



**MEETING OF THE
TEMPLE CITY COUNCIL**

MUNICIPAL BUILDING

2 NORTH MAIN STREET

3rd FLOOR – CONFERENCE ROOM

THURSDAY, JUNE 19, 2014

4:00 P.M.

WORKSHOP AGENDA

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, June 19, 2014.
2. Discuss amendments to City Code of Ordinances, Chapter 14, "Food and Food Establishments".

5:00 P.M.

MUNICIPAL BUILDING

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

JOINT MEETING

TEMPLE CITY COUNCIL

&

CITY OF TEMPLE EMPLOYEE BENEFITS TRUST

REGULAR MEETING AGENDA

I. CALL TO ORDER

1. Invocation
2. Pledge of Allegiance

II. PUBLIC COMMENTS:

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

III. 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.

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

Minutes

- (A) [June 5, 2014 Special Called and Regular Meeting](#)

Contracts, Leases, & Bids

- (B) [2014-7347-R](#): Consider adopting a resolution authorizing a construction manager-at-risk contract with Vanguard Contractors, LP, of Temple for construction of a storage facility.
- (C) [2014-7348-R](#): Consider adopting a resolution authorizing the purchase of fire training simulator system for the new Fire Department burn building from Fireblast 451, Inc., of Corona, California, utilizing GSA Contract, in the amount of \$290,959.48.
- (D) [2014-7349-R](#): Consider adopting a resolution authorizing the purchase of eight (8) wheel load scales from Load-O-Meter Corporation of Forest Hill, Maryland, in the amount of \$39,160.
- (E) [2014-7350-R](#): Consider adopting a resolution ratifying the application and receipt of grant funds from State Farm Insurance for traffic safety, focused on a Teen Safe Driving Program Companies in the amount of \$10,000.

Ordinances – Second & Final Reading

- (F) [2014-4671](#): SECOND READING – Consider adopting an ordinance amending Chapter 22 “Miscellaneous Provisions and Offenses,” Section 22-92, “Tree Board,” of the City Code to provide that the duties of the Tree Board will be assumed by the Parks and Leisure Services Advisory Board.

Misc.

- (G) [2014-7351-R](#): Consider adopting a resolution appointing election judges and setting their compensation for the City’s Special election to be held on Saturday, July 19, 2014.
- (H) [2014-7352-R](#): Consider adopting a resolution authorizing budget amendments for fiscal year 2013-2014.

IV. REGULAR AGENDA

ORDINANCES – FIRST READING/ PUBLIC HEARING

- 4. (A) [2014-4672](#): FIRST READING – PUBLIC HEARING: Consider ordinances Designating the Adams, Central, and C Avenues Strategic Investment Zone as Tax Abatement Reinvestment Zone Number Twenty-Nine for Commercial/Industrial Tax Abatement and as a Strategic Investment Zone and authorizing a number of other SIZ economic development incentives for property redevelopment; and
 - (B) [2014-4673](#): Amending the City’s Comprehensive Economic Development Ordinance (Ord. No. 2013-4626) to reflect the inclusion of the Adams, Central, and C Avenues Strategic Investment Zone as Tax Abatement Reinvestment Zone Number Twenty-Nine.
- 5. [2014-4674](#): FIRST READING – PUBLIC HEARING – Consider adopting an ordinance establishing school crosswalks and setting speed limits within school zones to conform to school schedules.

6. [2014-4675](#): FIRST READING - PUBLIC HEARING - Z-FY-14-32: Consider adopting an ordinance to take action on a zoning from Agricultural District (AG) to Planned Development-Neighborhood Service (PD-NS) District to expand an existing boat storage facility on 2.94 +/- acres being a part of the S.P. Terry Survey, Abstract Number 813, situated in Bell County, Texas, located at 13271 FM 2305.

RESOLUTIONS

7. [2014-7353-R](#): O-FY-14-11 – Consider adopting a resolution authorizing an Appeal of Standards in Section 6.7.5(j) of the Unified Development Code related to the I-35 Corridor Overlay Zoning District for signs, located at the Trnum Auto Group Goodyear 5506 South General Bruce Drive.

ADJOURN THE REGULAR MEETING OF THE TEMPLE CITY COUNCIL AND CONVENE THE CITY OF TEMPLE EMPLOYEE BENEFITS TRUST MEETING.

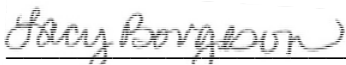
VI. AGENDA – CITY OF TEMPLE EMPLOYEE BENEFITS TRUST

8. [2014-7354-R](#): Conduct a meeting of the City of Temple Employee Benefits Trust to purchase insurance policies for:
- (A) MetLife for Dental Insurance FY 2014-2015.
 - (B) MetLife for Basic Life, AD&D, Voluntary Life, and Voluntary AD&D Insurance for FY 2014-2015.
 - (C) MetLife for Long Term Disability insurance for FY 2014-2015.

ADJOURN THE MEETING OF THE CITY OF TEMPLE EMPLOYEE BENEFITS TRUST MEETING

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 2:30 PM, on Friday, June 13, 2014.



Lacy Borgeson, TRMC
City Secretary



COUNCIL AGENDA ITEM MEMORANDUM

06/19/14
Item #3(A)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Lacy Borgeson, City Secretary

ITEM DESCRIPTION: Approve Minutes:

(A) June 5, 2014 Special Called and Regular Meeting

STAFF RECOMMENDATION: Approve minutes as presented in item description.

ITEM SUMMARY: Copies of minutes are enclosed for Council review.

FISCAL IMPACT: N/A

ATTACHMENTS:

[June 5, 2014 Special Called and Regular Meeting Minutes](#)



COUNCIL AGENDA ITEM MEMORANDUM

06/19/14
Item #3(B)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing a construction manager-at-risk contract with Vanguard Contractors, LP, of Temple for construction of a storage facility.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Due to the recent destruction of storage facilities in the Santa Fe Plaza area, it is staff's recommendation to develop an acquired Belton site into a storage facility.

On March 20, 2014, Council authorized the use of the Construction Manager-at-Risk (CMAR) delivery method for the construction services needed to construct a storage facility. A design contract with Architectural Edge is being administratively executed by the City Manager for this project in the amount of \$19,665.

On May 22, 2014 two (2) proposals were received for the CMAR services: Vanguard Contractors, LP Temple and Chaney-Cox Construction, Inc. of Temple. The scoring criteria as defined within the RFP focused on the proposed project team's prior experience and quality of work, the contractor's proposed project approach, and the contractor's costing methodology and proposed fees for completing the project on budget.

On June 3, 2014, a staff evaluation committee met to discuss the proposals and to compile evaluation results. Based on the pre-defined evaluation criteria, the committee's recommendation is to award the CMAR contract to Vanguard Contractors. The committee concluded that both contractors were well qualified to perform the work. However, Vanguard's proposed fees were less than Chaney-Cox's, which ultimately enabled Vanguard to score higher than Chaney-Cox. (See attached Tabulation of Proposals Received)

The construction budget as outlined in the RFP is \$200,000. Vanguard's proposed fees are as follows: pre-construction fee of \$750, on-site management fee of \$10,607 per month, and a profit and overhead fee of 4.75%. Once Vanguard completes the bidding phase of the project, staff will be come back to Council for authorization to award a guaranteed maximum price (GMP) construction phase award to Vanguard.

FISCAL IMPACT: The fiscal impact associated with this item is \$750 for the pre-construction phase services. Funding in the amount of \$750 is available in account 110-2031-521-6231, project # 101129. It is anticipated that the construction cost for this project will be funded with seized funds.

ATTACHMENTS:

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

**Tabulation of Proposals Received
on May 22, 2014 at 3:00 p.m.
CMAR Services - Storage Facility
RFP #20-02-14**

		Vanguard Contractors, LP Temple, TX	Chaney-Cox Construction, Inc. Temple, TX
1	Preconstruction Phase Fee	\$ 750	\$ 2,500
2	General Conditions (on-site mgmt)	\$ 31,821 3 months \$10,607/mo	\$ 30,200 75 days \$12,080/mo
3	Construction Phase Fee (profit & OH)	4.75% <i>(\$9,500 of \$200k)</i>	8.75% <i>(\$17,500 of \$200k)</i>

TOTAL CMAR FEES

Line 1-3 fee; assuming
\$200k project; 75 days

\$	36,768	\$	50,200
-----------	---------------	-----------	---------------

RESOLUTION NO. 2014-7347-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION MANAGER-AT-RISK CONTRACT WITH VANGUARD CONTRACTORS, LP, OF TEMPLE, TEXAS, FOR CONSTRUCTION OF A NEW STORAGE FACILITY; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, due to the recent destruction of storage facilities in the Santa Fe Plaza area, a new storage facility is desired by staff;

Whereas, on March 20, 2014, Council authorized the use of the Construction Manager-at-Risk delivery method for the construction services needed to construct a storage facility located at 504 West Avenue O, Belton, Texas;

Whereas, two proposals were received on May 22, 2014 for the Construction Manager-at-Risk services and the scoring criteria as defined focused on the proposed project team's prior experience, quality of work, proposed project approach, costing methodology and proposed fees for completing the project on budget;

Whereas, staff recommends awarding the Construction Manager-at-Risk contract to Vanguard Contractors, LP of Temple, Texas;

Whereas, funds for this contract are available in Account No. 110-2031-521-6231, Project No. 101129; 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 Construction Manager-at-Risk contract with Vanguard Contractors, LP of Temple, Texas for construction of a new storage facility located at 504 West Avenue O, Belton, Texas.

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

PASSED AND APPROVED this the **19th** day of **June**, 2014.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

06/19/14
Item #3(C)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Belinda Mattke, Director of Purchasing
Craig Maatta, Interim Fire Chief

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of fire training simulator system for the new Fire Department burn building from Fireblast 451, Inc., of Corona, California, utilizing GSA Contract, in the amount of \$290,959.48.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On April 17, 2014, Council authorized a contract for the construction of Phase II of the Fire Training Center with Vanguard Contractors, LP. Phase II includes the construction of a 4-story training/burn tower with 6,030 sf of enclosed space. In order to effectively utilize the burn tower, fire training simulators (i.e. burn props) are needed for the building.

Staff is recommending the purchase of fire training simulators for the burn building in three (3) phases. The first phase system, which staff is recommending for purchase now, will consist of a Hawk operating system that will be installed on the first floor of the structure along with four (4) props that will be located on the first and second floors (two (2) different stoves, a sofa, and a flashover prop). The operating system with props will allow for realistic diversified training in a controlled environment. Staff will utilize GSA Contract #GS07F0125W for the purchases.

Fire Department personnel carefully researched the available fire training simulators and determined that Fireblast offered the best value when considering quality and durability of training props, safety controls, and price. Fireblast has been awarded a US General Services Administration (GSA) contract, which the City is able to utilize to fulfill this purchase.

There is an approximate 6 month lead time to construct the fire training simulator system and props. By ordering the simulator system now, the system should arrive to enable installation into the burn tower as Vanguard concludes construction of the burn tower. Fireblast will provide installation services as part of this purchase.

FISCAL IMPACT: Funding in the amount of \$351,360.28 is remaining in the 2009 General Obligation Bond in account 363-2200-522-6851 for the construction of the Fire Drill Field. Funding in the amount of \$290,959.48 has been designated in account 363-2200-522-6851, project # 101212, for the fire training simulator system. After funding the fire training simulator system and props, \$60,400.80 will be remain available in account 363-2200-522-6851 to fund other items needed for the drill field.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2014-7348-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF A FIRE TRAINING SIMULATOR FROM FIREBLAST 451, INC., OF CORONA, CALIFORNIA, UTILIZING A GENERAL SERVICES ADMINISTRATION CONTRACT, IN THE AMOUNT OF \$290,959.48; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on April 17, 2014, Council authorized a contract for the construction of Phase II of the Fire Training Center with Vanguard Contractors, LP – Phase II includes the construction of a 4-story training/burn tower with 6,030 square feet of enclosed space;

Whereas, in order to effectively utilize the burn tower, fire training simulators are needed for the building – fire department personnel carefully researched the available fire training simulators and determined that Fireblast 451, Inc., offered the best value when considering quality, durability, safety controls and price;

Whereas, Fireblast 451, Inc. has been awarded a General Services Administration (GSA) contract, which the City is able to utilize to fulfill this purchase;

Whereas, staff recommends the purchase of a fire training simulator system from Fireblast 451, Inc., of Corona, California utilizing GSA Contract No. GS07F0125W, in the amount of \$290,959.48;

Whereas, funding for this purchase is available in Account No. 363-2200-522-6851, Project No. 101212; and

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

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

Part 1: The City Council authorizes the purchase of a fire training simulator system from Fireblast 451, Inc., of Corona, California, utilizing GSA Contract No. GS07F0125W in the amount of \$290,959.48.

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 **19th** day of **June**, 2014.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

APPROVED AS TO FORM:

ATTEST:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

06/19/14
Item #3(D)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Gary O. Smith, Chief of Police

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of eight (8) wheel load scales from Load-O-Meter Corporation of Forest Hill, Maryland, in the amount of \$39,160.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The Police Department's new Commercial Vehicle unit is in need of portable scales to fulfill its need to inspect and weigh commercial vehicles. The Police Department seeks approval to purchase eight (8) Haenni WL101 wheel load weighers from Load-O-Meter Corporation to fulfill this need.

To minimize staffing, the Police Department needs the ability to weigh both wheels of a dual wheel configuration and officers need the ability to weigh axels equipped with the newer super single tires. Through research, Police personnel have determined that only the Haenni scales will efficiently fulfill these needs. The Haenni WL101 wheel load weigher, a Swiss-manufactured scale, is the only hydraulic/analog low profile wheel load scale in the production in the world and is only distributed by Load-O-Meter Corporation in the United States. As such, this purchase is deemed a Single Source purchase.

FISCAL IMPACT: Funding in the amount of \$39,460 is available in account 110-2036-521-22-11 for the purchase of the eight (8) scales.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2014-7349-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF EIGHT WHEEL LOAD SCALES FROM LOAD-O-METER CORPORATION OF FOREST HILL, MARYLAND, IN THE AMOUNT OF \$39,160; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Police Department's new Commercial Vehicle unit is in need of portable scales to fulfill its need to inspect and weigh commercial vehicles;

Whereas, to minimize staffing, the Police Department desires ability to weigh both wheels of a dual wheel configuration vehicle and axels equipped with the newer super single tires;

Whereas, the Haenni WL101 wheel load weigher is the only hydraulic/analog low profile wheel load scale in production in the world and is only distributed by Load-O-Meter Corporation of Forest Hill, Maryland – as such, this purchase is deemed a single source purchase;

Whereas, staff recommends the purchase of eight Haenni WL101 wheel load weighers from Load-O-Meter Corporation in the amount of \$39,160;

Whereas, funding for this purchase is available in Account No. 110-2036-521-2211; 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 purchase of eight Haenni WL101 wheel load weighers from Load-O-Meter Corporation, of Forest Hill, Maryland, in the amount of \$39,160.

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 19th day of **June**, 2014.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

APPROVED AS TO FORM:

ATTEST:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

06/19/14
Item #3(E)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Craig Maatta, Interim Fire Chief

Ashley Williams, Sustainability and Grant Manager

ITEM DESCRIPTION: Consider adopting a resolution ratifying the application and receipt of grant funds from State Farm Insurance for traffic safety, focused on a Teen Safe Driving Program Companies in the amount of \$10,000.

STAFF RECOMMENDATION: Adopt Resolution as presented in item description.

ITEM SUMMARY: In May 2014 Temple Fire & Rescue submitted a grant application to State Farm Insurance Companies, requesting \$10,000 in funding for a Teen Safe Driving Program. On May 30, 2014 TF&R was awarded the funding for the proposed program.

By learning the importance of safe driving habits through the Teen Safe Driving Program, a teen driver or passenger will be reminded to buckle up and wear their safety belt every time they are in a vehicle. The activities of the program involve placing a manikin inside a rollover convincer cab and rolling the cab over numerous times, showing what happens during a crash. The demonstration includes the manikin belted and not belted inside the cab.

Funding will be used to construct a rollover convincer cab, purchase a manikin and purchase reminder keepsakes to hand-out at events. The budget is as follows:

Activity	Funding Amount
Rollover Convincer Cab	\$6,500
Prep/paint Trailer and Cab	\$2,000
Manikin	\$500
Keepsakes	\$1,000
TOTAL	\$10,000

Approval of the resolution will allow TF&R to make final actions necessary to secure the funds and to execute projects intended by the grant.

FISCAL IMPACT: The City will receive \$10,000 in grant funds to be used to implement a Teen Safe Driving Program. There are no matching funds required. A budget adjustment is presented for Council's approval appropriating the grant revenue and expenditures to the Fire Department's operating budget.

ATTACHMENTS:
[Budget Adjustment
Resolution](#)

FY 2014**BUDGET ADJUSTMENT FORM**

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

Adjustments should be rounded to the nearest \$1.

+

-

ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE		DECREASE	
110-2221-522-62-11	101224	Instruments/Special Equipment	\$ 8,500			
110-2221-522-22-11		Instruments/Special Equipment	500			
110-2221-522-25-10		Contributions/Prizes	1,000			
110-0000-422-16-30		Fire Department Revenue	10,000			
TOTAL.....			\$ 20,000		\$ -	

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

Appropriate grant revenue and expenditures related to receipt of grant funds from State Farm Insurance Companies for the implementation of a Teen Safe Driving Program. Grant funds will be used to purchase a rollover convincer cab and manikin as well as reminder keepsakes for handout at training events.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒

Yes

☐

No

DATE OF COUNCIL MEETING

6/19/2014

WITH AGENDA ITEM?

☒

Yes

☐

No

Department Head/Division Director_____
Date☐
☐

Approved

Disapproved

Finance_____
Date☐
☐

Approved

Disapproved

City Manager_____
Date☐
☐

Approved

Disapproved

RESOLUTION NO. 2014-7350-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, RATIFYING THE SUBMISSION OF A GRANT APPLICATION TO STATE FARM INSURANCE COMPANIES FOR TRAFFIC SAFETY FOCUSED ON A TEEN SAFE DRIVING PROGRAM; AUTHORIZING ACCEPTANCE OF THE GRANT FUNDS IN THE AMOUNT OF \$10,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, in May 2014, Temple Fire & Rescue submitted a grant application to State Farm Insurance Companies requesting \$10,000 in funding for a Teen Safe Driving Program – on May 30, 2014, Temple Fire & Rescue was awarded the requested funds for the program;

Whereas, the activities of the program involve placing a manikin inside a rollover cab and rolling the cab over numerous times, showing what happens during a vehicle crash – the demonstration includes a manikin wearing a seatbelt inside the vehicle as well as not wearing a seatbelt;

Whereas, these awarded funds will be used to construct the rollover convincer cab as well as the purchase of the manikin and reminder keepsakes;

Whereas, the City has received \$10,000 in grant funds with no City matching funds required, however, an amendment to the fiscal year 2013-2014 budget needs to be approved to appropriate the grant revenue to the appropriate account; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to ratify the submission of a grant application to State Farm Insurance Companies for traffic safety focused on a teen safe driving program, in the amount of \$10,000.

Part 2: The City Manager, or his designee, is authorized to execute any documents which may be necessary to ratify this grant, and accepts any grant funds awarded, after approval as to form by the City Attorney.

Part 3: The City Council authorizes an amendment to the fiscal year 2013-2014 budget, substantially in the form of the copy attached hereto as Exhibit “A.”

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

PASSED AND APPROVED this the **19th** day of **June**, 2014.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

06/19/14
Item#3(F)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Kevin Beavers, Director of Parks & Leisure Services
Jonathan Graham, City Attorney

ITEM DESCRIPTION: SECOND READING – Consider adopting an ordinance amending Chapter 22 “Miscellaneous Provisions and Offenses,” Section 22-92, “Tree Board,” of the City Code to provide that the duties of the Tree Board will be assumed by the Parks and Leisure Services Advisory Board.

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

ITEM SUMMARY: Section 22-92 of the City Code sets forth the establishment, membership, and duties of the City’s “Tree Board.” Due to recent quorum issues with the Tree Board, Staff is requesting that the duties of the Tree Board be assumed by the Parks and Leisure Services Advisory Board. Those duties include:

- (1) Development of public awareness and education programs relating to trees;
- (2) Promotion of Arbor Day in the City;
- (3) Development and updating of a five-year plan for planting trees on City Property;
- (4) Submission of a yearly report to the City Council of the Board’s activities;
- (5) Advising the Parks and Leisure Services Department on the issues relating to the planting or maintenance of trees and other landscaping on City Property;
- (6) Development of a list of recommended trees for planting on City Property; and
- (7) Such other duties as may be assigned to the Board by the City Council.

The effect of the proposed amendment would be the discontinuation of a separate Tree Board and the assumption of those duties by the Parks and Leisure Services Advisory Board. The proposed amendment has been discussed with various Board members of the Tree Board and there is agreement to making this change.

FISCAL IMPACT: None

ATTACHMENTS:
[Ordinance](#)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING CHAPTER 22, "MISCELLANEOUS PROVISIONS AND OFFENSES," SECTION 22-92, "TREE BOARD," OF THE CODE OF ORDINANCES OF THE CITY OF TEMPLE TO PROVIDE THAT THE DUTIES OF THE TREE BOARD WILL BE ASSUMED BY THE PARKS AND LEISURE SERVICES ADVISORY BOARD; PROVIDING A REPEALER; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Section 22-92 of the Code of Ordinances sets for the establishment, membership and duties of the City's 'Tree Board' and due to recent quorum issues, staff recommends that the duties of that board be assumed by the Parks and Leisure Services Advisory Board – those duties include:

- Development of public awareness and education programs relating to trees;
- Promotion of Arbor Day in the City;
- Development and updating of a five-year plan for planting trees on City property;
- Submission of a yearly report to the City Council of the Board's activities;
- Advising the Parks and Leisure Services Department on the issues relating to the planting or maintenance of trees and other landscaping on City property;
- Development of a list of recommended trees for planting on City property;
- Such other duties as may be assigned to the Board by the City Council;

Whereas, the effect of the proposed amendment would be the discontinuation of a separate Tree Board and the assumption of those duties by the Parks and Leisure Services Advisory Board;

Whereas, staff and members of the Tree Board are in agreement with this proposed change; 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 22, "Miscellaneous Provisions and Offenses," Section 22-92, "Tree Board," of the Code of Ordinances of the City of Temple, Texas, is amended to read as follows:

Chapter 22
MISCELLANEOUS PROVISIONS AND OFFENSES
ARTICLE VI. TREE CARE

Sec. 22-92. Tree Board.

(a) **Establishment and membership.** The City Council hereby creates an advisory board known as the "Tree Board." The duties of the Tree Board will be carried out by the Parks & Leisure Services Advisory Board.

(b) **Duties.** The duties of the Tree Board shall include:

- (1) Development of public awareness and education programs relating to trees;
- (2) Promotion of Arbor Day in the City;
- (3) Development and updating of a five-year plan for planting trees on City Property;
- (4) Submission of a yearly report to the City Council of its activities;
- (5) Advising the Parks and Leisure Services Department on the issues relating to the planting or maintenance of trees and other landscaping on City Property;
- (6) Development of a list of recommended trees for planting on City Property; and
- (7) Such other duties as may be assigned to it by the City Council from time to time.

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 **5th** day of **June**, 2014.

PASSED AND APPROVED on Second Reading on the **19th** day of **June**, 2014.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, MAYOR

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

06/19/14
Item #3(G)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Lacy Borgeson, City Secretary

ITEM DESCRIPTION: Consider adopting a resolution appointing election judges and setting their compensation for the City's Special election to be held on Saturday, July 19, 2014.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: This proposed resolution recommends the appointment of election judges and sets their compensation for the City's special election to be held on Saturday, July 19, 2014.

On May 15, 2014, Judy Morales submitted a letter to the City Council declining her term of office which would run from May 2014 through May 2017 (by virtue of her running unopposed for that office). At that time the City Council ordered a Special Election to fill an unexpired term for the District 2 Councilmembers through May 2017.

Please see the attached resolution for election judges being recommended for appointment at the single election day polling place and for the Early Voting Ballot Board. The compensation for election judge and clerks is recommended to be set at \$10.00 per hour in accordance with provisions in §32.091 of the Election Code. The election judge or clerk who delivers the precinct election records, keys to ballot boxes or other election equipment, and unused election supplies after an election is entitled to compensation for that service in an amount not to exceed \$25.

The election judge and members of the early voting ballot board are entitled to the same compensation as presiding election judges, in accordance with provisions in §87.005 of the Election Code, however, the minimum compensation to each member of the early voting ballot board is recommended to be \$50.

FISCAL IMPACT: The City Secretary's FY 2014 Budget includes funding in account 110-1400-511-2517 in the amount of \$28,500 for the 2014 General Election.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2014-7351-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPOINTING THE ELECTION JUDGES AND ALTERNATE JUDGES AND SETTING THEIR COMPENSATION FOR THE JULY 19, 2014, CITY OF TEMPLE SPECIAL ELECTON; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on May 15, 2014, the City Council ordered a Special Election for the election of a District 2 Councilmember to fill an unexpired term for the Councilmember for District 2 through May 2017;

Whereas, the election judges for the July 19, 2014, Special Election need to be appointed and their compensation set by the City Council; and

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

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

Part 1: The following persons are hereby appointed presiding judge and alternate presiding judge, respectively, for the July 19, 2014, special election to fill an unexpired term of Councilmember District 2:

<i>City Council District No. 2</i>	Wilson Recreation Center 2205 Curtis B. Elliott Drive
Presiding Judge	Shelley DeLoera
Alternate Presiding Judge	Rachel Knighton
<i>Early Voting Location</i>	Municipal Building 2 North Main Street (between Central and Adams)
<i>Early Voting Ballot Board</i>	
Presiding Judge	Patricia Sims
Alternate Presiding Judge	Tommye Conn

Part 2: In the case of death, inability or refusal of any person appointed as a presiding judge to act, the Mayor shall have the authority and he is hereby directed to appoint some suitable person or persons to act instead. The presiding judges for each city council election district are authorized to appoint not less than two or more than three election clerks to assist the judge in the conduct of the election at the polling place served by the judge. The Early Voting Ballot Board shall count the ballots cast during early voting for the election in accordance with the requirements of chapter 87 of the Texas Election Code. Early voting

ballots will in every case be treated as a separate precinct and a separate set of returns will be made for early voting ballots.

Part 3: As compensation for services rendered at the precinct polling place, election judges and clerks shall receive \$10 per hour in accordance with provisions in §32.091 of the Election Code. The election judge or clerk who delivers the precinct election records, keys to ballot boxes or other election equipment, and unused election supplies after an election is entitled to compensation for that service in an amount not to exceed \$25.

Part 4: The election judge and members of the early voting ballot board are entitled to the same compensation as presiding election judges, in accordance with provisions in §87.005 of the Election Code, however, the minimum compensation to each member of the early voting ballot board shall be \$50.

Part 5: 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 19th day of **June**, 2014.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

06/19/14
Item #3(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 2013-2014.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: This item is to recommend various budget amendments, based on the adopted FY 2013-2014 budget. The amendments will involve transfers of funds between contingency accounts, department and fund levels.

FISCAL IMPACT: The total amount of budget amendments is \$19,579.

ATTACHMENTS:

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

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2014 BUDGET
June 19, 2014

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
110-3500-552-2216		Tools & Related Equipment	\$ 4,884	
110-3500-552-2333		Automotive Repair	\$ 695	
110-1500-515-6531		Contingency-Judgments & Damages		\$ 5,000
110-0000-461-0554		Insurance Claims		\$ 579
To appropriate funds to cover the costs related to an incident at the Parks Maintenance shop.				
110-1940-519-6228	101190	Capital Equipment-PEG Expenditures	\$ 14,000	
110-0000-315-1900		Reserved for Public Education Channel		\$ 14,000
To fund additional Smart Boards. This purchase is in support of the City's public access channel.				
TOTAL AMENDMENTS			\$ 19,579	\$ 19,579

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2014 BUDGET
June 19, 2014

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
		GENERAL FUND		
		Beginning Contingency Balance	\$	498,072
		Added to Contingency Sweep Account		89,700
		Carry forward from Prior Year		-
		Taken From Contingency		(285,853)
		Net Balance of Contingency Account	\$	301,919
		Beginning Judgments & Damages Contingency	\$	40,000
		Added to Contingency Judgments & Damages from Council Contingency		-
		Taken From Judgments & Damages		(15,831)
		Net Balance of Judgments & Damages Contingency Account	\$	24,169
		Beginning Compensation Contingency	\$	288,000
		Added to Compensation Contingency		-
		Taken From Compensation Contingency		(216,697)
		Net Balance of Compensation Contingency Account	\$	71,303
		Net Balance Council Contingency	\$	397,391
		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		(49,574)
		Net Balance of Contingency Account	\$	426
		Beginning Compensation Contingency	\$	50,000
		Added to Compensation Contingency		-
		Taken From Compensation Contingency		(23,500)
		Net Balance of Compensation Contingency Account	\$	26,500
		Net Balance Water & Sewer Fund Contingency	\$	26,926

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2014 BUDGET
June 19, 2014

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
		HOTEL/MOTEL TAX FUND		
		Beginning Contingency Balance		\$ 29,107
		Added to Contingency Sweep Account		-
		Carry forward from Prior Year		-
		Taken From Contingency		(13,745)
		Net Balance of Contingency Account		\$ 15,362
		Beginning Compensation Contingency		\$ 7,500
		Added to Compensation Contingency		-
		Taken From Compensation Contingency		(7,500)
		Net Balance of Compensation Contingency Account		\$ -
		Net Balance Hotel/Motel Tax Fund Contingency		\$ 15,362
		DRAINAGE FUND		
		Beginning Contingency Balance	\$ -	
		Added to Contingency Sweep Account		-
		Carry forward from Prior Year		-
		Taken From Contingency		-
		Net Balance of Contingency Account	\$ -	
		Beginning Compensation Contingency	\$ 7,500	
		Added to Compensation Contingency		-
		Taken From Compensation Contingency		(7,500)
		Net Balance of Compensation Contingency Account	\$ -	
		Net Balance Drainage Fund Contingency	\$ -	
		FED/STATE GRANT FUND		
		Beginning Contingency Balance	\$ -	
		Carry forward from Prior Year		237,553
		Added to Contingency Sweep Account		-
		Taken From Contingency		(217,954)
		Net Balance of Contingency Account	\$ 19,599	

RESOLUTION NO. 2014-7352-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING BUDGET AMENDMENTS TO THE 2013-2014 CITY BUDGET; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on the 29th day of August, 2013, the City Council approved a budget for the 2013-2014 fiscal year; and

Whereas, the City Council deems it in the public interest to make certain amendments to the 2013-2014 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 2013-2014 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 19th day of **June**, 2014.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

06/19/14
Item #4(A & B)
Regular Agenda
Page 1 of 4

DEPT. /DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney
Brynn Myers, Assistant City Manager

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING: Consider adopting ordinances:

- (A) Designating the Adams, Central, and C Avenues Strategic Investment Zone as Tax Abatement Reinvestment Zone Number Twenty-Nine for Commercial/Industrial Tax Abatement and as a Strategic Investment Zone and authorizing a number of other SIZ economic development incentives for property redevelopment; and
- (B) Amending the City's Comprehensive Economic Development Ordinance (Ord. No. 2013-4626) to reflect the inclusion of the Adams, Central, and C Avenues Strategic Investment Zone as Tax Abatement Reinvestment Zone Number Twenty-Nine.

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance on first reading, as presented in item description with second reading and final adoption set for July 3, 2014.

ITEM SUMMARY: *Synopsis:* The proposed ordinance designates the proposed Adams, Central and C Avenues area as both a tax abatement reinvestment zone and as a Strategic Investment Zone. As a tax abatement reinvestment zone, it offers the potential for the City to approve five year tax abatement agreements. The ordinance also proposes incentives for this new SIZ, and provides authority for the City to consider approving SIZ type match grants similar to what we've made available in the South 1st, Avenue G/H, North 3rd, and MLK SIZ incentive zones.

Background: This ordinance, if adopted, will create the City's fifth SIZ incentive zone. The City Council previously adopted incentive zones for the South 1st Street SIZ, the Avenue G/H SIZ, the North 3rd Street SIZ, and MLK SIZ. As with our four previously adopted ordinances, this proposed ordinance is designed to encourage redevelopment of a strategically important section of the Adams, Central and C Avenues SIZ corridor that might otherwise not occur in the absence of incentives. The Adams, Central and C Avenues SIZ includes parcels fronting both the north and south side of Adams and Central from the boundary of the MLK SIZ zone east to 22nd Street, the parcels fronting the north side of Adams from 22nd Street east to Fowler Road, and the parcels fronting both the north and south side of East C Avenue from the MLK SIZ zone boundary to East D Avenue.

A map of the boundaries of the Adams, Central, and C Avenues tax abatement reinvestment zone/Adams, Central, and C Avenues SIZ incentive zone is attached to this narrative as Exhibit A. The Adams, Central, and C Avenues SIZ area contains a mixture of CA, LI, HI, Commercial and Single Family zoning. A map depicting that is attached as Exhibit B.

Little new development has occurred within the Adams, Central, and C Avenues SIZ incentive area in the past twenty years. The condition of property in the Adams, Central, and C Avenues SIZ corridor is likely to substantially arrest or impair sound growth because of the number of deteriorating structures, inadequate streets and sidewalks, lack of accessibility or usefulness of lots, unsanitary and unsafe conditions, the deterioration of site or other improvements, or conditions that endanger life or property by fire or other cause. These conditions justify the use of tax abatement and SIZ-type Chapter 380 incentive agreements.

The proposed ordinance encourages redevelopment in the proposed Adams, Central, and C Avenues SIZ incentive area primarily through: (1) the availability of agreements that provide tax abatement for commercial and industrial property on the *increased* value of eligible real and personal property; and (2) the availability of matching grant incentives (Chapter 380) where the City participates with dollars or in-kind services to encourage redevelopment. The proposed ordinance creates enabling authority, but is subject to the availability of funds that may be appropriated from year to year by the City Council as part of the annual budget process.

As the City's adopted SIZ report recommended, the City is employing a 'combined-arms' approach to redevelopment in our Strategic Investment Zones. On one hand we have sought voluntary compliance with existing codes and standards and backed that up with a willingness to compel compliance through enforcement proceedings before the City's Building and Standards Commission.

We've also tried a "carrot" incentive through a willingness to assist property owners with the demolition of substandard buildings and signs in our corridors. As we have previously reported to the City Council, the City has demolished a number of dilapidated buildings and signs in the past seven years, both within and near our SIZ corridors. The proposed ordinance extends those efforts by offering tax abatement and economic development incentives in the Adams, Central, and C Avenues SIZ incentive area. The tax abatement we are proposing is similar to what has been successfully offered in the South 1st SIZ corridor, Avenue G/H corridor, North 3rd Street, and MLK corridor: 100% tax abatement for five years on the *increased* value of eligible real and personal property constructed in accordance with a tax abatement agreement. Eligible property improvements for *tax abatement* in this SIZ corridor would include only commercial or industrial redevelopment (real and personal property). *SIZ incentive grants* are available for residential, commercial or industrial redevelopment.

Adams, Central, and C Avenues SIZ Incentive Area

The Adams, Central and C Avenues SIZ includes parcels fronting both the north and south side of Adams and Central from the boundary of the MLK SIZ zone east to 22nd Street, the parcels fronting the north side of Adams from 22nd Street east to Fowler Road, and the parcels fronting both the north and south side of East C Avenue from the MLK SIZ zone boundary to East D Avenue. The recommendation is based on extending the grant corridors from the existing boundary of the MLK SIZ zone to Ferguson Park (for Adams and Central) and Wilson Park (for C Avenue).

In addition to the possibility of five year tax abatement for large, significant projects, the proposed Chapter 380 matching grants for economic development and in-kind services are very similar to those employed in the South 1st Street, Avenue G/H, North 3rd Street, and MLK SIZ corridors. The grant matrix includes funds or services related to façade replacement or upgrading, sign improvements, landscaping improvements, asbestos surveys and abatements, demolitions and sidewalk replacement. Availability of these matching funds would be on a first-come/first-served basis for eligible projects. Approximately \$100,000 is appropriated in FY 2013-14 for SIZ incentive agreements for all of the four existing SIZ incentive areas and any incentive agreements proposed for the Adams, Central, and C Avenues SIZ incentive area would come out of the existing appropriation.

The proposed ordinance amends portions of the City's comprehensive economic development ordinance to reference the Adams, Central, and C Avenues area as a tax abatement reinvestment zone and to list the Adams, Central, and C Avenues SIZ corridor in Part III, "Additional Economic Incentives within the City," Section C, "Incentives in Certain Strategic Incentive Zones (SIZ)," to incorporate Adams, Central, and C Avenues as an incentive zone and describe the incentive grants available thereon, which are:

TYPE OF GRANT	Adams, Central, and C Avenues
Façade	\$15,000
Sign	\$2,500
Landscaping	\$5,000 or \$10,000 (higher amount w/ irrigation)
Asbestos	\$1,000 + \$3,000 (survey + abatement)
Demolition	\$2,500
Sidewalk	\$10,000
Fee Waiver	\$2,000
Code Compliance (Residential)	\$5,000
Theoretical Maximum Grant (lesser of the sum of individual grants and 33% of total investment if project < \$100K or 25% if total investment is ≥ \$100K)	\$46,000
Required Minimum Investment	\$20K Commercial/ \$10K Residential

Finally, in our proposed amendments to the City's Comprehensive Economic Development Ordinance, changes were made to the tables located on pages 6 & 7 to standardize all incentive areas in terms of percentage of increased value to be abated and the criteria for meeting the minimum standards for tax abatement into one table.

FISCAL IMPACT: The City Council authorized \$100,000 in this fiscal year for economic development incentives in Strategic Investment Zone corridors. Tax abatement agreements, if entered into in the future on property in this corridor, would rebate taxes on the increase value of eligible real and personal property in the area and would not require a financial outlay by the City.

ATTACHMENTS:

[Maps](#)

[Ordinance](#)

ORDINANCE NO. 2014-4672

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, DESIGNATING THE ADAMS, CENTRAL AND C AVENUES AREA AS A STRATEGIC INVESTMENT ZONE AND AS TAX ABATEMENT REINVESTMENT ZONE NUMBER TWENTY-NINE FOR COMMERCIAL/INDUSTRIAL TAX ABATEMENT; ESTABLISHING THE BOUNDARIES THEREOF AND OTHER MATTERS RELATING THERETO; ESTABLISHING CERTAIN ECONOMIC DEVELOPMENT INCENTIVES IN THE ZONE; ESTABLISHING A SUNSET PROVISION; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR PENALTIES; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

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

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

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

Whereas, the City finds that the condition of property in the Adams, Central and C Avenues Corridor is likely to substantially arrest or impair the sound growth of the municipality, because of the presence of one or more of the conditions: a substantial number of substandard, slum, deteriorated, or deteriorating structures; the predominance of defective or inadequate sidewalks or streets; faulty size, adequacy, accessibility, or usefulness of lots; unsanitary or unsafe conditions; the deterioration of site or other improvements; or conditions that endanger life or property by fire or other cause.

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

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

Part 2: (a) **Designation of the Adams, Central and C Avenues Strategic Investment Zone Tax Abatement Reinvestment Zone Number Twenty-Nine.** Pursuant to Section 312.201 of the Code, the City hereby creates the reinvestment zone for commercial or industrial tax abatement consisting of property within the area described as follows:

parcels fronting both the north and south side of Adams and Central from the boundary of the MLK SIZ zone east to 22nd Street, the parcels fronting the north side of Adams from 22nd Street east to Fowler Road, and the parcels fronting both the north and south side of East C Avenue from the MLK SIZ zone boundary to East D Avenue. The recommendation is based on extending the grant corridors from the existing boundary of the MLK SIZ zone to Ferguson Park (for Adams and Central) and Wilson Park (for C Avenue).

Such reinvestment zones are hereby designated and shall hereafter be officially designated as Tax Abatement Reinvestment Zone Number 29, City of Temple, Texas. The City Council specifically finds that the boundaries of the reinvestment zone (referred to hereinafter as the "ADAMS, CENTRAL AND C AVENUES STRATEGIC INVESTMENT ZONE") should be as shown in the map attached hereto as Exhibit "A."

(b) **Findings Relative to Creation of Tax Abatement Reinvestment Zone.** The City Council, after conducting a public hearing and hearing evidence and testimony, makes the following findings and determinations based on the testimony presented to it:

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

2. That creation of the ADAMS, CENTRAL AND C AVENUES STRATEGIC INVESTMENT ZONE will result in benefits to the City and to the land included in the zone after the term of any agreement executed hereunder, and the improvements sought are feasible and practical;

3. That the ADAMS, CENTRAL AND C AVENUES STRATEGIC INVESTMENT ZONE meets the criteria for the creation of a reinvestment zone as set forth in Section 312.202 of the Code in that it is "reasonably likely as a result of the designation to contribute to the retention or expansion of primary employment or to attract major investment in the zone that would be a benefit to the property and that would contribute to the economic development of the City;" and

4. That the ADAMS, CENTRAL AND C AVENUES STRATEGIC INVESTMENT ZONE meets the criteria for the creation of a reinvestment zone as set forth in the City of Temple Guidelines and Criteria for granting tax abatement in reinvestment zones.

(c) The ADAMS, CENTRAL AND C AVENUES STRATEGIC INVESTMENT ZONE shall take effect on July 3, 2014, and continue in effect until July 3, 2019.

(d) To be considered for execution of an agreement for tax abatement the commercial or residential project shall:

1. Be located wholly within the ADAMS, CENTRAL AND C AVENUES STRATEGIC INVESTMENT ZONE as established herein;

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

3. Conform to the requirements of the City's Zoning Ordinance, all other City codes and regulations, City of Temple Guidelines and Criteria for granting tax abatement in reinvestment zones previously adopted by the City Council, and all other applicable laws and regulations; and

4. Have and maintain all land located within the ADAMS, CENTRAL AND C AVENUES STRATEGIC INVESTMENT ZONE, appraised at market value for tax purposes.

(e) Written agreements with property owners located within the ADAMS, CENTRAL AND C AVENUES STRATEGIC INVESTMENT ZONE shall provide identical terms regarding duration of exemption and share of taxable real property value exempted from taxation.

(f) Written agreements for tax abatement as provided for by Section 312.205 of the Tax Code shall include provisions for:

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

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

3. Limiting the use of the property consistent with the general purpose of encouraging development or redevelopment of the ADAMS, CENTRAL AND C AVENUES STRATEGIC INVESTMENT ZONE during the period that property tax exemptions are in effect; and

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

(g) Applications. Applications for tax abatement in the ADAMS, CENTRAL AND C AVENUES STRATEGIC INVESTMENT ZONE are available in the City Attorney's Office, Suite 308, Municipal Building, 2 North Main Street, Temple, TX 76504 or from the City's website, **ci.temple.tx.us**.

Part 3: (a) The area described in Section 2(a) as Tax Abatement Reinvestment Zone Number Twenty-Nine is also designated as the Adams, Central and C Avenues Strategic Investment Zone.

(b) **Additional Economic Development Incentives for the Adams, Central and C Avenues Strategic Investment Zone.** Pursuant to Article 3, Section 52-a of the Texas Constitution, Chapter 380 of the Texas Local Government Code, and Section III.B of the City's Economic Development Policy ordinance, the City will consider offering additional economic incentives for development in the Adams, Central and C Avenues Strategic Investment Zone as provided below. If property is located within the Adams, Central and C Avenues Strategic Investment Zone and another investment zone offering similar incentives by the City, the applicant may apply under either program, subject to the rules of eligibility. *To be eligible for any of the grants in Part 3 of this Ordinance, the applicant must propose and complete real property improvements on property located within the Adams, Central and C Avenues Strategic Investment Zone with a minimum investment of not less than \$50,000 for commercial or industrial development.*

- (1) **Façade Improvement Grants.** (commercial only) The City will consider making grants of up to **\$15,000** on a 1:1 matching basis for the replacement of an existing façade with an eligible masonry product to an eligible property, or to remove an existing façade to expose the original façade. Eligible masonry materials for a replacement façade under this subsection include brick, stone, stucco, EIFS, rough-faced block, fiber cement siding products, such as HardiPlank® and such other materials that the City may approve from time to time. A list of eligible materials for the Adams, Central and C Avenues Strategic Investment Zone is maintained in the Construction Safety Office, 1st Floor, the Municipal Building, 2 North Main Street. Façade improvement costs eligible for reimbursement with a façade improvement grant include demolition costs (including labor), landfill costs, and material and construction (including labor) costs, but specifically *exclude* design costs.
- (2) **Sign Improvement Grants.** (commercial only) The City will consider making grants of up to **\$2,500** on a 1:1 matching basis for the installation of new ground-mounted, monument type signs on eligible properties or the replacement of a dilapidated sign. To be eligible, the base or footing of the sign must be concrete or metal. Sign improvement costs eligible for reimbursement with a sign improvement grant include demolition costs (including labor), landfill costs, and material and construction (including labor) costs, but specifically *exclude* design costs.
- (3) **Landscaping Improvement Grants.** (commercial only) The City will consider making grants of up to **\$5,000** on a 1:1 matching basis for the installation of new or additional landscaping to an eligible property. To be eligible the landscaping must meet or exceed the City's landscaping requirements for the area, as the same may be established from time to time. If an irrigation system is installed, or already exists, and will be maintained by the applicant, the maximum amount of the landscaping grant is **\$10,000** on a 1:1 matching basis. Landscaping improvement costs eligible for reimbursement with a landscaping improvement grant include ground preparation costs (including labor), materials (trees, shrubs,

soil and amendments thereto and other decorative hardscape such as arbors, art, and walls or fences) and material and construction (including labor) costs, but specifically *exclude* design costs. The City will also consider making grants of trees from the City's tree farm if requested by the applicant as part of a landscaping improvement grant application.

- (4) **Asbestos Survey or Abatement Grants.** (commercial only) The City will consider a grant of up to **\$1,000** on a 1:1 matching basis for owner-initiated asbestos survey of a building and up to **\$3,000** on a 1:1 matching basis for asbestos abatement for a building on eligible property. Asbestos survey and abatement grant eligible costs include professional fees, labor costs, and replacement materials.
- (5) **Demolition Grants.** (commercial only) When requested by an applicant the City will consider in its sole discretion, demolishing buildings, signs or parking lots, and disposing of the same at the City's cost, when the City has the capacity and equipment to do so. The City will not demolish buildings where the City in its sole discretion determines that there is a reasonable probability that the building contains asbestos, unless the applicant has obtained an asbestos survey and abated asbestos, where necessary, prior to demolition of the structure. In lieu of doing the demolition work with its own crews, the City will also consider a grant of up to **\$2,500** on a 1:1 matching basis for the demolition of existing buildings, signs, or parking lots on eligible property. Where the applicant is performing the demolition and seeking a demolition grant, eligible costs include the labor and landfill costs, and equipment rental, but exclude any design costs.
- (6) **Sidewalk Improvement Grants.** (commercial only) The City will consider grants of up to **\$10,000** on a 1:1 matching basis for the construction of new sidewalks within the ADAMS, CENTRAL AND C AVENUES STRATEGIC INVESTMENT ZONE, curb and guttering or the replacement of existing sidewalks or curb and guttering on eligible property. Sidewalk improvement costs eligible for reimbursement with a sidewalk improvement grant include demolition costs (where applicable) (including labor), landfill costs, and material and construction (including labor) costs and equipment rental, but specifically *exclude* design costs.
- (7) **Waiver of Platting, Zoning and Permit Fees.** (commercial only) The City will consider waiving up to \$2,000 in platting, zoning, water and wastewater tap fees, and building permit fees for eligible projects.

(b) **Eligible Property.** To be eligible for a grant under Part 3(a)(1)-(8) above, the applicant must be the owner or lessee of property lying within the boundaries of the Adams, Central and C Avenues Strategic Investment Zone. Eligible property improvements are as described in Part 3(a)(1)-(7) above.

(c) **Application Form.** To be eligible for the grants described in Part 3(a), an applicant must submit an application and received approval from the City prior to commencing the work for which a grant or assistance by the City is sought. Applications

must be submitted on a form provided by the City, be fully and accurately completed, and signed by the owner(s) (and the lessee(s), where applicable) of the property. Forms are

available in the **City Manager's Office** (c/o of the Assistant City Manager) and in the office of **Keep Temple Beautiful**, 100 West Adams, Suite 302, Temple, TX 76501, and must be

submitted to the City Manager's office for review and potential approval by the City. A completed application must contain a rendering of all proposed improvements and a written description of the same. Where the proposed scope of work requires professional work by an engineer or architect, the plans must be sealed by an engineer or architect, as applicable.

(d) **Evaluation of Applications.** In evaluating whether to approve an application for a grant under Part 3(a), the City Council will consider: (1) the extent to which the property for which a grant is sought is blighted or fails to meet City codes or regulations in one or more aspect; (2) whether the proposed redevelopment is at a higher level than which exists on other properties in the Adams, Central and C Avenues Strategic Investment Zone at the time of adoption of this ordinance; (3) whether the applicant has the financial resources to complete the described in the application; (4) whether the property is unlikely to redevelop without an incentive by the City; (5) whether the proposed use of the property is in keeping with the future uses of property identified in the City's Comprehensive Plan or a master plan adopted by the City Council. Upon receipt of an application for a grant under Part 3(a), the City Manager shall cause the application to be evaluated using the criteria established in Part 3(d) above, and submit the application and the Staff's recommend to approve or deny the request, in whole or part, to the City Council for their consideration.

(e) **Approval of grants.** The City Council may approve a request for a grant under Part 3(a) in whole or in part, or deny the same.

(f) **No Vested Right to Receive a Grant.** The existence of the grant program established in Section 3(a) does not create any vested rights to receive a grant or convey a property interest to any person to receive a grant. The award or denial of a grant under this Ordinance shall be at the sole discretion of the City Council. The City Council shall annually appropriate funds for the administration of the grant program in this ordinance, and the granting of funds under the programs established by this ordinance are subject to the availability of funds appropriated for that purpose in any given fiscal year.

(g) **Compliance with Terms of a Grant; payment to recipient.** A recipient of a grant from the City must enter into a development agreement with the City prior to receiving any grant funds or in-kind services by the City. The agreement shall provide that the applicant agrees to: (1) complete the work described in the application in a timely fashion; (2) give the City the right to inspect the work described in the development agreement and the financial records associated with the same during reasonable business hours; (3) perform all of the work described in the grant application in accordance with all applicable City codes and regulations; and (4) to maintain those improvements in the future. The failure by an applicant for a grant to satisfy all of the terms and conditions of the development agreement shall relieve the City of any obligation to provide grants funds under this Ordinance or as described in the development agreement. Payment to grantees shall be made within thirty (3)

days of the work described in the development agreement being completed, inspected and accepted by the City.

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

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

Part 6: Sunset provision. The designation of Tax Abatement Reinvestment Zone Number Fifteen shall expire five years from the effective date of this ordinance. The designation of a tax abatement reinvestment zone may be renewed for periods not exceeding five years. The expiration of a reinvestment zone designation does not affect an existing tax abatement agreement authorized by the City Council.

Part 7: Open Meeting Act. It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meeting Act.

PASSED AND APPROVED on First Reading on the **19th** day of **June**, 2014.

PASSED AND APPROVED on Second and Final Reading and Public Hearing on the **3rd** day of **July**, 2014.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, MAYOR

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF TEMPLE, TEXAS, ESTABLISHING A COMPREHENSIVE ECONOMIC DEVELOPMENT POLICY FOR THE CITY OF TEMPLE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City of Temple is committed to establishing long-term economic vitality, an essential key to the growth of any community, by responding and preparing for challenges and changes in an environment characterized by ongoing competition for sustained economic advantage and identity;

Whereas, in an effort to enrich an already substantial diversity of economic activity, the City of Temple desires to establish an *Economic Development Policy* consolidating the City's existing and newly-proposed economic development policies into one comprehensive document;

Whereas, the City has established criteria and guidelines governing tax abatement within the City pursuant to Chapter 312 of the Tax Code, and by ordinance has designated two tax abatement reinvestment zones;

Whereas, the City has by ordinance created a tax increment financing reinvestment zone pursuant to Chapter 311 of the Tax Code, and used the tax increments accrued in said zone to construct public improvements intended to spur economic development of the zone;

Whereas, Article 3, Section 52-a of the State Constitution, authorizes the Legislature to provide for the creation of programs for the making of loans and grants of public money for the public purposes of development and diversification of the economy of the State;

Whereas, the Legislature, in Tex. Rev. Civ. Stat. Ann. art. 835s, has authorized home rule cities to acquire land and buildings for the purpose of leasing the land or improvements thereto to private companies for use in manufacturing or other commercial activity;

Whereas, the Legislature, in Chapter 380 of the Local Government Code, has authorized home rule cities to establish programs for making loans and grants of public money to promote State or local economic activity within their boundaries; 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:

Part 1: That a comprehensive *Economic Development Policy* is hereby adopted by the City of Temple, Texas, to read as follows:

ECONOMIC DEVELOPMENT POLICY

FOR THE CITY OF TEMPLE, TEXAS

REVISED JULY 3, 2014

I. Criteria and Guidelines Governing Tax Abatement.

A. Definitions.

1. "**Abatement**" means the full or partial exemption from ad valorem taxes of certain real property in a reinvestment zone designated by the City for economic development purposes.

2. "**Agreement**" means a contract between a property owner or lessee and the City.

3. "**Base year value**" means the assessed value of eligible property on January 1st of the year of the execution of the tax abatement Agreement, plus the agreed upon value of eligible property improvements made after January 1 but before the execution of the Agreement.

4. "**Deferred Maintenance**" means those improvements necessary for continued operation but which do not improve productivity or alter any process technology. Exterior improvements (e.g., painting, installing, repairing, removing or replacing a facade) to the exteriors of buildings in the Downtown Development Area which are designed to improve visual appearance of property are not deferred maintenance.

5. "**Downtown Development Area**" is an approximately 43 block area of downtown Temple as shown by the map and description attached hereto as Exhibit "A."

6. "**Eligible Facilities**" means those new, expanded or modernized buildings and structures, including fixed machinery and equipment, which are reasonably likely as a result of granting abatement, to contribute to the retention or expansion of primary employment or to attract major investment in the reinvestment zone that would be a benefit to the property and that would contribute to the economic development within the City Eligible Facilities in all commercial/industrial tax abatement reinvestment zones include manufacturing, distribution and storage facilities, office buildings, transportation facilities, and entertainment complex. Additional Eligible Facilities in reinvestment zones established in the Downtown Development Area include retail stores, apartment buildings, restaurants and entertainment facilities (excluding sexually oriented businesses) facilities.

7. "**Expansion**" means the addition of buildings, structures, machinery, equipment or payroll for purposes of increasing production capacity.

8. "**Facility**" means property improvements completed or in the process of construction which together comprise an integral whole.

9. **"Modernization"** means a complete or partial demolition of Facilities and the complete or partial reconstruction or installation of a Facility of similar or expanded production capacity. Modernization may result from the construction, alteration, or installation of buildings, structures, machinery or equipment, or both. Modernization in the Downtown Development area includes painting of exterior walls, restoring, removing or installing a facade and related exterior improvements designed to visually improve the exterior of a building or block.

10. **"New Facility"** means a property previously undeveloped which is placed into service by means other than or in conjunction with Expansion and Modernization.

11. **"Productive Life"** means the number of years a property improvement is expected to be in service for a facility.

12. **"South 1st SIZ incentive area"** is an area comprised of approximately a 74 block area, which includes South 1st Street from Adams Avenue to South Loop 363 and portions of several adjacent streets including portions of South 2nd Street, South 3rd Street and South 5th Street, as shown by the map and description attached hereto as Exhibit "S1."

13. **"Avenue G/H SIZ incentive area"** is an area consisting of Avenues F, G, H & I from South 1st Street to South 25th Street, as shown by the map and description attached hereto as Exhibit "S2."

14. **"North 3rd Street SIZ incentive area"** is an area consisting of two tracts of land centered on North 1st Street; Area A is bounded on the west by North 7th Street [from Central to French] and on the east from Adams—where it adjoins the South 1st SIZ incentive area—north to French Avenue, and North 3rd Street, and Area B Tax Increment Financing Reinvestment Zone is an irregular shaped area on North 3rd Street running north-south roughly from Munroe Avenue to Industrial Boulevard, as shown by the map and description attached hereto as Exhibit "S3."

15. **"MLK SIZ incentive area"** is an area on the east side of downtown Temple roughly bound on the north by Calhoun Street, on the east by MLK, on the south by Avenue H, and on the west by the BNSF tracks and 2nd Avenue, as shown by the map and description attached hereto as Exhibit "S4."

16. **"Adams, Central and C Avenues SIZ incentive area"** is an area which includes parcels fronting both the north and south side of Adams and Central from the boundary of the MLK SIZ zone east to 22nd Street, the parcels fronting the north side of Adams from 22nd Street east to Fowler Road, and the parcels fronting both the north and south side of East C Avenue from the MLK SIZ zone boundary to East D Avenue. The recommendation is based on extending the grant corridors from the existing boundary of the MLK SIZ zone to Ferguson Park (for Adams and Central) and Wilson Park (for C Avenue), as shown by the map and description attached hereto as Exhibit "S4."

B. Statement of Purpose.

The City is committed to the promotion of high quality commercial and industrial development in all parts of the City, and an ongoing improvement of the quality of life of its citizens. These objectives may be served by the enhancement and expansion of the local economy. The City will

consider, on a case-by-case basis granting property tax abatement as a stimulus for economic development in accordance with the criteria and guidelines established herein. Nothing herein shall imply or suggest that the City is under any obligation to provide tax abatement to any applicant, that any applicant has a property right or interest in tax abatement, or that the City is precluded from considering other options which may be in the best interest of the City.

C. Designation of Tax Abatement Reinvestment Zones.

The City will consider designating areas within the City limits or extraterritorial jurisdiction of the City as commercial-industrial tax abatement reinvestment zones which meet one or more of the criteria for designation of a reinvestment zone under Section 312.202 of the Tax Code, and where the property owner meets the minimum qualifications to qualify for a tax abatement under Part I.D. 1.b. of this Policy. Designation of an area as a tax abatement reinvestment zone is a prerequisite to entering into a tax abatement agreement with the owner of the property in a particular area. Property located within a City created (and State-approved) Enterprise Zone is eligible for consideration for tax abatement agreements without the necessity of separate designation as a tax abatement reinvestment zone.

D. Abatement Authorized.

1. Eligible Facilities. Upon application, the City will consider granting tax abatement on Eligible Facilities as hereinafter provided.

a. Creation of New Value. The City will consider granting tax abatement only for the additional value of eligible property improvements made subsequent to, and specified in, an abatement agreement between the City and the property owner or lessee, subject to such limitations as the City may require.

b. New and Existing Eligible Facilities. The City will consider granting abatement for new Eligible Facilities and for improvements to existing Eligible Facilities for purposes of Modernization and Expansion.

c. Eligible Property. The City will consider granting abatement to the value of real property improvements (buildings, structures, fixed [permanently attached] machinery and equipment, site improvements, related fixed improvements necessary to the operation and administration of the Facility), and personal property (excluding inventory or supplies) with a Productive Life of ten years or more.

d. Ineligible Property. The following types of property shall remain fully taxable and ineligible for tax abatement: land, supplies, inventory, housing, Deferred Maintenance, property to be rented or leased except as provided in subpart (5) below, and other property which has a Productive Life of less than ten years.

e. Owned/Leased Facilities. If a Leased Facility is granted abatement, the agreement shall be executed with the lessor and the lessee.

2. Standards for Tax Abatement.

a. Minimum Standards. The City will consider tax abatement only on eligible facilities which meet at least two of the following criteria.

(1) The project involves a minimum increase in property value of three hundred percent (300%) for construction of a new facility, or fifty percent (50%) for expansion of an existing facility, with an overall new investment of at least \$1 million in taxable assets. For eligible facilities in any reinvestment zone within the Downtown Development Area or within the South 1st, North 3rd, Avenue G/H, MLK or Adams, Central and C Avenues SIZ incentive areas, the project must involve either a minimum increase in property value of one hundred and fifty percent (150%) for construction of a new facility, or twenty-five percent (25%) for expansion of an existing facility, with an overall new investment of at least \$50,000 in taxable assets.

(2) The project makes a substantial contribution to redevelopment efforts, special area plans, or strategic economic development programs by enhancing either functional or visual characteristics, e.g., historical structures, traffic circulation, parking facades, materials, signs.

(3) The project has high visibility, image impact, or is of a significantly higher level of development quality.

(4) The project is an area which might not otherwise be developed because of constraints of topography, ownership patterns, site configuration, etc.

(5) The project can serve as a prototype and catalyst for other development of a higher standard.

(6) The project stimulates desired concentrations of employment or commercial activity.

(7) The project generates greater employment than would otherwise be achieved, e.g., commercial/industrial versus manufacturing versus warehousing.

(8) For eligible facilities in any reinvestment zone within the Downtown Development Area, the project improves the aesthetic appearance of the neighborhood, brings new jobs to the Downtown area, increases the availability of public parking, or increases the amount of green space (landscaping).

b. Minimum Required Investment. An applicant requesting tax abatement shall agree as a condition of any tax abatement ultimately approved by the City Council to expend a certain

minimum amount of funds on real or personal property improvements, or to provide a certain number of jobs, as provided below:

Percentage of increased value to be abated	Minimum Required Real or Personal Property Investment or Job Creation		
	Eligible Real Property Improvements	Eligible Personal Property*	Job Creation [†]
25%	\$250,000-\$400,000	\$1,000,000-\$1,600,000	25-30 jobs
30%	400,001-550,000	1,600,001-2,200,000	31-35 jobs
35%	550,001-700,000	2,200,001-2,800,000	36-40 jobs
40%	700,001-850,000	2,800,001-3,400,000	41-45 jobs
45%	850,001-1,000,000	3,400,001-4,000,000	46-50 jobs
50%	1,000,001-1,300,000	4,000,001-5,200,000	51-55 jobs
55%	1,300,001-1,600,000	5,200,001-6,400,000	56-60 jobs
60%	1,600,001-1,900,000	6,400,001-7,600,000	61-65 jobs
65%	1,900,001-2,200,000	7,600,001-8,800,000	66-70 jobs
70%	2,200,001-2,500,000	8,800,001-10,000,000	71-75 jobs
75%	2,500,001-3,500,000	10,000,001-14,000,000	76-85 jobs
80%	3,500,001-4,500,000	14,000,001-18,000,000	86-95 jobs
85%	4,500,001-5,500,000	18,000,001-22,000,000	96-105 jobs
90%	5,500,001-6,500,000	22,000,001-26,000,000	106-115 jobs
95%	6,500,001-7,500,000	26,000,001-30,000,000	116-125 jobs
100%	7,500,001-10,000,000	30,000,001-40,000,000	126-175 jobs

Percentage of increased value To be abated	Inside the Downtown Development Area, within the South 1 st , North 3 rd , Avenue G/H, MLK or Adams, Central and C Avenues SIZ Incentive Area		
	Minimum Required Real or Personal Property Investment or Job Creation		
	Eligible Real Property Improvements	Eligible Personal Property*	Job Creation
100%	\$50,000 or more	\$60,000 or more	5-25 jobs

Projects involving an investment in real property in excess of \$10,000,000 (\$250,000 in the Downtown Development Area, MLK, South 1st and Avenue G/H SIZ incentive zones), or in eligible personal property of more than \$40,000,000 (\$1,000,000 in the Downtown Development Area or the South 1st, Avenue G/H, North 3rd or MLK SIZ incentive zones), or the creation of more than 175 (25 in the Downtown Development Area, the South 1st, Avenue G/H, North 3rd, MLK SIZ or Adams, Central and C Avenues incentive areas) new full time jobs, or requests for tax abatement for more than 5 years, will be individually negotiated.

If a request for tax abatement is justified on the basis of the purchase and maintenance of eligible personal property or on the creation of jobs, the applicant must agree to maintain the personal property or jobs for a period of not less than twice the period for which tax abatement is granted. For example, if an applicant requests and receives 75% tax abatement for five years based on the purchase and maintenance of eligible personal property, the applicant must agree in the tax abatement agreement, subject to recapture of all abated taxes, to maintain the personal property on the property tax roll for not less than ten years.

*Personal property with a useful life of less than ten years is not eligible for tax abatement. Personal property on site prior to the effective date of the tax abatement agreement is not eligible. Supplies and inventory are ineligible for tax abatement under this policy and State law.

† As used herein, the creation of jobs refers to the creation of a job paying not less than \$10 per hour, the approximate median salary for employees in Bell County. To qualify for a level of tax abatement, e.g., 25%, based on the creation of a specific number of jobs, you must commit to hiring the required effective number of employees by the end of year 2 of the agreement. To calculate the effective number of jobs created: (1) calculate the total annual payroll created (based on the number of employees you will hire at various annual salaries); (2) divide this annual payroll by \$20,640 (our calculated annual salary for a \$10/hr employee); and (3) round this figure to the nearest whole integer.

c. Additional or Enhancement Factors. In addition to the minimum investment or job creation criteria listed in (2) above, the following factors, among others, shall be considered in determining whether to grant Tax Abatement, and if so, in what percentage of value to be abated and the duration:

- (1) value of land and existing improvements, if any;
- (2) type and value of proposed improvements;
- (3) productive life of proposed improvements;
- (4) number of existing jobs to be retained by proposed improvements;
- (5) number, salary, and type of new jobs to be created by proposed improvements;
- (6) amount of local payroll to be created;
- (7) whether the new jobs to be created will be filled by persons residing or projected to reside within the City;
- (8) amount of local sales taxes to be generated directly;
- (9) the costs, if any, to be incurred by the City to provide facilities or services directly resulting from the new improvements;
- (10) the amount of ad valorem taxes to be paid the City during the Abatement period considering the existing values, the percentage of new value abated, the Abatement period, and the projected property value after expiration of the Abatement period;

- (11) population growth that occurs directly as a result of new improvements;
- (12) the types and value of public improvements, if any, to be constructed and paid for by the applicant seeking Abatement;
- (13) the extent to which the proposed improvements compete with existing businesses;
- (14) the positive or negative impact on the opportunities of existing businesses;
- (15) the attraction of other new businesses to the area;
- (16) the overall compatibility with the City's zoning and subdivision regulations, and over-all comprehensive plan; and
- (17) whether the project is environmentally compatible with the community (no appreciable negative impact on quality-of-life perceptions).

Each Eligible Facility shall be reviewed on its merits utilizing the factors provided above. After such review, abatement may be denied entirely or may be granted to the extent deemed appropriate after full evaluation.

3. Abatement barred in certain circumstances. Neither a reinvestment zone nor an abatement agreement shall be authorized, if the City Council determines that:

- a. there would be a substantial adverse effect on the provision of government service or tax base;
- b. the applicant has insufficient financial capacity to meet the requirements of the proposed abatement agreement;
- c. planned or potential use of the property would constitute a hazard to public safety, health, or morals;
- d. approval of a reinvestment zone or abatement agreement would violate State or Federal laws or regulations; or
- e. there exists any other valid reason for denial deemed appropriate by the City.

4. Property subject to Taxation. From the execution of an Abatement Agreement to the end of the effective abatement period under the Agreement, taxes shall be payable as follows:

- a. the value of ineligible property (Part I.D.1.d.) shall be fully taxable;
- b. the base year value of existing eligible property as determined each year shall be fully taxable;
- c. the additional value of new eligible property shall be taxed in the manner and for the period provided for in the Abatement Agreement; and
- d. the additional value of new, eligible property shall be fully taxable at the end of the Abatement period.

5. Application for Tax Abatement.

a. Any present or potential owner of taxable property in the City of Temple, Texas, may request the creation of a tax abatement reinvestment zone and tax abatement by filing a written request with the City. The application shall then be forwarded to the City Manager for review. After processing the application, the City Manager shall make a recommendation to the City Council of the City for final disposition.

b. The application shall consist of a completed application form, which shall provide detailed information on the items described in Part I.D.2. above; a map and property description; and a time schedule for undertaking and completing the planned improvements. In the case of Modernization, a statement of the assessed value of the facility, separately stated for real and personal property, shall be given for the tax year immediately proceeding the application. The application form may require such financial and other information as may be deemed appropriate for evaluating the financial capacity and other factors of the applicant.

c. The City shall give notice as provided by the Tax Code, i.e., written notice to the presiding officer of the governing body of each taxing unit in which the property to be subject to the agreement is located, no later than the seventh day before the date the City Council considers approval of a tax abatement agreement.

d. The City shall not establish a reinvestment zone for the purpose of Abatement if it finds that the request for the abatement was filed after the commencement of construction of a New Facility, or alteration, Modernization, Expansion of an existing Facility.

6. Tax Abatement Agreements

a. After preliminary approval of an application, the City shall formally pass a resolution authorizing an Agreement with the owner (and lessee, where applicable) of the Facility, which Agreement shall include, but not be limited to:

- (1) The kind, number, and location of all proposed improvements of the property;
- (2) A provision for access to and authorize inspection of the property by municipal employees to ensure that the improvements or repairs are made according to the specifications and conditions of the Agreement;
- (3) Limits for the uses of the property consistent with the general purpose of encouraging development or redevelopment of the zone during the period the property tax exemptions are in effect;
- (4) Provide for recapturing property tax revenue lost as a result of the Agreement if the owner of the property fails to make the improvements or repairs as provided by the Agreement;
- (5) Each term agreed to by the owner of the property;

(6) A requirement that the owner of the property annually certify to the governing body of each taxing unit that the owner is in compliance with each applicable term of the Agreement;

(7) Provide that the City Council may cancel or modify the Agreement if the property fails to comply with the Agreement;

(8) The percentage of value to be abated each year; and

(9) The commencement date and the termination date of Abatement.

b. To be effective, a tax abatement agreement must be approved by the affirmative vote of a majority of the members of the City Council at a regularly scheduled meeting of the City Council.

c. Agreements shall normally be approved or disapproved within sixty (60) days from the date the applicant filed a properly completion application for tax abatement with the City Manager.

7. Recapture of Abated Taxes Upon Default.

a. In the event that the company or individual:

(1) allows its ad valorem taxes owed the City to become delinquent and fails to timely and properly follow the legal procedures for their protest or contest, or

(2) violates any of the terms and conditions of the Abatement Agreement, and fails to cure during the Cure Period hereinafter described,

(3) the Agreement then may be terminated, and the company or individual whose Agreement is terminated shall repay, as liquidated damages, all taxes previously abated by virtue of the Agreement to the City within thirty (30) days of the termination.

b. Should the City determine that the company or individual is in default according to the terms and conditions of its Agreement, the City shall notify the company or individual of such default in writing at the address stated in the Agreement, and if such is not cured within thirty (30) days from the date of such notice ("Cure Period"), then the Agreement may be terminated.

8. Administration.

a. The Chief Appraiser of the Bell County Appraisal District will annually determine an assessment of the real and personal property comprising the reinvestment zone. Each year, the company or individual receiving abatement shall furnish the Appraiser with such information as may be necessary for the Abatement. Once value has been established, the Chief Appraiser will notify the City of the amount of the assessment.

b. An abatement agreement shall stipulate that employees or designated representatives of the City will have access to the reinvestment zone during the term of the Abatement to inspect the Facility to determine if the terms and conditions of the agreement are being met. All inspections

will be made only after the giving of twenty-four (24) hours prior notice and will only be conducted in such manner as to not unreasonably interfere with the construction or operation of the Facility. All inspections will be made with one or more representatives of the company or individual and in accordance with its safety standards.

c. Upon completion of construction, the designated representative of the City shall annually evaluate each Facility receiving Abatement to insure compliance with the agreement, and a formal report shall then be made to the City Council of Temple regarding the findings of the evaluation.

9. Assignment of Tax Abatement Agreements.

Abatement may be transferred and assigned by the holder to a new owner or lessee of the same Facility upon the approval by resolution of the City subject to the financial capacity of the assignee and provided that all conditions and obligations in the Abatement Agreement are guaranteed by the execution of a new contractual Agreement with the City. No assignment or transfer shall be approved if the parties to the existing Agreement, the new owner or new lessee, are liable to any jurisdiction for outstanding taxes or other obligations. Approval of assignments will not be unreasonably withheld.

10. Sunset Provision.

These tax abatement criteria and guidelines are effective upon the date of their adoption and will remain in force for two years, unless amended by three-quarters vote of the City Council, at which time all reinvestment zones and tax abatement agreements created pursuant to these provisions will be reviewed to determine whether the goals have been achieved. Based on that review, the criteria and guidelines may be modified, renewed or eliminated.

II. Availability of Tax Increment Financing of Public Improvements.

A. Existence of tax increment financing district.

The City of Temple has previously created Tax Increment Financing District Number One. To be designated as a tax increment financing reinvestment zone (TIFRZ), an area must meet the criteria established for reinvestment zones under Section 311.005 of the Tax Code. Designation of an area of the City as an enterprise zone under Tex. Rev. Civ. Stat. Ann. art. 5190.7, the Texas Enterprise Zone Act, qualifies an area automatically for designation as a tax increment financing reinvestment zone.

B. Development agreements.

The City will consider entering into development agreements with the owners of property within a TIFRZ where construction of a public improvement(s), e.g., a street, sewer or water line, bridge, railroad spur, or drainage project, using tax increment funds is likely to result in the significant expansion or modernization of an existing facility, the construction of a major new facility, the creation of a significant number of new jobs, or otherwise accomplishes one of the major goals of Chapter 311 of the Tax Code. The City Council may by ordinance or resolution, with the advice and recommendation of the Board of Directors of Tax Increment Financing

Reinvestment Zone Number One, may establish minimum criteria for consideration of development agreements.

III. Additional Economic Incentives within the City

A. Designation of Enterprise Zone.

The City has nominated an area of the City for designation as an enterprise zone by the State of Texas, acting through its Department of Commerce, under Tex. Rev. Civ. Stat. Ann. art. 5190.7 (the Texas Enterprise Zone Act). Pending approval of the area as an enterprise zone by the State, the City will consider granting several types of economic incentives with the enterprise zone.

1. Sales and use tax refunds.

a. Minimum qualifications. To encourage development of the Enterprise Zone, the City will consider granting sales and use tax rebates to businesses within the Enterprise Zone which:

- (1) meet the definition of "qualified businesses" for purposes of Section 3(a)(11) of the Enterprise Zone Act;
- (2) meet the qualifications for, and receive designation by the State as an enterprise project as an enterprise project as provided for in Section 10 of the Enterprise Zone Act.

b. Eligible taxes. The City may agree to a refund of its sales and use taxes paid by qualified business designated as an enterprise project on the purchase, lease, or rental of equipment or machinery for use in an enterprise zone or on the purchase of material for use in remodeling, rehabilitating, or constructing a structure in the Enterprise Zone.

c. Agreement required. The City will, by development agreement, consider refunding up to one-half (1/2) of the *eligible* sales and use tax paid by a qualified business and enterprise project for a period of up to three (3) years.

d. Documentation required. A qualified business and enterprise project entitled to a refund of sales and use tax under this Section by agreement shall pay the entire amount of State and local sales and use taxes at the time of purchase. A qualified business and enterprise project entitled to a refund of sales and use tax by agreement may request a refund once each year in writing. A qualified business and enterprise project entitled to a refund of sales and use tax by agreement must provide documentation necessary to support a refund claim in a form prescribed by the City's Director of Finance.

2. Waiver of permit fees.

By resolution, the City Council may adopt a policy to waive certain building, permit, license or development fees to qualified businesses which have been designated as enterprise projects within the Enterprise Zone. The City Council is authorized to waive building, permit, license or development fees up to \$10,000 as part of a Chapter 380 agreement approved by the City Manager under Part III, B(2) of this ordinance.

B. Other economic incentives within the City.

1. Pursuant to authority delegated by the Legislature to cities under Chapter 380 of the Local Government Code, and as authorized by Article 3, Section 52-a of the Texas Constitution, the City will consider making loans or grants of public funds or property, or the selling or leasing City property at or below the fair market value of said property, to promote State or local economic development and to stimulate business and commercial activity within the City.

2. Upon application, the City may consider one or more of the following economic tools to encourage economic development:

- (a) The City may purchase tracts of land in the City to encourage economic development if it determines that assembly of smaller tracts into larger tracts will promote the sale or development of property over the long term. The City may also purchase land to sell or lease to a qualified business in the City, if it determines that a qualified business meets the minimum requirements for additional incentives set out below.
- (b) To promote economic development within the City, the City Manager is authorized to execute Chapter 380 agreements involving grants of public funds, or the transfer of land with value, providing personnel and services of the municipality, up to \$25,000 within the South 1st SIZ incentive area, the Avenue G/H SIZ incentive area, the North 3rd SIZ Incentive area, MLK SIZ or the Adams, Central and C Avenues SIZ incentive area, subject to the availability of funds appropriated annually for that purpose.
- (c) To promote economic development within the City, the City Manager is authorized to execute Chapter 380 agreements involving grants of public funds, or the transfer of land with value, providing personnel and services of the municipality, up to \$10,000 within any of the City's other Strategic Investment Zones, as designated in City Resolution No. 2007-4965-R. To promote economic development within the City, the City Manager is authorized to execute Chapter 380 agreements involving grants of public funds, or the transfer of land with value, providing personnel and services of the municipality, up to \$7,500 in any part of the City not covered by one of the City's Strategic Investment Zones, as designated in City Resolution No. 2007-4965-R.
- (d) The City Manager shall provide the City Council with a quarterly report listing and describing the terms and conditions of any Chapter 380 agreements approved under Part III, B(2) of this ordinance in the preceding quarter.
- (e) As further authorized by Tex. Rev. Civ. Stat. Ann. art. 5190.7 § 20(b), the City may sell or lease City-owned property to private developers, if the City Council determines that the property is not needed for any other public purpose, and that sale of the property to a private developer will result in capital improvements or the creation of new jobs within the City. The City will generally sell or lease public property at its fair market value, but will consider making a one-time grant to an applicant, or selling or leasing property at less than fair market value, according to the following formula:

Additional Incentives within the City
--

Value of grant, or value of reduction in lease payments or sale price	To qualify for additional incentive, a qualified business must agree to the following minimum investment in <u>both</u> improvements to real property (new construction or expansion of existing facility) <u>and</u> the creation of new jobs	
Not to exceed \$150,000	Not less than \$7.5 million	Not less than 125 new jobs
Not to exceed \$300,000	Not less than \$15 million	Not less than 250 new jobs
Not to exceed \$450,000	Not less than \$22.5 million	Not less than 375 new jobs
Not to exceed \$600,000	Not less than \$28 million	Not less than 500 new jobs

Incentives under Chapter 380 of the Local Government Code where the investment and number of jobs exceed the chart above will be individually negotiated. The City Council may on a case by case basis consider approving chapter 380 agreements involving grants of public funds, or the transfer of land with value, providing personnel and services of the municipality, with a value of greater than \$7,500 but less than \$150,000.

C. Incentives in Certain Strategic Incentive Zones (SIZ)

1. **Authority.** Pursuant to Article 3, Section 52-a of the Texas Constitution, Chapter 380 of the Texas Local Government Code, and Section III.B of the City's Economic Development Policy ordinance, the City will consider offering additional economic incentives for development within certain of the City's Strategic Investment Zones. If property is located within the boundaries of more than one Strategic Investment Zone which has available incentives, an applicant may apply for incentives under either incentive program (but not more than one), subject to the applicable rules of eligibility.

2. **Purpose.** The City desires to encourage the redevelopment of certain of its Strategic Investment Zones by offering economic development incentives (SIZ grants) within those corridors to property owners who meet certain criteria.

3. **Application Process.** Applications for SIZ grants are available through the City Manager's office. Applications may be picked up at any time, but the City only approves new applications for SIZ grants four times a year: December, March, June & September. Completed applications for SIZ grants must be filed as follows:

For consideration in:

December
March
June
September

Completed Application Due No Later Than:

November 10th
February 10th
May 10th
August 10th

4. Types of Grants.

- a. **Façade Improvement Grants.** (commercial or industrial property only) The City will consider making grants (the amount varies depending on the eligible SIZ incentive corridor) on a 1:1 matching basis for the replacement or upgrade of an existing façade with an eligible masonry product to an eligible property, or to remove an existing façade to expose the original façade. Eligible masonry materials for a replacement façade under this subsection include brick, stone, stucco, EIFS, rough-faced block, fiber cement siding products, such as HardiPlank® and such other materials that the City may approve from time to time. A list of eligible materials for the eligible SIZ incentive corridors (See Section 6 below) are maintained in the Construction Safety Office, 1st Floor, the Municipal Building, 2 North Main Street. Façade improvement costs eligible for reimbursement with a façade improvement grant include demolition costs (including labor), landfill costs, and material and construction (including labor) costs, but specifically *exclude* design costs.
- b. **Sign Improvement Grants.** (commercial property only) The City will consider making grants (the amount varies depending on the eligible SIZ incentive corridor) on a 1:1 matching basis for the installation of new ground-mounted, monument type (building mounted signs within TMED) signs on eligible properties or the replacement of a dilapidated sign. To be eligible, the base or footing of the sign must be concrete or metal. Sign improvement costs eligible for reimbursement with a sign improvement grant include demolition costs (including labor), landfill costs, and City-approved material and construction (including labor) costs, but specifically *exclude* design costs.
- c. **Landscaping Improvement Grants.** (commercial or industrial property only) The City will consider making grants (the amount varies depending on the eligible SIZ incentive corridor) on a 1:1 matching basis for the installation of new or additional landscaping to an eligible property. To be eligible the landscaping must exceed the City's landscaping requirements for the area, as the same may be established from time to time. If an irrigation system is installed, or already exists, and will be maintained by the applicant, the maximum amount of the landscaping grant is greater than if no irrigation system exists. Landscaping improvement costs eligible for reimbursement with a landscaping improvement grant include ground preparation costs (including labor), materials (trees, shrubs, soil and amendments thereto and other decorative hardscape such as arbors, art, and walls or fences) and material and construction (including labor) costs, curbed islands, but specifically *exclude* design costs. The City will also consider making grants of trees from the City's tree farm if requested by the applicant as part of a landscaping improvement grant application.
- d. **Asbestos Survey or Abatement Grants.** (commercial or industrial property only) The City will consider a grant (the amount varies depending on the eligible SIZ incentive corridor) on a 1:1 matching basis for owner-initiated asbestos survey of a building and for asbestos abatement for a building on eligible property. Asbestos survey and abatement grant eligible costs include professional fees, labor costs, select demolition/removal costs, and replacement materials.

- e. **Demolition Grants.** (residential, commercial or industrial property) When requested by an applicant the City will consider in its sole discretion, demolishing buildings, signs or parking lots, and disposing of the same at the City's cost, when the City has the capacity and equipment to do so. The City will not demolish buildings where the City in its sole discretion determines that there is a reasonable probability that the building contains asbestos, unless the applicant has obtained an asbestos survey and abated asbestos, where necessary, prior to demolition of the structure. In lieu of doing the demolition work with its own crews, the City will also consider a grant on a 1:1 matching basis for the demolition of existing buildings, signs, or parking lots on eligible property. Where the applicant is performing the demolition and seeking a demolition grant, eligible costs include the labor and landfill costs, and equipment rental, but exclude any design costs.
 - f. **Sidewalk Improvement Grants.** (residential, commercial or industrial property) The City will consider grants (the amount varies depending on the eligible SIZ incentive corridor) on a 1:1 matching basis for the construction of new sidewalks, curb and guttering or the replacement of existing sidewalks or curb and guttering on eligible property. Sidewalk improvement costs eligible for reimbursement with a sidewalk improvement grant include demolition costs (where applicable) (including labor), landfill costs, and material and construction (including labor) costs and equipment rental, but specifically *exclude* design costs.
 - g. **Waiver of Platting, Zoning and Permit Fees.** (commercial or industrial property only) The City will consider waiving platting, zoning, and building permit fees for eligible projects. The City *cannot* waive water and wastewater tap fees.
 - h. **Code Compliance Grant.** (residential only) The City will consider grants on a 1:4 (City/Property Owner) matching basis for the construction of real property improvements necessary to bring a structure in one of the approved SIZ incentive zones listed in subpart 6 below. To receive a grant under this subsection, the property owner must substantiate actual expenditures necessary to meet an existing City code by the property owner of \$4 dollars for every \$1 of code upgrade grant sought from the City up to the maximum grant as shown in subsection 5 below. For example, to receive a code grant of \$5,000 from the City, the property owner would have to demonstrate actual expenditures by the property owner of \$20,000 that are necessary to meet existing City code requirements.
5. **Maximum Amount of Grants.** The chart below shows the types and dollar amounts of grants available in each of the current SIZ incentive zone corridors. An applicant can request consideration for up to the maximum for each type of grant applicable to his/her property and application, but the total amount that an applicant can receive for any particular application and property is limited by the size of the applicant's actual investment.

TYPE OF GRANT	South 1 st Street	Avenue G/H
Façade	\$15,000	\$10,000
Sign	\$2,500	\$1,500
Landscaping	\$5,000 or \$10,000 (higher amt w/ irrigation)	\$2,500 or \$3,500 (higher amt w/ irrigation)
Asbestos	\$1,000 + \$3,000 (survey + abatement)	\$1,000+ \$3,000 (survey + abatement)
Demolition	\$2,500	\$2,500
Sidewalk	\$10,000	\$5,000
Fee Waiver	\$2,000	\$2,000
Code Compliance (Residential)	n/a	\$5,000
Theoretical Maximum Grant (lesser of the sum of individual grants and 33% of total investment if project < \$100K or 25% if total investment is ≥ \$100K)	\$46,000	\$33,500
Required Minimum Investment	\$20K Commercial/\$10K Residential	\$20K Commercial/\$10K Residential

TYPE OF GRANT	North 3 rd Street	MLK, Jr. Boulevard
Façade	\$15,000	\$15,000
Sign	\$2,500	\$2,500
Landscaping	\$5,000 or \$10,000 (higher amt w/ irrigation)	\$5,000 or \$10,000 (higher amt w/ irrigation)
Asbestos	\$1,000 + \$3,000 (survey + abatement)	\$1,000 + \$3,000 (survey + abatement)
Demolition	\$2,500	\$2,500
Sidewalk	\$10,000	\$10,000
Fee Waiver	\$2,000	\$2,000
Code Upgrade (Residential)	n/a	\$5,000
Theoretical Maximum Grant (lesser of the sum of individual grants and 33% of total investment if project < \$100K or 25% if total investment is ≥ \$100K)	\$46,000	\$46,000
Required Minimum Investment	\$20K Commercial or Industrial	\$20K Commercial/\$10K Residential

TYPE OF GRANT	Adams, Central, and C Avenues
Façade	\$15,000
Sign	\$2,500
Landscaping	\$5,000 or \$10,000 (higher amt w/ irrigation)
Asbestos	\$1,000 + \$3,000 (survey + abatement)
Demolition	\$2,500
Sidewalk	\$10,000
Fee Waiver	\$2,000
Code Compliance (Residential)	\$5,000
Theoretical Maximum Grant (lesser of the sum of individual grants and 33% of total investment if project < \$100K or 25% if total investment is ≥ \$100K)	\$46,000
Required Minimum Investment	\$20K Commercial/\$10 Residential

The total maximum grant (the sum of all of the individual grants the project is eligible for) is the lesser of: (1) the sum of the individual grants, AND (2) 33% of the applicant's total investment where the investment is less than \$100,000, OR 25% of the applicant's total investment where the investment is greater than \$100,000. Total investment is measured at the time the project is completed, and is subject to verification by the City.

The chart also shows the minimum required investment by a property owner for consideration of a SIZ grant.

6. **SIZ Incentive Zones; Eligible Property.** To be eligible for a SIZ incentive grant under subsection 5 above, the applicant must be the owner or a lessee of property lying within the boundaries of one of the City's SIZ Incentive Zones. The current SIZ Incentive Zones are:

- South 1st SIZ incentive area (Boundary Map—attached as Exhibit “S1”)
- Avenue G/H SIZ incentive area (Boundary Map—attached as Exhibit “S2”)
- North 3rd SIZ incentive area (Parts A & B) (Boundary Map—attached as Exhibit “S3”)
- Martin Luther King SIZ incentive area (Boundary Map—attached as Exhibit “S4”)

7. **Application Form.** To be eligible for the grants described in Part C an applicant must submit an application and received approval from the City prior to commencing the work for which a grant or assistance by the City is sought. Applications must be submitted on a form provided by the City, be fully and accurately completed, and signed by the owner(s) [and the lessee(s), where applicable] of the property. Forms are available in the **City Manager's Office** (c/o Assistant City Manager) and in the office of **Keep Temple Beautiful**, 100 West Adams, Suite 302, Temple, TX 76501, and must be submitted to the City Manager's office for review and potential approval by the City. A completed application must contain a rendering of all

proposed improvements and a written description of the same. Where the proposed scope of work requires professional work by an engineer or architect, the plans must be sealed by an engineer or architect prior to the issuance of building permits, as applicable.

8. **Evaluation of Applications.** In evaluating whether to recommend an application for a grant under Part C for consideration by the City Council, the Staff will review and evaluate all SIZ incentive applications using the following criteria:

- (a) the extent to which the property for which a grant is sought is blighted or fails to meet City codes or regulations in one or more aspect (20 points)
- (b) whether the proposed redevelopment is at a higher level than which exists on other properties in the SIZ incentive corridor in which the property is situated (15 points);
- (c) whether the applicant has the financial resources to complete the described in the application (10 points);
- (d) whether the property is unlikely to redevelop without an incentive by the City (20 points);
- (e) whether the proposed use of the property is in keeping with the future uses of property identified in the City's Comprehensive Plan or a master plan adopted by the City Council (8 points);
- (f) whether the development is in an overlay that requires higher standards than in other parts of the City (5 points);
- (g) whether the development remedies deteriorated existing city infrastructure (10 points);
- (h) whether the development implements elements of the City Master Plan including sidewalk, trail, or parks master plan (7 points); and
- (i) whether there is a known occupant/tenant for the proposed development (5 points).

Applications receiving a score of less than 75 points will not be recommended by the Staff for approval by the City Council. Where the amounts being requested in any quarter exceed the amount of uncommitted funds available for SIZ incentive grants, the City Council may take the rating system into consideration when deciding which applications, if any, to approve.

9. **Evaluation of application.** Upon receipt of an application for a grant under Part 3(a), the City Manager shall cause the application to be evaluated using the criteria established in Part 8 above, and submit the application and the Staff's recommend to approve or deny the request, in whole or part, to the City Council for their consideration.

10. **Approval of grants; duration of approval.** The City Council may approve a request for a grant under Part C in whole or in part, or deny the same. Provided that the City Manager is authorized to approve Chapter 380 agreements providing SIZ incentive grants as provided in Part III(B) of this ordinance.

11. **No Vested Right to Receive a Grant.** The existence of the grant program established in Section C does not create any vested rights to receive a grant or convey a property interest to any person to receive a grant. The award or denial of a grant under this Ordinance shall be at the sole discretion of the City Council. The City Council shall annually appropriate funds for the administration of the grant program in this ordinance, and the granting of funds under the programs established by this ordinance are subject to the availability of funds appropriated for that purpose in any given fiscal year.

12. **Compliance with Terms of a Grant; payment to recipient.** A recipient of a grant from

the City must enter into a Chapter 380 development agreement with the City prior to receiving any grant funds or in-kind services by the City. The agreement shall provide that the applicant agrees to: (1) complete the work described in the application in a timely fashion; (2) give the City the right to inspect the work described in the development agreement and the financial records associated with the same during reasonable business hours; (3) perform all of the work described in the grant application in accordance with all applicable City codes and regulations; and (4) to maintain those improvements in the future. The failure by an applicant for a grant to satisfy all of the terms and conditions of the development agreement shall relieve the City of any obligation to provide grants funds under this Ordinance or as described in the development agreement. The Staff is authorized to grant extensions of up to ninety (90) days in the completion date.

Payment to grantees shall be made within thirty (30) days of the work described in the development agreement being completed, inspected and a certificate of occupancy issued by the City. When the recipient of a SIZ grant fails to complete a project by the date provided for completion in his Chapter 380 agreement with the City, inclusive of any extension approved by the Staff (up to ninety days), the amount of the grant provided for in the Chapter 380 agreement shall be reduced by 5% for each thirty days that the project lacks completion. Completion under this section means the inspection and acceptance of any public improvements by the City and the issuance of a certificate of occupancy (where applicable) by the City.

D. Additional economic incentives in Downtown Development Area.

1. Pursuant to authority delegated by the Legislature to cities under Chapter 380 of the Local Government Code, and as authorized by Article 3, Section 52-a of the Texas Constitution, the City will consider making loans or grants of public funds or property, or the selling or leasing City property at or below the fair market value of said property, to promote State or local economic development and to stimulate business and commercial activity in the Downtown Development Area (as shown on Exhibit "A").

2. Upon application, the City of Temple will consider one or more of the following economic tools to encourage economic development in the Downtown Development Area:

(a) The City may purchase tracts of land in the Downtown Development Area to encourage economic development if it determines that assembly of smaller tracts into larger tracts will promote the sale or development of property over the long term. The City may also purchase land to sell or lease to a qualified business in the Downtown Development Area, if it determines that a qualified business meets the minimum requirements for additional incentives set out below.

(b) As further authorized by Tex. Rev. Civ. Stat. Ann. art. 5190.7 § 20(b), the City may sell or lease City-owned property to private developers, if the City Council determines that the property is not needed for any other public purpose, and that sale of the property to a private developer will result in capital improvements or the creation of new jobs in the Downtown Development Area. The City will generally sell or lease public property at its fair market value, but will consider making a one-time grant to an applicant, or selling or leasing property at less than fair market value, according to the following formula:

Additional Incentives in the Downtown Development Area		
Value of grant, or value of reduction in lease payments or sale price or surplus property	To qualify for additional incentive, a qualified business must agree to the following minimum investment in <u>either</u> improvements to real property (new construction or expansion of existing facility) <u>or</u> the creation of new jobs (25% of the holders of which must be residents of zone or economically disadvantaged).	
Not to exceed \$6,000	Not less than \$70,000	Not less than 3 new jobs
Not to exceed \$8,000	Not less than \$100,000	Not less than 5 new jobs
Not to exceed \$10,000	Not less than \$175,000	Not less than 10 new jobs
Not to exceed \$15,000	Not less than \$225,000	Not less than 15 new jobs
Not to exceed \$18,000	Not less than \$300,000	Not less than 20 new jobs

3. In order for a proposal to be considered for the Additional Incentives under this subsection, an applicant is required to submit a Business Plan detailing sufficient information to evaluate the development and the opportunities for success. A development agreement will provide clauses that insure the return of monetary or real incentives granted for a project in the event that the project is not undertaken within a specified time.

Part 2: If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

Part 3: This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

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

PASSED AND APPROVED on First Reading and Public Hearing on the **19th** day of **June**, 2014.

PASSED AND APPROVED on Second and Final Reading on the 3rd day of **July**, 2014.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

06/19/14
Item#5
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Nicole Torralva P.E., Director of Public Works

Kenny Henderson, Director of Street and Drainage Services

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

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance presented in item description, on first reading, and schedule second reading and final adoption for July 3, 2014.

ITEM SUMMARY: In February 2014, the City adopted an ordinance establishing school crosswalks and setting limits within school zones as agreed upon by the City, TISD and BISD. TISD requested a new school zone at Kennedy-Powell Elementary on Cearley Road from West Nugent Avenue extending 2000 feet north, reducing the speed limit from 40 mph to 25 mph from 6:30 a.m. to 8:30 a.m. and 2:45 p.m. to 4:30 p.m. on school days.

BISD requested a new school zone on Prairie View Road from North Pea Ridge Road to 950 feet east of the new Westfield Boulevard extension for the new North Belton Middle School campus, reducing the speed limit from 45 mph to 25 mph from 6:45 a.m. to 8:15 a.m. and 2:30 p.m. to 4:15 p.m. on school days.

BISD also requested that the existing school zone on Westfield Boulevard be extended from Stone Hollow Drive north to Prairie View Road for Tarver Elementary and the new North Belton Middle School campus, reducing the speed limit from 30 mph to 20 mph from 6:45 a.m. to 8:15 a.m. and 2:30 p.m. to 4:15 p.m. on school days.

FISCAL IMPACT: None

ATTACHMENTS:

[List of School Crossings](#)

[North Belton MS Map](#)

[Kennedy Powell Map](#)

[Ordinance](#)

**City of Temple
School Zones**

Schools	Cones	Flags	Zone Times
Cater Elementary 4111 Lark Trail A. Crossing guard works Crosswalk in school parking area B. School Zone is on Lark Trail in front of School	Yes	Yes	
Emerson Elementary 1400 E Ave B A. Crossing Guard works Crosswalk Works E Ave B and S 24th ST	Yes	Yes	
Hector P. Garcia Elementary 2525 Lavendusky Dr A. No Crosswalk B. Flasing lights on Lavendusky just West of HK Dodgen Lp and just east of S 50th. C. School Zone is on N 50th Street from W Adams Avenue to Lavensdusky	No	No	Flashing Lights 06:30 to 08:30 14:45 to 16:30 School Zone Times 06:30 to 08:30 14:45 to 16:30
Jefferson Elementary 400 W. Walker Ave A. Crossing Guards (2) Works Crosswalk At N 3rd St and W. Walker Ave B. Crossing Guard works Crosswalk at N 3rd ST and Industrial Blvd this is a controlled signal light. C. Flashing lights on N 3rd St are North of W. Walker Ave and North of W Shell Ave.	Yes	Yes	Flashing Lights 06:30 to 08:30 14:45 to 16:30
Kennedy-Powell Elementary 3707 W. Nugent Ave A. Crossing Guard will work Crosswalks W. Nugent Ave and Cearley Rd. B. Flashing lights on W. Nugent Ave west and east of Cearley Rd C. School zone on Cearley from W. Nugent running west 2000 feet north.	Yes	Yes	Flashing Lights 06:30 to 08:30 14:45 to 16:30
			School Zone Signs 06:30 to 08:30 14:45 to 16:30
Dickson Elementary 1100 S 33rd St A. One way south from W Ave K to W Ave L			One Way Time as Posted 7:00 to 8:30 14:00 to 15:00
Meridith-Dunbar 1717 E Ave J			Flashing Lights

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

**City of Temple
School Zones**

Schools	Cones	Flags	Zone Times
Raye Allen Elementary 5015 S 5th St A. Crossing Guards will work Crosswalks on S 5th St B. Flashing lights on S 5th St north and south of school	Yes	Yes	Flashing Lights 06:30 to 08:30 14:45 to 16:30
Scott Elementary 2301 W Ave P A. Crossing Guard will work Crosswalk on W Ave P B. Crossing Guard will work Crosswalk on W Ave M @ S 45th St. C. Flashing lights on W Ave P east of S 49th St and west of S 39th St.	Yes	Yes	Flashing Lights 06:30 to 08:30 14:45 to 16:30
Thornton Elementary 2900 Pin Oak Dr A. Crossing Guard will work Crosswalk on Pin Oak @ East Dr. B. One way on Pin Oak from East Dr. to Mesquite at posted times	Yes	Yes	School Zone Signs 07:30 to 8:30 14:30 to 16:00 One Way Time as Posted 7:30 to 8:30 14:30 to 16:00
Western Hills Elementary 600 Arapaho A. Crossing Guard will work Crosswalk on Apache @ Deer Tr B. Crossing Guard will work Crosswalk on Apache @ Gila C. Flashing lights on Apache North of Deer Tr. South of Gila.	Yes	Yes	Flashing Lights 06:30 to 08:30 14:45 to 16:30
Bonham Middle School 4600 Midway Dr A. Flashing Lights on Midway Dr. east and west of school.			Flashing Lights 07:00 to 08:30 15:00 to 16:30
Lamar Middle School 2120 N 1st St A. Flashing lights on N 3rd St are North of W. Walker Ave and North of W Shell Ave.			Flashing Lights 06:30 to 08:30 14:45 to 16:30

B. One way on N 1st St from W Park Ave to W. Virginia Ave at posted times			One Way Time as Posted 7:30 to 8:30 15:00 to 16:00
---	--	--	---

**City of Temple
School Zones**

Schools	Cones	Flags	Zone Times
Travis Middle School 1500 S 19th St A. Crossing Guard will work Crosswalk on W Ave M @ S 19th St B. One way on S 19th St from W Ave R to W Ave M C. Flashing lights on W Ave M from S 15th to S 23rd D. Flashing lights on W Ave R from S 15th to S 25th E. Flashing lights on S 25th from W Ave R to just south of W Ave M			One Way Time as Posted 6:30 to 8:30 14:30 to 16:00 Flashing lights 6:30 to 8:30 14:30 to 16:30
Temple High School 415 N 31st St A. Flashing Lights on N 31st St north of W Barton Ave and North of W Houston Ave			Flashing Lights 07:00 to 16:00
Temple High School Campus 1414 W Barton Ave A. School Zone on Barton from N 31st St to North 27th St			School Zone Signs 07:00 to 16:30
<u>B.I.S.D</u> Lakewood Elementary 11200 FM 2305 A. Flashing lights on FM 2305 in front of school			Flashing Lights 6:45 to 8:15 14:30 to 16:15
Joe M. Pirtle Elementary 714 South Pea Ridge Rd A. Flashing lights on South Pea Ridge in from of school			Flashing Lights 6:45 to 8:15 14:30 to 16:15
High Point Elementary Star light Drive A. School Zone on FM 2483 just west of Hwy 317 B. School Zone on Starlight Dr just north of Orion Drive			School Zone Signs and Flashing lights 6:45 to 8:15 14:30 to 16:15

Tarver Elementary 7949 Shone Hollow Dr A. School Zone on Stone Hollow Dr in front of school. B. School Zone on Prairie Lark on northside of school B. School Zone on on Westfield on southside of school			School Zone Signs 6:45 to 8:15 14:30 to 16:15
Lake Belton Middle School 8815 Tarver A. Flashing lights on Tarver in front of school. B. School zone on Cedar Ln from Tarver to just north of school			Flashing Lights 6:45 to 8:15 14:30 to 16:15
			School Zone Signs 6:45 to 8:15 14:30 to 16:15
North Belton Middle School 7909 Prairie Vew Road A. Flashing lights on Westfield from Stone Hollow to Prairie Vew B. School Zone on Prairie Veiw in front of school			Flashing Lights 6:45 to 8:15 14:30 to 16:15
			School Zone Signs 6:45 to 8:15 14:30 to 16:15

SCHOOL
SPEED
LIMIT
25

North Belton
Middle School

SCHOOL
SPEED
LIMIT
20

SCHOOL
SPEED
LIMIT
20

Tarver
Elementary

PRAIRIE VIEW RD

N PEA RIDGE RD

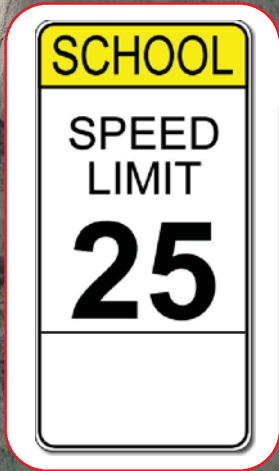
STONEHOLLOW DR

PRAIRIE LARK DR

FIELD LN

WOODBURY DR

WESTF



CEARLEY RD

W NUGENT AVE

ORDINANCE NO. 2014-4674

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

Whereas, in February, 2014, the City adopted an ordinance establishing school crosswalks and setting speed limits within school zones as agreed upon by the City, Temple Independent School District (“TISD”) and Belton Independent School District (“BISD”);

Whereas, TISD has requested a new school zone at Kennedy-Powell Elementary on Cearley Road from West Nugent Avenue extending 2000 feet north, reducing the speed from 40 mph to 25 mph from 6:30 a.m. to 8:30 a.m. and 2:45 pm. to 4:30 pm. on school days;

Whereas, BISD has requested a new school zone on Prairie View Road from North Pea Ridge Road to 950 feet east of the new Westfield Boulevard extension for the new North Belton Middle School campus, reducing the speed limit from 45 mph to 25 mph from 6:45 am to 8:15 am and 2:30 pm to 4:15 pm on school days;

Whereas, BISD has also requested that the existing school zone on Westfield Boulevard be extended from Stone Hollow Drive north to Prairie View Road for Tarver Elementary and the new North Belton Middle School campus, reducing the speed limit from 30 mph to 20 mph from 6:45 am to 8:15 am and 2:30 pm to 4:15 pm on school days; and

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

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

Part 1: The City Council finds that a new school zone at Kennedy-Powell Elementary on Cearley Road from West Nugent Avenue be established, extending 2000 feet north, reducing the speed from 40 mph to 25 mph from 6:30 a.m. to 8:30 a.m. and 2:45 pm. to 4:30 pm. on school days, more fully shown on Exhibit A which is attached hereto and made a part hereof for all purposes.

Part 2: The City Council finds that a new school zone on Prairie View Road from North Pea Ridge Road to 950 feet east of the new Westfield Boulevard extension for the new North Belton Middle School campus be established, reducing the speed limit from 45 mph to 25 mph from 6:45 am to 8:15 am and 2:30 pm to 4:15 pm on school days, more fully shown on Exhibit B which is attached hereto and made a part hereof for all purposes.

Part 3: The City Council finds that the existing school zone on Westfield Boulevard be extended from Stone Hollow Drive north to Prairie View Road for Tarver Elementary and the new North Belton Middle School campus, reducing the speed limit from 30 mph to 20 mph from 6:45 am to 8:15 am and 2:30 pm to 4:15 pm on school days, more fully shown on Exhibit C which is attached hereto and made a part hereof for all purposes.

Part 4: It shall be unlawful for any person to drive or operate a motor vehicle, bicycle, or other vehicle of any kind, whether or not motor powered, on that portion of the roadways described above under the conditions described herein, at a speed greater than is reasonable and prudent under the circumstances then existing, but any speed in excess of the reasonable and prudent prima facie maximum speed limits as set forth in Part 1 hereof shall be prima facie evidence that such speed is not reasonable or prudent and that it is unlawful.

Part 5: All ordinances or parts of ordinances in conflict with the provisions of this ordinance are to the extent of such conflict hereby repealed.

Part 6: 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 7: This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

Part 8: It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading on the **19th** day of **June**, 2014.

PASSED AND APPROVED on Second Reading on the **3rd** day of **July**, 2014.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney



CITY COUNCIL ITEM MEMORANDUM

06/19/14
Item #6
Regular Agenda
Page 1 of 8

DEPT./DIVISION SUBMISSION & REVIEW:

Mark Baker, Planner

ITEM DESCRIPTION: PUBLIC HEARING - FIRST READING - Z-FY-14-32: Consider an Ordinance to take action on a zoning from Agricultural District (AG) to Planned Development-Neighborhood Service (PD-NS) District to expand an existing boat storage facility on 2.94 +/- acres being a part of the S.P. Terry Survey, Abstract Number 813, situated in Bell County, Texas, located at 13271 FM 2305.

PLANNING & ZONING COMMISSION RECOMMENDATION: At its May 19, 2014 meeting, the Planning & Zoning Commission voted 7 to 0 to recommend approval of the requested zoning from AG to PD-NS.

Drainage was identified as a concern during the Planning & Zoning Commission discussion. As a result, staff requested a drainage plan to identify potential issues or site considerations related to site design. At this time, pre and post drainage flow information (attached) as well as a drainage report are being reviewed by the Public Works Department. The post drainage plan provides for the construction of two detention ponds proposed to be located on the southern end of the development site. If necessary, staff will provide an update to the City Council during the first reading.

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance on first reading and scheduled the second and final reading for July 3, 2014.

Based on the following discussion, staff recommends approval of a zoning from AG to PD-NS for the following reasons:

1. While the proposed use does not comply with the Future Land Use Plan (FLUP) districts of Suburban Commercial and suburban residential, where such uses are permitted, the zoning district is consistent with the intent of the Future Land Use Plan;
2. The request is consistent with the anticipated development of the area and the surrounding area where RV and boat storage facilities have been established;
3. The request is consistent with the Thoroughfare Plan;
4. Public facilities are available to serve the subject property; and,
5. The applicant has demonstrated compliance with the specific standards in Unified Development Code (UDC) Section 3.4.5.

Staff recommends approval of the proposed zoning from AG to PD-NS with the following conditions:

1. Submittal of a Development Plan at the time of Construction Documents that is in substantial compliance to the Development Plan attached with the Rezone Ordinance;
2. The Council-approved Development Plan shall meet all Building, Fire, Design and Development Standards Manual unless approved by exception and included in the Rezone Ordinance;
3. Outside storage of boats and RVs and anything else not already permitted by the UDC within the NS district is prohibited;
4. A 10' building setback will be provided along the rear (south) property line to accommodate future development;
5. If use of the land ceases to be used as a storage facility, future development would have to comply with the uses allowed and development standards of the Neighborhood Services district; and,
6. That the Director of Planning may be authorized discretion to approve minor modifications to the City Council-approved Development Plan, including but not limited to the selection of exterior building materials, screening, landscaping and minor modifications to the overall site layout and,

ITEM SUMMARY: The Planning and Zoning Commission (PZC) during their May 19, 2014 meeting expressed concerns from the drainage that would result from the creation of an impervious surface from the paving of the 2.94 +/- acre lot. The development plan that was presented to the PZC did not reflect accommodation of the drainage/detention.

The property, currently developed as the Arrowhead Point Boat & RV Storage is proposing to expand its facility at 13271 West Adams Avenue (FM 2305) from 16 enclosed units to 111 enclosed units. The property was initially developed while in the Extra Territorial Jurisdiction (ETJ) and then annexed into the City in January 2008. The use is considered legally non-conforming and is currently unplatted. However, in order to expand the facility, a final plat is required and a rezone to accommodate the expansion of the existing use.

The expansion will include 12' X 30' and 12' X 40' enclosed storage units for public storage of personal goods, boats and RVs. No outside display or storage is proposed. The expansion will be contained within the existing 2.94 +/- acre site. No additional land is anticipated to be acquired for the expansion.

PLANNED DEVELOPMENT (UDC SEC. 3.4): The expansion of the site can be addressed through a Planned Development. A Planned development is a flexible overlay zoning district designed to respond to unique development proposals, special design considerations and land use transitions by allowing evaluation of land use relationships to surrounding areas through development plan approval.

As part of the Planned Development request, a Development Plan is required for review and consideration by the Planning and Zoning Commission and City Council.

Development Plan Review Criteria UDC Sec. 3.4.5): In determining whether to approve, approve with conditions or deny a Planned Development application, the Planning & Zoning Commission and City Council must consider the following criteria:

- A. The plan complies with all provisions of the Design and Development standards manual, the UDC and other ordinances of the City,
- B. The environmental impact of the development relating to the preservation of existing natural resources of the surrounding properties and neighborhood is mitigated,
- C. The development is in harmony with the character, use and design of the surrounding area,
- D. Safe and efficient vehicular and pedestrian circulation systems are provided,
- E. Off-street parking and loading facilities are designed to ensure that all such spaces are useable and are safely and conveniently arranged, and
- F. Streets are designed with sufficient width and suitable grade and location to accommodate prospective traffic and to provide access for firefighting and emergency equipment to buildings.

Based on the submitted Development Plan and consideration of the above criteria, staff makes the following evaluation:

- A. While compliance to the Design and Development standards manual and City Code will be confirmed with the submittal and review of the final Plat and Construction Documents, staff provides the following related to the UDC:

Exterior Building Elevations: Exterior building elevations are proposed to be a combination of hardi-plank, brick and metal. While from grade, a 5-foot high metal-sided layer will be provided, hardi-plank will be provided to the remainder of the wall plane on the southern and eastern facing building elevations, the northern elevation (facing W. Adams Ave) will be provided from grade, a 3-foot high brick layer, with hardi-plank on the remainder of the wall plane. Metal roll-up doors will face toward the west which faces an adjoining mini storage facility. All exposed metal will be screened by a 6-high solid fence. Exterior painted surfaces are proposed to be painted with an earth-tone color.

Screening: A 6-foot high solid fence will be provided along all exterior property boundaries.

Landscaping: Landscaping, required per UDC Section 7.4, will be provided along both street frontages. Plant materials shall be a minimum 2-inch caliper at breast height at planting or from 65 gallon containers, compliance with UDC Section 7.4 and the type and total number of plant materials will be determined with the review of the Construction Documents.

Bldg. Setbacks: In the NS district, a 10-foot side and rear setback is required where non-residential uses are adjacent to a residential use or zoning district. The conceptual Development Plan shows proposed building setback that is less than the minimum requirement on the eastern and rear sides of the property. Compliance to building setbacks will be addressed with the review of Construction Documents.

- B. It is not anticipated that there will be significant environmental impact associated with the proposed expansion. Additional drainage as a result of pavement will be addressed by a Drainage Plan with the submittal of Construction Documents. Drainage will be required to meet City Code as well as Design and Development Standards.
- C. The subject property as well as an adjacent property has been established with the use of mini storage. It is not anticipated that there will be a degradation of the harmonious character of the area as a result of the proposed expansion.
- D. The proposed Development Plan provides for internal circulation as well as parking opportunity adjacent to each unit. The circulation as well as parking area surface will be paved with concrete to meet UDC requirements. Compliance to UDC parking lot standards is anticipated to eliminate impacts commonly associated with turning or other movements on un-paved surface. Access will be taken solely from Arrowhead Point Road and will be provided with a minimum 24' wide entry. The Fire Dept. reviewed the site plan during design review but could not provide a thorough review since a complete submittal was not available. Compliance will be made during the review of Construction Documents.
- E. Off-street parking opportunity will be required to meet the provisions required in UDC Section 7.5. Requirements and final design will be confirmed during the review of the Construction Documents. Public safety or other considerations related to proposed design are not anticipated.
- F. West Adams Avenue (FM 2305) and Arrowhead Point Road are existing and no additional right-of-way is anticipated. However, since West Adams Avenue is identified as a major arterial and Arrowhead Point Road is identified as a collector road, sidewalks are required. Additional commentary for sidewalks and trail can be found in the Temple Trails Master Plan Map and Sidewalks Ordinance discussion in the Comprehensive Plan Compliance section of this report.

Additional Standards (UDC Sec. 3.4.2C): In approving a Planned Development, the City Council may require additional standards deemed necessary to create a reasonable transition to, and protection of, adjacent property and public areas, including but not limited to, access and circulations, signs, parking, building design, location and height, light, landscaping, property owners associations, open space, topography and screening.

Expiration (UDC Sec. 3.4.7): If no development has occurred on a Planned Development-zoned tract or lot within two years of the date of approval, the Planning and Zoning Commission and City Council may require a new public hearing to evaluate the appropriateness of the previously authorized Planned Development approval.

Design Review Committee: The Design Review Committee (DRC) reviewed the proposed Development Plan at their May 5, 2014 meeting. While the level of detail necessary for site plan approval was not available, it was discussed that modifications to the conceptual layout may be necessary in order to meet Building and Fire Code as well as drainage requirements necessary for formal approval. Since the DRC could not make a formal approval of the development plan, changes to the plan are anticipated. Anticipating that the development plan may need to be revised, staff is proposing Condition No. 4, which will allow the Director of Planning discretion to approve minor modifications. Major changes to the site plan will require Planning and Zoning Commission as well as City Council review. It was clarified that the final plat and review of the formal Construction Documents would need to address those concerns, starting with the final plat, after the City Council's review of the development plan.

LAND USE: While the property is developed with an existing RV and boat storage is anticipated to be expanded, there are a number of uses that are permitted by right in the NS district. If the use of the property were to ever cease, the property may be developed with any permitted uses allowed by-right or through a conditional use permit within the Neighborhood Services district. Those uses include but are not limited to:

Residential uses

Single-Family (Attached & Detached)
Industrialized Housing
Family or Group Home

Nonresidential uses

Child Care (Day Care)
Food and Beverage sales without fuel sales
Retail shop, gifts, apparel or similar

Prohibited uses include HUD-Code manufactured homes and land lease communities, duplexes and apartments, discount or department stores, furniture and appliance stores. All commercial and industrial uses are prohibited, except these uses allowed by an approved conditional use permit (temporary asphalt concrete batching plants, a petroleum or gas well or a cemetery, crematory or mausoleum).

SURROUNDING PROPERTY AND USES: The following table provides the direction from the property, Future Land Use Plan (FLUP) designation, existing zoning and current land uses:

<u>Direction</u>	<u>FLUP</u>	<u>Zoning</u>	<u>Current Land Use</u>
Site	Suburban Commercial & Suburban Residential	AG	Existing RV & Boat Storage
North	Suburban Residential	AG & SF-1	Undeveloped
South	Suburban Residential & Agriculture / Rural	AG	Scattered SF uses on acreage

East	Suburban Commercial & Agriculture/ Rural	AG	Scattered SF uses on acreage
West	Suburban Commercial & Suburban Residential	AG & NS	Existing Mini storage & Scattered SF uses on acreage

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

Document	Policy, Goal, Objective or Map	Compliance?
CP	Map 3.1 - Future Land Use and Character (FLUP)	Partial
CP	Map 5.2 - Thoroughfare Plan	Yes
CP	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities	Yes
STP	Temple Trails Master Plan Map and Sidewalks Ordinance	Yes

CP = Comprehensive Plan STP = Sidewalk and Trails Plan

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

The property is within both the Suburban Commercial and the Suburban Residential Future Land Use Plan districts. The applicant proposes to expand an existing RV and boat storage facility on 2.94 +/- acres with a request from AG to PD-NS.

This request is partially consistent with the Future Land Use Plan, specifically the Suburban Commercial district which provides for service, office and retail uses adjacent to and abutting neighborhoods. The Suburban Residential is intended for mid-sized single family and allowing for separation between dwellings and emphasis on green spaces. However, neither district will allow a base zoning district that permits the use of the property for RV and boat storage. Therefore, the applicant is requesting a Planned Development with a base zoning of Neighborhood Services (NS) in order to accommodate the proposed expansion of the facility. As part of the Planned Development, a site (development) plan (attached) is required to be submitted and reviewed by the Planning and Zoning Commission and City Council.

Thoroughfare Plan (CP Map 5.2)

The property has frontage along West Adams Ave (FM 2305) and Arrowhead Point Road. While FM 2305 is identified as a major arterial, Arrowhead Point Road is identified as a collector and both are in place. While West Adams Ave (FM 2305) appear to provide a minimum 70-foot right-of-way (ROW) and Arrowhead Pointe Road, the minimum 55-foot ROW, any needed ROW will be assessed with the review of the Final Plat.

Availability of Public Facilities (CP Goal 4.1)

There is no city sewer line serving the immediate area however, there is a 12-inch sewer line in West Adams Ave (FM 2305) approx. 0.8 mile to the east. At this time, the need for septic service does not appear likely and the expansion of the facility does not include an administrative office. Water is available through a 6-inch waterline in W. Adams Ave and a 6-inch waterline in Arrowhead Point Road.

Temple Trails Master Plan Map and Sidewalks Ordinance

According to the Trails Master Plan Map, a City-Wide Spine trail requiring a width of 8' to 10' along West Adams Ave (FM 2305) is required. Final location and width will be determined at the time of Construction Documents. However, since West Adams Ave is a major arterial, a 6-foot sidewalk is already required. A 4' sidewalk is required along Arrowhead Point Road. A sidewalk waiver for the 4-foot sidewalk along Arrowhead Point Road has been submitted and is being reviewed by staff. Sidewalks and trails will be addressed during the review of the Final Plat.

DEVELOPMENT REGULATIONS: Standard non-residential setbacks in the NS district are:

Min Lot Size	N/A
Min Lot Width	N/A
Min Lot Depth	N/A
Front	15'
Side	10'
Side (corner)	10'
Rear	0' (Special Setbacks may apply per UDC Section 4.4)

UDC Section 4.4.4.F3A requires a 10' setback where a non-residential use abuts a residential zoning district or use.

Per UDC Section 8.2.3, sidewalks are required on one side of the road for collector streets. The sidewalk will be installed at the time of development.

General provisions for buffering and screening are found in UDC Section 7.7, highlighted provisions include but not limited to:

- * Evergreen hedges with a minimum planted height of six feet, placed on 36-inch centers or, fences and walls constructed of wood , masonry, stone or pre-cast concrete from 6 to 8 feet in height above the adjacent grade (UDC Section 7.7.4),
- * Refuse containers are to be located in the side or rear of the property and screened from view per UDC Section 7.7.6, and
- * Outdoor storage is permitted in the NS zoning district, where the storage area is situated behind the principal building in the rear half of the property and where a solid wood or masonry fence screens the outdoor storage from public view. Such wood or masonry fence must be at least one foot higher than the stored material (UDC Section 7.7.8.B1).

PUBLIC NOTICE: Six notices, for the public hearing were sent out to property owners within 200-feet of the subject property as required by State law and City Ordinance. As of Tuesday June 10, 2014 at 9:00 AM, no notices have been received. However staff has received numerous phone calls, all of which are generally supportive of the requested expansion although one caller was concerned about property devaluation. In addition, a phone call was received from the property owner immediately to the east and was concerned about screening.

The newspaper printed notice of the public hearing on May 8, 2014, in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Site and Surrounding Property Photos
Zoning and Location Map
Future Land Use and Character Map
Conceptual Development Plan
Building Elevations
Post-Development Drainage Plan
Pre-Development Drainage Plan
Localized area of the Thoroughfare Plan
Localized area of the Trails Master Plan
Utility Map
Notification Map
Ordinance

Site & Surrounding Property Photos



Site: Existing Boat and RV Storage Facility – From FM 2305 (AG)



Site: Existing Boat & RV Storage Facility – From Arrowhead Point Road (AG)



East: Scattered SF Residences on Acreage (AG)



East: Scattered SF Uses on Acreage (AG)



West: Bell Storage Facility and Scattered SF Uses on Acreage (AG)



North: Undeveloped and Scattered SF Residences on Acreage (AG, SF-1)



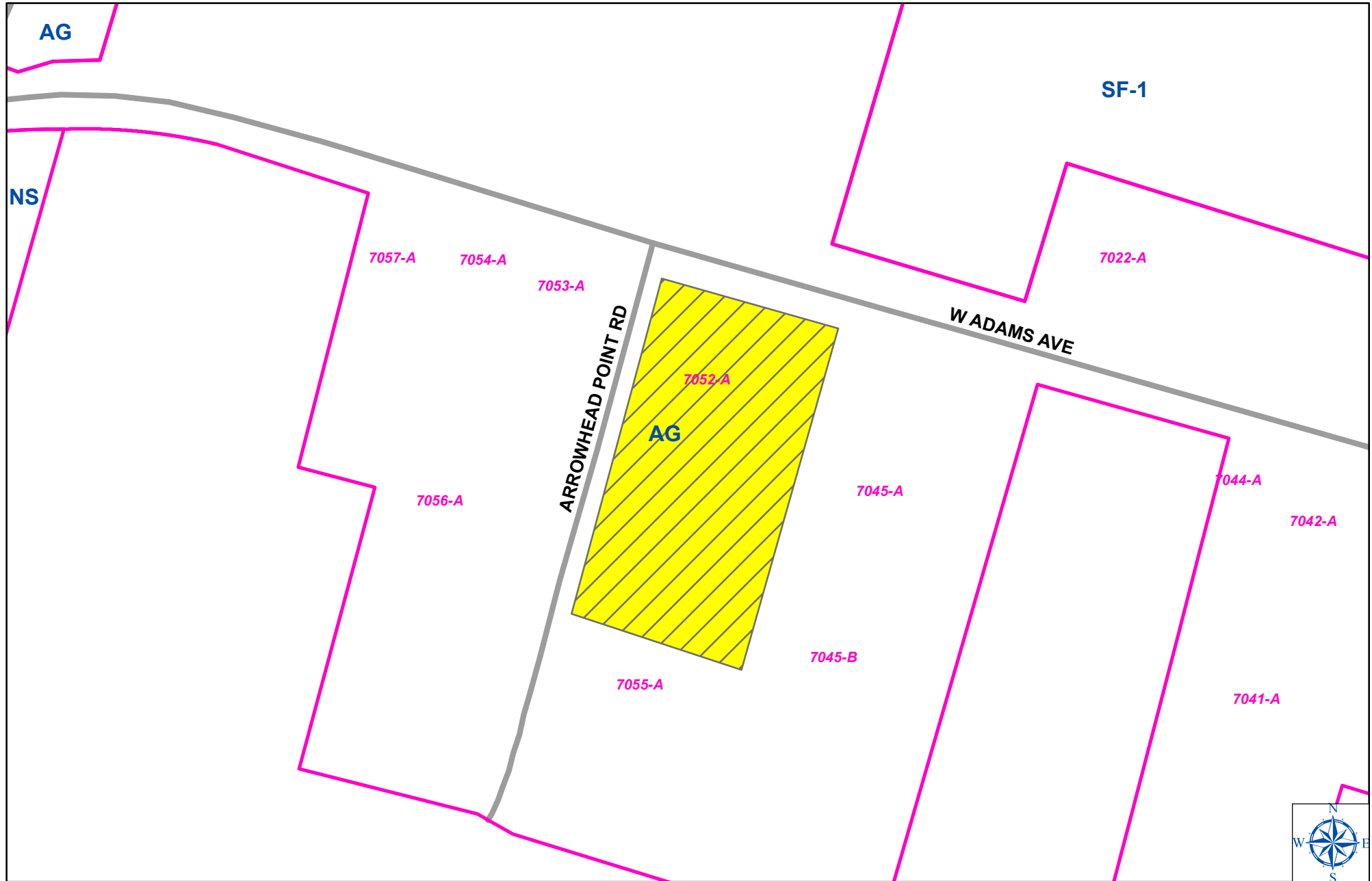
South: Undeveloped (AG)



Z-FY-14-32

Zoning & Location Map AG to PD-NS

13271 FM 2305



 Case  Zoning
 Subdivision

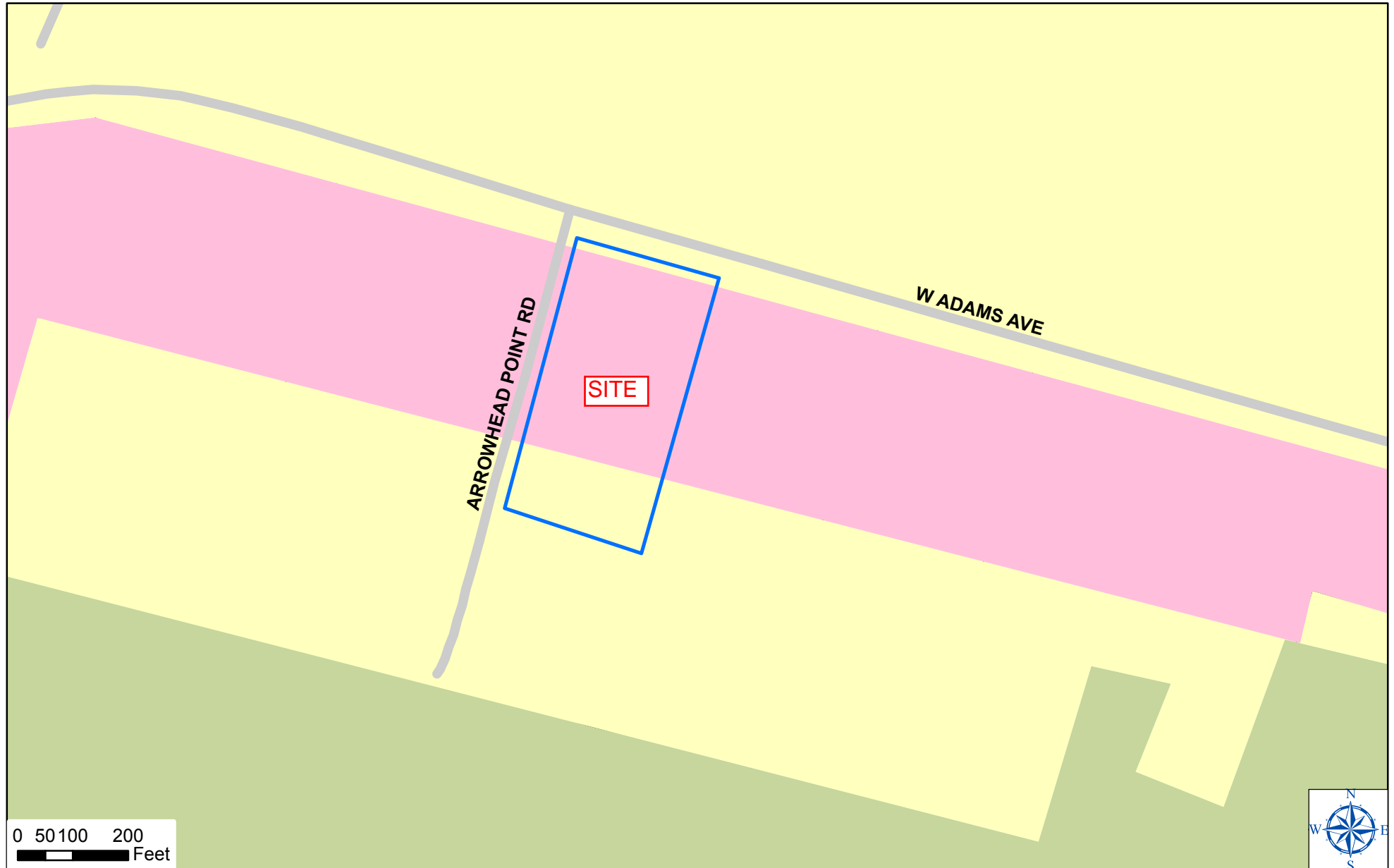
Outblock Number
1234-A
Address
1234

Block Number
①
Lot Number
1

0 150 300
Feet

5/13/2014
City of Temple GIS
mbaker

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.

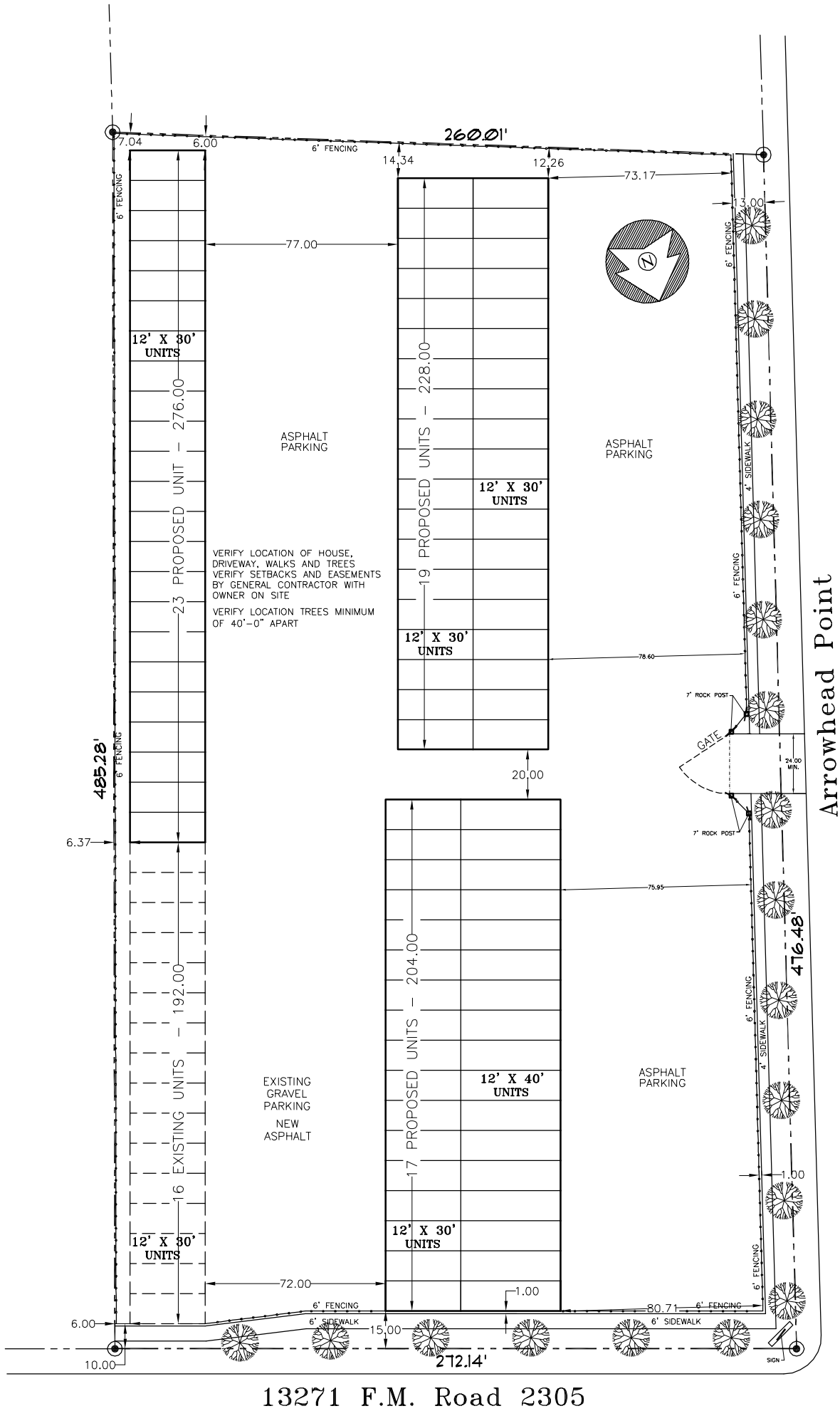


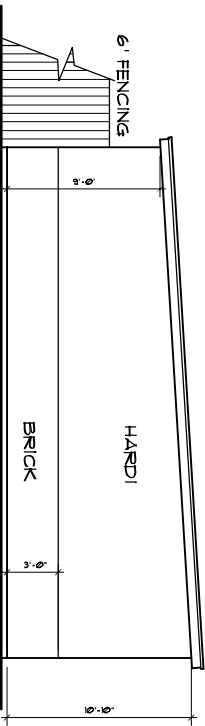
Future Land Use

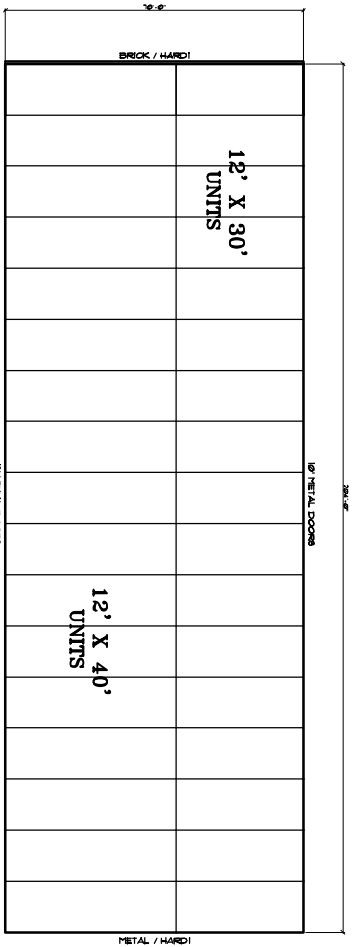
Neighborhood Conservation	Auto-Urban Residential	Auto-Urban Commercial	Temple Medical Education District	Public Institutional
Estate Residential	Auto-Urban Multi-Family	Suburban Commercial	Industrial	Parks & Open Space
Suburban Residential	Auto-Urban Mixed Use	Urban Center	Business Park	Agricultural/Rural

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

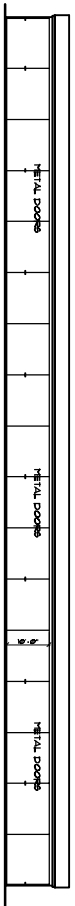
SITE LAYOUT



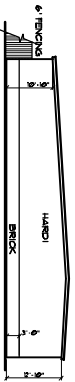




SCALE: 1/16" = 1'-0"



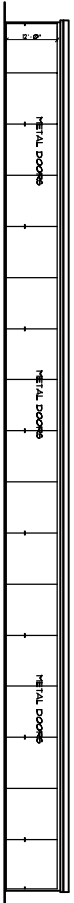
SCALE: 1/6"=1'-0"



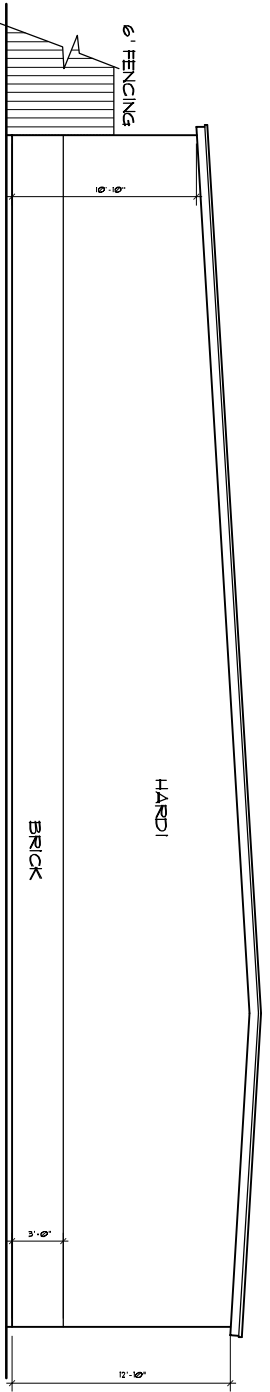
SCALE: 1/16" = 1'-0"



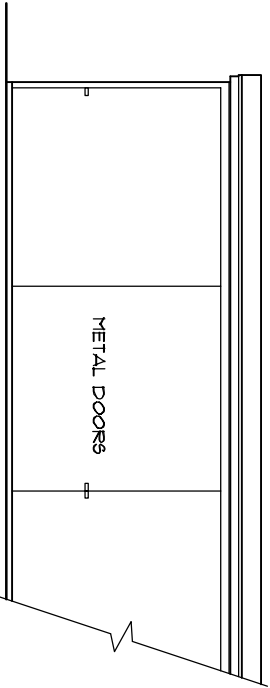
SCALE: 1/6"=1'-0"



SCALE: 1/6"=1'-0"



SCALE: 1/4"=1'-0"



SCALE: 1/4"=1'-0"



SCALE: 1/16"=1'-0"



SCALE: 1/6"=1'-0"



SCALE: 1/16" = 1'-0"



SCALE: 1/6"=1'-0"



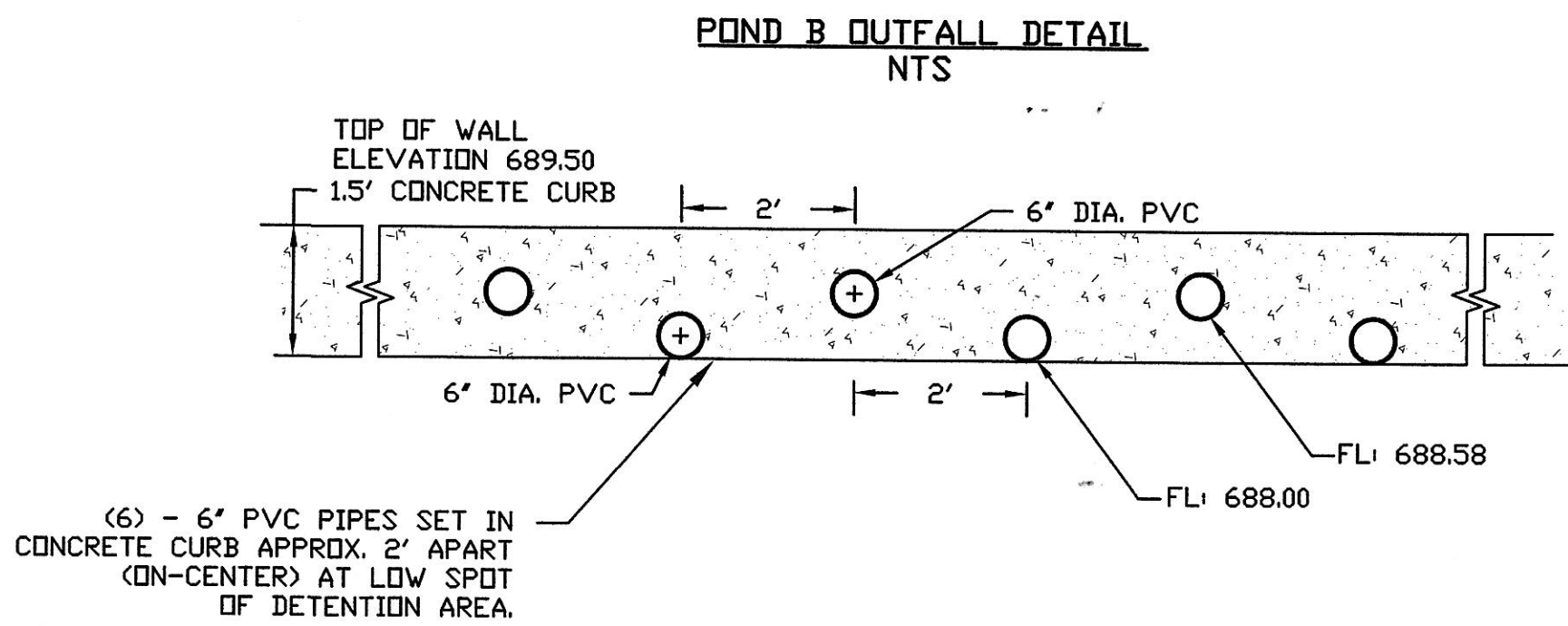
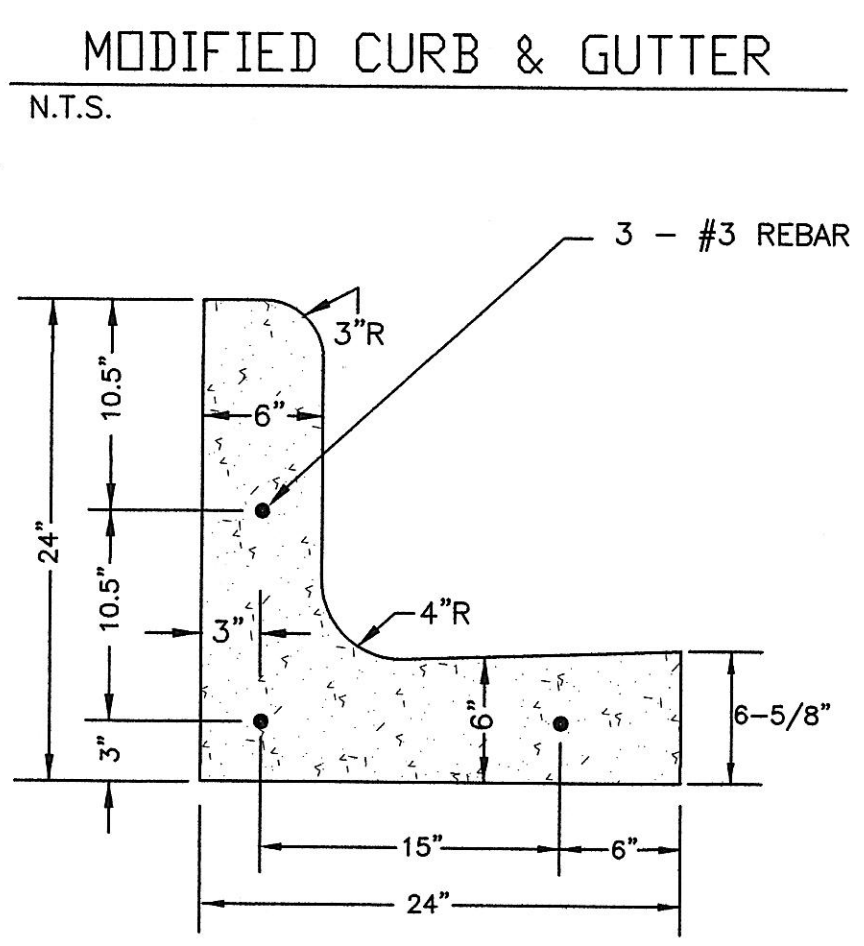
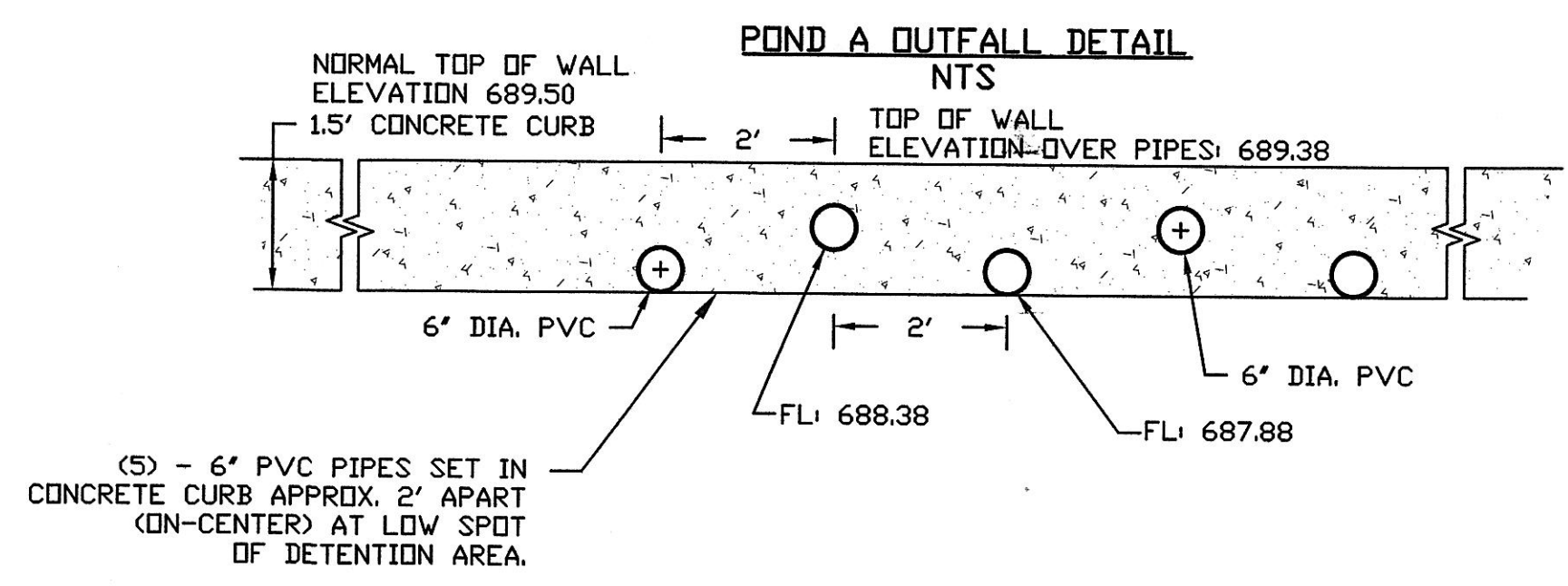
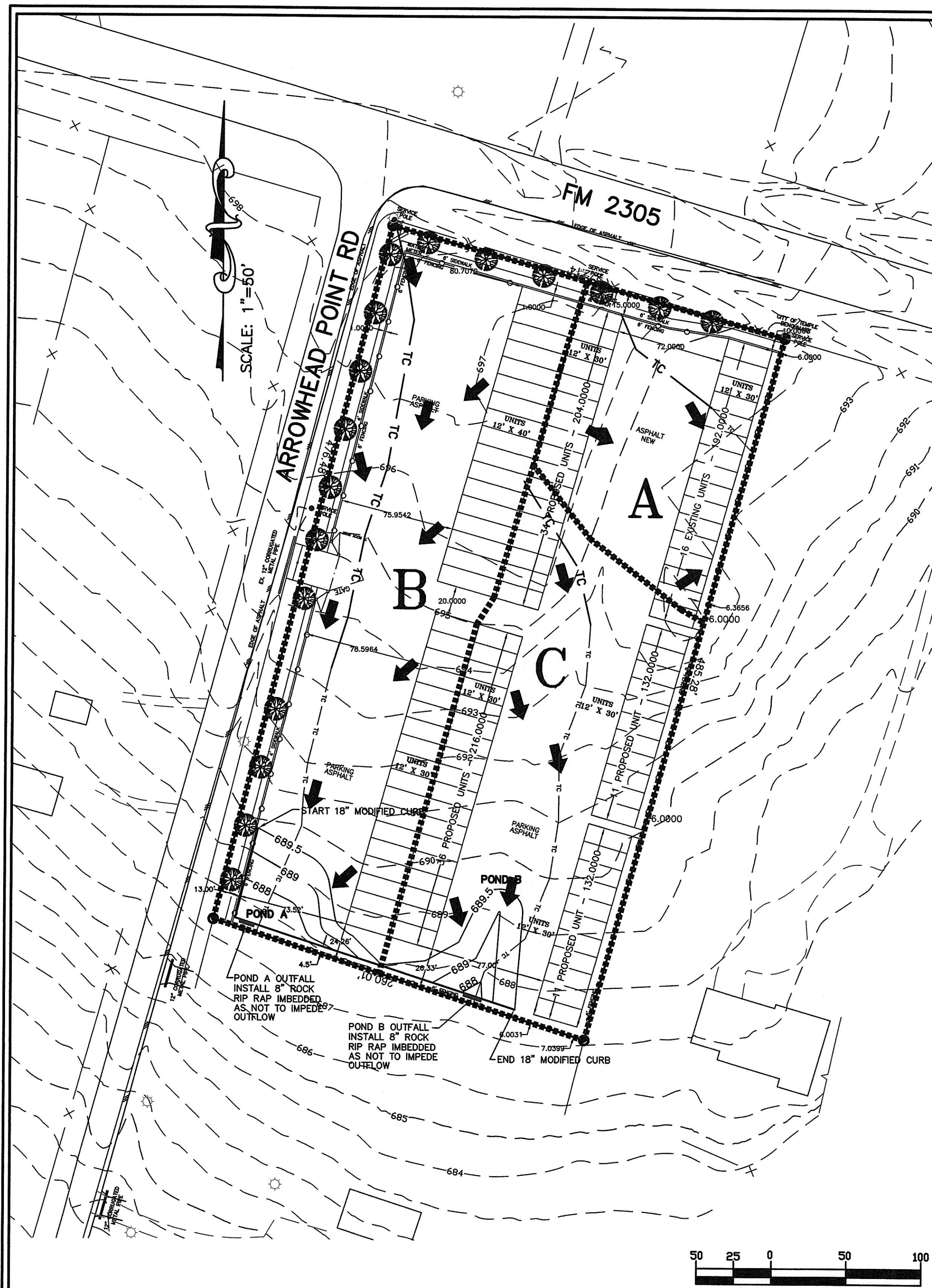
SCALE: 1/6"=1'-0"



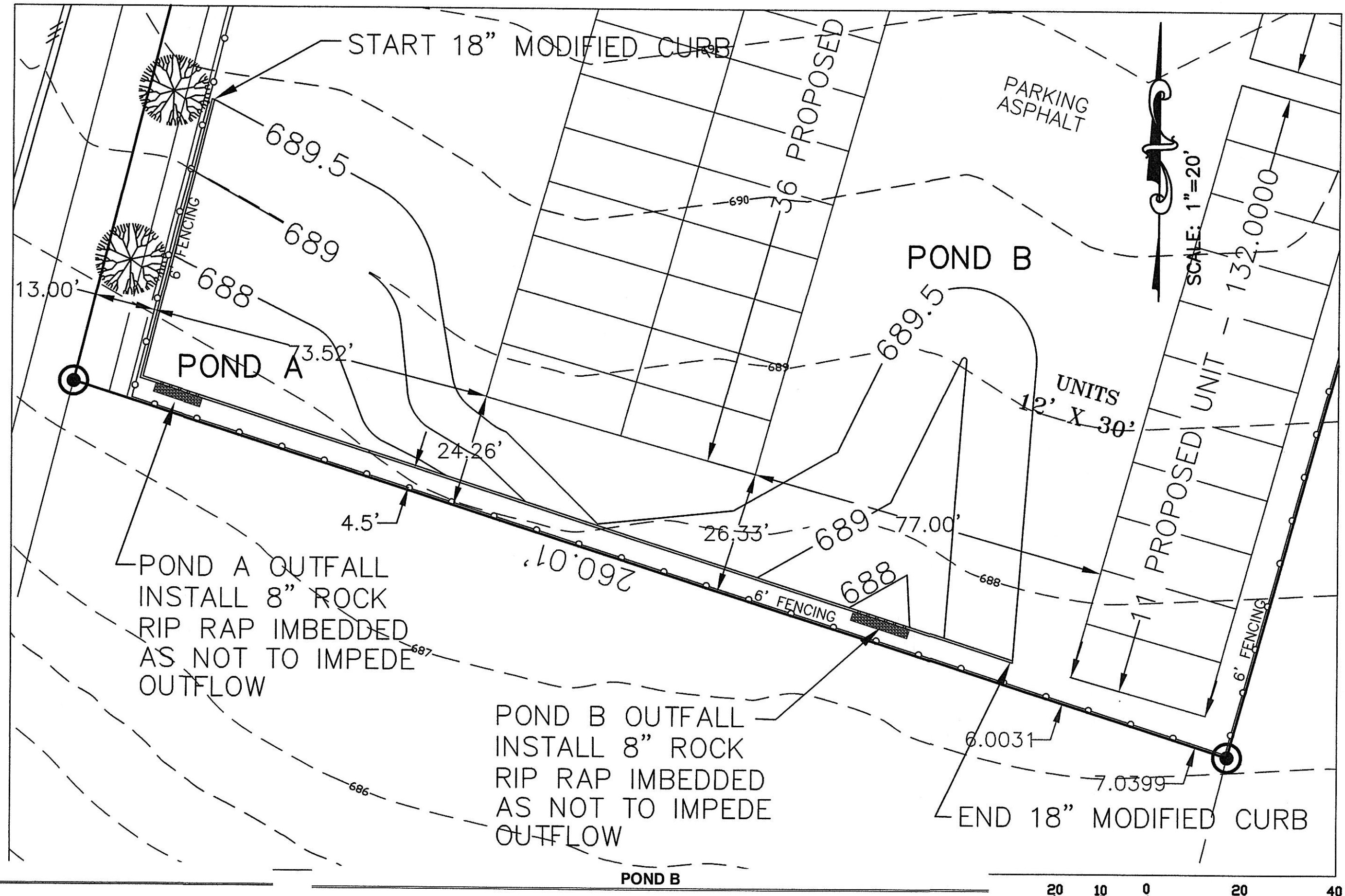
SCALE: 1/4"=1'-0"



SCALE: 1/4"=1'-0"



1. CONCRETE FOR ALL ITEMS ON THIS SHEET SHALL BE CLASS "A", 3000 P.S.I. CONCRETE AT 28 DAYS MINIMUM. ALL REINFORCING SHALL HAVE 2" MIN. COVER, 3" MIN. IF PLACED AGAINST EARTH FORM.
2. EXPANSION JOINTS SHALL BE INSTALLED A MAX. OF EVERY 40' FOR CONCRETE CURB DETAILS.
3. BASE MATERIAL REQUIRED UNDER ALL CURB & GUTTER, BEGINNING 1' FROM BACK OF CURB, A MIN. OF 4" THICK.
4. ALL STEEL SHALL BE A MINIMUM OF 60 KSI.



Time of Concentration, Proposed Conditions (velocity from NRCS)-										
Drainage Area Data		Initial/Overland Time t_i			Travel Time t_t				Computed	Comments
DA	N	Length, L_i (ft)	Slope, S_i ft/ft	t_i (min)	Length (ft)	Slope, S_i ft/ft	Velocity, V (fps)	t_t (min)	t_t (min)	
A	0.02	88.55	0.011	3.09	38.54	0.03	3.27	0.20	3.28	Use 5 minutes
B	0.02	300.00	0.018	4.88	183.97	0.03	3.67	0.84	5.71	
C	0.02	106.67	0.023	2.84	272.63	0.07	5.22	0.87	3.71	Use 5 minutes

Drainage Calculations, Developed Conditions, Calculated t_c

DA	AREA (acres)	TC (min.)	C10	I10 (in./hr.)	Q10 (cfs)	C25	I25 (in./hr.)	Q25 (cfs)	C100	I100 (in./hr.)	Q100 (cfs)
A	0.53	5.00	0.81	7.68	3.30	0.86	8.88	4.05	0.95	10.56	5.32
B	1.37	5.71	0.81	7.35	8.14	0.86	8.33	9.79	0.95	9.88	12.83
C	1.04	5.00	0.81	7.68	6.46	0.86	8.88	7.93	0.95	10.56	10.42
A+B+C	2.94	5.71	0.81	7.35	17.47	0.86	8.33	21.03	0.95	9.88	27.55

- NOTES:
1. THE DEVELOPER SHALL ACQUIRE ALL REQUIRED NATIONWIDE PERMITS, SUCH AS CWA 401, 402 AND/OR 404, AS APPROPRIATE FROM THE US ENVIRONMENTAL PROTECTION AGENCY, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY AND/OR THE CORPS OF ENGINEERS.
 2. DEVELOPER AND/OR CONTRACTOR IS RESPONSIBLE FOR DEVELOPING AND MAINTAINING A STORM WATER POLLUTION PREVENTION PLAN AND ALL EROSION CONTROL MEASURES.
 3. EXISTING GROUND CONTOURS ARE BASED ON TURLEY ASSOCIATES, INC. SURVEY DATA 2014 AND CITY OF TEMPLE STACKHOUSE MAPS.

STAGE STORAGE TABLE

STAGE	ELEVATION	AREA (SQ FT)	INCREMENTAL STORAGE VOLUME (CU. FT)	TOTAL CUMULATIVE VOLUME (CU. FT)	TOTAL POND DISCHARGE (CFS)
0.00	688.00	1,067	0	0	0.00
1.00	689.00	2,426	1701	1701	2.51
1.09	689.09		10-YR		3.42
1.47	689.47		100-YR		4.72
1.50	689.50	3,860	1558	3259	4.81

DESIGN STORM OUTFLOW

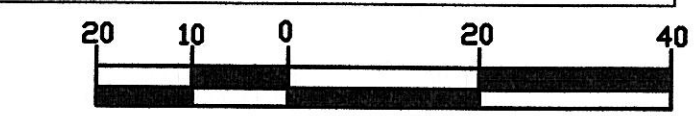
DESIGN STORM	PEAK INFLOW INTO POND (CFS)	POST-DEVELOPED POND DISCHARGE (CFS)	STORAGE VOLUME (CU. FT)	MAX ELEVATION (FT)
10	8.23	3.42	1,968	689.09
100	13.29	4.72	3,143	689.47

STAGE STORAGE TABLE

STAGE	ELEVATION	AREA (SQ FT)	INCREMENTAL STORAGE VOLUME (CU. FT)	TOTAL CUMULATIVE VOLUME (CU. FT)	TOTAL POND DISCHARGE (CFS)
0.00	688.00	71	0	0	0.00
1.00	689.00	933	421	421	2.54
1.16	689.16		10-YR		4.19
1.47	689.47		100-YR		5.51
1.50	689.50	3,327	100	1424	5.63

DESIGN STORM OUTFLOW

DESIGN STORM	PEAK INFLOW INTO POND (CFS)	POST-DEVELOPED POND DISCHARGE (CFS)	STORAGE VOLUME (CU. FT)	MAX ELEVATION (FT)
10	6.47	4.19	730	689.16
100	10.43	5.51	1,344	689.47



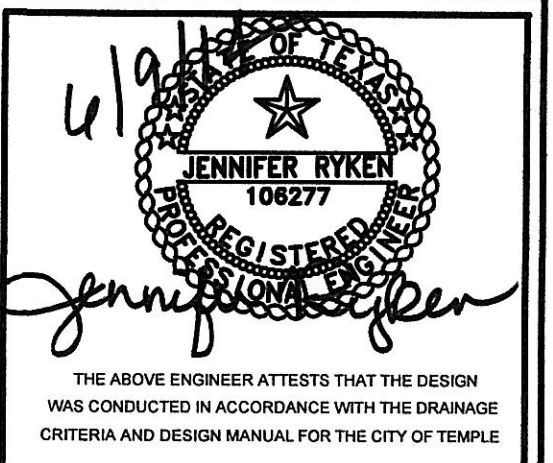
Pre vs Post-Development (Entire Site)

Design Storm	Pre (cfs)	Post (cfs)
10	5.89	8.86
100	10.51	13.11

DRAINAGE LEGEND

- DIRECTION OF POST-DEVELOPMENT RUNOFF FLOW
- POST-DEVELOPMENT DRAINAGE AREAS
- 1' NATURAL GROUND CONTOURS
- FINISHED GROUND CONTOURS

ENGINEERING • PLANNING • SURVEYING
FIRM REGISTRATION NO. #F-1658
TURLEY ASSOCIATES, INC.
301 N. 3rd ST. TEMPLE, TEXAS
E-MAIL: MAIL@TURLEY-INC.COM
(254) 773-2400
(254) 773-3998



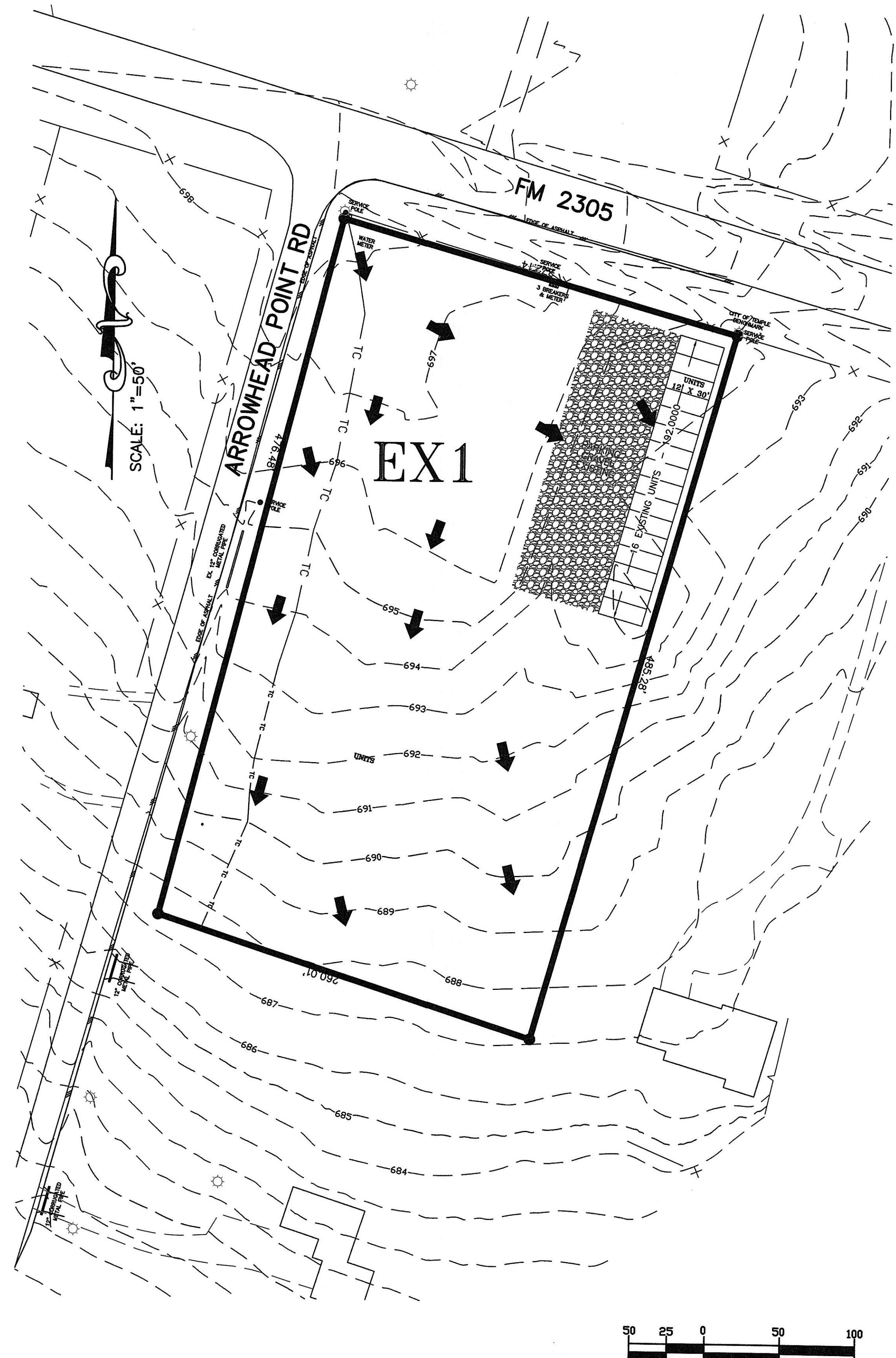
POST-DEVELOPMENT DRAINAGE:
ARROWHEAD BOAT & RV STORAGE
13271 FM 2305
TEMPLE, BELL COUNTY, TEXAS

PRODUCED FOR:
CHRIS HODGES
501 WEST ADAMS AVENUE
TEMPLE, TEXAS 76502

REVISIONS

NO.	DESCRIPTION	DATE

DATE: 06/09/2014
DRN. BY: JGR
REF.:
FIELD BOOK SKETCH
JOB NO.: 14-572
SHEET 2 OF 2
COMPUTER DWG. NO. 14572_DR.DWG
12861-D
DRAWING NUMBER



Time of Concentration, Existing Conditions (velocity from NRCS)									
Drainage Area Data		Initial/Overland Time t_i			Travel Time t_t				Computed
DA	N	Length, L_o (ft)	Slope, S ft/ft	t_i (min)	Length (ft)	Slope, S ft/ft	Velocity, V (fps)	t_t (min)	t_c (min)
EX1	0.40	300.00	0.018	19.75	183.97	0.030	2.79	1.10	20.85

Drainage Calculations, Existing Conditions, Calculated t_c											
DA	AREA (acres)	T_c (min.)	C_{10}	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)
EX1	2.94	20.85	0.40	5.07	5.95	0.44	5.82	7.52	0.51	7.04	10.54

Weighted C Factor for Ex. Conditions			
Acres	Existing building	C_{10}	C_{25}
0.13	Existing gravel parking	0.83	0.88
0.28	Pasture/Range average conditions	0.40	0.45
2.53		0.38	0.42
MODIFIED "C"			
		0.40	0.44
			0.51

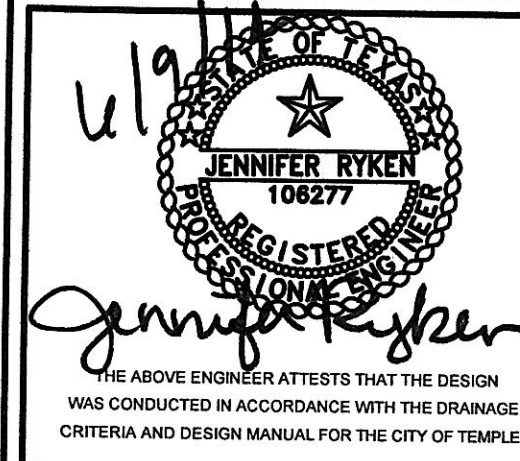
DRAINAGE LEGEND

← DIRECTION OF PRE-DEVELOPMENT RUNOFF FLOW

PRE-DEVELOPMENT DRAINAGE AREAS

1' NATURAL GROUND CONTOURS

ENGINEERING • PLANNING • SURVEYING
FIRM REGISTRATION NO. #1658
TURLEY ASSOCIATES, INC.
301 N. 3rd ST. TEMPLE, TEXAS (254) 773-2400
E-MAIL: MAIL@TURLEY-INC.COM (254) 773-3998



PRE-DEVELOPMENT DRAINAGE:
ARROWHEAD BOAT & RV STORAGE
13271 FM 2305
TEMPLE, BELL COUNTY, TEXAS

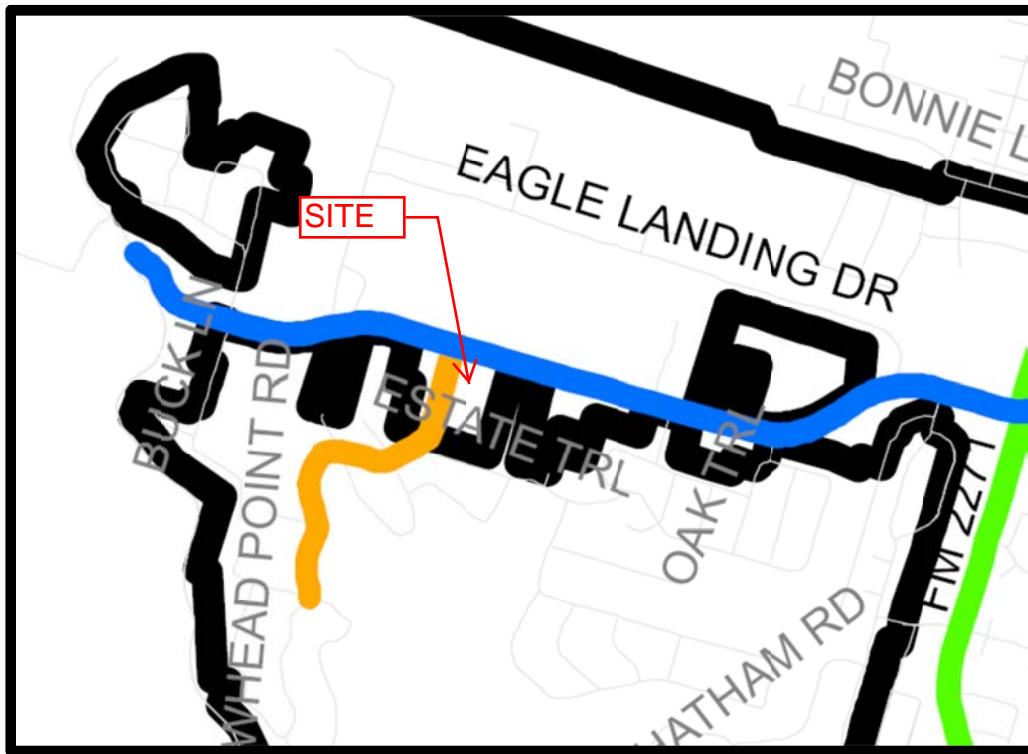
PRODUCED FOR:
CHRIS HODGES
501 WEST ADAMS AVENUE
TEMPLE, TEXAS 76502

REVISIONS	

DATE: 06/09/2014
DRN. BY: JGR
REF.:
FIELD BOOK SKETCH
JOB NO.: 14-572
SHEET 1 OF 2
COMPUTER DWG. NO. 14572_DR.DWG

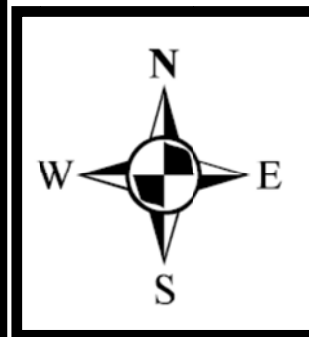
12861-D
DRAWING NUMBER

Localized Area of the Thoroughfare Plan



Map Legend (Map not to scale)

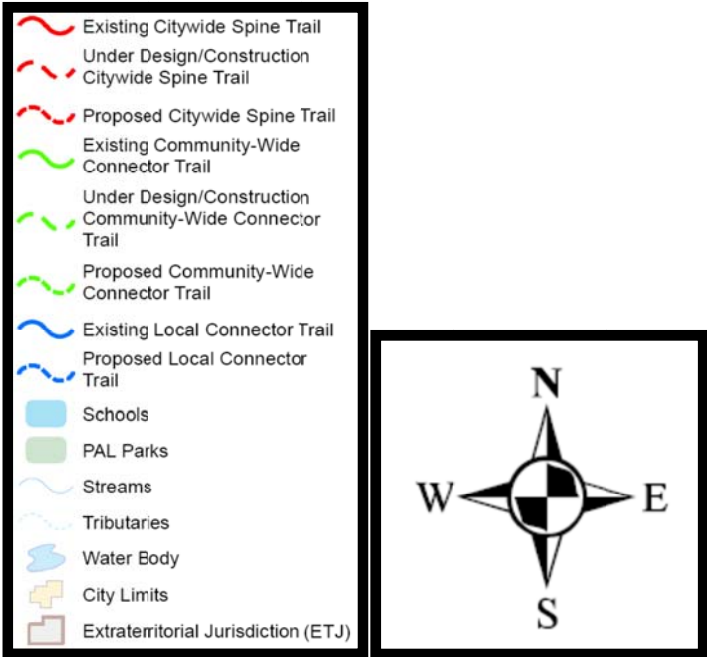
	Expressway
	Major Arterial
	Proposed Major Arterial
	Proposed K-TMPO
	Minor Arterial
	Proposed Minor Arterial
	Collector
	Proposed Collector
	Existing Railroad
<u>Grade Separated Interchange</u>	
	Existing
	Future
	City Limits
	Extrateritorial Jurisdiction (ETJ)
	Water Body

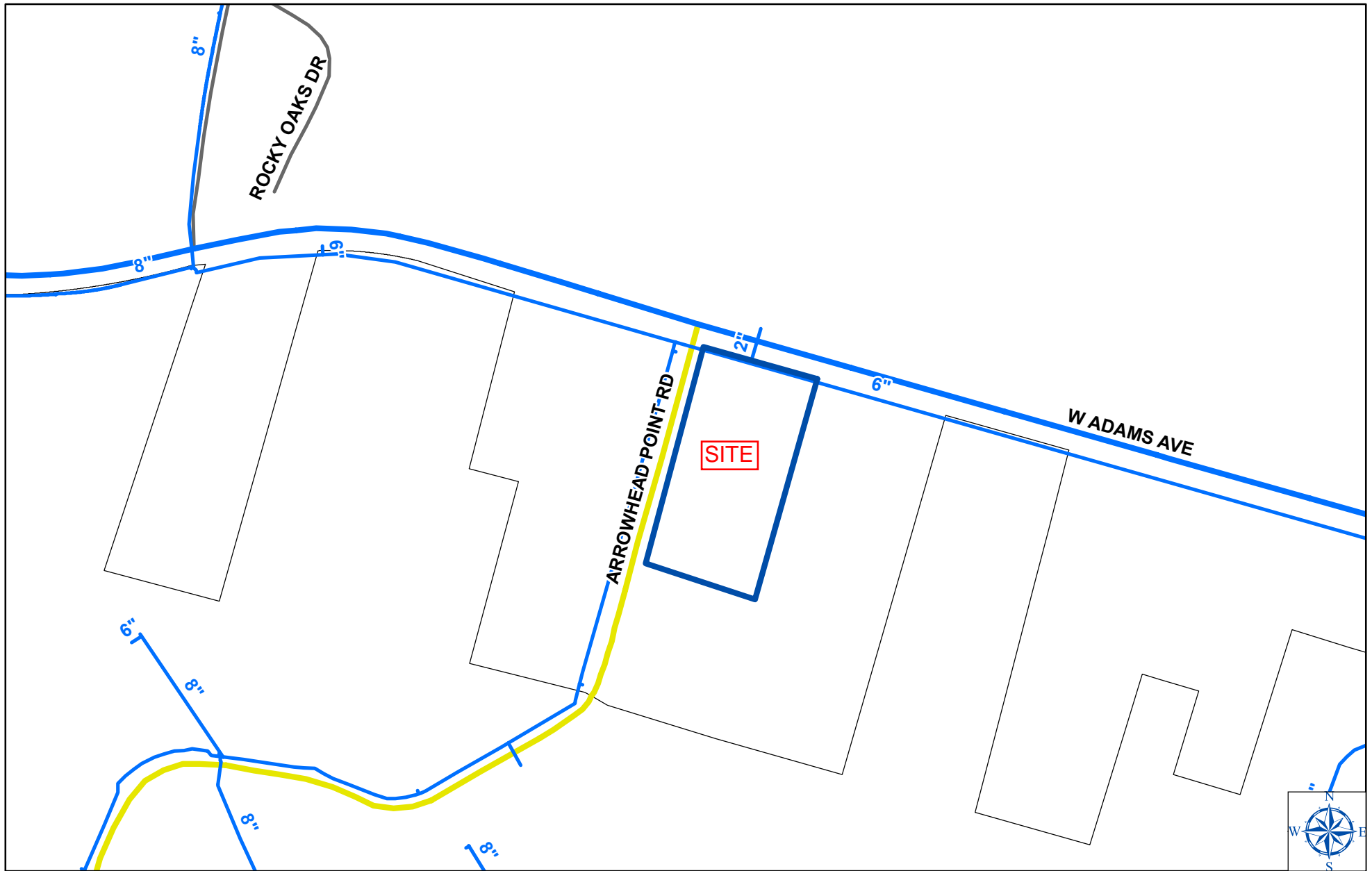


Localized Area of the Trails Plan

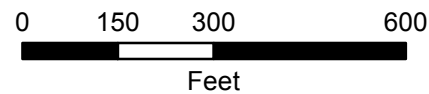


Map Legend (Map not to scale)





- | | | | |
|--------------|----------------|-------------------------|-------------------------|
| Case | Water Line | Proposed Major Arterial | Proposed Minor Arterial |
| Fire Hydrant | Expressway | Proposed K-TUTS | Collector |
| Sewer Line | Major Arterial | Minor Arterial | Conceptual Collector |



5/12/2014
City of Temple GIS

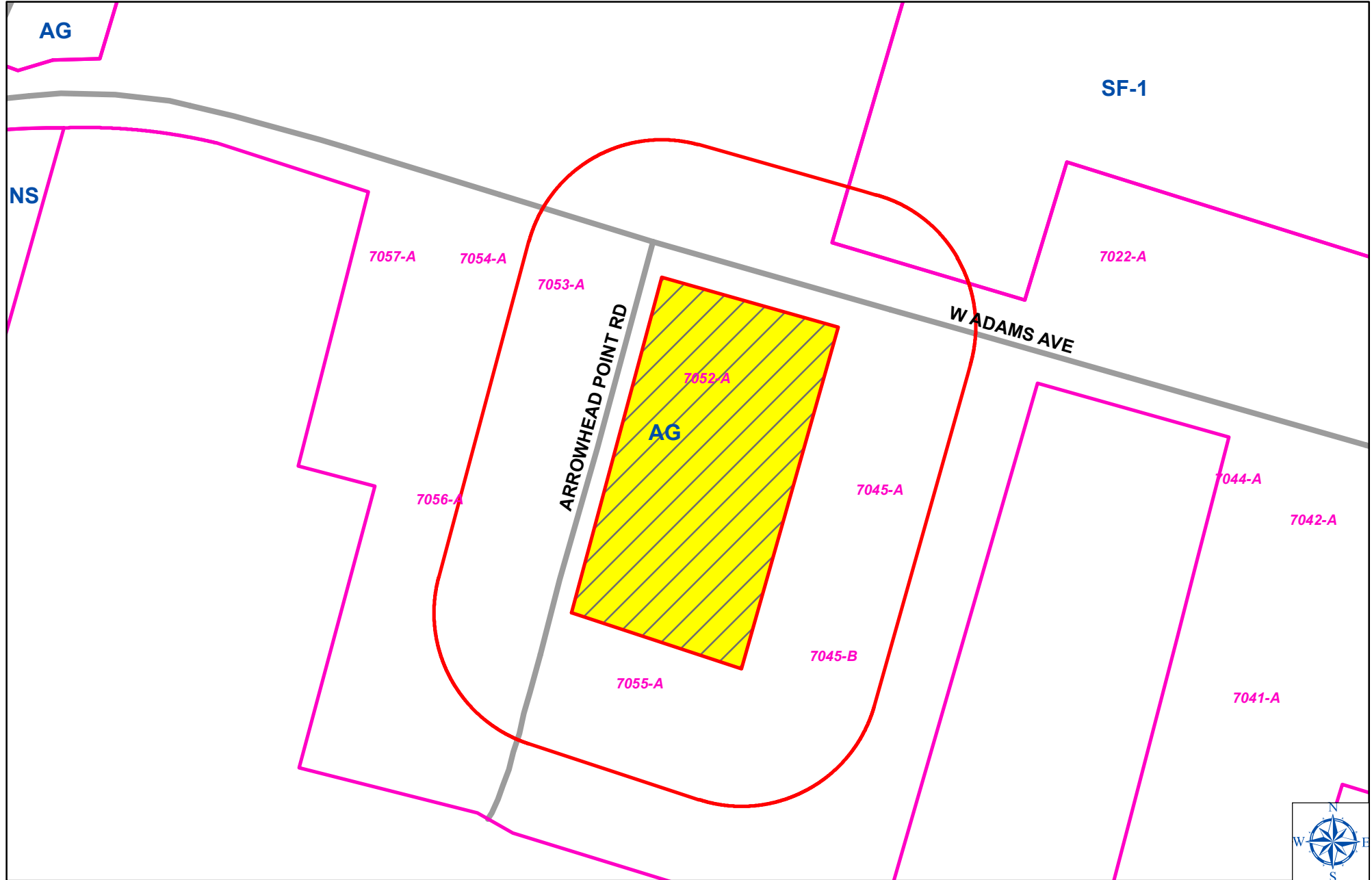
GIS products are for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries and other features.



Z-FY-14-32

Notification Map AG to PD-NS

13271 FM 2305



Case
 200' Buffer
 Zoning
 Subdivision
1234-A
1234

Outblock Number
Address

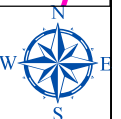
①
1

Block Number
Lot Number

0 150 300
Feet

5/13/2014
City of Temple GIS
mbaker

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



ORDINANCE NO. 2014-4675

(PLANNING NO. Z-FY-14-32)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ZONING CHANGE FROM AGRICULTURAL DISTRICT (AG) TO PLANNED DEVELOPMENT-NEIGHBORHOOD SERVICE (PD-NS) DISTRICT TO EXPAND AN EXISTING BOAT STORAGE FACILITY ON APPROXIMATELY 2.94 ACRES, LOCATED AT 13271 FM 2305; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Part 1: The City Council approves a zoning change from Agricultural District (AG) to Planned Development-Neighborhood Service (PD-NS) District, on approximately 2.94 acres being a part of the S.P. Terry Survey, Abstract No. 813, situated in Bell County, Texas, and located at 13271 FM 2305, as outlined in the map attached hereto as Exhibit 'A,' and made a part hereof for all purposes and subject to the following conditions:

- Submittal of a Development Plan at the time of Construction Documents that is in substantial compliance to the Development Plan attached with the Rezone Ordinance;
- The Council-approved Development Plan shall meet all Building, Fire, Design and Development Standards Manual unless approved by exception and included in the Rezone Ordinance;
- Outside storage of boats and RVs and anything else not already permitted by the UDC within the NS district is prohibited;
- A 10' building setback will be provided along the rear (south) property line to accommodate future development;
- If use of the land ceases to be used as a storage facility, future development would have to comply with the uses allowed and development standards of the Neighborhood Services district; and
- That the Director of Planning may be authorized discretion to approve minor modifications to the City Council-approved Development Plan, including but not limited to the selection of exterior building materials, screening, landscaping and minor modifications to the overall site layout.

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

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **19th** day of **June**, 2014.

PASSED AND APPROVED on Second Reading on the **3rd** day of **July**, 2014.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

06/19/14
Item#7
Regular Agenda
Page 1 of 3

DEPT/DIVISION SUBMISSION & REVIEW:

Brian Chandler, Director of Planning

ITEM DESCRIPTION: O-FY-14-11 – Consider adopting a resolution authorizing an Appeal of Standards in Section 6.7.5(j) of the Unified Development Code related to the I-35 Corridor Overlay Zoning District for signs, located at the Trnum Auto Group Goodyear 5506 South General Bruce Drive.

The applicant has requested an appeal to the following Overlay signage standards to allow for one additional 35 foot tall pylon sign:

1. Sec. 6.7.5.J.1 – Sign Height: 25 feet (maximum)
2. Sec. 6.7.5.J.1 – Pylon Sign Setback: 10 feet (minimum)
3. Sec. 6.7.5.J.6 – Base dimensions: Code requires a masonry base at a 1.0 to 0.16 height to width ratio

STAFF RECOMMENDATION: Staff recommends denial of the height appeal request and approval of the appeal to the setback requirement and to the base dimensions request with the following conditions:

1. That the base is clad with stone to match that of the existing “Trnum Auto Group” freestanding pylon sign next door (see attached photo)
2. That the Goodyear sign setback is consistent with that of the existing “Trnum Auto Group” pylon sign (not shown on the attached site plan)

ITEM SUMMARY: Goodyear is located in a building to the rear of the Trnum Auto Group complex. Therefore, they would like to have a separate pylon sign for Goodyear.

In accordance with Article 6 of the Unified Development Code relating to Interstate 35 Corridor Overlay, all new signage must conform to the standards of the I-35 Overlay District. According to the

applicant's letter, the new pylon sign is justified by the fact that Firestone received approval for a 35 foot tall sign at 3450 S. General Bruce Drive (see attached photo).

The existing Trnum Auto Group sign was approved through a Planned Development District zoning process in October 2011 to allow for the 24 foot sign, since the I-35 Overlay Code allowed a maximum of 8 foot tall signs and did not allow for an appeal process at the time.

At the June 2, 2014 P&Z meeting, the applicant showed photos of a large oak tree approximately 100 feet to the north of the proposed sign that would obscure a 25-foot pylon sign at that location (see "Applicant Photos (tree near proposed sign).")

Staff's recommendation is based on the following justifications:

1. Denial of the height appeal request
 - Justification:
 1. The Firestone sign has visibility issues that would not exist at the Goodyear site
 2. The 35 feet sign requested would be taller than the primary Trnum Auto Group sign
 3. 25 feet allowed by Code should be adequate from a visibility perspective (although P&Z agreed with the applicant that a nearby 30-foot tall oak tree might obstruct visibility of a 25-foot tall sign allowed by Code at the proposed location)
2. Approval of the appeal to the setback requirement
 - a. That the Goodyear sign setback is consistent with that of the existing "Trnum Auto Group" pylon sign (not shown on the attached site plan), which appears to be less than the 10 feet required by Code
 - Justification
 1. It is not clear from the site plan or from photos what the setback would be; as a result, it makes sense to specify that the new sign is even with the existing pylon sign to ensure that it is not located within TXDOT right-of-way
3. Approval of the base dimensions request with the following conditions:
 - a. That the base is clad with stone to match that of the existing "Trnum Auto Group" freestanding pylon sign next door (see attached photo)
 - Justification
 1. The existing pylon sign appears to meet the intent of the Code for providing masonry cladding, if not the 1.0 to 0.16 ratio of height to width

I. Permitted Sign Types

The table below establishes the sign types and standards that are permitted.

Use	Sign Type	Max. Number of Sign Faces	Max. Height	Max. Area (per sign face)	Min. Setback (from property line)	Min. Spacing Between Signs
All Permitted Uses	Wall Sign	1 per public façade (max. 2)	NA (no projection above building)	10% of façade face or 300 sq ft max (whichever is greater)	NA	NA
All Permitted Uses	Window Sign	NA	NA	20% of window area	NA	NA
All Permitted Uses	Monument Sign	2	8'	50 sq ft	0'	25'
All Permitted Uses	Pylon Sign	2	25'	200 sq ft	10'	50'
Travel Related Uses (Fuel Sales, Overnight Accommodations, and Restaurant Uses)	Pylon Sign	2	40'	300 sq ft	15'	100'
Multi-Tenant Site	Monument Sign	2	10'	65 sq ft	0'	25'
Multi-Tenant Site	Pylon Sign	2	40'	400 sq ft	15'	300'

PLANNING & ZONING COMMISSION RECOMMENDATION: At their June 2, 2014 meeting, P&Z recommended approval of 1) the 35-foot height 2) a setback to allow for the sign to line up with the existing Tranum Auto Group pylon sign and 3) a sign base that does not comply with the 1.0 to 0.16 height-to-width ratio with the condition that the base include a limestone planter to match that of the existing Tranum Auto Group pylon sign.

FISCAL IMPACT: N/A

ATTACHMENTS:

[Application](#)

[Applicant Letter](#)

[Site Plan](#)

[Signage Specs](#)

[Staff Photos](#)

[Applicant Photos \(tree near proposed sign\)](#)

[Resolution](#)

City of Temple Universal Application

(Incomplete applications will not be accepted)

- | | | |
|---|---|---|
| <input type="checkbox"/> Sketch Plan | <input type="checkbox"/> Zone Change | <input type="checkbox"/> Appeal of Administrative Decision |
| <input type="checkbox"/> Plat Vacation | <input type="checkbox"/> Conditional Use Permit (CUP) | <input type="checkbox"/> Residential Masonry Exception |
| <input type="checkbox"/> Minor or Amending Plat | <input type="checkbox"/> Planned Development (PD) | <input type="checkbox"/> Nonresidential Masonry Exception |
| <input type="checkbox"/> Preliminary Plat | <input type="checkbox"/> PD Site Plan | <input type="checkbox"/> Park, Facility or Street Renaming |
| <input type="checkbox"/> Final Plat | <input checked="" type="checkbox"/> I-35 Appeal | <input type="checkbox"/> Cost Sharing Offsite Participation |
| <input type="checkbox"/> Variance (Board of Adjustment) | <input type="checkbox"/> I-35 Site Plan Review | <input type="checkbox"/> Exception |
| <input type="checkbox"/> Abandonment | <input type="checkbox"/> TMED Site Plan Review | <input type="checkbox"/> Street Use License (SUL) |
| | <input type="checkbox"/> TMED Variances/Warrants | |

PROJECT INFORMATION:

☐ Residential ☒ Commercial ☐ Property Platted ☐ Property Not Platted ☐ ETJ

Project Name: GOODYEAR SIGN Parcel(s) Tax ID# (Required): 129988

Project Address (Location): 5506 S. GENERAL BRUCE Total Acres: 1

Lot: _____ Block: _____ Subdivision: _____

Cabinet #: _____ Slide #: _____

Outblock (if not platted): 475-A

Brief Description of Project: INSTALL GOODYEAR SIGN AT NORTH EAST CORNER OF PROPERTY

Current Zoning _____ # of Existing Lots _____ # of Existing Units _____

Proposed Zoning _____ # of Proposed Lots _____ # of Proposed Units _____

APPLICANT / CONTACT INFORMATION: (This will be the primary contact; please ensure email address is legible)

Name: JIM TRANUM Company Name: TRANUM AUTO GROUP

Address: P.O. 1150 City: TEMPLE State: TX Zip: 76503

Phone: 254-913-1573 Cell #: 254-913-1573 Fax #: _____

Email Address: JTRANUM@TRANUMAUTO.COM

PROPERTY OWNER INFORMATION:

Name: GERALD WITT Company Name: _____

Address: 2209 AZALEA DR. City: TEMPLE State: TX. Zip: 76502

Phone: 254-778-8595 Cell #: _____ Fax #: 254-778-8965

Email Address: _____

☐ DEVELOPER ☐ ENGINEER ☐ SURVEYOR INFORMATION: (Please ensure email address is legible)

Name: _____ Company Name: _____

Address: _____ City: _____ State: _____ Zip: _____

Phone: _____ Cell #: _____ Fax #: _____

Email Address: _____

VARIANCE / EXCEPTION / APPEAL DESCRIPTION: (Attach additional page if additional space is required)

ATTACHED LETTER

City of Temple Universal Application

(Incomplete applications will not be accepted)

CHECKLIST

Submittal Requirements <i>All Checklists are available on Planning Applications webpage</i>	All Plats	CUP & PD	Zone Change	Sketch Plan	I-35	I-35 Appeal	TMED	TMED Variance/Warra	ZBA Variance	Masonry Exception	Appeal of Administrative Decision	Abandonment	Street Use License
Complete Universal Application	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Electronic copy (PDF) of all required materials submitted as hard copies (must be legible)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Hard Copies for all submittals	9	2	1	9	2	2	2	2	1	1	1	1	1
Field Notes or Lot and Block Description	✓	✓	✓		✓	✓	✓	✓	✓			✓	✓
Site Plan Checklist		✓			✓	✓	✓	✓	*				
Plat Checklist	✓			✓									
I-35 Checklist					✓	✓							
TMED Checklist							✓	✓					
Abandonment Checklist												✓	
SUL Checklist													✓
Site Plan		✓			✓	✓	✓	✓	✓	✓	*	✓	✓
Elevations		✓			✓	*	✓	*		✓			
Landscape Plan					*	*	*	*					
Lighting Plan					*	*	*	*					
Fee	✓	✓	✓	NA	NA	NA	NA	NA	✓	NA	NA	✓	✓
Survey												✓	✓

*May be required depending on nature of Appeal/Variance

Total valuation of proposed improvements for project in 1st & 3rd/TMED/I-35:

\$ 5,000.

FEE SCHEDULE

Abandonment	\$100.00
Board of Adjustment (Variance)	\$ 75.00
*Preliminary/Final Plat	\$150.00 + \$3.00/lot (residential) or \$10.00/acre (nonresidential)
Street Use License (SUL) (renewed every 15 years)	\$150.00
*Zone Change/CUP/PD/Site Plan	\$150.00 + \$3.00/acre unplatted

*The filing fee for a piece of property that is 3.125 acres in size would be a total of \$159.36 (\$150 + [\$3 x 3.12]). City staff uses the second decimal place when calculating a filing fee and does not round up or down.

By signing this application, staff is granted access to your property to perform work related to your case. Each signature must be notarized.

SIGNATURE: _____
(Letter of authorization required if signature is other than property owner)

Print or Type Name: TRANUCIA

For Plats Only: This waiver must be completed for all Plat applications; failure to do so will result in the rejection of your application.

I waive the statutory time limits in accordance with Section 212 of the Texas Local Government code.

SIGNATURE: _____
(Letter of authorization required if signature is other than property owner)

Print or Type Name: _____

Known to me to be the person whose name is subscribed to the above and foregoing instrument, and acknowledged to me that they executed the same for the purposes and consideration expressed and in the capacity there instated.

Given under my hand and seal of office on this _____ day of _____, 20____.

Notary Public Signature

SEAL

For Department Use Only

Project #: D-FY-12-11

Project Manager: B. Chandler

Total Fee(s): —

Fee Credit: —

Payment Method: —

Submittal Date: 14 May 14

Accepted By: M. Maxfield

Accepted Date: 14 May 14



5620 S. General Bruce Drive
I-35 at Midway Drive
Temple, Texas 76502

P.O. Box 1028
Temple, Texas 76503

Email: sales@tranumauto.com

(254) 773-4548

1-800-234-5133

Fax (254) 773-0139

Tranum Buick - Pontiac - GMC - Temple
Tranum Used Vehicles - Temple

www.tranumauto.com

Tranum Country Ford - Rockdale
Tranum Volkswagen - Suzuki - Temple

RECEIVED

May 14, 2014

MAY 14 2014

City of Temple
Planning & Development

City of Temple
P & Z Commission

Ref: Goodyear sign at 5506 South General Bruce Dr - Permit number 14-102557

We request that you allow us to erect a 35 foot Goodyear sign at the above location. Please see attached site plan.

It will be similar to the Firestone sign that is located at 3450 South General Bruce Dr. Attached is a photo of the Goodyear sign. The base of the sign will be surrounded by a 6'x 10' x 3' planter box with plants similar to the Tranum Auto Group sign at 5510 South General Bruce Dr.

All engineering and erection will be completed by:

Belco Signs of Harker Heights, TX
P: (254)699-9165



Your approval of this project is appreciated

Sincerely,

Jim Tranum

1" = 50'

CHARTER OAK DR.

PROP. I.D.
186823

PROP. I.D.
61973

PROP. I.D.
129288

CAR
WASH

TRANUM
AUTO
GROUP
SERVICE

SALES

1. EXISTING
TAG
SIGN

1.

2. PROPOSED
GOODYEAR
SIGN

2.

300'

105'

170'

165'

5510

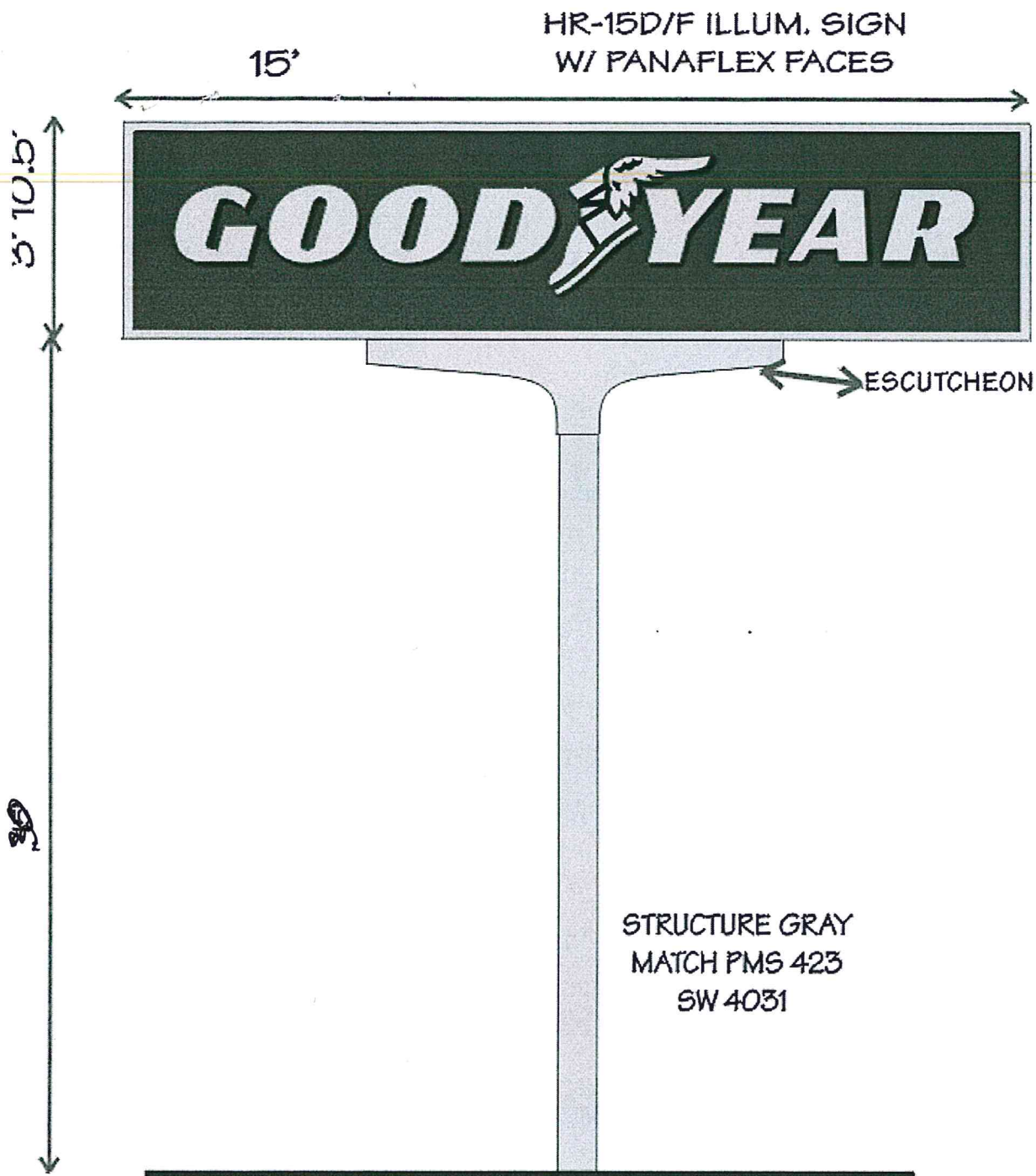
5508

5506

V A L E R O

S. GENERAL

BRUCE



HR-15 (3'10.5"X 15') D/F ILLUMINATED SIGN
1/4"=1'



4 EAST MARKET STREET
KRON, OH. 44316-0001
PT. 791 IDENTIFICATION

IDENTIFICATION PROPOSAL FOR:

HR-15 (3'10"X 15')
D/F ILLUMINATED POLE SIGN

JOB #

HR-15 p

DRAWN BY: RS

7/7/0

SCALE (APPROX.)

AS NOTED
8.5"X11" FOI



Existing Firestone sign



Size: 115 KB

Title: Add a title

Authors: Add an author

Comments: Add comments

Offline availability: Not available

Offline status: Online

Camera mak

Camera mod



Existing Firestone sign



Size: 99.1 KB

Title: Add a title

Authors: Add an author

Comments: Add comments

Offline availability: Not available

Offline status: Online

Cam

Cam





Proposed Goodyear sign location



Existing Goodyear Location



Existing Pylon



Existing Pylon Sign Masonry

Tree photos
submitted by
Jim Tramm
on 6/2/19 for
meeting





RESOLUTION NO. 2014-7353-
R [PLANNING NO. O-FY-14-11]

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING EXCEPTIONS TO THE STANDARDS IN SECTION 6.7.5(J) OF THE UNIFIED DEVELOPMENT CODE RELATED TO THE I-35 CORRIDOR OVERLAY ZONING DISTRICT FOR SIGNS LOCATED AT THE TRANUM AUTO GROUP GOODYEAR, 5506 SOUTH GENERAL BRUCE DRIVE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, at their June 2, 2014 meeting, the Planning and Zoning Commission recommended approval of an appeal of standards of Section 6.7.5(j) of the Unified Development Code related to the I-35 Corridor Overlay Zoning District for signs located at the Trantum Auto Group Goodyear, 5506 South General Bruce Drive;

Whereas, Goodyear is located in a building to the rear of Trantum Auto Group complex and is located in the I-35 Corridor Overlay District - in accordance with Section 6.7.5(j) of the Unified Development Code relating to Interstate 35 Corridor Overlay, all signage must conform to the standards of the I-35 Overlay District; and

Whereas, the City Council has considered the matter and deems it in the public interest to approve 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 following exceptions to Section 6.7.5(j) of the Unified Development Code related to the I-35 Corridor Overlay Zoning District related to signs for a Goodyear at the Trantum Auto Group complex at 5506 South General Bruce Drive:

1. A 35-foot tall pylon sign (25 feet is allowed by Code, see Exhibit A)
2. No front setback for the sign (10 feet is required by Code)
3. A stone planter base to match the existing Trantum Auto Group sign (a 1.0 to 0.15 height to width ratio is required by Code)

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 19th day of **June**, 2014.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, MAYOR

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney



EMPLOYEE BENEFITS TRUST AGENDA ITEM MEMORANDUM

06/19/14
Item #8
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Denny Hainley, Benefits Specialist, Human Resources Department

ITEM DESCRIPTION: Conduct a meeting of the City of Temple Employee Benefits Trust to purchase insurance policies for:

- (A) MetLife for Dental Insurance FY 2014-2015
- (B) MetLife for Basic Life, AD&D, Voluntary Life, and Voluntary AD&D Insurance for FY 2014-2015.
- (C) MetLife for Long Term Disability insurance for FY 2014-2015.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY:

Dental

On June 3rd 2014, the City received eight (8) proposals for dental insurance for active and retired employees. The proposals were reviewed by the City's consultant, Burke Sunday of Gallagher Benefits Services. The proposal from MetLife was selected as providing the best value to the city. MetLife provides a greater benefit with more dental providers than the other proposers. Staff recommends that for plan year 2014-2015, the City continue to contribute at the same level as FY2013-2014. The current benefits will remain the same. In addition, as in years past, if employees do not wish to participate in the cost of their dental insurance, they will not be required to purchase the benefit, and the City's contribution will be contributed to their Flexible Spending Account should they choose to have one. Staff recommends that the Trustees authorize a two (2) year contract with MetLife for dental benefits.

Basic Life, AD&D, Voluntary Life and Long Term Disability

On June 3rd 2014, the City received eight (8) proposals for life insurance. The proposals were reviewed by the City's consultant, Burke Sunday of Gallagher Benefits Services. The proposal from MetLife was selected as providing the best value to the city. Staff recommends that the Trustees authorize a three (3) year contract with MetLife for Basic Life, AD&D and Voluntary Life.

Basic Life, AD&D, Voluntary Life and Long Term Disability

On June 3rd 2014, the City received five (5) proposals for Long Term Disability. The proposals were reviewed by the City's consultant, Burke Sunday of Gallagher Benefits Services. The proposal from MetLife was selected as providing the best value to the city. Staff recommends that the Trustees authorize a three (3) year contract with MetLife for Long Term Disability.

ACTION REQUIRED: The Mayor shall recess the Council meeting and convene a meeting of the trustees of the City of Temple Employee Benefits Trust. The Trustees (all Councilmember's) will conduct the business of the Trust as shown on the Trust Agenda, including awarding contracts to the various vendors. Once business has been concluded, the Mayor will adjourn the Trust meeting and reconvene the Council meeting. No action is required of the Council on this item. All action is performed by the Trustees.

FISCAL IMPACT: Funding of the contracts awarded by the Trust will be accomplished at a Council meeting in September when the budget is adopted. (NOTE: The trust was established in order to eliminate the premium tax that is passed on from the insurance companies.)

Proposed FY 2015 Budgeted Amount	Insurance Type
<i>Employees:</i>	
\$ 60,794	Dental
47,095	Basic Life
59,016	Long Term Disability
9,940	AD&D
<i>Retirees:</i>	
\$ 3,800	Dental
\$ 180,645	TOTAL

ATTACHMENTS:

[Tabulation of Dental Insurance Proposals](#)
[Tabulation of Basic Life, Basic AD&D, Voluntary Life and Voluntary AD&D Insurance Proposals](#)
[Tabulation of Long Term Disability Insurance Proposals](#)
[Combined Cost Analysis](#)
[Resolution](#)

The City of Temple



Analysis of Responses to Request for Proposals - Fully Insured Dental Plans - RFP # 27-02-15

	MetLife [Current]	MetLife [Renewal]	Guardian ¹	Lincoln Financial ¹	Assurant	UNUM/United Concordia ¹	Assurant ²
<u>High Plan [Active]</u>						[Blended]	
Employee Only [113]	\$28.52	\$29.95	\$32.24	\$29.95	\$26.52	\$33.00	\$28.52
Employee + Spouse [29]	\$57.47	\$60.34	\$64.97	\$60.34	\$53.45	\$66.50	\$57.47
Employee + Children [36]	\$77.58	\$81.46	\$87.70	\$81.46	\$72.15	\$89.77	\$77.58
Employee + Family [48]	\$106.53	\$111.86	\$120.43	\$111.86	\$99.07	\$123.77	\$106.53
Rank	\$12,795.71	\$13,436.05	\$14,465.09	\$13,436.05	\$11,899.57	\$14,830.18	\$12,795.71
<u>Low Plan [Active]</u>							
Employee Only [180]	\$12.47	\$13.09	\$14.10	\$13.09	\$11.60	\$14.43	\$12.47
Employee + Spouse [43]	\$24.65	\$25.88	\$27.86	\$25.88	\$22.92	\$28.52	\$24.65
Employee + Children [52]	\$30.67	\$32.20	\$34.68	\$32.20	\$28.52	\$35.49	\$30.67
Employee + Family [65]	\$44.38	\$46.60	\$50.17	\$46.20	\$41.27	\$51.36	\$44.38
Rank	\$7,784.09	\$8,172.44	\$8,800.39	\$8,146.44	\$7,239.15	\$9,007.64	\$7,784.09
Total Rank - Actives	\$20,579.80	\$21,608.49	\$23,265.48	\$21,582.49	\$19,138.72	\$23,837.82	\$20,579.80
PEPM [566]	\$36.36	\$38.18	\$41.11	\$38.13	\$33.81	\$42.12	\$36.36
Variance		5.00%	13.05%	4.87%	-7.00%	15.83%	0.00%
<u>High Plan [Retiree]</u>							
Employee Only [10]	\$48.26	\$50.67	\$54.53	\$50.67	\$44.88	\$33.00	\$48.26
Employee + Spouse [8]	\$97.28	\$102.14	\$109.93	\$102.14	\$90.47	\$66.50	\$97.38
Employee + Children [0]	\$131.29	\$137.85	\$148.36	\$137.85	\$122.1	\$89.77	\$131.29
Employee + Family [0]	\$180.31	\$189.33	\$203.75	\$189.33	\$167.69	\$123.77	\$180.31
Rank	\$1,260.84	\$1,323.82	\$1,424.74	\$1,323.82	\$1,172.56	\$862.00	\$1,261.64
<u>Low Plan [Retiree]</u>							
Employee Only [30]	\$18.38	\$19.30	\$20.77	\$19.30	\$17.09	\$14.43	\$18.38
Employee + Spouse [15]	\$36.34	\$38.16	\$41.06	\$38.16	\$33.80	\$28.52	\$36.34
Employee + Children [0]	\$45.16	\$47.42	\$51.03	\$47.42	\$42.00	\$35.49	\$45.16
Employee + Family [1]	\$65.41	\$68.68	\$73.91	\$68.68	\$60.83	\$51.36	\$65.41
Rank	\$1,161.91	\$1,220.08	\$1,312.91	\$1,220.08	\$1,080.53	\$912.06	\$1,161.91
Total Rank - Actives + Re	\$23,002.55	\$24,152.39	\$26,003.13	\$24,126.39	\$21,391.81	\$25,611.88	\$23,003.35
PEPM [630]	\$36.51	\$38.34	\$41.27	\$38.30	\$33.96	\$40.65	\$36.51
Variance from Incumbent		5.00%	13.04%	4.89%	-7.00%	11.34%	0.00%

Second Year Rate Guarantee

Rate Cap +7.00%

2 Year Level

¹ Includes Premium Tax (+1.75%)

Temple_Dental_RFPAnalysis_1415PY

The City of Temple



Analysis of Responses to Request for Proposals - Fully Insured Life Plan - RFP # 27-02-14

	MetLife (Current)	MetLife (Response)	Guardian	Hartford	Lincoln	Minnesota Life	UNUM	Assurant
<u>Basic Life/AD&D</u>								
Base Rate/1000	\$0.123	\$0.123	\$0.123	\$0.080	\$0.123	\$0.115	\$0.123	\$0.120
AD&D Rate/1000	\$0.026	\$0.026	\$0.026	\$0.020	\$0.026	\$0.025	\$0.026	\$0.030
Total Rate/1000	\$0.149	\$0.149	\$0.149	\$0.100	\$0.149	\$0.140	\$0.149	\$0.150
Volume	\$25,685,000.00	\$25,685,000.00	\$25,685,000.00	\$25,685,000.00	\$25,685,000.00	\$25,685,000.00	\$25,685,000.00	\$25,685,000.00
Monthly Cost	\$3,827.07	\$3,827.07	\$3,827.07	\$2,568.50	\$3,827.07	\$3,595.90	\$3,827.07	\$3,852.75
PEPM [600]	\$6.38	\$6.38	\$6.38	\$4.28	\$6.38	\$5.99	\$6.38	\$6.42
Variance		0.00%	0.00%	-32.89%	0.00%	-6.04%	0.00%	0.67%
Guarantee		3 Years	1 Year	2 Years	1 Year	3 Years	2 Years	2 Years
Rank		3	4	1	4	2	3	5

Voluntary Base Life

Employee Age	Increments/1000	Increments/1000	Increments/1000	Increments/1000	Increments/1000	Increments/1000	Increments/1000	Increments/1000
<25	\$0.05	\$0.05	\$0.060	\$0.050	\$0.05	\$0.05	\$0.05	DNQ
25-29	\$0.06	\$0.06	\$0.060	\$0.047	\$0.06	\$0.06	\$0.06	
30-34	\$0.08	\$0.08	\$0.630	\$0.053	\$0.08	\$0.08	\$0.08	
35-39	\$0.09	\$0.09	\$0.860	\$0.079	\$0.09	\$0.09	\$0.09	
40-44	\$0.11	\$0.11	\$0.135	\$0.121	\$0.11	\$0.11	\$0.11	
45-49	\$0.16	\$0.16	\$0.214	\$0.196	\$0.16	\$0.16	\$0.16	
50-54	\$0.26	\$0.26	\$0.324	\$0.328	\$0.26	\$0.26	\$0.26	
55-59	\$0.43	\$0.43	\$0.533	\$0.531	\$0.43	\$0.43	\$0.43	
60-64	\$0.66	\$0.66	\$0.885	\$0.707	\$0.66	\$0.66	\$0.66	
65-69	\$1.23	\$1.23	\$1.388	\$1.112	\$1.23	\$1.23	\$1.23	
70-74	\$2.06	\$2.06	\$2.797	\$1.941	\$2.06	\$2.06	\$2.06	
75-79	\$2.06	\$2.06	\$2.797	\$3.373	\$2.06	\$2.06	\$2.06	

Voluntary AD&D

Employee	\$0.028	\$0.028	\$0.03	\$0.03	\$0.030	\$0.030	\$0.028
Spouse	\$0.036	\$0.036	\$0.03		\$0.047	\$0.030	\$0.028
Children	\$0.036	\$0.036	\$0.03		\$0.036	\$0.030	\$0.028

The City of Temple



Analysis of Responses to Request for Proposals - Fully Insured Life Plan - RFP # 27-02-14

	MetLife (Current)	MetLife (Response)	Guardian	Hartford	Lincoln	Minnesota Life	UNUM	Assurant
<u>Voluntary Base Life</u>								
Dependent Age	Increments/1000	Increments/1000	Increments/1000	Increments/1000	Increments/1000	Increments/1000	Increments/1000	Increments/1000
<25	\$0.044	\$0.044	\$0.060	\$0.064	\$0.044	\$0.05	\$0.044	DNQ
25-29	\$0.044	\$0.044	\$0.060	\$0.061	\$0.044	\$0.06	\$0.044	
30-34	\$0.055	\$0.055	\$0.630	\$0.067	\$0.055	\$0.08	\$0.055	
35-39	\$0.077	\$0.077	\$0.860	\$0.095	\$0.077	\$0.09	\$0.077	
40-44	\$0.099	\$0.099	\$0.135	\$0.142	\$0.099	\$0.11	\$0.099	
45-49	\$0.132	\$0.132	\$0.214	\$0.222	\$0.132	\$0.16	\$0.132	
50-54	\$0.209	\$0.209	\$0.324	\$0.367	\$0.209	\$0.26	\$0.209	
55-59	\$0.330	\$0.330	\$0.533	\$0.587	\$0.330	\$0.43	\$0.330	
60-64	\$0.550	\$0.550	\$0.885	\$0.779	\$0.550	\$0.66	\$0.550	
65-69	\$0.968	\$0.968	\$1.388	\$1.220	\$0.968	\$1.23	\$0.968	
70-74	\$1.595	\$1.595	\$2.797	\$2.123	\$1.595	\$2.06	\$1.595	
75-79	\$1.595	\$1.595	\$2.797	\$3.682	\$1.595	\$2.06	\$1.595	
<u>Child Options</u>								
Option 1	\$1.120	\$0.80	\$1.46	\$0.55	\$1.120	\$1.30	\$1.12	
Option 2	\$1.350	\$1.80	\$1.46	?	\$1.350	?		
Rank (Employee)		1	3	2	1	1.25	1	
Rank (Dependent)		1	4	3	1	2	1	

City of Temple Employee Benefits Trust



Long Term Disability - Benefit and Cost Analysis [RFP # 27-04-14]

	MetLife Current	MetLife Response	Guardian ¹ Response	Assurant Response	Unum Response	Lincoln Response
Rate/\$100	\$0.235	\$0.256	\$0.300	\$0.220	\$0.235	\$0.220
Payroll/Volume	\$1,895,347.75	\$1,895,347.75	\$1,895,347.75	\$1,895,347.75	\$1,895,347.75	\$1,895,347.75
Monthly Cost	\$4,454	\$4,852	\$5,686	\$4,170	\$4,454	\$4,170
Annual Cost	\$53,449	\$58,225	\$68,233	\$50,037	\$53,449	\$50,037
\$ Increase/\$ (Decrease)		\$4,776	\$14,784	(\$3,412)	\$0	(\$3,412)
Percentage Variance		8.94%	27.66%	-6.38%	0.00%	-6.38%
Rate Guarantee		3 Years	2 Years	2 Years	2 Years	2 Years
Monthly Cost per Employee	\$7.68	\$8.37	\$9.80	\$7.19	\$7.68	\$7.19
<u>Benefit</u>						
Benefit Percentage	60%	60%	60%	60%	60%	60%
Maximum Monthly Benefit	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000
Minimum Monthly Benefit	\$100	\$100	\$100	\$100	\$100	\$100
Coverage For Partial Disability	Yes	Yes	Yes	Yes	Yes	Yes
Survivor Benefit	3 Months	3 Months	3 Months	3 Months	3 Months	3 Months
Own Occupation Benefit	2 Years	2 Years	2 Years	2 Years	2 Years	2 Years
Any Occupation Benefit	65 with ADEA Reduction	65 with ADEA Reduction	65 with ADEA Reduction	65 with ADEA Reduction	65 with ADEA Reduction	65 with ADEA Reduction
Elimination Period	180 Days	180 Days	180 Days	180 Days	180 Days	180 Days
Pre-existing Conditions	3/12	3/12	12/12	3/12	12/12	12/12
Benefit Offsets or Reductions	Social Security, Workers Compensation & State Disability	Social Security, Workers Compensation & State Disability	Social Security, Workers Compensation & State Disability	Social Security, Workers Compensation & State Disability	Social Security, Workers Compensation & State Disability	Social Security, Workers Compensation & State Disability
Rating	A+	A+	A++	A-	A	A+

City of Temple

Combined Cost Analysis

	Met Life	Met Life [R]	Assurant	Guardian	UNUM	Minnesota	Lincoln
Dental	\$23,002.55	\$24,152.39	\$23,003.35	\$26,003.13	\$25,611.88	DNQ	\$24,126.39
LTD	\$4,454.00	\$4,852.00	\$3,852.75	\$5,686.00	\$3,827.07	DNQ	\$4,170.00
Life	\$3,827.07	\$3,827.07	\$4,170.00	\$3,827.07	\$4,454.00	\$3,595.00	\$3,827.00
Total	\$31,283.62	\$32,831.46	\$31,026.10	\$35,516.20	\$33,892.95	\$3,595.00	\$32,123.39
Variance		4.95%	-0.82%	13.53%	8.34%	-88.51%	2.68%
Variance from Incument			-5.50%	8.18%	3.23%		
\$\$ Change from Current		\$1,547.84	-\$257.52	\$4,232.58	\$2,609.33	-\$27,688.62	\$839.77
Monthly \$\$ Change from Incumbent			-\$1,805.36	\$2,684.74	\$1,061.49		-\$708.07
Annualized Cost	\$375,403.44	\$393,977.52	\$372,313.20	\$426,194.40	\$406,715.40		\$385,480.68
Annualized Difference		\$18,574.08	-\$21,664.32	\$32,216.88	\$12,737.88		-\$8,496.84

RESOLUTION NO. 2014-7354-R

A RESOLUTION OF THE CITY OF TEMPLE, TEXAS, EMPLOYEE BENEFITS TRUST, AUTHORIZING THE PURCHASE OF INSURANCE POLICIES FOR ACTIVE AND RETIREE DENTAL, BASIC LIFE, ACCIDENTAL DEATH AND DISMEMBERMENT, VOLUNTARY LIFE AND LONG TERM DISABILITY THROUGH METLIFE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on June 3, 2014, the City received eight (8) proposals for dental insurance for active and retired employees, eight (8) proposals for life insurance and five (5) proposals for long term disability;

Whereas, all of the proposals were reviewed by the City's consultant, Burke Sunday of Gallagher Benefits Services and staff, as well as Mr. Sunday believe the proposals from MetLife provides the best value to the City;

Whereas, staff recommends that for plan year 2014-2015, the City continue to contribute at the same level as for plan year 2013-2014 as the current benefits will remain the same – staff recommends that the Trustees authorize a two (2) year contract with MetLife for dental benefits;

Whereas, staff recommends that the Trustees authorize a three (3) year contract with MetLife for basic life, accidental death & dismemberment and voluntary life insurance benefits;

Whereas, staff recommends that the Trustees authorize a three (3) year contract with MetLife for long term disability benefits; and

Whereas, the City of Temple Employee Benefits Trust has considered the matter and deems it in the public interest to authorize this action.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF TEMPLE, TEXAS, EMPLOYEE BENEFITS TRUST, THAT:

Part 1: The City of Temple Employee Benefits Trust authorizes the purchase of insurance policies for active and retiree dental, basic life, accidental death and dismemberment, voluntary life and long term disability, through MetLife for fiscal year 2014-2015.

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 **19th** day of **June**, 2014.

CITY OF TEMPLE, TEXAS, EMPLOYEE
BENEFITS TRUST

DANIEL A. DUNN, Trustee

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney