



**SPECIAL MEETING OF THE  
TEMPLE CITY COUNCIL**

**MUNICIPAL BUILDING  
CITY COUNCIL CHAMBERS – 2<sup>ND</sup> FLOOR  
2 NORTH MAIN STREET**

**TEMPLE, TX**

**FRIDAY, OCTOBER 2, 2015**

**8:30 A.M.**

**AGENDA**

**I. CALL TO ORDER**

1. Invocation
2. Pledge of Allegiance

**II. REGULAR AGENDA**

**ANNEXATION ORDINANCE – SECOND READING**

3. [2015-4733](#): SECOND READING: Consider adopting an ordinance authorizing the annexation of approximately 282.73 acres of City-owned property located to the south of Little Flock Road and to the West of Bob White Road to be used for future expansion of the City of Temple landfill.

**ORDINANCES – SECOND READING/PUBLIC HEARING**

4. (A) [2015-4731](#): SECOND READING – PUBLIC HEARING - Consider adopting an ordinance designating a tract of land consisting of approximately 1.494 acres located at 10252 West Adams Avenue as City of Temple Tax Abatement Reinvestment Zone Number 31 for commercial/industrial tax abatement.

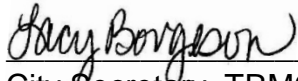
- (B) [2015-7895:R](#): Consider adopting a resolution authorizing a tax abatement agreement with Bush's Chicken United, covering increases in the taxable value of real property for a 1.494 acre tract of land (Tax Abatement Reinvestment Zone Number 31) located at 10252 West Adams Avenue in Temple.

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

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I hereby certify that a true and correct copy of this Notice of Meeting was posted in a public place at 1:25 PM, on Friday, September 25, 2015.



\_\_\_\_\_  
City Secretary, TRMC  
City of Temple



## COUNCIL AGENDA ITEM MEMORANDUM

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10/02/15  
Item #3  
Regular Agenda  
Page 1 of 1

### **DEPT./DIVISION SUBMISSION & REVIEW:**

Brian Chandler, Director of Planning

**ITEM DESCRIPTION:** SECOND READING - Consider adopting an ordinance authorizing the annexation of approximately 282.73 acres of City-owned property located to the south of Little Flock Road and to the West of Bob White Road to be used for future expansion of the City of Temple landfill.

**STAFF RECOMMENDATION:** Adopt ordinance as presented on second and final reading.

**ITEM SUMMARY:** In recent years, the City has purchased approximately 282.73 acres of land located along the eastern boundary of the City's landfill. The property was purchased to be used for future expansion of the landfill. The property lies within the City's extraterritorial jurisdiction (ETJ). City staff is recommending annexation of the area before expansion of the landfill begins.

Pursuant to Chapter 43 of the Local Government Code, the City has completed the following steps during the annexation process:

1. July 30, 2015 – City Council resolution adopted to direct staff to develop the Municipal Service Plan
2. September 3, 2015 – Municipal Service Plan Public Hearing #1
3. September 4, 2015 – Municipal Service Plan Public Hearing #2

The proposed schedule anticipates completion of annexation proceedings through a Second Reading at City Council on October 2, 2015. Zoning for the property will be requested at a future date.

**FISCAL IMPACT:** Future landfill development will not affect the City's Ad Valorem Tax Base, since the property is already owned by the City of Temple.

### **ATTACHMENTS:**

[Municipal Service Plan](#)  
[Aerial Map of Proposed Annexation Area](#)  
[City-Initiated Annexation Schedule](#)  
[Ordinance](#)

**CITY OF TEMPLE**  
**ANNEXATION SERVICE PLAN—CITY-INITIATED ANNEXATION**  
**Future Landfill Property**

For an annexation of approximately 282.73 acres of City-owned property located to the south of Little Flock Road and to the west of Bob White Road (“annexed area”), to be used for future expansion of the City of Temple landfill and being more particularly depicted as Exhibit “A” (Aerial Map) of the Annexation Ordinance (2015-####).

**SERVICES TO BE PROVIDED ON THE EFFECTIVE DATE OF ANNEXATION**

**1. POLICE PROTECTION**

The City will provide police protection to the annexed area at the same or similar level of service now being provided to other areas of the City with the same or similar topography, land use and population density.

**2. FIRE PROTECTION AND AMBULANCE SERVICE**

The City will provide fire protection to the annexed area from Station 2 at the same or similar level of service now being provided to other areas of the City with the same or similar topography, land use and population density. The City will provide First Responder services through its fire department, Temple Fire and Rescue, and contract for emergency medical services from Scott & White Emergency Medical Services.

**3. SOLID WASTE COLLECTION**

Upon payment of any required deposits and the agreement to pay lawful service fees and charges, solid waste collection will be provided to the newly-annexed area where services are required until such time as the tract has fully transitioned to its intended use as an expanded solid waste disposal site. The City Council anticipates that once the annexed area has transitioned to a solid waste disposal facility, collection services will no longer be needed.

**4. MAINTENANCE OF WATER AND WASTEWATER FACILITIES**

Any and all water or wastewater facilities owned or maintained by the City before annexation will continue to be maintained by the City. Any and all water or wastewater facilities acquired subsequent to the annexation will be maintained by the City, to the extent of its ownership. Any and all water or wastewater facilities outside the extent of the ownership of the City, and owned by other water or wastewater treatment providers may continue to provide those services to the annexed area.

**5. MAINTENANCE OF ROADS AND STREETS**

Any and all public roads, streets or alleyways which have been dedicated to the City, or which are owned by the City, will be maintained to the same degree and extent that other roads, streets and alleyways are maintained in areas of the City with similar topography, land use and population density. Any and all lighting of roads, streets and alleyways which may be positioned in a right-of-way, roadway or utility company easement will be maintained by the applicable utility company servicing the City, pursuant to the rules, regulations and fees of such utility.

## 6. MAINTENANCE OF PUBLIC PARKS, PLAYGROUNDS AND SWIMMING POOLS

No public parks, playgrounds or swimming pools are located in the annexed area, nor are any proposed.

## 7. MAINTENANCE OF MUNICIPALLY-OWNED FACILITY, BUILDING OR MUNICIPAL SERVICE

No City-owned buildings are located in the annexed area. The City will operate and maintain City-owned facilities and services in the annexed area to the same extent and degree that it maintains City-owned facilities and services in other areas of the City.

## 8. INSPECTIONS

The City will provide building inspection services upon approved building permits from the City to the annexed area at the same or similar level of service now being provided to other areas of the City with the same or similar topography, land use and population density.

## 9. CODE ENFORCEMENT

The City will provide code enforcement services to the annexed area at the same or similar level of service now being provided to other areas of the City with the same or similar topography, land use and population density.

## 10. MOWING

The City will provide right-of-way mowing services adjacent to the annexed area at the same or similar level of service now being provided to other areas of the City with the same or similar topography, land use and population density.

## CAPITAL IMPROVEMENTS

### 1. POLICE PROTECTION, FIRE PROTECTION AND EMERGENCY MEDICAL SERVICES

The City finds and determines it to be unnecessary to acquire or construct any capital improvements for the purposes of providing police protection, fire protection, or emergency medical services. The City finds and determines that it has at the present time adequate facilities to provide the same type, kind and level of protection and service which is presently being administered to other areas of the City with the same or similar topography, land use and population density.

### 2. ROADS AND STREETS

The City will undertake to provide the same degree of road and street lighting as is provided in areas of the same or similar topography, land use and population density within the City. Maintenance of properly dedicated roads and streets will be consistent with the maintenance provided by the City to other roads and streets in areas of similar topography, land use and subdivision development. Developers will be required, pursuant to the ordinances of the City to provide internal and peripheral streets and to construct those streets in accordance with the specifications required by the City for

the properly dedicated streets. City participation in capital expenditures will be in accordance with City policies.

3. WATER AND WASTEWATER FACILITIES

The City of Temple has water facilities available abutting the annexed area. Due to the nature of the anticipated use, the City does not anticipate extending water facilities within the annexed area.

Currently, there are no wastewater treatment providers within the boundaries of the annexed area, and property owners rely on on-site sewage facilities (septic systems). Other areas of the City of Temple with similar topography, land use, and population density also rely on on-site sewage facilities for wastewater infrastructure. For this reason, and in accordance with Local Government Code Section 43.056(g), the City proposes no extensions of wastewater facilities within the boundaries of the annexed area.

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**SPECIFIC FINDINGS**

The City Council finds and determines that this Service Plan will not provide any fewer services, and it will not provide a lower level of service in the annexed area than were in existence in that area before annexation.

Because of the differing characteristics of topography, land utilization and population density, the service levels which may ultimately be provided in the annexed area may differ somewhat from services provided in other areas of the City. These differences are specifically dictated because of differing characteristics of the property and the City will undertake to perform consistent with this contract so as to provide the annexed area with the same type, kind and quality of service presently enjoyed by the citizens of the City who reside in areas of the same or similar topography, land utilization and population density.

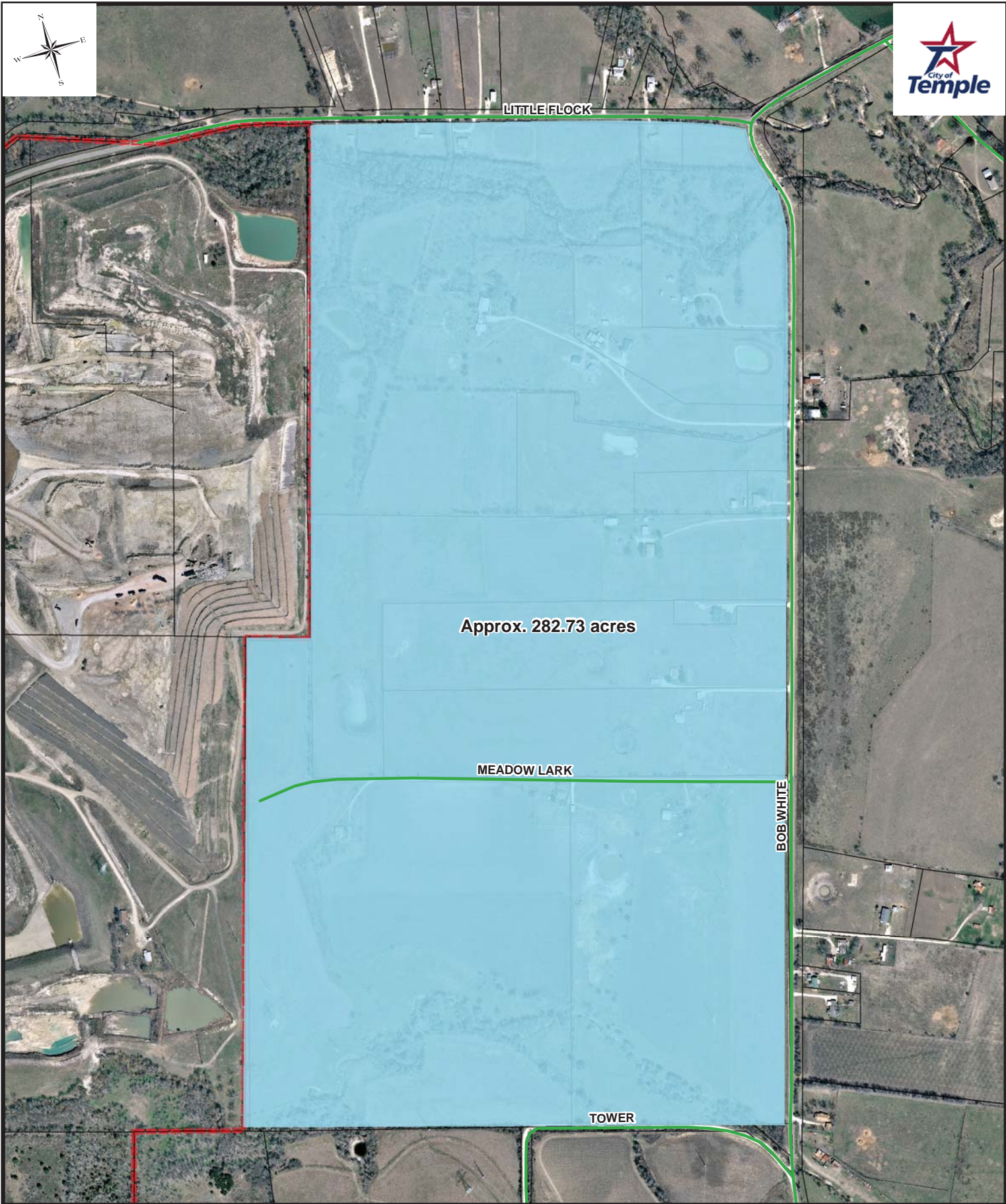
APPROVED ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015.





City of Temple, Texas

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Secretary



-  Streets
-  Annexation Property
-  Temple City Limits
-  Parcels

**Property ID: 113675, 113676, 32031, 19961, 40493  
 69710, 440770, 48937, 27404, 316481  
 316479, 117345, 99392, 117344, 45353**  
 Approx. 282.73 acres of land to be annexed by the City of Temple

**DISCLAIMER:**  
 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.



SCHEDULE  
CITY INITIATED ANNEXATION – Landfill Property

DATE	ACTION	TIME LIMIT/NOTES
<b>07-30-15</b> <b>Special meeting</b>	<b>COUNCIL ADOPTS RESOLUTION</b> 1. Directing staff to develop service plans 2. Setting dates, times, places for public hearings	1. Before publication of notice of 1 <sup>st</sup> hearing required under § 43.063 LGC. § 43.065 LGC
<b>08-03-15</b>	<b>CITY SECRETARY MAILS NOTICES TO</b> 1. Property owners (N/A—City owned) 2. Public and private service entities 3. Railroads (N/A—no RR ROW in area) <i>31<sup>st</sup> day before 1<sup>st</sup> public hearing</i>	Before the 30 <sup>th</sup> day before the date of the first hearing required under § 43.063. § 43.062(b) LGC
<b>08-21-15</b>	<b>CITY SECRETARY SENDS NOTICE TO</b> Public school districts located in annexation area <i>13<sup>th</sup> day before 1<sup>st</sup> public hearing</i>	Within the period prescribed for publishing the notice of the 1 <sup>st</sup> hearing under § 43.063 LGC
<b>08-23-15</b>	<b>CITY SECRETARY PUBLISHES NOTICES FOR PUBLIC HEARINGS ON ANNEXATION</b> Posts notice on City web site Publishes notice in Telegram <i>11<sup>th</sup> day before 1<sup>st</sup> public hearing</i> <i>12<sup>th</sup> day before 2<sup>nd</sup> public hearing</i>	Publish hearing notice on or after the 20 <sup>th</sup> day but before the 10 <sup>th</sup> day before the date of the hearing § 43.063(c)LGC
<b>09-02-15</b>	<b>RESIDENTS' LAST DAY TO FILE PROTEST</b> <i>10<sup>th</sup> day after publication of hearing notice</i>	Hold one hearing in area proposed for annexation if more than 10% of adults who are permanent residents of area file written protest within 20 days after publication of notice. § 43.052(b) LGC
<b>09-03-15</b> <b>Regular meeting</b>	<b>COUNCIL HOLDS 1<sup>st</sup> PUBLIC HEARING</b> Staff presents service plan <i>28<sup>th</sup> day before 1<sup>st</sup> reading of ordinance</i>	Hold hearings on or after the 40 <sup>th</sup> day but before the 20 <sup>th</sup> day before the date of institution of annexation proceedings with 1 <sup>st</sup> reading of ordinance. § 43.063(a) LGC.
<b>09-04-15</b> <b>Special meeting</b>	<b>COUNCIL HOLDS 2<sup>nd</sup> PUBLIC HEARING</b> Staff presents service plan <i>27<sup>th</sup> day before 1<sup>st</sup> reading of ordinance</i>	Hold hearings on or after the 40 <sup>th</sup> day but before the 20 <sup>th</sup> day before the date of institution of annexation proceedings with 1 <sup>st</sup> reading of ordinance. LGC § 43.063(a)
<b>10-01-15</b> <b>Regular Meeting</b>	<b>COUNCIL CONSIDERS ANNEXATION ORDINANCE ON 1<sup>ST</sup> READING &amp; HOLDS PUBLIC HEARING</b>	First reading institutes proceedings for purposes of statutory time limits.
<b>10-02-15</b> <b>Special Meeting</b>	<b>COUNCIL CONSIDERS ANNEXATION ORDINANCES ON 2<sup>ND</sup> READING</b> <i>29<sup>th</sup> day from 1<sup>st</sup> reading</i>	Complete annexation proceedings within 90 days from 1 <sup>st</sup> reading. § 43.064(A) LGC.



DATE	ACTION	TIME LIMIT/NOTES
	<b>INFORMATION TECHNOLOGY SERVICES PREPARES AMENDED CITY MAP</b> 1. Amended City limit boundary 2. Amended City ETJ boundary	

	<b>CITY SECRETARY SENDS NOTICES TO:</b>  <b>TEXAS SECRETARY OF STATE</b> 1. Copy of annexation ordinance 2. Annexation map 3. Statement that annexation is not involved in any litigation	Secretary of State certifies to U. S. Department of Commerce that annexation was valid. <i>[No citation found.]</i>
	<b>VOTER REGISTRAR FOR BELL COUNTY</b> 1. Map in format compatible with mapping format used by registrar's office.	Not later than the 30 <sup>th</sup> day after the date the change is adopted. § 42.0615 Election Code  The County Election Administrator is the Voter Registrar for Bell County.
	<b>STATE COMPTROLLER, SALES TAX DIVISION</b> 1. Annexation ordinance 2. Map showing whole municipality	§ 321.102 Tax Code Delivery of notice affects implementation of tax collection.
	<b>BELL COUNTY CLERK</b> 1. Certified copy of annexation ordinance including legal description of annexed area.	Within 30 days after obtaining preclearance for the annexation under the Federal Voting Rights Act. § 41.0015 LGC
	<b>BELL COUNTY CLERK</b> 1. Certified copy of annexation ordinance 2. Copy of petition	For annexation of Sparsely Occupied Area on Petition of Area Landowners § 43.028(f)
	<b>PUC AND FRANCHISEES</b> Utility, telecommunication, transportation, and EMS providers	
	<b>TxDOT</b> If state road is affected.	
	<b>TEXAS COMMISSION ON FIRE PROTECTION</b>	<i>[No citation found. No information found on Commission's web site.]</i>
	<b>U. S. BUREAU OF THE CENSUS</b>	<i>[Or does SOS notify Bureau of the Census?]</i>

	<b>CITY ATTORNEY SENDS INFORMATION TO U. S. ARMY CORPS OF ENGINEERS:</b> 1. Ordinance 2. Map 3. Service plan 4. Copies of pertinent laws /regulations	If annexation affects Corps' property. Army Regulation 405-25
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ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF TEMPLE, TEXAS, ANNEXING APPROXIMATELY 282.73 ACRES OF CITY-OWNED PROPERTY LOCATED TO THE SOUTH OF LITTLE FLOCK ROAD AND TO THE WEST OF BOB WHITE ROAD; APPROVING A MUNICIPAL SERVICE PLAN; FINDING THAT ALL NECESSARY AND REQUIRED LEGAL CONDITIONS HAVE BEEN SATISFIED; PROVIDING THAT SUCH AREA SHALL BECOME A PART OF THE CITY AND THAT THE OWNERS AND INHABITANTS THEREOF, IF ANY, SHALL BE ENTITLED TO THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BE BOUND BY THE ACTS AND ORDINANCES NOW IN EFFECT AND TO BE HEREAFTER ADOPTED; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the City of Temple is a home-rule city authorized by State law and the City Charter to annex territory lying adjacent and contiguous to the City;

**Whereas**, two separate public hearings were conducted prior to consideration of this ordinance in accordance with Chapter 43 of the Texas Local Government Code and the hearings were conducted and held not more than forty nor less than twenty days prior to the institution of annexation proceedings;

**Whereas**, notice of the public hearings was published in a newspaper of general circulation in the City and the territory proposed to be annexed not more than twenty nor less than ten days prior to the public hearings;

**Whereas**, the property to be annexed is contiguous with and adjacent to the City and not within the boundaries of any other city;

**Whereas**, in recent years, the City has purchased the land located along the eastern boundary of the City's landfill for proposed future expansion of the landfill – the property lies within the City's extraterritorial jurisdiction;

**Whereas**, Staff recommends annexation of this area before expansion of the landfill begins; and

**Whereas**, the City is able to provide all services to the property to be annexed according to the service plan attached hereto.

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

**Part 1:** All of the above premises are found to be true and correct and are incorporated into the body of this Ordinance as if copied in their entirety.

**Part 2:** The property consisting of approximately 282.73 acres of land located to the south of Little Flock Road and to the West of Bob White Road, along the eastern boundary of the City's landfill, described in Exhibit 'A' attached hereto, is hereby annexed and brought within the corporate limits of the City of Temple, Bell County, Texas, and is made an integral part thereof.

**Part 3:** The service plan submitted in accordance with Chapter 43 of the Texas Local Government Code is hereby approved as part of this ordinance, made a part hereof and attached hereto as Exhibit "B."

**Part 4:** The official map and boundaries of the City of Temple are hereby amended so as to include the annexed Property as part of the City of Temple.

**Part 5:** The annexed Property shall be zoned at a future date, in compliance with the Zoning Ordinance of the City of Temple.

**Part 6:** The annexed Property shall be included in, and become a part of, the City of Temple City Council Election District Number 2.

**Part 7:** 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 8:** If the taking of any territory annexed by this ordinance is declared by a court of competent jurisdiction to be invalid and/or illegal, it shall not affect the balance of the property annexed and attempted to be annexed, and that property shall remain as part of the City of Temple, Texas. It is the intent of this ordinance that any territory that is not lawful for the City to incorporate be excluded from this annexation and that such exclusion be documented by having a qualified surveyor correct the property description of the annexed area to conform to the Council's intention and to insure that the boundary description closes.

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

**Part 10:** 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 1<sup>st</sup> day of **October**, 2015.

PASSED AND APPROVED on Second and Final Reading on the 2<sup>nd</sup> day of **October**, 2014.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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10/02/15  
Item #4(A)  
Regular Agenda  
Page 1 of 1

### **DEPT./DIVISION SUBMISSION & REVIEW:**

Kayla Landeros, City Attorney

**ITEM DESCRIPTION:** SECOND READING – PUBLIC HEARING - Consider adopting an ordinance designating a tract of land consisting of approximately 1.494 acres located at 10252 West Adams Avenue as City of Temple Tax Abatement Reinvestment Zone Number 31 for commercial/industrial tax abatement.

**STAFF RECOMMENDATION:** Conduct public hearing and adopt ordinance on as presented in item description, on second and final reading.

**ITEM SUMMARY:** The proposed ordinance designates a tract of land consisting of approximately 1.494 acres and located at 10252 West Adams Avenue as Tax Abatement Reinvestment Zone Number 31 for commercial/industrial tax abatement.

The tract proposed for designation as a tax abatement reinvestment zone will be the location of a corporate headquarters. The designation of a tax abatement reinvestment zone lasts for five years and is a prerequisite for entering into a tax abatement agreement with a future economic development prospect. The tax abatement agreement for the improvements is item #4(B) on the Council's October 2, 2015 meeting.

**FISCAL IMPACT:** None at this time.

### **ATTACHMENTS:**

[Ordinance](#)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, DESIGNATING A TRACT OF LAND CONSISTING OF APPROXIMATELY 1.494 ACRES LOCATED AT 10252 WEST ADAMS AVENUE, AS CITY OF TEMPLE TAX ABATEMENT REINVESTMENT ZONE NUMBER THIRTY-ONE FOR COMMERCIAL/INDUSTRIAL TAX ABATEMENT; ESTABLISHING THE BOUNDARIES THEREOF AND OTHER MATTERS RELATING THERETO; DECLARING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the City Council of the City of Temple, Texas (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; and

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

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

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

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

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

B. That the boundaries of the reinvestment zone (hereinafter "REINVESTMENT ZONE NUMBER THIRTY-ONE") should be approximately 1.494 acres located at 10252

West Adams Avenue, Temple, Bell County, Texas, as described in the drawing attached as Exhibit "A."

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

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

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

**Part 3:** Pursuant to Section 312.201 of the Code, the City hereby creates a reinvestment zone for commercial/industrial tax abatement encompassing approximately 1.494 acres located at 10252 West Adams Avenue, Temple, Bell County, Texas, described by the drawing in Exhibit "A," attached hereto and such REINVESTMENT ZONE is hereby designated and shall hereafter be officially designated as Tax Abatement Reinvestment Zone Number Thirty-One, City of Temple, Texas.

**Part 4:** The REINVESTMENT ZONE shall take effect on October 1, 2015, or at an earlier time designated by subsequent ordinance.

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

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

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

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

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

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

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

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

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

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

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

**Part 8: 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 9: 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 10: Sunset provision.** The designation of Tax Abatement Reinvestment Zone Number Thirty-One shall expire five years from the effective date of this ordinance. The designation of a tax abatement reinvestment zone may be renewed for periods not exceeding five years. The expiration of a reinvestment zone designation does not affect an existing tax abatement agreement authorized by the City Council.

**Part 11: Open Meeting Act.** It is hereby officially found and determined that the meeting at which this ordinance was 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 17<sup>th</sup> day of **September**, 2015.

PASSED AND APPROVED on Second and Final Reading and Public Hearing on the 1<sup>st</sup> day of **October**, 2015.

THE CITY OF TEMPLE, TEXAS

\_\_\_\_\_  
DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Lacy Borgeson  
City Secretary

\_\_\_\_\_  
Kayla Landeros  
City Attorney





## COUNCIL AGENDA ITEM MEMORANDUM

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10/01/15  
Item #4(B)  
Regular Agenda  
Page 1 of 2

### **DEPT./DIVISION SUBMISSION & REVIEW:**

Kayla Landeros, City Attorney

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a tax abatement agreement with Bush's Chicken United, covering increases in the taxable value of real property for a 1.494 acre tract of land (Tax Abatement Reinvestment Zone Number 31) located at 10252 West Adams Avenue in Temple.

*Executive Session: Pursuant to Section 551.087 of the Government Code, the City Council may meet in executive session to discuss either commercial or financial information that the City has received from a business prospect that the City wishes to locate, stay or expand within the City limits and with which the City is conducting economic development negotiations, or to deliberate the offer of a financial or other incentive to a business prospect the public discussion of which would adversely affect ongoing economic development negotiations.*

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

**ITEM SUMMARY:** The proposed resolution authorizes the City Manager to execute an agreement with Bush's Chicken United ("Bush's"), which if approved gives the company five years of 45% tax abatement on the increased taxable value of real property improvements on a 1.494 acre tract of land located at 10252 West Adams Avenue in Temple.

The proposed agreement covers approximately 1.494 acres of land that has been designated as City of Temple Tax Abatement Reinvestment Zone Number 31. The site will be the location of Bush's corporate headquarters. The tax abatement applies only to *new* real property improvements. The agreement provides that the tax abatement period commences in the first full calendar year after the corporate headquarters opens for business.

Bush's timely filed an application to receive tax abatement on improvements to real property proposed for a corporate headquarters to be constructed on the tract described above. The City Council has previously approved an ordinance designating the property on which the improvements will be located as a tax abatement reinvestment zone. Tax abatement is being sought for real property improvements consisting of the construction of Bush's corporate headquarters. Bush's estimates that its investment will be in the neighborhood of \$1.4 million. The actual value of the improvements, and the value of our tax abatement, is dependent on appraisal by the Bell County Appraisal District.

The City's Economic Development Policy sets out the criteria and guidelines for granting tax abatement. The renovations proposed meet the minimum criteria established for tax abatement consideration. The proposed improvements fall within the definition of "eligible facilities" in the criteria. The application indicates real property improvements which meet the criteria for granting a 45% tax abatement for 5 years.

The Staff has provided the other taxing entities involved with notice and a copy of the proposed agreement. Under State law, the other taxing entities will have 90 days to elect to enter into an agreement with identical terms. The proposed agreement is drafted for the signature of each taxing entity, but will be effective between Bush's and any of the taxing entities which sign the agreement even if not all sign.

Additionally, the agreement has all of the other terms required by Chapter 312 of the Texas Tax Code for tax abatement agreements, including provisions: (1) listing the kind and number of improvements; (2) providing for inspections of the facility by the taxing entities; (3) requiring compliance with State and local laws; (4) recapturing abated taxes in the event of a default under the agreement; and (5) requiring Bush's to annually certify to all the taxing entities that it is in compliance with all of the terms and conditions of the agreement.

Bush's application meets the standards for granting tax abatement on the increase in real property improvements established by the City's Criteria and Guidelines for tax abatement. The City Council has discretion whether to approve an application for tax abatement and to increase the percentage of tax abatement over the recommended percentage specified in the matrix in the City's Criteria and Guidelines for tax abatement. The agreement should add to the continued development of the City's commercial growth, which would not have occurred in the absence of tax abatement.

**FISCAL IMPACT:** The tax abatement agreement with Bush's Chicken would have the potential of abating approximately \$19,839 over the life of the agreement (45% for five years) using the City's current tax rate of \$0.6298 per \$100 value. This amount is based on an estimated increase in the appraised value of real property improvements of \$1.4 million.

**ATTACHMENTS:**

[Resolution](#)

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE MAYOR TO EXECUTE A TAX ABATEMENT AGREEMENT WITH BUSH'S CHICKEN UNITED, COVERING INCREASES IN THE TAXABLE VALUE OF REAL PROPERTY ON AN APPROXIMATELY 1.494 ACRE TRACT OF LAND (TAX ABATEMENT REINVESTMENT ZONE NUMBER THIRTY-ONE) LOCATED AT 10252 WEST ADAMS AVENUE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the City adopted a Resolution dated June 15, 1989, stating that it elects to be eligible to participate in tax abatement;

**Whereas**, on July 3, 2014, the City Council adopted Ordinance No. 2014-4673, establishing a comprehensive economic development policy for the City of Temple, which policy includes criteria and guidelines for granting tax abatement within the City of Temple in accordance with Chapter 312 of the Tax Code;

**Whereas**, Bush's Chicken United timely filed an application to receive tax abatement on improvements to real property proposed for a corporate headquarters to be constructed on the an approximately 1.494 acre tract of land located at 10252 West Adams Avenue - the City Council previously approved an Ordinance designating the property on which the improvements will be made as Tax Abatement Reinvestment Zone Number Thirty-One;

**Whereas**, tax abatement is being sought for real property improvements consisting of the construction of Bush's corporate headquarters - Bush's estimates that its investment will be approximately \$1.4 million which is dependent on appraisal by the Bell County Appraisal District;

**Whereas**, Bush's has requested that the City consider granting the company 5 years of 45% tax abatement on the increased taxable value of real property improvements;

**Whereas**, as required by law, the City has notified all taxing entities of its intent to enter into the agreement;

**Whereas**, the City's Economic Development Policy sets out the criteria and guidelines for granting tax abatement and the proposed improvements meet the minimum criteria established for tax abatement consideration;

**Whereas**, the proposed agreement is drafted for the signature of each taxing entity, but will be effective between Bush's Chicken United and any of the taxing entities which sign the agreement - the agreement has all of the other terms required by Chapter 312 of the Texas Tax Code for tax abatement agreements; and

**Whereas**, the City Council has considered the matter and finds that the proposed tax abatement with Bush's Chicken United is in compliance with State law and the City's *Guidelines and Criteria* governing tax abatement, and that the proposed improvements by said company are feasible and likely to attract major investment and expand employment within the City.

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

**Part 1:** The Mayor is authorized to execute a tax abatement agreement, after approval as to form by the City Attorney, with Bush's Chicken United granting the company 5 years of 45% tax abatement on the increased taxable value of real property improvements on an approximately 1.494 acre tract of land located at 10252 West Adams Avenue (Tax Abatement Reinvestment Zone Number Thirty-One), after approval as to form by the City Attorney.

**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 1<sup>st</sup> day of **October**, 2015.

THE CITY OF TEMPLE, TEXAS

\_\_\_\_\_  
DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Lacy Borgeson  
City Secretary

\_\_\_\_\_  
Kayla Landeros  
City Attorney