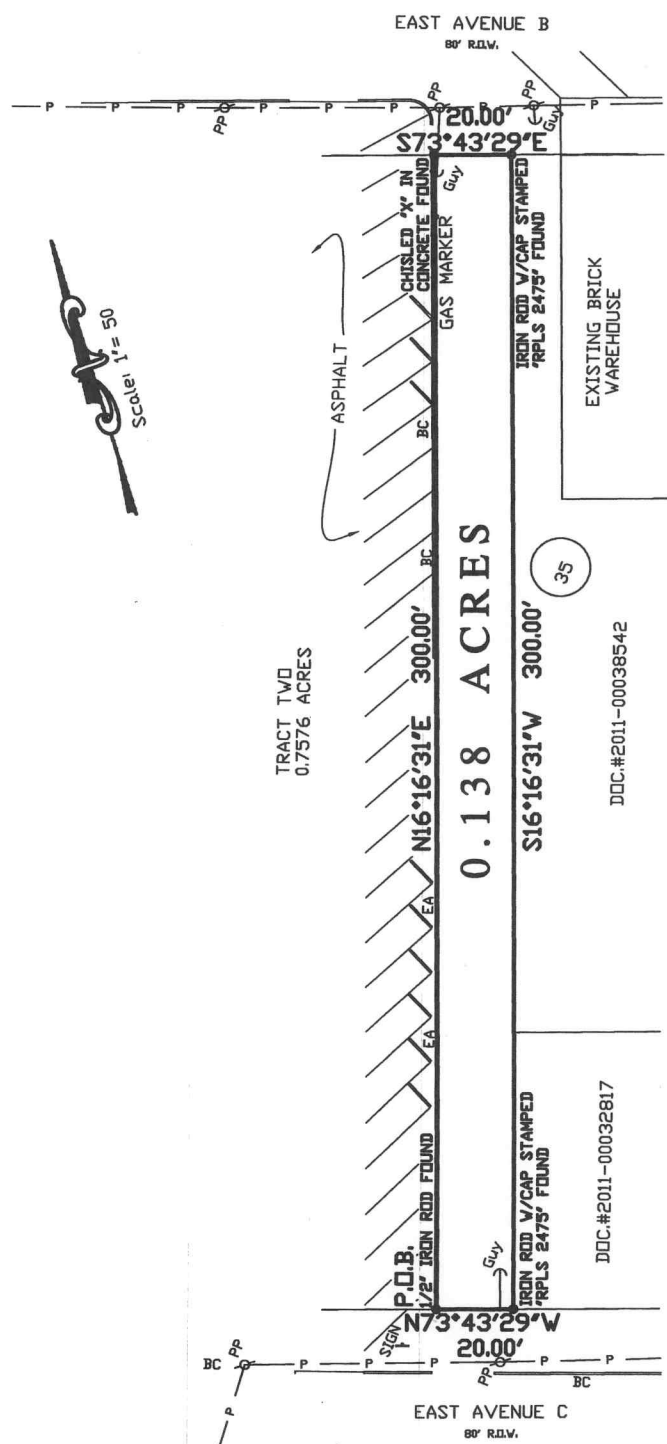
ATTACHMENTS:

[Aerial](#)
[Abandonment Exhibits](#)
[Ordinance](#)



Alley Abandonment

0.138 ACRES MORE FULLY DESCRIBED BY METES & BOUNDS BY SEPARATE FIELD NOTES.



BEING a 0.138 tract of land situated in the City of Temple, Bell County, Texas and being all of a called twenty feet (20') wide alley that runs through Block 35, of the Original Town of Temple according to the map or plat of record in Volume 36, Page 640, Deed Records of Bell County, Texas



STATE OF TEXAS KNOW ALL MEN BY THESE PRESENTS, that I Michael E. Alvis, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that this survey was this day made on the ground of the property described herein and is correct.

COUNTY OF BELL IN WITNESS THEREOF, my hand and seal, this the 22nd day of May, 2013.

Michael E. Alvis
Michael E. Alvis, R.P.L.S., No. 5402

ENGINEERING • PLANNING • SURVEYING
CONSTRUCTION MANAGEMENT
TURLEY ASSOCIATES, INC.
FIRM REGISTRATION NO. F-1658
301 N. 3rd ST. TEMPLE, TEXAS (254) 773-2400

0.138
ACRES

DATE: 03/22/13	SCALE: 1:50	DWN. BY: JFB
REFERENCE:	F.B. & L.B.:	
SHEET 1 OF 1	FILE NO. 12423-A	

JOB NO: 12-562

12-002

BEING a 0.138 tract of land situated in the City of Temple, Bell County, Texas and being all of a called twenty feet (20') wide alley that runs through Block 35, of the Original Town of Temple according to the map or plat of record in Volume 36, Page 640, Deed Records of Bell County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a ½" iron rod found being in the south boundary line of the said Block 35 and being at the intersection of the west boundary line of the said twenty feet (20') wide alley and the north right-of-way line of East Avenue C as monumented, fenced and further evidenced on the ground and being the southeast corner of that certain 0.7576 acre tract of land described as TRACT TWO in a Warranty Deed dated April 8, 1998 from Pentam Corporation, a Texas corporation to R.G.R., Inc., an Oklahoma corporation and being of record in Volume 3785, page 365, Official Public Records of Bell County, Texas for corner;

THENCE N. 16° 16' 31" E., 300.00 feet departing the said north right-of-way line and the said south boundary line and with the east boundary line of the said 0.7576 acre tract (calls S. 19° 00' 00" W., 300.0 feet) and with the west boundary line of the said twenty feet (20') wide alley and over and across the said Block 35 to a chiseled "x" in concrete found being the northeast corner of the said 0.7576 acre tract and being in the north boundary line of the said Block 35 and being at the intersection of the west boundary line of the said twenty feet (20') wide alley and the south right-of-way line of East Avenue B as monumented, fenced and further evidenced on the ground for corner;

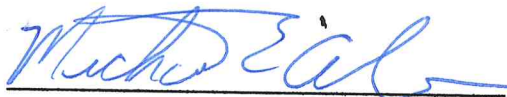
THENCE S. 73° 43' 29" E., 20.00 feet departing the said 0.7576 acre tract and with the said north boundary line and the said south right-of-way line to a ½" iron rod with cap stamped "RPLS 2475" found being at the intersection of the east boundary line of the said twenty feet (20') wide alley and the said south right-of-way line of East Avenue B and being the northwest corner of that certain tract of land described in a Corrective Warranty Deed dated October 27, 2011 from the City of Temple, Texas to R.G.R., Inc. and being of record in Document No. 2011-00038542, Official Public Records, Bell County, Texas for corner;

THENCE S. 16° 16' 31" W., 300.00 feet departing the said north boundary line of Block 35 and the said south right-of-way line of East Avenue B and with the east boundary line of the said twenty feet (20') wide alley and with the west boundary line of the said R.G.R., Inc. tract (Document No. 2011-00038542) and continuing with the west boundary line of that certain tract of land described in a Warranty Deed dated September 19, 2011 from Weathers Family Partnership, Ltd., a Texas limited partnership to RGR Inc., an Oklahoma corporation and being of record in Document No. 2011-00032817, Official Public Records of Bell County, Texas to a ½" iron rod with cap stamped "RPLS 2475" found being the southwest corner of the said RGR, Inc. tract (Document No. 2011-00032817) and being at the intersection of the east boundary line of the said twenty feet (20') wide alley and the aforementioned north right-of-way line of East Avenue C and being in the south boundary line of the said Block 35 for corner;



THENCE N. 73° 43' 29" W., 20.00 feet departing the said RGR, Inc. tract (Document No. 2011-00032817) and with the said south boundary line of Block 35 and with the said north right-of-way line of East Avenue C to the Point of BEGINNING and containing 0.138 acres of land.

I, Michael E. Alvis, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that these field notes are a correct representation of a survey made on the ground.



Michael E. Alvis, R.P.L.S. #5402
March 19, 2013



Bearing Base: Texas State Plane Coordinate System, NAD 1983, Central Zone as determined by GPS observation.

See attached surveyors sketch, which accompanies this set of field notes (ref: Turley Associates Inc. drawing No. 12423-A)



TURLEY ASSOCIATES, INC.

ENGINEERING • SURVEYING • PLANNING
301 NORTH 3RD STREET • TEMPLE, TEXAS 76501 • (254) 773-2400

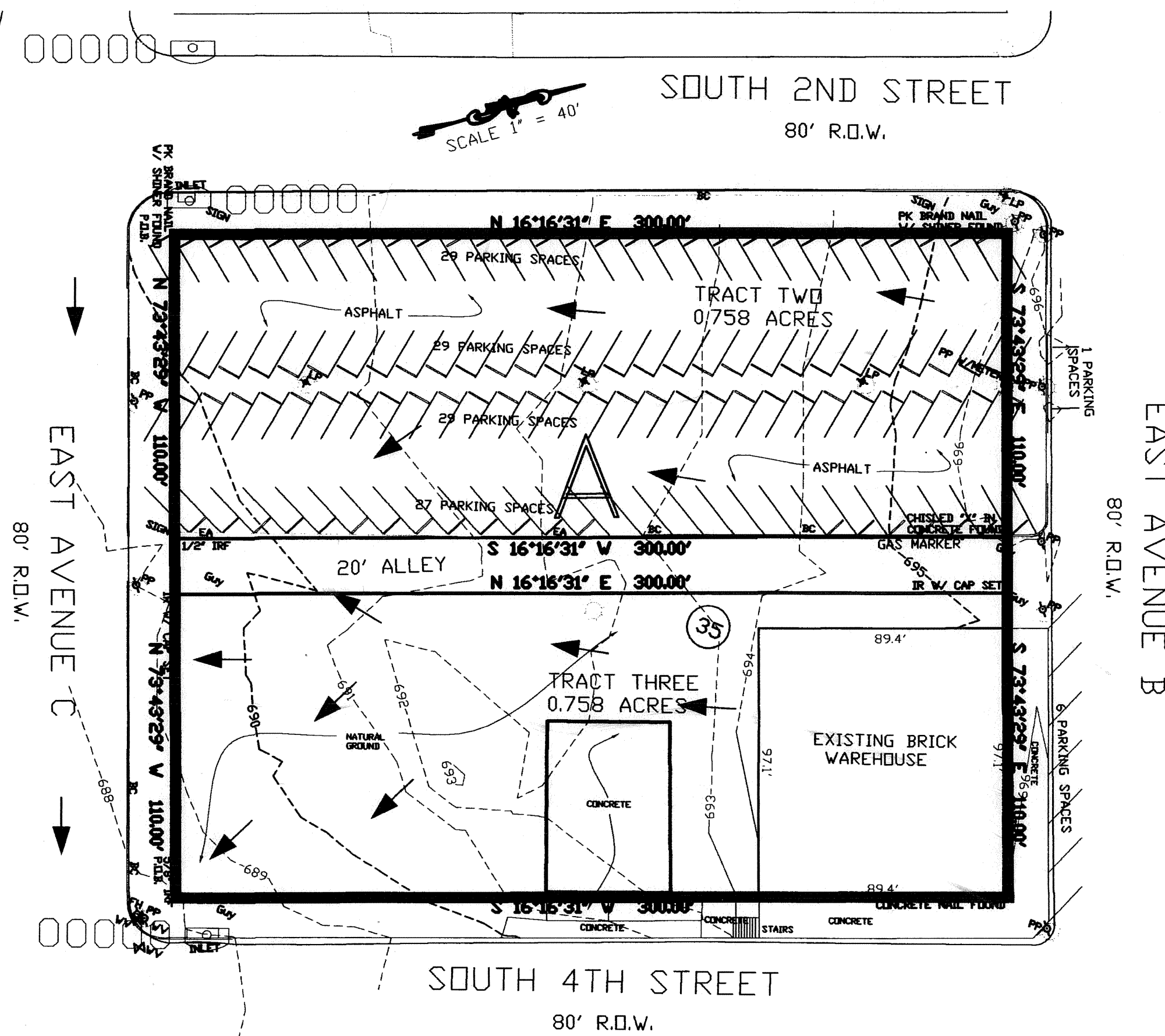
NOTES:

1. DRAINAGE CALCULATIONS WERE PERFORMED USING THE RATIONAL METHOD, THE TIME OF CONCENTRATION REFERENCING THE CITY OF TEMPLE NOMOGRAPHS, CONSTANTS, AND COEFFICIENTS.
2. AREA TOPOGRAPHY IS APPROXIMATE, TURLEY ASSOCIATES, INC. TOPOGRAPHY, 2011.
3. THE DEVELOPER, THROUGH HIS ENGINEER OR AUTHORIZED REPRESENTATIVES, SHALL ACQUIRE ALL REQUIRED NATIONWIDE PERMITS, SUCH AS CWA 401, 402, AND/OR 404, AS APPROPRIATE FROM THE US ENVIRONMENTAL PROTECTIVE AGENCY, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY AND/OR THE CORPS OF ENGINEERS.
4. DEVELOPER AND/OR CONTRACTOR IS RESPONSIBLE FOR DEVELOPING AND MAINTAINING STORM WATER POLLUTION PREVENTION PLAN AND ALL EROSION CONTROL MEASURES.

DRAINAGE LEGEND

- ← DIRECTION OF PRE & POST-DEVELOPMENT RUNOFF FLOW
- PRE-DEVELOPMENT DRAINAGE AREAS
- POST-DEVELOPMENT DRAINAGE AREAS
- 1' CONTOURS NATURAL GROUND TURLEY ASSOCIATES, INC. SURVEY 2011.
- 1' CONTOURS PROPOSED FINISHED GROUND

PRE-DEVELOPMENT

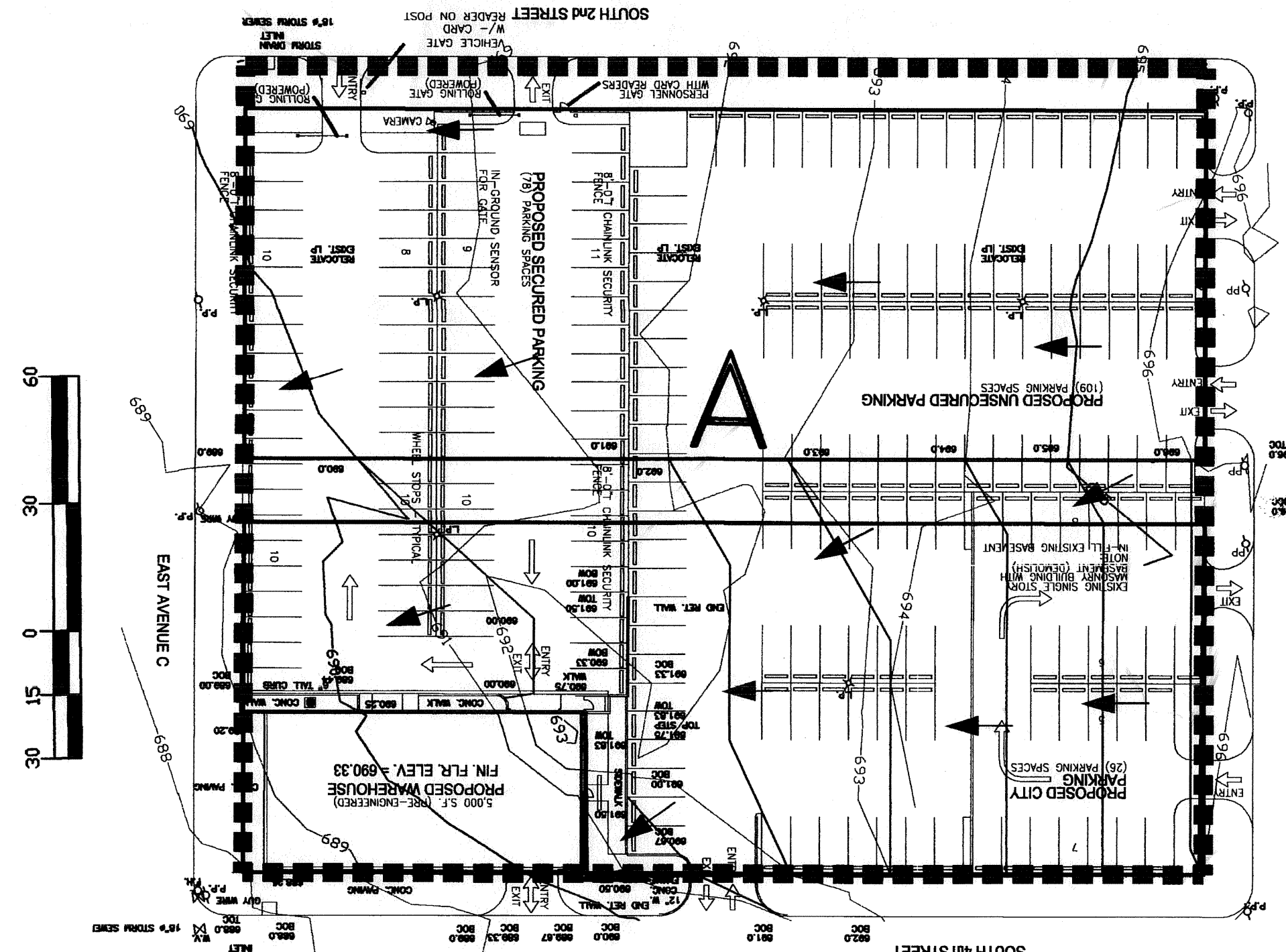


Drainage Calculations, Existing Conditions, Calculated t_c

DA	AREA (acres)	T _c (min.)	C ₁₀₀	I ₁₀ (in./hr.)	Q ₁₀ (cfs)	C ₂₅	I ₂₅ (in./hr.)	Q ₂₅ (cfs)	C ₁₀₀	I ₁₀₀ (in./hr.)	Q ₁₀₀ (cfs)
A	1.65	15.93	0.69	5.52	6.30	0.73	6.31	7.61	0.82	7.61	10.31

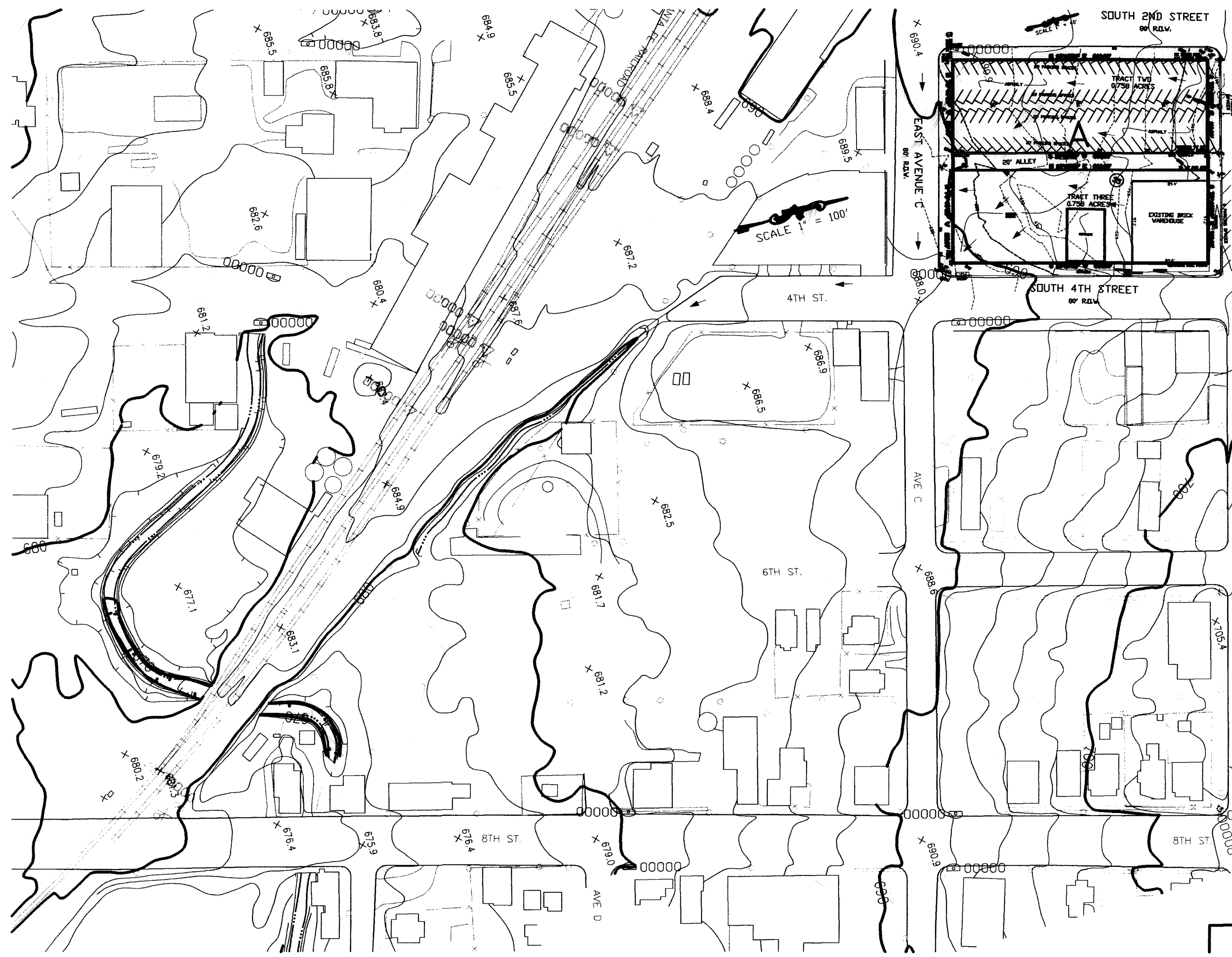


POST-DEVELOPMENT

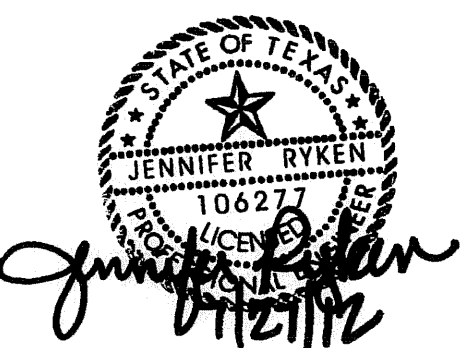


Drainage Calculations, Proposed Conditions, Calculated t_c

DA	AREA (acres)	T _c (min.)	C ₁₀₀	I ₁₀ (in./hr.)	Q ₁₀ (cfs)	C ₂₅	I ₂₅ (in./hr.)	Q ₂₅ (cfs)	C ₁₀₀	I ₁₀₀ (in./hr.)	Q ₁₀₀ (cfs)
A	1.65	10.00	0.81	6.54	8.76	0.86	7.44	10.58	0.95	8.88	13.94



OVERALL



THE ABOVE ENGINEER ATTESTS THAT THE DRAINAGE CALCULATIONS WERE PERFORMED IN ACCORDANCE WITH THE DRAINAGE CRITERIA AND DESIGN MANUAL FOR THE CITY OF TEMPLE

ENGINEERING • PLANNING • SURVEYING
CONSTRUCTION MANAGEMENT

TURLEY ASSOCIATES, INC.

301 N. 3rd ST.
E-MAIL: VDTURLEY@AOL.COM

TEMPLE, TEXAS (254) 773-2400
(254) 773-3998

FIRM REGISTRATION NO. F-1658

PRE AND POST-DEVELOPMENT DRAINAGE FOR:
USDA LEASE SPACE
CITY OF TEMPLE
BELL COUNTY, TEXAS

PREPARED FOR:
TIM A. RISLEY & ASSOCIATES
6101 PHOENIX AVE.
FT. SMITH, AR 72902

REVISIONS	

DATE: 7/27/2012
DRN. BY: JGR

LEVEL BOOK
JOB NO.: 12-562
SHEET 1 OF 1
COMPUTER: 12562_dr POAGE

12550-D
DRAWING NUMBER

ORDINANCE NO. _____
(A-FY-13-10)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, ABANDONING AN EXISTING ALLEY WITH A WIDTH OF 20 FEET AND A DEPTH OF 300 FEET, LOCATED IN BLOCK 35, ORIGINAL TOWN OF TEMPLE, BETWEEN THE SOUTH RIGHT-OF-WAY LINE OF EAST AVENUE B AND THE NORTH RIGHT-OF-WAY LINE OF EAST AVENUE C, AND BETWEEN SOUTH 2ND STREET AND SOUTH 4TH STREET, AND RESERVING A PUBLIC DRAINAGE AND UTILITY EASEMENT IN THE ENTIRE ABANDONED RIGHT-OF-WAY; DECLARING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City has a request to abandon an existing alley with a width of 20 feet and a depth of 300 feet, located in Block 35, Original Town of Temple, between the south right-of-way line of east Avenue B and the north right-of-way line of east Avenue C and between south 2nd Street and south 4th Street;

Whereas, the applicant, R.G.R, Inc., owns the property on both sides of the subject alley would like the abandoned alley to be incorporated into improvements for a new joint use parking lot for the W.R. Poage Federal office Building and the City of Temple;

Whereas, the staff has no objections to the abandonment request but does request a public drainage and utility easement in the entire abandoned alley to protect existing water, wastewater and utility lines; and

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

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

Part 1: The City Council abandons an existing alley with a width of 20 feet and a depth of 300 feet, located in Block 35, Original Town of Temple, between the south right-of-way line of east Avenue B and the north right-of-way line of east Avenue C and between south 2nd Street and south 4th Street, more fully described in Exhibit A, attached hereto for all purposes.

Part 2: The City Council reserves a public drainage and utility easement in the entire abandoned alley to protect existing water, wastewater and utility lines, and authorizes the Mayor of the City of Temple, Texas, to execute a Deed Without Warranty conveying the rights and interests of the City of Temple, Texas, to the abutting property owner, which when done, shall be and become a binding act and deed of the City of Temple. Provided, however, the actual transfer of ownership will be executed following formal site plan approval by the City Manager or the filing of a building permit for improvements within a particular phase.

Part 3: 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 4: It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading and Public Hearing on the **18th** day of **April**, 2013.

PASSED AND APPROVED on Second Reading the **2nd** day of **May**, 2013.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

ATTEST:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney

STATE OF TEXAS §

COUNTY OF BELL §

This instrument was acknowledged before me on the ____ day of April, 2013, by William A. Jones, III, Mayor of the City of Temple, Texas.

Notary Public, State of Texas



COUNCIL AGENDA ITEM MEMORANDUM

05/02/13
Item #5(F)
Consent Agenda
Page 1 of 3

DEPT./DIVISION SUBMISSION & REVIEW:

Beverly M. Zendt AICP, Interim Director of Planning

ITEM DESCRIPTION: SECOND READING - Z-FY-13-14: Consider adopting an ordinance authorizing amendments to Ordinance 2010-4413, Temple Unified Development Code, Articles 5 and 11, related to the following land uses: boarding/rooming house; correctional facility; halfway house; institution for alcoholic and narcotic patients; institution, religious, charitable, philanthropic nature; substance abuse treatment facility; social service shelter; and transitional or emergency shelter.

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

PLANNING AND ZONING COMMISSION RECOMMENDATION: At its March 18, 2013, meeting, the Planning and Zoning Commission voted 6/0 to recommend approval amendments to Ordinance 2010-4413, Temple Unified Development Code, Articles 5 and 11, related to the following land uses: boarding/rooming house; correctional facility; halfway house; institution for alcoholic and narcotic patients; institution, religious, charitable, philanthropic nature; substance abuse treatment facility; social service shelter; and transitional or emergency shelter. Commissioners Rhoads, Sears, and Magana were absent.

ITEM SUMMARY: On February 7, 2013, City Council held a workshop where information was presented regarding regulations pertaining to social service and community residential facilities. At that time, staff presented information related to the following:

- Classification of social service/ community residential facilities;
- Location of existing social service and community residential facilities; and
- Standards and regulations governing the location of such facilities.

City Council directed staff to prepare amendments to Articles 5 and 11 of the Unified Development Code to:

- Provide definitions for social service and community residential facilities;
- Identify appropriate districts all categories of facilities;
- Identify which uses might be better regulated with a Conditional Use Permit (CUP); and
- Update Section 5.1 Use Table of the Unified Development Code to reflect those recommendations.

Staff has prepared the following amendments to Articles 5 and 11 of the Unified Development Code:

- **Article 5: Use Standards.** Adding, amending, and determining appropriate districts and regulations for social service and community residential uses in the Section 5.1 Use Table:
 - *Correctional Facility* – amended use table to permit this use in Light Industrial and Heavy Industrial Districts only with a Conditional Use Permit;
 - *Institution for Alcoholic and Narcotic Patients* - replaced with *Substance Abuse Treatment Facility*;
 - *Substance Abuse Treatment Facility* – amended/ changed from *Institution for Alcoholic and Narcotic Patients* and permitted in most non-residential districts (O-1, O-2, GR, C, CA, LI) with a Conditional Use Permit;
 - *Institution, Religious, Charitable, Philanthropic Nature* - replaced with *Social Services Shelter*;
 - *Social Service Shelter* – amended/changed from *Institution, Religious, Charitable, and Philanthropic Nature* and permitted in all standard zoning districts with a Conditional Use Permit; and
 - *Transitional or Emergency Shelter* – Amended to permit in General Retail and Commercial Districts with a Conditional Use Permit.
- **Article 5: Transitional or Emergency Shelter.** Amending Section 5.3.12 to include Social Service Shelters and applying same standards governing:
 - Separation of Social Services Shelters from incompatible uses;
 - Supervisory staff/ resident ratios; and
 - Other provisions related to waiting areas and the provision of HVAC.
- **Article 11: Definitions.** Adding or amending definitions for the following categories of social service/community residential facilities:
 - Boarding house/rooming house,
 - Correctional facility,
 - Halfway House,
 - Social Service Facility, and
 - Substance Abuse Treatment Facility.

PUBLIC NOTICE: The newspaper printed notice of the Planning and Zoning Commission public hearing on March 10, 2013 in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Attachment 1: Article 5- Use Table

Attachment 2: Article 5 – Transitional Shelter or Emergency Shelter

Attachment 3: Article 11- Defined Terms

PZ Excerpts

Ordinance

Article 5: Use Standards

Sec. 5.1 Use Table

Section 5.1 Use Table

P= Permitted by Right L = Permitted by Right Subject to Limitations
[blank cell] = Prohibited C= Conditional Use Permit

Specific Use	AG	UE	SF-1	SF-2	SF-3	SFA-1	SFA-2	SFA-3	TH	2F	MF-1	MF-2	MF-3	O-1	O-2	NS	GR	C	CA	LI	HI	Standards
RESIDENTIAL USES																						
Boarding/Rooming House												P	P		P		P	P	P	P		
Family or Group Home	L	L	L	L	L	L	L	L	L	L	L	L	L	C	C	C	C	C	C	C		5.3.1
EDUCATION AND INSTITUTIONAL USES																						
Art gallery or museum														P	P	P	P	P	P	P	P	
Cemetery, crematorium or mausoleum	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Child care: family home	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L			5.3.9
Child care: group day care home	C	C	C	C	C	C	C	C	C	C	C	C	C	L	L	L	L	L	L	L	L	5.3.9
Child care: day care center	C	C													L	L	L	L	L	L	L	5.3.10
College, university or seminary	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		P	P	P	P		
Community center	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Correctional facility	C																	C		C	C	
Fairgrounds or exhibition area	C	C									C	C	C	P	P		P	P	P	P		
Emergency Shelter																	C	C		C		5.3.12
Fraternal organization lodge or union hall	C	C										C	C	P	P		P	P	P	P	P	
Halfway house											C	C	C	C	C	C	C	C	C	C		
Hospital	C														P		P	P	P	P		
Institution for alcoholic or narcotic patients	C	C												C	P		C	P	P	P		
Institution, religious-charitable philanthropic nature	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	C	P	P	P	P	P	
Military reserve, national guard center																		P		P	P	
Place of Worship	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Pre-school	C	C	C	C	C	C	C	C	C	C	C	C	C	P	P	P	P	P	P	L	L	5.3.11
School, business														P	P	P	P	P	P	P	P	
School, commercial trade																		P	P	P	P	
School, elementary or secondary (public or private)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Social Service Shelter	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	5.3.12
Substance Abuse Treatment Facility														C	C		C	C	C	C		
Transitional Shelter																	C	C		C		5.3.12

Temple, Texas Unified Development Code

Effective 12/16/10 • Last Amended 07/19/12

5.3.12 Transitional, ~~or Emergency~~ or Social Service Shelter

A ~~transitional or emergency shelter~~ transitional, emergency, or social service shelter may be permitted in accordance with the use table in Sec. 5.1 subject to the following standards.

- A. The ~~transitional or emergency shelter~~ transitional, emergency, or social service shelter must be a minimum of 1,000 feet from the following uses:
 - 1. Alcoholic beverage sales (on-premise or off-premise consumption);
 - 2. All residential uses or zoning districts as specified in the zoning district table in Section 4.1.1 and in the use table in Section 5.1.3 (this standard may be amended with the Conditional Use Permit for Social Service Shelters);
 - 3. Child care uses;
 - 4. Elementary or secondary schools (public or private); and
 - 5. Other ~~transitional or emergency shelter facilities~~ transitional, emergency, or social service shelter
- B. The distance required above must be measured in a straight, direct line from the property line of a use listed above to the property line of the ~~transitional or emergency shelter~~ transitional, emergency, or social service shelter and in a direct line across intersections.
- C. Space must be provided inside the ~~transitional or emergency shelter~~ transitional, emergency, or social service shelter so that prospective and current residents are not required to wait on sidewalks or any other public right-of-way.
- D. The ~~transitional or emergency shelter~~ transitional, emergency, or social service shelter must be equipped with a functioning central heating, ventilation and air conditioning system.
- E. The occupancy load and construction of the building must meet the most recent version of the International Fire Code and Building Code adopted by the City, including all Fire Safety requirements.
- F. A minimum of one shelter staff member must be present per 25 clients on-premise of the transitional or emergency shelter. A minimum of one shelter staff member must be present at the shelter at all times.
- G. Emergency shelters are facilities designed and operated in a manner that clients are provided temporary housing for stays of up to thirty (30) consecutive days.
- H. Transitional shelters are facilities designed and operated in a manner that clients are provided temporary housing for periods up to one year.
- I. Occasional, unplanned short term stays that exceed the thirty day or one year normal stay by clients of emergency and transitional shelters shall not constitute a violation of this ordinance.

[Ord. 2012-4505]

Sec. 11.2. Defined Terms

As used in this UDC, unless the context otherwise indicates, the words below are defined as follows. Words not expressly defined in this Section are to be construed in accordance with their ordinary meaning or in accordance with their customary usage in municipal planning and engineering practices.

Boarding House /Rooming House. A building other than a hotel, where lodging and meals for four or more persons are served for compensation and no rehabilitation services are provided.

Correctional Facility. A penal facility including buildings and structures that are inhabited by 6 or more persons who are under restraint or security and are generally incapable of self-preservation due to security measures not under the occupants' control. This definition includes, but is not limited to prisons, jails, reformatories, detention centers, correction centers, and prerelease centers.

Emergency Shelter. A facility providing temporary shelter, over a period of less than 30 days, for persons who are indigent, needy, homeless or transient. [Ord. 2012-4505]

Family or Group Home. A dwelling unit used as a single housekeeping unit where not more than six physically or mentally impaired or handicapped persons are provided room and board, as well as supervised care and rehabilitation provided by not more than two persons. "Family Home" means a community-based residential home operated in accordance with the Community Homes for Disabled Persons Location Act and its amendments.

Halfway House. ~~A dwelling unit used as a single housekeeping unit for not more than six persons who have demonstrated a tendency towards alcoholism, drug abuse, anti-social or criminal conduct, together with not more than two persons providing supervision and other services to such persons.~~ A residential facility for the housing, rehabilitation, and training of persons who are subject to community supervision, parole, or mandatory supervision under state or federal law.

Social Service Shelter (Short Term Only) – A facility providing shelter, over a period of 30 days or less, for no more than 10 persons who are receiving therapy or counseling from support staff who are present at all times the residents are present, for one or more of the following purposes:

- (a) To help residents recuperate from the effects of drugs or alcohol addiction;
- (b) To help homeless persons or families achieve independence and obtain permanent housing; or
- (c) To provide temporary shelter for persons who are victims of domestic abuse.

Substance Abuse Treatment Facility. An outpatient or residential facility that offers treatment for persons with chemical dependency and operates such facility under a state license or registration of a faith-based (non-medical) exempt program.

Transitional Shelter. A facility providing shelter, over a period of more than 30 days, for persons who are receiving therapy or counseling from support staff who are present at all times the residents are present, for one or more of the following purposes:

- (a) To help residents recuperate from the effects of drugs or alcohol addiction;
- (b) To help homeless persons or families achieve independence and obtain permanent housing; or
- (c) To provide temporary shelter for persons who are victims of domestic abuse. [Ord. 2012-4505]

**EXCERPTS FROM THE
PLANNING & ZONING COMMISSION MEETING
MONDAY, MARCH 18, 2013**

ACTION ITEMS

Item 4: Z-FY-13-14 – Hold a public hearing to discuss and recommend action on an amendments to Ordinance 2010-4413, Temple Unified Development Code, Articles 5 and 11, related to the following land uses: boarding/rooming house; correctional facility; halfway house; institution for alcoholic and narcotic patients; institution, religious, charitable, philanthropic nature; substance abuse treatment facility; social service shelter; and transitional or emergency shelter.

Ms. Zendt stated this was a text amendment to the Unified Development Code (UDC) related to Social Services. This item would go forward to City Council for first reading on April 18th and second reading May 2nd.

A workshop was presented to City Council on February 7, 2013 where many of these shelters and social services were reviewed, the existing conditions of where they were in the community, and what types of facilities were in place. At that time, Staff was asked by City Council to provide and update all the definitions where none existed or were called for, identify appropriate districts for new uses, identify uses to be regulated with Conditional Use Permits (CUP), and to update the use table to reflect all recommendations.

Several new definitions came about:

Correctional facility: A penal facility including buildings and structures that are inhabited by 6 or more persons who are under restraint or security and are generally incapable of self-preservation due to security measures not under the occupants' control. This definition includes, but is not limited to prisons, jails, reformatories, detention centers, correction centers, and prerelease centers.

Previously these facilities were allowed in Agriculture (AG) and Commercial (C) zoning districts and now are only allowed with a CUP in the Light Industrial (LI) and Heavy Industrial (HI) zoning districts.

Social Service Shelter (Short Term Only): – A facility providing shelter, over a period of 30 days or less, for no more than 10 persons who are receiving therapy or counseling from support staff who are present at all times the residents are present, for one or more of the following purposes:

- (a) To help residents recuperate from the effects of drugs or alcohol addiction;
- (b) To help homeless persons or families achieve independence and obtain permanent housing; or
- (c) To provide temporary shelter for persons who are victims of domestic abuse.

Proposed Social Service Shelters will be allowed in all districts, with a CUP, subject to specific use standards defined in Section 5.3.12 of the UDC.

Substance Abuse Treatment Facility. An outpatient or residential facility that offers treatment for persons with chemical dependency and operates such facility under a state license or registration of a faith-based (non-medical) exempt program.

These facilities would be allowed in Office-One (O-1), Office-Two (O-2), General Retail (GR), Commercial (C), Central Area (CA), and Light Industrial (LI) with a CUP.

Halfway House: A residential facility for the housing, rehabilitation, and training of persons who are subject to community supervision, parole, or mandatory supervision under state or federal law.

This term has been updated and coincides with the state definition.

These facilities would be allowed in most non-residential districts with a CUP.

Boarding House /Rooming House: A building other than a hotel, where lodging and meals for four or more persons are served for compensation and no rehabilitation services are provided

These facilities would be allowed by right in Multi-Family-Two (MF-2), Multi-Family-Three (MF-3), O-2, GR, C, CA, and LI.

Replaced Terms:

Institution for alcoholic or narcotic patients is now **Substance Abuse Treatment Facility.**

Institution, religious-charitable philanthropic nature is now **Social Service Shelter.**

Amended Definitions in Use Table only: Transitional, Emergency or Social Service Shelter. These are now allowed with a CUP also in GR and C districts.

Amended Section 5.3.12 in the UDC adds:

Social Service to sections providing specific use standards for transitional and emergency shelters;

Separation of Social Services Shelters from incompatible uses;

Supervisory staff/ resident ratios; and

Other provisions related to waiting areas and the provision of HVAC.

Staff recommends approval of amendments to Ordinance 2010-4413, Temple Unified Development Code, Articles 5 and 11.

Chair Staats opened the public hearing.

There being no speakers, the public hearing was closed.

Commissioner Johnson made a motion to approve Item 4, **Z-FY-13-14**, as presented, and Commissioner Harrell made a second.

Motion passed: (6:0)

Commissioners Rhoads, Magaña, and Vice-Chair Sears absent

[Z-FY-13-14]

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 5 AND ARTICLE 11, RELATED TO LAND USES; 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 March 18, 2013 meeting, the Planning and Zoning Commission voted to amend Articles 5 and 11, 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 5: USE STANDARDS:** Adding, amending, and determining appropriate districts and regulations for social service and community residential uses in the Section 5.1 Use Table:
 - *Correctional Facility* – amended use table to permit this use in Light Industrial and Heavy Industrial Districts only with a Conditional Use Permit;
 - *Institution for Alcoholic and Narcotic Patients* - replaced with *Substance Abuse Treatment Facility*;
 - *Substance Abuse Treatment Facility* – amended/changed from *Institution for Alcoholic and Narcotic Patients* and permitted in most non-residential districts (O-1, O-2, GR, C, CA, LI) with a Conditional Use Permit;
 - *Institution, Religious, Charitable, Philanthropic Nature* - replaced with *Social Services Shelter*;
 - *Social Service Shelter* – amended/changed from *Institution, Religious, Charitable, and Philanthropic Nature* and permitted in all standard zoning districts with a Conditional Use Permit; and
 - *Transitional or Emergency Shelter* – Amended to permit in General Retail and Commercial Districts with a Conditional Use Permit.
- **ARTICLE 5: TRANSITIONAL OR EMERGENCY SHELTER.** Amending Section 5.3.12 to include Social Service Shelters and applying same standards governing:
 - Separation of Social Services Shelters from incompatible uses;
 - Supervisory staff/ resident ratios; and
 - Other provisions related to waiting areas and the provision of HVAC.

- ARTICLE 11: DEFINITIONS. Adding or amending definitions for the following categories of social service/community residential facilities:
 - Boarding house/rooming house,
 - Correctional facility,
 - Halfway House,
 - Social Service Facility, and
 - Substance Abuse Facility.

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 5 and 11, 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 5: USE STANDARDS: Adding, amending, and determining appropriate districts and regulations for social service and community residential uses in the Section 5.1 Use Table:
 - *Correctional Facility* – amended use table to permit this use in Light Industrial and Heavy Industrial Districts only with a Conditional Use Permit;
 - *Institution for Alcoholic and Narcotic Patients* - replaced with *Substance Abuse Treatment Facility*;
 - *Substance Abuse Treatment Facility* – amended/changed from *Institution for Alcoholic and Narcotic Patients* and permitted in most non-residential districts (O-1, O-2, GR, C, CA, LI) with a Conditional Use Permit;
 - *Institution, Religious, Charitable, Philanthropic Nature* - replaced with *Social Services Shelter*;
 - *Social Service Shelter* – amended/changed from *Institution, Religious, Charitable, and Philanthropic Nature* and permitted in all standard zoning districts with a Conditional Use Permit; and
 - *Transitional or Emergency Shelter* – Amended to permit in General Retail and Commercial Districts with a Conditional Use Permit.
- ARTICLE 5: TRANSITIONAL OR EMERGENCY SHELTER. Amending Section 5.3.12 to include Social Service Shelters and applying same standards governing:
 - Separation of Social Services Shelters from incompatible uses;
 - Supervisory staff/ resident ratios; and
 - Other provisions related to waiting areas and the provision of HVAC.
- ARTICLE 11: DEFINITIONS. Adding or amending definitions for the following categories of social service/community residential facilities:

- Boarding house/rooming house,
- Correctional facility,
- Halfway House,
- Social Service Facility, and
- Substance Abuse Facility.

said amendments being more fully described in Exhibits A, B and C, 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 **18th** day of **April**, 2013.

PASSED AND APPROVED on Second Reading on the **2nd** day of **May**, 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

05/02/13
Item #5(G)
Consent Agenda
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DEPT./DIVISION SUBMISSION & REVIEW:

Lonzo Wallace, Fire Chief

ITEM DESCRIPTION: SECOND READING: Consider adopting an ordinance amending Chapter 12, "Fire Prevention and Protection," Article IV, Section 12-10; Article V, Section 12-13 "Private Fire Apparatus Access Road and Fire Lanes"; and Article V, Section 12-14 "Fire Hydrants", of the Code of Ordinance of the City of Temple, Texas.

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

ITEM SUMMARY: We have identified several omissions in the current code and some conflicts with current practices that we have addressed in order to provide a more applicable and comprehensive code, while insuring the ability of emergency services the access needed when responding to assist the citizens of Temple.

Section 12-10 Adjustment to Appendix D, "Fire Apparatus Access Roads."

Subsection D103.5, "Fire apparatus road gates," – Adjusted fire access road gates widths to allow for two 16 foot gates to be used in the place of one 20 foot gate.

Subsection D103.5, "Fire apparatus road gates," – Requires all electric gates to be fitted with an approved opener allowing Emergency responders access through the gate by using an emergency radio frequency to open the gate. Amendment requires compliance within one year of adoption.

Section D103.6 "Signs" – Corrects some wording to mirror other parts of the code. Removes the requirement of fire lane signage on one side of roads less than 32 feet and on both sides of roads less than 26 feet and replaces them with the single requirement of posting fire lane signage on both sides of roads less than 28 feet wide. Establishes a minimum width of 18 feet on a roadway on each side of an obstruction such as an island, with the obstruction marked with fire lane signage.

Section 12-13 "Private Fire Apparatus Access Road and Fire Lanes"

F) Posting of Signage and Markings for Fire Lanes- Text clean up to the wording of fire lane signage so that it is consistent with other parts of Chapter 12 and the adopted fire code.

Sec. 12-14. "Fire Hydrants"

This addition will allow for spacing on both sides of larger roadways where it is impractical to lay a hose line over the roadway, blocking a major thoroughfare. The addition of hydrants on both sides allows for the spacing to be doubled between hydrants on each side of the roadway.

FISCAL IMPACT: Occupancies with electric gates across a fire access road will have one year to purchase an additional controller for emergency access. The cost for each controller is approximately \$900. All other changes will have no cost impact.

ATTACHMENTS:

[Ordinance](#)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING CHAPTER 12, "FIRE PREVENTION AND PROTECTION," OF THE CODE OF ORDINANCES OF THE CITY OF TEMPLE; PROVIDING A REPEALER; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Staff recommends amending Chapter 12, "Fire Prevention and Protection," of the Code of Ordinances to correct omissions and conflicts to have a more comprehensive code, while insuring the ability of emergency services and access needed when responding to assist the citizens of Temple;

Whereas, the revisions include amending fire apparatus road gate widths, amending no parking signs in 'Fire Lane' and spacing of fire hydrants along roadways; and

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

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

Part 1: Chapter 12, "Fire Prevention and Protection," of the Code of Ordinances of the City of Temple, Texas, is amended to read as follows:

Chapter 12

FIRE PREVENTION AND PROTECTION

ARTICLE IV. REVISIONS OF INTERNATIONAL FIRE CODE 2009

Section 12-10 Adjustment to Appendix D, "Fire Apparatus Access Roads."

- Subsection D103.5, "Fire apparatus road gates," – Adjusted fire access road gates widths to allow for two 16 foot gates to be used in the place of one 20 foot gate.
- Subsection D103.5, "Fire apparatus road gates," – Requires all electric gates to be fitted with an approved opener allowing Emergency responders access through the gate by using an emergency radio frequency to open the gate. Amendment requires compliance within one year of adoption.
- Section D103.6 Signs – Corrects some wording to mirror other parts of the code. Removes the requirement of fire lane signage on one side of roads less than 32 feet and on both sides of roads less than 26 feet and replaces them with the single requirement of posting fire lane signage on both sides of roads less than 28 feet wide. Establishes a

minimum width of 18 feet on a roadway on each side of an obstruction such as an island, with the obstruction marked with fire lane signage.

Chapter 12

FIRE PREVENTION AND PROTECTION

ARTICLE V. ADDITIONS TO INTERNATIONAL FIRE CODE

Section 12-13 Private Fire Apparatus Access Road and Fire Lanes

- *F) Posting of Signage and Markings for Fire Lanes*- Text cleanup to the wording of fire lane signage so that it is consistent with other parts of Chapter 12 and the adopted fire code.

Sec. 12-14. Fire Hydrants

- This addition will allow for spacing on both sides of larger roadways where it is impractical to lay a hose line over the roadway, blocking a major thoroughfare. The addition of hydrants on both sides allows for the spacing to be doubled between hydrants on each side of the roadway.

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 18th day of April, 2013.

PASSED AND APPROVED on Second Reading on the **2nd** day of **May**, 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

05/02/13
Item #5(H)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Traci Barnard, Director of Finance

ITEM DESCRIPTION: Consider adopting a resolution authorizing budget amendments for fiscal year 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 \$50,924.

ATTACHMENTS:

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

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2013 BUDGET
May 2, 2013

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
110-1900-519-2228		PEG Expenditures (Channel 10)	\$ 15,000	
110-0000-413-0435		PEG Funds (1% Cable Fee)		\$ 15,000
This budget adjustment appropriates funds for the Council Chamber TV Replacement and new cabling for associated 80" TV's.				
110-3293-551-2120		Education/Recreation (Recreation - Events)	\$ 10,000	
110-0000-445-1572		Mayor's Fitness Council		\$ 10,000
The Mayor's Fitness Council expenditure account is being increased due to a \$10,000 sponsorship made to the City Council from Scott & White Healthcare. The Mayor's Fitness Council revenue account is being increased to recognize this sponsorship.				
110-3293-551-2120		Education/Recreation (Recreation - Events)	\$ 4,500	
110-0000-445-1590		Special Events Classes		\$ 4,500
Additional funds are needed in education/recreation account for contest event supplies. The additional revenues from 5K and 10K racing events will offset the expenses. Racing events held so far this year have brought in an additional \$6,600 as compared to this time last year.				
110-3500-552-2516		Judgments & Damages (Parks)	\$ 500	
110-1500-515-6531		Contingency - Judgments & Damages		\$ 500
Settlement of claim filed against the City seeking reimbursement for vandalism to personal vehicle while working at Wilson Recreation Center.				
110-4000-555-2510		Contributions/Prizes (Library)	\$ 650	
110-0000-461-0841		Donations/Gifts		\$ 650
Spend donations for Summer Reading Program as specified				
110-4000-555-2515		Dues & Subscriptions (Library)	\$ 995	
110-0000-461-0841		Donations/Gifts		\$ 995
Use donations from non-profits to pay for Foundation Grant Center membership				
110-4000-555-2225		Books & Periodicals (Library)	\$ 600	
110-0000-314-1917		Reserve for Library - MacGregor Trust		\$ 600
Purchase history books as specified with MacGregor Trust Funds				
260-2000-521-6211	100981	Instruments & Special Equipment - Night Optics (Police - Grant)	\$ 8,674	
260-2000-521-6211	100982	Instruments & Special Equipment - Ballistic Panel Carriers	\$ 10,005	
260-0000-431-0163		Federal Grants		\$ 18,679
Appropriate grant revenue and expenditures related to the FY 2012 Edward Byrne Justice Assistance Grant (JAG) that the City was awarded in July 2012. The funds will be used to purchase two (2) Night Optics L-3 Thermal-Eye Infrared Imaging devices and sixty-nine (69) external ballistic panel carriers.				

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2013 BUDGET
May 2, 2013

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
TOTAL AMENDMENTS			\$ 50,924	\$ 50,924
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	\$	(39,859)
		Net Balance of Judgments & Damages Contingency Account	\$	40,141
		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	\$	40,141
		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	\$	(45,999)
		Net Balance of Contingency Account	\$	101,760
		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	\$	101,760
		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
May 2, 2013

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			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 2nd day of **May**, 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

05/02/13
Item #6
Regular Agenda
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DEPT. / DIVISION SUBMISSION & REVIEW:

Beverly Zendt, Interim Director of Planning

ITEM DESCRIPTION: FIRST READING - PUBLIC HEARING - Z-FY-13-15: Consider adopting an ordinance authorizing a Conditional Use Permit to allow an off-premise sign (billboard) relocation closer than 2,000 feet from another off-premise sign at 1611 Commerce Street.

PLANNING & ZONING COMMISSION RECOMMENDATION: At its April 1, 2013 meeting, the Planning & Zoning Commission voted 6/0 to recommend approval of the Conditional Use Permit to allow for decreased spacing between off-premise signs.

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance as presented in item description on first reading, and schedule a second reading and final adoption for May 16, 2013.

Staff recommends disapproval of the requested Conditional Use Permit. Based on current City spacing requirements of 2000' this area - approximately 1.4 miles (7984') from South 57th Street to Wildflower Lane - this area should not exceed 4 billboards on each side if an average spacing were calculated. The west side of H K Dodgen Loop currently has four off-premise signs. The east side of H K Dodgen Loop currently has two existing signs and a third sign which was recently approved by Council at 3602 SW H K Dodgen.

The proposed relocated sign would be approximately 1,341' to an existing sign to the north and approximately 1,477' to the recently approved sign to the south. Although the proposed sign would not result in an overall increase in the number of signs that would be permitted if average spacing were calculated, the sign's lack of required spacing to the east and west will create a clustering of off-premise signs in this general location. Additionally, the proposed sign would be located in what has been identified as "City-Entry" sub-district of the I-35 Overlay District. The most restrictive I-35 Overlay District requirements have been put in place in this general area to ensure that these entries create attractive portals to the city and that development "enhance the image of the City and entice people to stop, shop, and visit the city" (UDC 6.7.10).

ITEM SUMMARY: The UDC limits the number of off-premise signs to the number of signs in existence on March 7, 2002. The UDC provides standards for the erection of replacement signs and for sign relocations necessitated by Texas Department of Transportation (TxDOT) road improvement projects. Specifically Section 7.5.11L of the Unified Development Code (UDC) states,

*If a sign located within the proposed public street right-of-way of a state highway is to be relocated to accommodate a regulated highway project and the Texas Department of Transportation issues a permit for relocation of the sign, the Director of Construction Safety **may** also issue a Sign Permit if the sign meets all current City standards, except that the relocated sign:*

- 1. Does not require payment of a permit fee;*
- 2. May be erected a minimum of five feet from any highway right-of-way line;*
- 3. May be constructed with the same number of poles and same type of materials as the existing sign; and*
- 4. May be erected without enlarging the sign face.*

The I-35 expansion project and the subsequent TxDOT right of way acquisition have resulted in the displacement of numerous billboards. Lamar Advertising, the applicant, currently has a billboard that will be affected by the TxDOT right-of-way acquisition. The sign is proposed to be relocated from its current location on Interstate 35, approximately 0.55 miles south of the North Loop 363 to 1611 Commerce Street (northeast corner of I-35 and H K Dodgen Loop).

Section 7.5.11B of the UDC permits the erection of signs only in Commercial, Light Industrial, and Heavy Industrial districts on property fronting on I-35 and on H K Dodgen Loop. The area proposed for relocation is zoned Light Industrial in compliance with this requirement. Section 7.5.11B further establishes requirements for spacing, area, height, and setbacks of new off-premise signs along H K Dodgen Loop. The proposed sign will not exceed area and height standards established in this section and with setback and material standards governing TxDOT initiated relocations. The proposal calls for 11' X 23' (253 S.F), illuminated metal-framed sign set upon a steel monopole replacing an existing 13' X 42' (546 SF) sign with 5-wood poles to an 11' X 23' (253 S.F). The new sign will be setback 78' from the right-of way and no taller than 35'.

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. If the sign cannot be relocated on the same site the City will consider an alternate location on either I-35 or along H K Dodgen Loop. On September 20, 2012, City Council amended the UDC to include a requirement that an applicant obtain a Conditional Use Permit when any of the criteria above cannot be met. Although the proposed sign complies with dimensional and zoning requirements, the proposed location will not be compliant with spacing requirements. The proposed sign will be approximately 1,341' from an existing off-premise sign to the north and 1477' from a recently approved off-premise sign to the south.

The Conditional Use Permit is required because the 2,000' spacing requirement between off-premise signs is not met. All other requirements have been satisfied.

DEVELOPMENT REGULATIONS: The proposed sign complies with dimensional and setback standards for the Light Industrial zoning district. The proposed sign complies with all design standards identified in Section 7.5.11 of the UDC except the minimum spacing requirement of 2,000' between signs.

PUBLIC NOTICE: Four notices of the Planning and Zoning Commission public hearing were sent to surrounding property owners. As of Tuesday, April 16, 2013 at 12:00 PM, 1 notice had been returned in opposition to the request. The newspaper printed notice of the Planning and Zoning Commission public hearing on March 21, 2013, in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

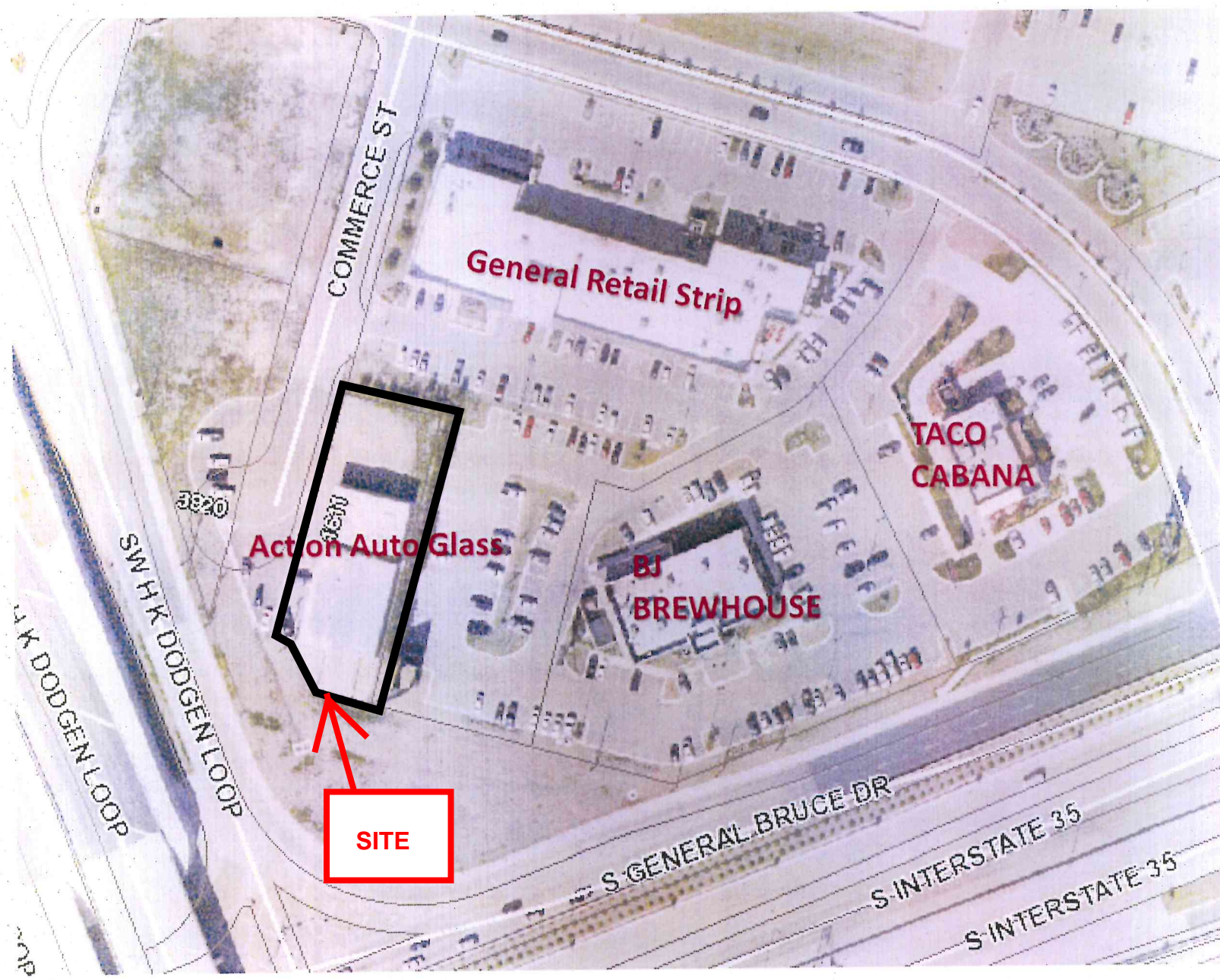
[Current and Proposed Location](#)
[Proposed Location \(Aerial Map\)](#)
[1.4 Mile Corridor Map](#)
[Buffer Notification Map](#)
[Returned Property Owner Response](#)
[PZ Excerpts](#)
[Ordinance](#)



Current Location: W/S of I-35 Approximately 0.55 Miles South of North Loop



Proposed Location: 1611 Commerce Street



General Retail Strip

TACO
CABANA

BJ
BREWHOUSE

Action Auto Glass

SITE

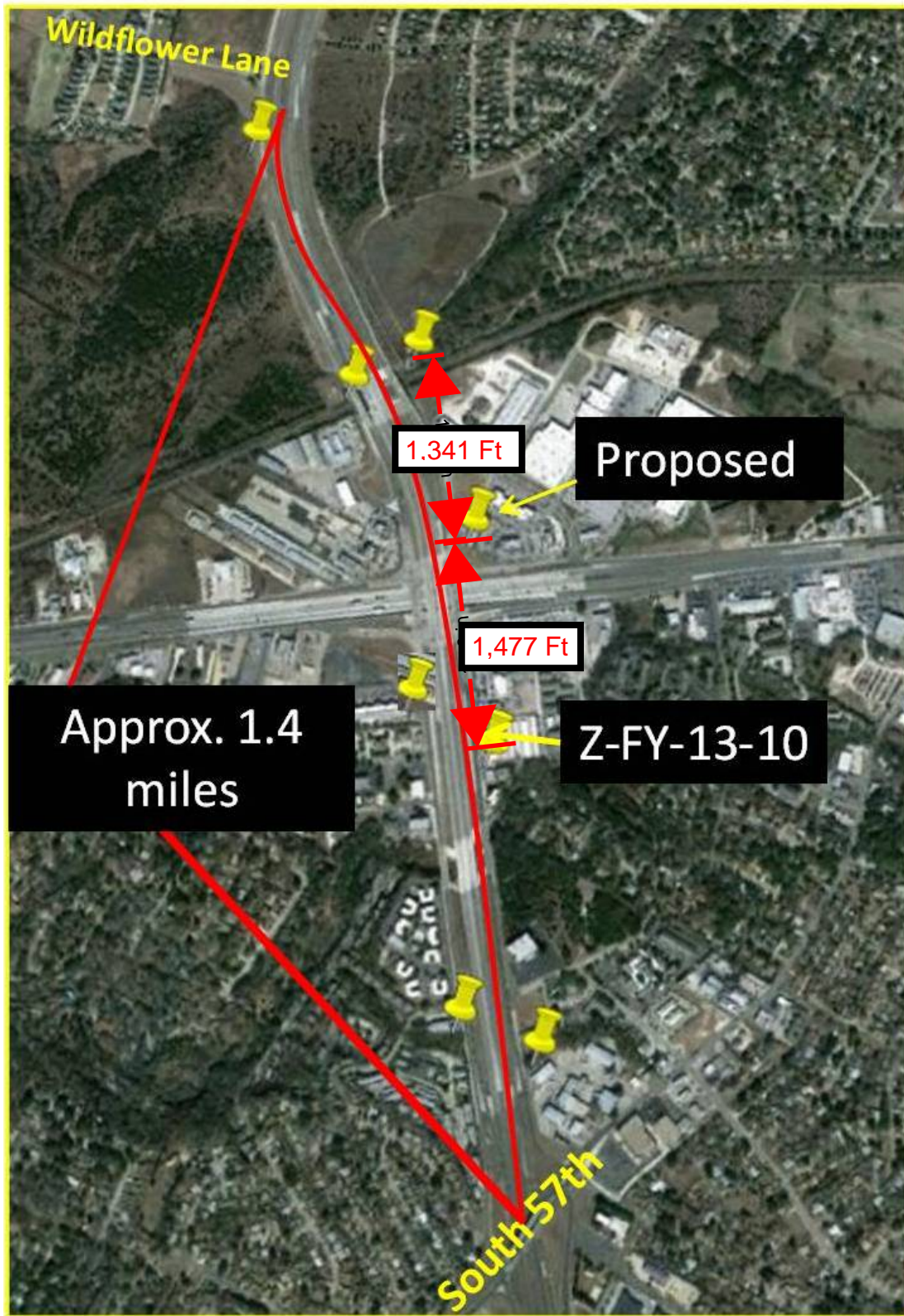
COMMERCE ST

SW H K DODGEN LOOP

S GENERAL BRUCE DR

S INTERSTATE 35

S INTERSTATE 35



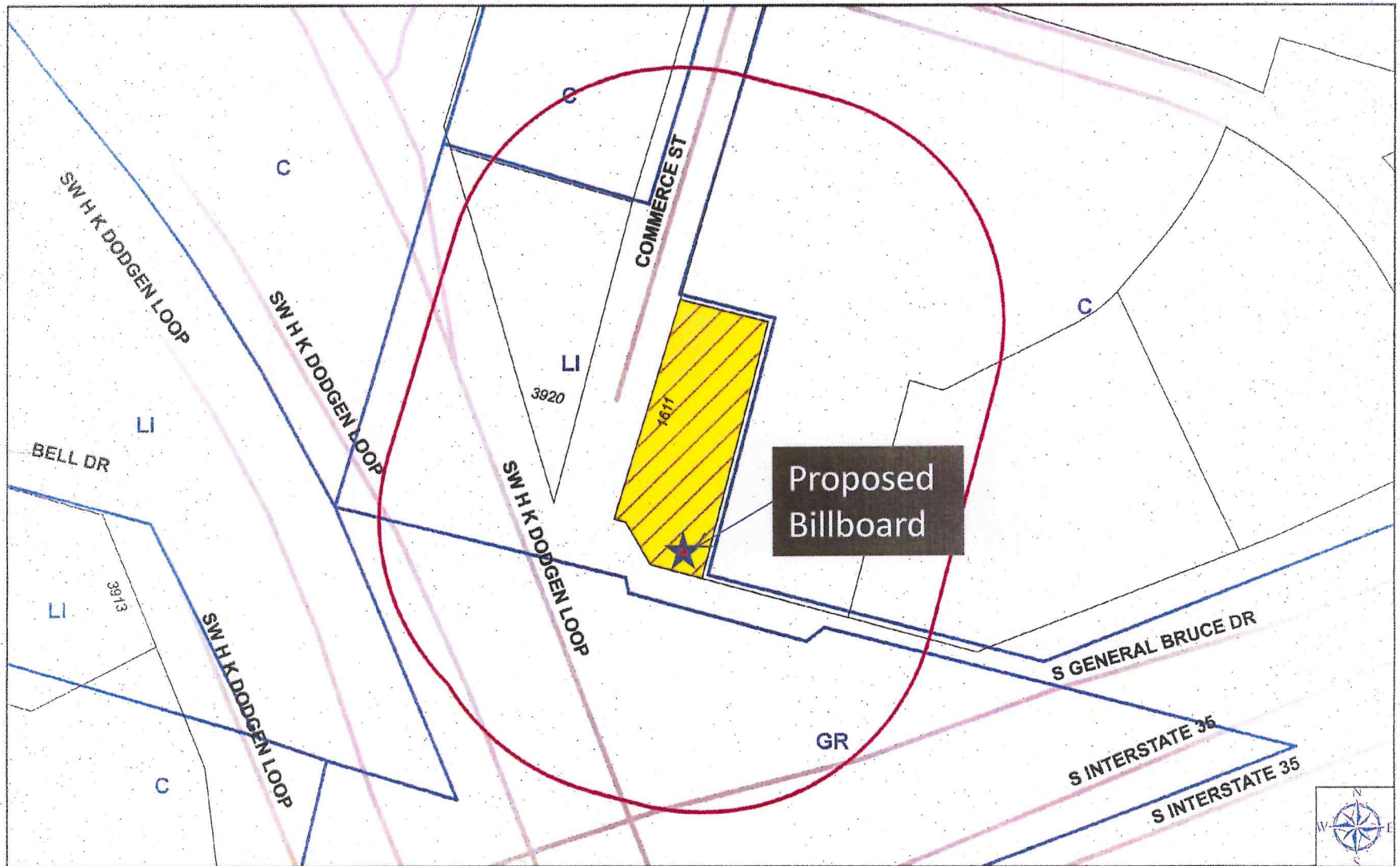
H K Dodgen Loop Corridor (Approximate Road Surface Distance of 1.4 Miles)






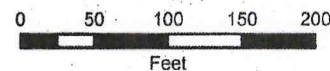
Z-FY-13-15

Conditional Use Permit Request for a Off-Premise (billboard) Sign

**1611
Commerce St.**



 Case  Buffer_200  Zoning 1234 Address



City of Temple
bzndct
3-14-13

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



**RESPONSE TO PROPOSED
CONDITIONAL USE PERMIT
CITY OF TEMPLE**

Nancy & Betty Rodgers
3901 Hopi Trail
Temple, Texas 76504

Zoning Application Number: Z-FY-13-15

Project Manager: Beverly Zendt

Location: 1611 Commerce Street

A request for a Conditional Use Permit has been submitted to the City of Temple. The area proposed for a Conditional Use Permit is shown in hatched marking on the attached map. The Conditional Use Permit will allow relocation of an existing off-premise sign (billboard). 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 proposed Conditional Use Permit for the property described on the attached notice, and provide any additional comments you may have.

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

Comments:

*We feel there are enough signs in this
area & we don't need more.*

Nancy Rodgers
(Signature)
Betty Rodgers

Nancy Rodgers
(Print Name)
Betty Rodgers

Please mail or hand-deliver this comment form to the address shown below, no later than April 1, 2013.

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

RECEIVED

MAR 28 2013

City of Temple
Planning & Development

Number of Notices Mailed: 4

Date Mailed: March 21, 2013

**EXCERPTS FROM THE
PLANNING & ZONING COMMISSION MEETING
MONDAY, APRIL 1, 2013**

ACTION ITEMS

Item 3: Z-FY-13-15: - Hold a public hearing to discuss and recommend action on a Conditional Use Permit to allow an off-premise sign (billboard) relocation closer than 2,000 feet from another off-premise sign at 1611 Commerce Street. (Lamar Advertising for Robert Giniwicz)

Mr. Mark Baker, Planner, stated this item would go forward to City Council on May 2, 2013 for first reading and May 16, 2013 for second reading.

Sections 7.5.11 B and 7.5.11 L of the UDC address off-premise signs and relocations resulting from TxDOT right-of-way acquisitions. Section 7.5.11 B-D of the UDC standards state the minimum spacing on the Loop is 2,000 feet and must be located in a Commercial (C), Light Industrial (LI) or Heavy Industrial (HI) district. The proposed sign is 11 by 23 feet, approximately 252 square feet; the maximum height is 35 feet and would be set back 78 feet from the right-of-way.

Section 7.5.11 L sets standards necessitated by TxDOT right-of-way acquisition. The relocated sign must meet all City standards. In cases where they do not meet the requirements, a Conditional Use Permit (CUP) is required.

All requirements have been met except spacing. There is a sign to the north approximately 1,341 feet and a proposed sign approximately 1,477 feet to the south. The current proposed sign would not increase the total number of signs permitted, but the spacing issue creates a clustering of signs. This proposed sign would also be located in a City Entry Sub-district of the I-35 Overlay District, which is the most restrictive overlay.

Four notices were sent out. One response was received in opposition after the packet was sent out. Percentage of the total land area came to approximately eight percent. The concerns for the opposition were based on the number of signs in the area.

Staff recommends disapproval of the CUP since the spacing requirements between the two signs are not being met.

The applicant has a presentation for the P&Z Commission.

Commissioner Talley asked if the person(s) who sent in the opposition were landowners or residents in the neighborhood. Mr. Baker stated it was not a residential property.

Vice-Chair Sears opened the public hearing.

Mr. Mat Naegele, 5110 N. General Bruce Dr., Temple, Texas, introduced Teresa Lange, his co-worker. Mr. Naegele stated the number of off-premise signs is not increasing within the city limits. With TxDOT widening I-35, it is causing Lamar to relocate their signs which is not easy. They do not ask for exceptions unless there is a hardship that is out of their control. Mr.

Naegele stated they are abiding by the rules of TxDOT and TxDOT relaxes the rules of spacing on a state maintained highway to 500 feet to promote Lamar to relocate the signs and not go the route of condemnation. Lamar does not want to lose the signs; they want to continue doing business. Mr. Naegele asked the Commission to help them move the signs. The signs would be spaced approximately 1,300 feet apart and TxDOT only requires 500 feet from relocation.

Mr. Naegele stated this is a much smaller sign than what is coming from the relocation spot. The previous sign was 42 feet wide and 13 feet tall and Lamar is voluntarily reducing the size by half to accommodate the property because a big sign does not belong there. It will only have one side (not two) at a stoplight crossing. The proposed size area will be 253 square feet opposed to the previous 516 square feet. The sign will have a monopole instead of the five wooden poles as previously and only 35 feet to the top of the sign. Mr. Naegele stated they would take extra steps to make the sign as attractive as possible.

Action Glass is aware of the situation and has an agreement with Lamar for the sign.

Commissioner Rhoads asked if Action Glass sells the property what would happen and Mr. Naegele stated the lease stays with the property for the duration of the lease.

Mr. Naegele stated lease durations could be five years and some were 30.

Ms. Lange gave a slide presentation to the Commission covering the same information previously stated. The spacing would be 1,341 feet which Lamar felt was a comfortable number. The sign is 35 feet overall height and would be much shorter than most signs.

Ms. Lange stated the grassy area to the left of Action Auto is objecting to the sign.

The sign is 78 feet from the right-of-way which exceeds the requirements, it is in a Light Industrial (LI) district, the setbacks are met, and they are providing a monopole instead of the five wooden poles.

Ms. Lange stated they would not block Action Glass on premise sign and would move it where needed in order to not block it.

Vice-Chair Sears closed the public hearing.

Commissioner Talley stated he normally does not oppose Staff recommendation, however, Lamar is trying to move their signs (25) and finding the right place is not easy. Mr. Talley asked if it was wise to approve this now or table the item to get the best benefit for the applicant.

Commissioner Talley made a motion to approve Item 3, Z-FY-13-15, and Commissioner Harrell made a second.

Motion passed: (6:0)

Chair Staats and Commissioners Johnson and Martin absent

[Z-FY-13-15]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONDITIONAL USE PERMIT TO ALLOW AN OFF-PREMISE SIGN (BILLBOARD) RELOCATION CLOSER THAN 2,000 FEET FROM ANOTHER OFF-PREMISE SIGN AT 1611 COMMERCE STREET; DECLARING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

WHEREAS, the Unified Development Code of the City of Temple, Texas, provides for the issuance of conditional use permits under certain conditions and authorizes the City Council to impose such developmental standards and safeguards as the conditions and locations indicate to be important to the welfare or protection of adjacent property and for the protection of adjacent property from excessive noise, vibration, dust, dirt, smoke, fumes, gas, odor, explosion, glare, offensive view or other undesirable or hazardous conditions, and for the establishment of conditions of operation, time limits, location, arrangement and construction for any use for which a permit is authorized;

WHEREAS, the Planning and Zoning Commission of the City of Temple, Texas, after due consideration of the conditions, operation and location of 1611 Commerce Street, recommends that the City Council approve the application for this Conditional Use Permit to allow an off-premise sign relocation closer than 2,000 feet from another off-premise sign; and

WHEREAS, the City Council of the City of Temple, Texas, after public notice as required by law, has at a public hearing, carefully considered all the evidence submitted by the applicant concerning the proposed plans for operation of said establishment and has heard the comments and evidence presented by all persons supporting or opposing this application at said public hearing, and after examining the conditions, operation and the location of said establishment, finds that the proposed use of the premises substantially complies with the comprehensive plan and the area plan adopted by the City Council.

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

Part 1: The City Council approves a Conditional Use Permit to allow an off-premise sign relocation closer than 2,000 feet from another off-premise sign at 1611 Commerce Street, more fully shown on Exhibit A, attached hereto and made a part of for all purposes.

Part 2: The Director of Planning is hereby directed to make the necessary changes to the City Zoning Map accordingly.

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

Part 4: It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such phrase, clause, sentence, paragraph or section.

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **2nd** day of **May**, 2013.

PASSED AND APPROVED on Second Reading on the **16th** day of **May**, 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

05/02/13
Item #7
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of a tract of land near the City of Temple's landfill.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The one acre tract of land at issue is located in close proximity to the City's landfill. Acquisition of the property is necessary for future landfill expansion. The seller has proposed a purchase price which the City Staff feels is reasonable. We will provide additional information in executive session.

FISCAL IMPACT: Taxable Certificate of Obligation Bonds were issued in November 2012 to fund costs related to the expansion of the landfill. Funds are available in account 365-2300-540-6110, project # 100197 for the purchase of this property.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF A TRACT OF LAND NEAR THE CITY OF TEMPLE'S LANDFILL; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the tract of land at issue, outlined by the attached map marked as Exhibit A is located in close proximity to the City's landfill, and the City is interested in acquiring the property in anticipation of future expansion of the landfill;

Whereas, the seller has proposed a purchase price which staff feels is reasonable and Staff recommends the purchase of this tract of land; 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 approximately 1 acre tract of land near the City of Temple's landfill.

Part 2: The City Council authorizes the City Manager, or his designee, to execute any documents, after approval by the City Attorney, that may be necessary for the purchase of these parcels, including all closing documents.

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 **2nd** day of **May**, 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

05/02/13
Item #8
Regular Agenda
Page 1 of 3

DEPT./DIVISION SUBMISSION & REVIEW:

David Blackburn, City Manager

ITEM DESCRIPTION: Consider adopting a resolution authorizing the City Manager to implement a City-wide residential curbside recycling program and to negotiate and enter into a contract with Balcones Resources, Inc. of Austin for processing and marketing services needed to implement a City-wide residential curbside recycling program.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On February 14, 2013, the City Council received a briefing on the City's curbside recycling pilot program, which currently includes four (4) of the City's 20 solid waste residential routes. Council's direction in February was to proceed with a competitive proposal process to identify a private partner that could assist the City in implementing a City-wide residential curbside recycling program.

On April 11, 2013, three (3) proposals were received for the processing and marketing of single stream recyclable materials: Wilco Recycling, Taylor, Texas; Balcones Resources, Inc., Austin, Texas; and Texas Disposal Systems, Inc., Austin, Texas. A summary of the proposals received is attached.

The Request for Proposals (RFP) states that the City is desiring the selected contractor to have a Materials Recovery Facility (MRF) or transfer station located in Temple, or in close proximity to Temple (i.e. no more than 10 miles), to accept and process recyclables for marketing or transfer to another processing facility outside of Temple. The RFP also states that the City acknowledges that the initial facility may be just a transfer depot with the future development of a MRF as soon as economically feasible. The RFP goes on to state that the City desires the contractor to assist the City in the development and execution of an educational and promotional plan that will improve the recovery rate of recyclable materials.

The evaluation criteria as defined in the RFP are as follows:

- 20% - Demonstrated applicable experience and personnel qualifications with proven capacities and capabilities of serving communities with similar operational requirements like the City of Temple;
- 20% - Fiscal impact to the City;
- 10% - Project organization, management, and operational plan, including convenience of location where City will drop recyclable materials;
- 10% - Long-term facility and operation plan;
- 10% - Public education offerings, including innovative approaches to increase recycling rates;
- 10% - Implementation plan and timeline;
- 5% - Financial capability and capacity;
- 5% - Quality of reports made available to the City;
- 5% - Completeness of recyclable materials package; and
- 5% - Contractor's responsiveness to all provisions of this RFP.

A staff committee comprised of representatives from Public Works, the City Attorney's office, Finance, the City Manager's office, and Code Enforcement was formed to evaluate the proposals. Based on each committee member's rating of the evaluation criteria outlined above, it is the committee's recommendation to negotiate a contract with Balcones Resources, Inc. for the processing and marketing of recyclable materials. Although Balcones is willing to immediately construct a processing facility in Temple, Balcones along with City staff believe that Balcones' interim solution of using Temple Iron & Metal as a transfer depot may be the best solution to initiate a City-wide curbside recycling program.

The City Manager believes that the following parameters are important in the negotiations with Balcones:

- No out-of-pocket cost to the City; ideally, the contract should generate revenue.
- A term not to exceed 10 years. Most likely, if a facility is not going to be constructed, the initial term will be significantly less than 10 years.
- An early termination clause should regional negotiations merit an alternative contractual path.
- A 'favored municipality' clause to ensure that the City of Temple would not end up with a less favorable contract than surrounding communities.

In addition to the recyclable processing and marketing services that will be needed to initiate a City-wide residential curbside recycling program, approximately 17,000 96-gallon recyclable containers will need to be procured and placed at each residence. Staff is estimating the cost for this container purchase to be approximately \$800,000.

Also, staff is estimating that approximately \$85,000 per year will be needed to administer the program from a staffing and educational/promotional standpoint.

Dependent upon the date of execution of the agreement between Balcones and the City, implementation of a city-wide curbside recycling program could start no earlier than 6 months from the date of execution of the agreement. Based upon that lead time, the earliest date that staff would forecast for the implementation of the City-wide residential recycling program would be around December, 2013.

FISCAL IMPACT: If Balcones' processing solution of using Temple Iron & Metal as an interim transfer station is agreed to, the City will not have an out-of-pocket cost to Balcones. Instead, the City will receive \$5 per ton (\$.0025 per pound) for recyclable materials, which based on volumes realized in pilot program, is estimated to be approximately \$15,000 paid to the City annually (3,000 tons per year). The estimated savings of diverting the 3,000 tons out of the landfill is approximately \$65,000.

It is anticipated that the additional recycling containers will be funded using a short-term financing arrangement. It is anticipated that the additional administrative expenditures required to successfully implement a City-wide program will be offset by the revenues received for the recyclable materials along with the reduction in landfill tipping fees as a result of the waste being diverted from the landfill.

ATTACHMENTS:

[Summary of Proposals Received](#)
[Resolution](#)

Recycling RFP #23-01-13

Analysis of Proposals Received on 4/11/13

	Wilco Taylor, TX	Balcones Austin, TX	TDS Austin, TX
Recyclable Materials:	OCC Paper Plastic #1-7 Steel/Tin Cans aluminum cans Glass	newspaper mixed fiber (#2/3) OCC (cardboard) aluminum cans metal cans PET HDPE natural HDPE color Plastics #3-7	newspaper mixed paper cardboard aluminum cans steel containers PET HDPE natural HDPE colored Plastics #3-7
Additional Materials:		looking for market for aseptic containers looking for feasibility for aerosol cans	Bulky rigid plastics Alum Foil/Sheets Pots/Pans Scrap metal Plastic Bags Cell Phones
Proposed Plan	<p>PHASE 1: Opt 1-Trsf Fac TI&M; \$95/ton processing fee; \$28 trsf fee; remaining 50% rev share. Opt 2-Trsf Fac Temple landfill; \$95/ton processing fee; other fees TBD. Opt 3-City transport to Taylor; \$95/ton processing fee; remaining 50% rev share. NOTE: Revenue share based on current mkt values; Wilco offers no invoice' clause, and will carryforward any shortages to future months PHASE 2: MRF in Temple/Killeen/FtHood MSA</p>	<p>PRIMARY PROPOSAL: Build Tsf Station-to-become-a-MRF on City's Bullseye Ln property (old Animal Shelter site); \$2.5 mil cost; Alt 1-City haul to Balcones MRF in Travis Cty; \$75/ton processing fee; 75% rev share Alt 2, Phase 1-City deliver to TI&M; \$5/ton rev share Alt 2, Phase 2-when throughput gets to 1,500 tons/mo; Balcones constructs a facility in Temple; pricing TBD Alt 2, Phase 3-when throughput reaches an economical feasible level; expand facility with MRF capabilities; pricing TBD Other Offer: \$1/ton to City for 3rd party tons (all options/phases)</p>	<p>City to deliver recycables to City of Georgetown trsf station Pricing options: Opt 1-\$38.50/ton trsf fee; \$0 rev sharing; \$0 processing fee Opt 2-\$38.50/ton trsf fee; 25% rev sharing; \$25 processing fee Willing to discuss options for a drop off site in Temple</p>
Proposed Contract Term	10 yrs Once MRF-new 10 yrs Auto renewal of 2 yrs until term'd by either party w/ 180 day notice	10 yrs w/ 2 5-yr renewals	3 yrs, 9 mo beg 1/1/14 (Georgetown contract expires 9/30/17)
Timeline	Phase 1:immediately Phase 2: 1 to 2 yrs to design & build	If requested, facility built by Jan 14	1/1/2014
Public Ed	1) Design container labeling, door hangers, mailings 2) Community presentatons 3) HS student involvement Examples included	Will deliver a public education and awarenesss program -education (\$7,500 allowance) -outreach (\$5k allow) Examples included	No examples
Sample Reports	provided	provided	not provided
Other Comments			exceptions to City contract

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE CITY MANAGER TO IMPLEMENT A CITY-WIDE RESIDENTIAL CURBSIDE RECYCLING PROGRAM AND TO NEGOTIATE AND ENTER INTO A CONTRACT WITH BALCONES RESOURCES, INC. OF AUSTIN, TEXAS, FOR PROCESSING AND MARKETING SERVICES NEEDED TO IMPLEMENT A CITY-WIDE RESIDENTIAL CURBSIDE RECYCLING PROGRAM; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on February 13, 2013, City Council directed staff to proceed with a competitive proposal process to identify a private partner that could assist the City in implementing a City-wide residential curbside recycling program;

Whereas, on April 11, 2013, three proposals were received for the processing and marketing of single stream recyclable materials – a staff committee comprised of representatives from several departments across the City evaluated the proposals and recommends awarding the contract to Balcones Resources, Inc., of Austin, Texas;

Whereas, in addition to the recyclable processing and marketing services needed to initiate a City-wide residential curbside recycling program, approximately 17,000 96-gallon containers will need to be procured and placed at each residence – staff estimates the cost for this container purchase to be approximately \$800,000;

Whereas, the City anticipates that the additional administrative expenditures required to successfully implement a City-wide residential curbside recycling program will be offset by the revenues received for the recyclable materials along with the reduction in landfill tipping fees as a result of the waste being diverted from the City's landfill; 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 to implement a City-wide residential curbside recycling program and to negotiate and enter into a contract with Balcones Resources, Inc., of Austin, Texas, after approval as to form by the City Attorney, for the processing and marketing services needed to implement a City-wide residential curbside recycling program.

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

PASSED AND APPROVED this the **2nd** day of **May**, 2013.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney