



**MEETING OF THE**

**TEMPLE CITY COUNCIL**

**MUNICIPAL BUILDING**

**2 NORTH MAIN STREET**

**3<sup>rd</sup> FLOOR – CONFERENCE ROOM**

**THURSDAY, DECEMBER 3, 2015**

**4:30 P.M.**

**AGENDA**

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, December 3, 2015.
2. Receive a presentation regarding the Transform Temple Program.

**5:00 P.M.**

**MUNICIPAL BUILDING**

**2 NORTH MAIN STREET  
CITY COUNCIL CHAMBERS – 2<sup>ND</sup> FLOOR  
TEMPLE, TX**

**TEMPLE CITY COUNCIL  
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. PRESENTATIONS**

3. Presentation by Judge Burrow, Bill Schumann, Bell County Commissioner Precinct 3 & Sharon Long, Tax Assessor Collector, of the [Child Safety Funds](#) collected in the amount of \$77,496.11.

**IV. 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.

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

**Minutes**

- (A) [November 19, 2015 Special and Regular Meeting](#)

**Contracts, Leases, & Bids**

- (B) [2015-7968-R](#): Consider adopting a resolution authorizing a construction contract with T. Morales Co. Electric and Controls Ltd, in an amount not to exceed \$313,600, for the replacement of the existing main electrical Motor Control Console-4 (MCC-4) located at the Water Treatment Plant Administration Building.

- (C) [2015-7969-R](#): Consider adopting a resolution authorizing an interlocal agreement with Hill Country Transit District for transit services.
- (D) [2015-7970-R](#): Consider adopting a resolution authorizing a three year professional services agreement with All-Write Testing in a total estimated cost of \$54,000, for Civil Service promotional test writing.
- (E) [2015-7971-R](#): Consider adopting a resolution authorizing the purchase of computer hardware during FY 2016 in the estimated annual amount of \$102,000, from GovConnection, Inc., of Merrimack, New Hampshire.
- (F) [2015-7972-R](#): Consider adopting a resolution authorizing the purchase of fleet tracking monitoring service for FY 2016 in the annual amount of \$41,000, through GPS Insight, LLC, of Scottsdale, Arizona.

### **Ordinances – Second & Final Reading**

- (G) [2015-4738](#): SECOND READING - Consider adopting an ordinance:
  1. Creating Chapter 40, “Nuisances,” of the Code of Ordinances of the City of Temple Texas;
  2. Amending Chapter 16, “Health and Sanitation,” of the Code of Ordinances of the City of Temple, Texas, to delete Article IV “Neighborhood Nuisances;”
  3. Amending Chapter 37, “Traffic,” of the Code of Ordinances of the City of Temple, Texas to delete Section 37-108 and Article V “Junked Motor Vehicles.”

### **Misc.**

- (H) [2015-7973-R](#): Consider adopting a resolution authorizing payment of the TCEQ Water System Fee to the Texas Commission on Environmental Quality for operations of Temple’s water treatment plants, in the amount of \$69,171.95.
- (I) [2015-7974-R](#): Consider adopting a resolution authorizing budget amendments for fiscal year 2015-2016.

## **V. REGULAR AGENDA**

### **ORDINANCES – FIRST READING/PUBLIC HEARING**

- 5. (A) [2015-4739](#): FIRST READING – PUBLIC HEARING. Consider adopting an ordinance Creating Chapter 41, “Credit Access Businesses,” of the Code of Ordinances of the City of Temple, Texas.
- (B) [2015-4740](#): FIRST READING – PUBLIC HEARING Z-FY-16-04: Consider adopting an ordinance authorizing amendments to Ordinance 2010-4413, Temple Unified Development Code related to regulating Credit Access Businesses (commonly referred to as “Payday Lenders”) and the following specific Articles: Article 5-Use Standards, including specific locational standards; and Article 11-Definitions, providing a definition for Credit Access Businesses.

6. [2015-4741](#) FIRST READING – PUBLIC HEARING – Z-FY-16-01: Consider adopting an ordinance authorizing a rezoning from General Retail District (GR), Office 1 District (O-1) and Multiple-Family Dwelling 1 District (MF-1) to General Retail District (GR), on 6.414 +/- acres, being all of Lot 1, Block 1, G2K North subdivision, located on the north side of West Adams Avenue, west of Holy Trinity Catholic High School and east of Hilliard Road.
7. [2015-4742](#) FIRST READING – PUBLIC HEARING - Z-FY-16-02: Consider adopting an ordinance authorizing a rezoning from Agricultural District (AG) to Single Family Three Dwelling District (SF-3) on a tract of land situated in the MAXIMO MORENO Survey, Abstract 14, Bell County, Texas, located at 902 East Nugent Avenue.
8. [2015-4743](#): FIRST READING – PUBLIC HEARING: Consider adopting an ordinance amending the approval process for economic development incentives for property redevelopment in the Jeff Hamilton Park area.
9. [2015-4744](#): FIRST READING – PUBLIC HEARING - Consider adopting an ordinance amending the City's strategic investment zones incentive policies.

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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 xx:xx PM, on Friday, November 20, 2015.



City Secretary, TRMC





## **COUNCIL AGENDA ITEM MEMORANDUM**

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12/03/15  
Item #3  
Regular Agenda  
Page 1 of 1

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

Lacy Borgeson, City Secretary

**ITEM DESCRIPTION:** Presentation by Judge Burrow, Bill Schumann, Bell County Commissioner Precinct 3 & Sharon Long, Tax Assessor Collector, of the Child Safety Funds collected in the amount of \$77,496.11.

**STAFF RECOMMENDATION:** Accept presentation as presented in item description.

**ITEM SUMMARY:** Presentation by Judge Burrows, Bill Schumann, Bell County Commissioner Precinct 3 & Sharon Long, Tax Assessor Collector, of the child safety funds for the period October 1, 2014 through September 30, 2015 in the amount of \$77,496.11.

Under the authority of the Texas Transportation Code, in 2001, the Bell County Commissioners Court imposed a \$1.50 per vehicle Child Safety registration fee to be collected by our County Tax Assessor-Collector. The City of Temple's allocation is based on population. These funds must be used for a school crossing guard program if the City operates one. Since the City does not operate a crossing guard program, the funds may be spent on programs designed to enhance child safety, health or nutrition, including child abuse prevention and intervention and drug and alcohol abuse prevention.

**FISCAL IMPACT:** The balance remaining of Child Safety Fees at the end of FY 2015 was \$221.96. The FY 2016 Operating Budget included funding in the amount of \$71,288 for the use of Child Safety Fees. Funding was for the Community Education Specialist position and associated operating costs in the amount of \$57,288 and for the purchase of driver feedback signs to be placed within school zones in the amount of \$14,000. The funds received tonight will fund the programs included in the FY 2016 Operating Budget.

### **ATTACHMENTS:**

None



## COUNCIL AGENDA ITEM MEMORANDUM

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12/03/15  
Item #4(A)  
Consent Agenda  
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**DEPT./DIVISION SUBMISSION & REVIEW:**

Lacy Borgeson, City Secretary

**ITEM DESCRIPTION:** Approve Minutes:

(A) November 19, 2015 Special 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:**

November 19, 2015 Special and Regular Meeting – to be provided



## COUNCIL AGENDA ITEM MEMORANDUM

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12/03/15  
Item #4(B)  
Consent Agenda  
Page 1 of 1

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

Nicole Torralva, P. E., Public Works Director  
Damon B. Boniface, Utility Director

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a construction contract with T. Morales Co. Electric and Controls Ltd, in an amount not to exceed \$313,600, for the replacement of the existing main electrical Motor Control Console-4 (MCC-4) located at the Water Treatment Plant Administration Building.

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

**ITEM SUMMARY:** The MCC-4 is a vital component of the water treatment plant, supplying power to both the Administration Building and to various treatment processes inside the conventional water treatment plant. McCreary & Associates, Inc., of Dallas TX, assessed the current condition of the MCC-4 and concluded that the existing MCC-4 sustained severe corrosion from being located in a high humidity room and appears to have overheated at some point. The MCC-4 was installed in 1978 and even though replacement parts are available, it is no longer feasible to rehabilitate it.

On November 10, 2015, the City of Temple received competitive bids from two contractors for the Water Treatment Plant MCC-4 Replacement project. The engineer, McCreary & Associates, Inc., of Dallas TX, reviewed the bids and recommends that the City award a construction contract to T. Morales Company, Electric & Controls Ltd., based on them being the low bidder and their reputation with performing similar projects for the City of Temple. T. Morales has performed work for the City of Temple and is well qualified to complete this project.

The timeline for construction is 150 calendar days.

**FISCAL IMPACT:** Funding is appropriated in account 561-5100-535-6931, project #101206, as follows:

Project Budget	\$800,000
Encumbered/Committed To Date	(170)
Construction Contract - T. Morales Company	(313,600)
<b>Remaining Project Funds</b>	<b><u><u>\$486,230</u></u></b>

**ATTACHMENTS:**

[Engineer's Letter of Recommendation](#)  
[Bid Tabulation](#)  
[Resolution](#)

**McCREARY & ASSOCIATES, INC.**

CONSULTING ENGINEERS 972/458-8745  
6310 LBJ FREEWAY SUITE 217 DALLAS, TEXAS 75240

November 12, 2015

Mr. Damon Boniface  
Utilities Director  
Engineering Department  
3210 E. Avenue H., Bldg. A  
Temple, Texas 76501

Re: City of Temple  
Water Treatment Plant MCC-4 Replacement  
Bid #41-09-16

Dear Damon,

On November 10, 2015, the City of Temple received competitive bids from two (2) contractors for the Water Treatment Plant MCC-4 Replacement Project. A Bid Tabulation is provided for your reference.

The bid received was for installation of a new MCC to replace the existing MCC-4 in the main building at the Water Treatment Plant. The project also consists of installation of new cable and cable tray and associated miscellaneous wiring and improvements to the building.

The attached Bid Tabulation shows T. Morales Company, Electric & Controls Ltd. of Florence, Texas as the low bidder with a bid of \$313,600.00. The final opinion of probable cost was \$461,000 and was based on a detailed cost estimate performed by our office and experience with similar projects. The bid price is under the estimate.

We recommend that the contract amount of \$313,600.00 be awarded to T. Morales Company, Electric & Controls Ltd. for this project. T. Morales Company, Electric & Controls Ltd. has performed numerous projects for the City of Temple and is well qualified to complete this project.

Sincerely,



Joseph Kotrla, P.E.  
McCreary & Associates, Inc.  
Firm Registration No. F-338

xc: Ms. Frances Garcia, City of Temple Purchasing Department  
Mr. Randy Eldridge, T. Morales Company, Electric & Controls Ltd

BID TABULATION  
CITY OF TEMPLE  
WATER TREATMENT PLANT MCC-4 REPLACEMENT  
3210 E Ave H Bldg C  
Temple, Texas 76501  
Nov. 10, 2015; 2:30 PM

BIDDER INFORMATION							
T Morales Co Electric & Controls Ltd PO Box 859 Florence TX 76527				Wallace Controls & Electric, Inc. P.O. Box 31 Meridian, Texas 76665			
Item No.	Estimated Quantity	Unit	Bid Data Description	Unit Price	Extended Amount	Unit Price	Extended Amount
1	100%	LS	Mobilization, Bonds and Insurance, not-to-exceed 5% of the Total Bid Amount, complete for	\$ 15,680.00	\$ 15,680.00	\$ 12,950.00	\$ 12,950.00
2	100%	LS	Furnish and install new MCC-4 and all conduit and wiring complete for	214,225.00	214,225.00	369,700.00	369,700.00
3	100%	LS	Furnish and install temporary connections and provide portable generator to run existing MCC-4 while the electric supply is being changed over for	1,140.00	1,140.00	10,741.00	10,741.00
4	100%	LS	Furnish and install changes to existing PLC hardware, program PLC, and make configuration changes to HMI system computers for the addition of new points and the verification of I/O points transferred to the new MCC-4 from the old MCC-4 for	5,320.00	5,320.00	8,040.00	8,040.00
5	100%	LS	Furnish and install new protective relay compete and in place in existing 2400 volt MCC in the High Service Pump Station for	14,440.00	14,440.00	13,691.00	13,691.00
6	100%	LS	Furnish and install modifications to existing generator switchgear to provide extended parallelling protection for	25,745.00	25,745.00	25,593.00	25,593.00
7	100%	LS	Furnish and install portable generator docking station at WTP for MCC-4, complete and in place for	5,985.00	5,985.00	6,271.00	6,271.00
8	100%	LS	Furnish and install roll-up door on WTP administration building, drywall for new MCC-4 Room, door, concrete pad, and painting, complete and in place for	19,760.00	19,760.00	23,108.00	23,108.00
9	100%	LS	Furnish and install level transmitter and control panel for Clear Well No. 1, complete and in place for	10,830.00	10,830.00	7,697.00	7,697.00
10	100%	LS	Provide Project Record Drawings (AsBuilts), Complete for	475.00	475.00	3,633.00	3,633.00
TOTAL AMOUNT BASE BID - (Items 1 - 10)				\$ 313,600.00		\$ 481,424.00	

Did Bidder Acknowledge Addenda No. 1?	YES	YES
Did Bidder Acknowledge Addenda No. 2?	YES	YES
Did Bidder provide Bid Security?	YES	YES
Did Bidder provide required documents?	YES	YES

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

Joseph J. Kotrla, PE  
McCreary & Associates, Inc.



November 12, 2015

Date

Firm Registration No. F-338



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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH T. MORALES COMPANY ELECTRIC AND CONTROLS, LTD OF FLORENCE, TEXAS, IN AN AMOUNT NOT TO EXCEED \$313,600, FOR THE REPLACEMENT OF THE EXISTING MAIN ELECTRICAL MOTOR CONTROL CONSOLE AT THE WATER TREATMENT PLANT ADMINISTRATION BUILDING; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the main control console-4 (MCC-4) is a vital component of the City's Water Treatment Plant which supplies power to both the Administration Building and various treatment processes inside the Conventional Water Treatment Plant;

**Whereas**, McCreary & Associates, Inc. of Dallas, Texas, assessed the current condition of the MCC-4 and concluded that it has sustained severe corrosion from being located in a high humidity room and appears to have overheated at some point - the MCC-4 was installed in 1978 and even though replacement parts are available, it is no longer feasible to rehabilitate this unit;

**Whereas**, on November 10, 2015, the City received two bids for the Water Treatment Plant MCC-4 Replacement project with Staff and McCreary & Associates, Inc. recommending award of a construction contract to T. Morales Company Electric and Controls Ltd. of Florence, Texas, in an amount not to exceed \$313,600 – the City has done work with T. Morales in the past and finds them to be well qualified to complete this project;

**Whereas**, funding for this construction contract is available in Account No. 5610-5100-535-6931, Project No. 101206; 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, after approval as to form by the City Attorney, to execute a construction contract with T. Morales Company Electric and Controls, Ltd. of Florence, Texas, in the amount of \$313,600, for the replacement of the existing main electrical Motor Control Console-4 located at the Water Treatment Plant Administration Building.

**Part 2:** It is hereby officially found and determined that the meeting at which this Resolution 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 Meetings Act.

PASSED AND APPROVED this the 3<sup>rd</sup> day of **December**, 2015.

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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12/03/15  
Item #4(C)  
Consent Agenda  
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### **DEPT. /DIVISION SUBMISSION & REVIEW:**

Jonathan Graham, City Manager

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing an interlocal agreement with Hill Country Transit District for transit services.

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

**ITEM SUMMARY:** This item is a resolution renewing an interlocal agreement with Hill Country Transit District (HCTD). HCTD has managed and operated the public transit system within Temple's Urban Transit District since 1999.

The City originally entered into an interlocal agreement with HCTD in January 2001. The agreement was subsequently extended under renewal options in 2005 and 2010. The current agreement expired September 30, 2015.

The agreement renewal is substantially the same as the original agreement. It provides for administrative and financial services, operational functions, maintenance and operation of facilities, performance reporting, and also addresses fixed assets. It continues the commitment to operate the ADA paratransit system and the Fixed Route System.

**FISCAL IMPACT:** Supplemental funding for operation of the HCTD Transit System in the amount of \$130,000 is funded in the FY 2015-2016 budget in account 110-1500-515-26-86.

### **ATTACHMENTS:**

[Resolution](#)



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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS,  
AUTHORIZING AN INTERLOCAL AGREEMENT WITH HILL COUNTRY  
TRANSIT DISTRICT FOR TRANSIT SERVICES; AND PROVIDING AN OPEN  
MEETINGS CLAUSE.

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**Whereas,** Hill Country Transit District (HCTD) has managed and operated the public transit system within Temple's Urban Transit District since 1999;

**Whereas,** the City originally entered into an Interlocal Agreement with HCTD in January 2001 - the Agreement was extended under renewal options in 2005 and 2010 and expired September 30, 2015;

**Whereas,** the Agreement provides for administrative and financial services, operational functions, maintenance and operation of facilities, performance reporting, and also addresses fixed assets;

**Whereas,** the Agreement continues the commitment to operate the ADA paratransit system and the fixed route system;

**Whereas,** supplemental funding for operation of the Hill Country Transit District Transit System is funded in the fiscal year 2016 budget in Account No. 110-1500-515-26-86; 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, after approval as to form by the City Attorney, to enter into an interlocal agreement with the Hill Country Transit District for transit services within Temple's Urban Transit District.

**Part 2:** It is hereby officially found and determined that the meeting at which this Resolution 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 Meetings Act.

PASSED AND APPROVED this the 3<sup>rd</sup> day of **December**, 2015.

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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Item #4(D)  
Consent Agenda  
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### **DEPT./DIVISION SUBMISSION & REVIEW:**

Sandra Esqueda, Director of Human Resources

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a three year professional services agreement with All-Write Testing in a total estimated cost of \$54,000, for Civil Service promotional test writing.

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

**ITEM SUMMARY:** Local Government Code Chapter 143. Municipal Civil Service For Firefighters and Police Officers requires that when there is a vacancy in the Fire Department for the rank of Driver, Captain or Deputy Chief, and when there is a vacancy in the Police Department for the rank of Corporal, Sergeant, or Lieutenant, those vacancies will be open to eligible certified members of the Fire and Police department to compete for by the passing of a promotional exam based on approved reading lists. The City of Temple has used All-Write Testing since 2007 to write the promotional exams for the departments within this agency. Staff has worked closely with All-Write Testing over the past 8 years to develop the promotional exams in accordance with department philosophy, firefighting techniques used for the structures that in the City of Temple and crime fighting techniques that are used in the City of Temple, to obtain promotional exams that are relevant to the City of Temple certified fire and police officers.

Vacancies within the ranks requiring promotional examinations are not predictable as age of current officer and time in service can be greatly varied. The expectation that this agreement will exceed \$18,000 per year is minimal.

Staff recommends Council authorize a three renewal to the professional services agreement with All-Write Testing.

**FISCAL IMPACT:** Funding for year one of the professional services agreement is available in the FY 2016 Operating Budget as shown below:

Account	Description	Amount Available
110-2700-515-2519	Civil Service Expenditures	\$ 26,356
	<b>Total Funding Available</b>	<b>\$ 26,356</b>

Funding for years two and three will be appropriated in future fiscal years.

**ATTACHMENTS:**

[Resolution](#)

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A THREE YEAR PROFESSIONAL SERVICES AGREEMENT WITH ALL-WRITE TESTING, WITH A TOTAL ESTIMATED COST OF \$54,000, FOR CIVIL SERVICE PROMOTIONAL TEST WRITING; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, per Local Government Code Chapter 143, Municipal Civil Service for Firefighters and Police Officers, when a vacancy exists in the Fire Department for the rank of Driver, Captain or Deputy Chief, and when a vacancy exists in the Police Department for the rank of Corporal, Sergeant, or Lieutenant, those vacancies will be open to eligible certified members of the Fire and Police Department to compete for by the passing of a promotional exam based on approved reading lists;

**Whereas**, since 2007, the City has used All-Write Testing to write promotional exams for both the Fire and Police Departments - Staff has worked closely with All-Write Testing over the past 8 years to develop the exams in accordance with department philosophy, and firefighting techniques, to obtain promotional exams that are relevant to the City of Temple's certified firefighters and police officers;

**Whereas**, Staff recommends authorizing a three year professional services agreement with All-Write Testing, with a total estimated cost of \$54,000, for civil service promotional test writing;

**Whereas**, funding is available for this agreement in Account No. 110-2700-515-2519; 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, after approval as to form by the City Attorney, to execute a three year professional services agreement with All-Write Testing, with a total estimated cost of \$54,000, for civil service promotional test writing.

**Part 2:** It is hereby officially found and determined that the meeting at which this Resolution 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 Meetings Act.

PASSED AND APPROVED this the **3<sup>rd</sup>** day of **December**, 2015.

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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12/03/15  
Item #4(E)  
Consent Agenda  
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### **DEPT./DIVISION SUBMISSION & REVIEW:**

Alan DeLoera, Information Technology Director

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the purchase of computer hardware during FY 2016 in the estimated annual amount of \$102,000, from GovConnection, Inc., of Merrimack, New Hampshire.

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

**ITEM SUMMARY:** The Information Technology Department currently has a PC, laptop and server replacement program that is funded through the Information Technology CIP funding to replace obsolete computer systems. Computers are in a four to five year replacement cycle. This cycle is based on the type of use (computing power needed) and overall age of the system. This replacement program was started in 2002 to ensure that we were running applications efficiently and effectively while also ensuring desktop and software applications were being supported under maintenance contracts. The Desktop PC Replacement Program will only cover current in-service PC's. If a new position is added or a program calls for an additional PC, software license or printer, this must be a newly budgeted item.

The City of Temple has chosen to standardize all hardware purchases with Dell PCs, laptops, storage and servers. Our relationship with Dell has been very beneficial to the City and Dell equipment has proven to be reliable, supportable and cost competitive. Dell support offerings and service, in our experience, are un-matched by their competitors. Standardization is a key for any efficient support organization. It is not possible to support hardware from any and all vendors in a timely manner. As technical staff became familiar with specific hardware, they are able to diagnose and resolve issues more quickly. With each varying hardware model, software varies as well. It isn't practical to maintain software drivers and technical information for any offering on the market. Additionally, large PC manufacturers offer several models within their own products. Some are intended for the home market and others are for the corporate/business market. Business PCs generally consist of more standardized components that will be offered for a longer period of time. These components are tested specifically for use in network environments, and are certified by software developers to work well in those environments.

It is anticipated in FY 2016 that 60 desktop computers, ten laptops, and two servers will be purchased. The desktops and laptops to be replaced are currently five years old as well as the servers. GovConnection, Inc. has been awarded TCPN (*The Cooperative Purchasing Network*) contract R5110. Staff is recommending the use of this contract for the purchases.

**FISCAL IMPACT:** A budget adjustment is presented for Council's approval appropriating Technology funds in the amount of \$91,500 and PEG funds in the amount of \$10,500. Once the budget adjustment is approved, funding will be appropriated in the following accounts:

<u>Description</u>	<u>Account #</u>	<u>Project #</u>	<u>Amount</u>
Dell Server	351-1900-519-62-18	101472	\$10,500
Dell Server-Public Education Channel	110-1900-519-62-28	101471	\$10,500
Dell PC's/Laptops	351-1900-519-22-21		\$81,000
<b>Total Funds Available</b>			<b>\$ 102,000</b>

**ATTACHMENTS:**

[Budget Adjustment  
Resolution](#)

FY **2016****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	
351-1900-519-62-18	101472	Capital Equipment/Computer Hardware	\$ 10,500			
351-1900-519-22-21		Capital < \$5,000 Computer Equipment	\$ 81,000			
351-0000-490-25-82		Transfer In- Desg Capital Proj Fund	\$ 91,500			
110-0000-351-09-43		Desg Capital Unallocated Tech Funds			91,500	
110-9100-591-81-51		Transfer Out- Desg Capital Proj Funds	91,500			

110-1900-519-62-28	101471	Capital Equipment / PEG	\$ 10,500			
110-0000-315-19-00		Reserved for Public Education Channel			10,500	
		<b>Do Not Post</b>				
<b>TOTAL.....</b>			\$ 285,000		\$ 102,000	

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

Replacement Servers, PC's, Laptops, Storage Program for Fiscal Year 2016

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒

Yes

☐

No

DATE OF COUNCIL MEETING

12/3/2015

WITH AGENDA ITEM?

☒

Yes

☐

No

*Alan DeLoera*

Department Head/Division Director

11/17/2015

Date

☒

Approved

☐

Disapproved

Finance

Date

☐

Approved

☐

Disapproved

City Manager

Date

☐

Approved

☐

Disapproved



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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF COMPUTER HARDWARE, IN THE ESTIMATED ANNUAL AMOUNT OF \$102,000, FROM GOVCONNECTION, INC., OF MERRIMACK, NEW HAMPSHIRE, UTILIZING THE COOPERATIVE PURCHASING NETWORK; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas,** the Information Technology Department currently has a computer replacement program to replace obsolete computer systems – the program is funded through the Information Technology Capital Improvement Plan;

**Whereas,** computers are on a 4-5 year replacement cycle based on the type of use and overall age of the system - this replacement program was started in 2002 to ensure that the City is running applications efficiently and effectively while also ensuring desktop and software applications were being supported under current maintenance contracts;

**Whereas,** the City has chosen to standardize all hardware purchases with Dell PCs, laptops, storage and servers - our relationship with Dell has been very beneficial to the City and Dell equipment has proven to be reliable, supportable and cost competitive;

**Whereas,** all purchases made through The Cooperative Purchasing Network Agreement meet governmental competitive bid requirements under State law;

**Whereas,** Staff recommends the purchase of computer hardware from GovConnection, Inc. of Merrimack, New Hampshire, in the estimated annual amount of \$102,000;

**Whereas,** funds are available for this project, but an amendment to the fiscal year 2016 budget needs to be approved to transfer funds in to Account No. 351-1900-519-6218, Project No. 101472, Account No. 110-1900-519-6228, Project No. 101471, and Account No. 351-1900-519-2221; 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 computer hardware, in the estimated annual amount of \$102,000, from GovConnection, Inc., of Merrimack, New Hampshire, utilizing the Cooperative Purchasing Network Agreement.

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

**Part 3:** The City Council authorizes an amendment to the fiscal year 2016 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 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 Meetings Act.

PASSED AND APPROVED this the **3<sup>rd</sup>** day of **December**, 2015.

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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12/03/15  
Item #4(F)  
Consent Agenda  
Page 1 of 2

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

Alan DeLoera, Information Technology Director

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the purchase of fleet tracking monitoring service for FY 2016 in the annual amount of \$41,000, through GPS Insight, LLC, of Scottsdale, Arizona.

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

**ITEM SUMMARY:** On April 19, 2012, Council authorized the purchase of fleet tracking hardware and monitoring services for a pilot group of 82 City vehicles and additional 75 vehicles in FY 2015 through GPS Insight, LLC.

Some of the goals of the program is to help raise employee awareness of important issues such as speeding, idle-time, excessive acceleration/deceleration, and general vehicle usage. Additional goals are to assist in the optimization of routes, reduce travel times, provide real-time fleet tracking, balance workload among vehicles, reduce fuel and maintenance costs, and contribute to the overall efficiency and effectiveness of the City fleet.

The ongoing monthly service is approximately \$3,416 per month which covers the cost of wireless data plans, GPS Tracking, and maintenance. This cost will also cover the additional 15 vehicles we will be adding in FY 2016 making the total City vehicles with fleet tracking monitoring service 172.

This procurement is being recommended utilizing the U.S. General Services Administration (GSA) contract GS-35F-0074S.

**FISCAL IMPACT:** Funding for the fleet tracking service is budgeted in the FY 2016 Operating Budget as shown below:

<b>Account</b>	<b>Description</b>	<b>Amount Available</b>
110-1900-519-2610	Telephone/Communications	<u>\$ 41,000</u>
	<b>Total Funding Available</b>	<b><u>\$ 41,000</u></b>

**ATTACHMENTS:**

[Resolution](#)

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF FLEET TRACKING HARDWARE AND MONITORING SERVICE, IN THE ANNUAL AMOUNT OF \$41,000, FROM GPS INSIGHT, LLC OF SCOTTSDALE, ARIZONA, UTILIZING A GENERAL SERVICES ADMINISTRATION COOPERATIVE PURCHASING AGREEMENT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on April 19, 2012, City Council authorized the purchase of fleet tracking hardware and monitoring services for a pilot group of 82 City vehicles and an additional 75 vehicles in fiscal year 2015 through GPS Insight, LLC, of Scottsdale, Arizona;

**Whereas**, the goal of the program is to raise employee awareness of important issues such as speeding, idle-time, excessive acceleration/deceleration, general vehicle usage, assist in the optimization of routes, reduce travel times, provide real-time fleet tracking, balance workload among vehicles, reduce fuel and maintenance costs, and contribute to the overall efficiency and effectiveness of City fleet vehicles;

**Whereas**, all purchases made through the General Services Administration Cooperative Purchasing Agreement meet governmental competitive bid requirements under State law;

**Whereas**, Staff recommends the purchase of fleet tracking hardware and monitoring services for 15 additional vehicles from GPS Insight, LLC in the annual amount of \$41,000;

**Whereas**, funding for the fleet tracking service is budgeted in the fiscal year 2016 Operating Budget in Account No. 110-1900-519-2610; 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 fleet tracking hardware and monitoring service for 15 additional City vehicles, in the amount of \$41,000, from GPS Insight, LLC of Scottsdale, Arizona, utilizing a General Services Administration Cooperative Purchasing Agreement.

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

**Part 3:** It is hereby officially found and determined that the meeting at which this Resolution 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 Meetings Act.

PASSED AND APPROVED this the 3<sup>rd</sup> day of **December**, 2015.

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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12/03/15  
Item #4(G)  
Consent Agenda  
Page 1 of 2

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

Kayla Landeros, City Attorney

### **ITEM DESCRIPTION:** SECOND READING – Consider adopting an ordinance:

- (1) Creating Chapter 40, “Nuisances,” of the Code of Ordinances of the City of Temple Texas;
- (2) Amending Chapter 16, “Health and Sanitation,” of the Code of Ordinances of the City of Temple, Texas, to delete Article IV “Neighborhood Nuisances;”
- (3) Amending Chapter 37, “Traffic,” of the Code of Ordinances of the City of Temple, Texas to delete Section 37-108 and Article V “Junked Motor Vehicles.”

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

**ITEM SUMMARY:** Currently, the City’s Code of Ordinances contains several sections addressing and prohibiting certain actions that are considered “nuisances.” These sections are found in Chapter 16 and Chapter 37. Several months ago, the City Attorney’s Office and Code Enforcement identified the nuisance article in Chapter 16 as one in need of amendments. In the process of discussing amendments to Chapter 16, Staff determined that it would be beneficial to combine all nuisance sections into one chapter. This would make it easier for the public to find all sections that address nuisances and would streamline the notice and citation process for Code Enforcement. Therefore, the proposed ordinance seeks to create Chapter 40 of the Code of Ordinances which will be titled “Nuisances.”

The new chapter will address general public nuisances, junked vehicles, and parking in yards. When drafting the new chapter, Staff omitted outdated language and unused provisions to make the chapter easier to read, interpret, and apply. The proposed chapter also changes the mailing requirement for high grass violations from certified mail to first class mail with a certificate of mailing. This change will have a significant impact on the amount of money Code Enforcements spends each year on postage. The new chapter specifically prohibits overgrown or uncultivated bamboo. It adds a “wildflower exception” to the high grass provisions which runs from March 1<sup>st</sup> to May 31<sup>st</sup> each year. The proposed language also prohibits the accumulation of appliances, “indoor” furniture, etc. not screened from public view.

Because various existing sections are being combined into one new chapter, there are several deletions that are proposed. The current provisions found in Chapter 16, Article IV, "Neighborhood Nuisances," Chapter 37, Article V, "Junked Motor Vehicles," and Section 37-108, "Parking in Residential Yards" will need to be deleted. Chapters 16 and 37 will not be renumbered after the deletions. Notations will be made to each chapter regarding where the provisions may be found and the article and section numbers will be reserved.

**FISCAL IMPACT:** Not applicable.

**ATTACHMENTS:**

[Ordinance](#)



ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, CREATING CHAPTER 40, "NUISANCES" OF THE CODE OF ORDINANCES OF THE CITY OF TEMPLE, TEXAS; AMENDING CHAPTER 16, "HEALTH AND SANITATION," TO DELETE ARTICLE IV "NEIGHBORHOOD NUISANCES;" AMENDING CHAPTER 37, "TRAFFIC," TO DELETE SECTION 37-108 AND ARTICLE V "JUNKED MOTOR VEHICLES" OF THE CODE OF ORDINANCES OF THE CITY OF TEMPLE, TEXAS; PROVIDING A REPEALER; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the City of Temple's Code of Ordinances contains several sections addressing and prohibiting certain actions that are considered "nuisances" - these sections are found in Chapter 16 and Chapter 37;

**Whereas**, the City Attorney's Office and the Code Enforcement Department identified the nuisance article in Chapter 16 as one in need of amendments and while in the process of discussing those amendments, Staff determined that it would be beneficial to combine all nuisance sections into one chapter which would make it easier for the public to find all sections that address nuisances and would streamline the notice and citation process for Code Enforcement;

**Whereas**, Staff recommends the creation of Chapter 40 of the Code of Ordinances which will be titled "Nuisances" - this new chapter will address public nuisances, junked vehicles, and parking in yards;

**Whereas**, while drafting this new chapter, Staff omitted outdated language and unused provisions to make the chapter easier to read, interpret, and apply - the proposed chapter also changes the mailing requirement for high grass violations from certified mail to first class mail with a certificate of mailing which will have a significant impact on the amount of money Code Enforcement spends each year on postage;

**Whereas**, this new chapter specifically prohibits overgrown or uncultivated bamboo, adds a "wildflower exception" to the high grass provisions which runs from March 1<sup>st</sup> to May 31<sup>st</sup> each year, and also prohibits the accumulation of appliances, "indoor" furniture, etc. not screened from public view;

**Whereas**, various existing sections are being combined into the new chapter, the current provisions found in Chapter 16, Article IV, "Neighborhood Nuisances," Chapter 37, Article V, "Junked Motor Vehicles," and Section 37-108, "Parking in Residential Yards" will need to be deleted;

**Whereas**, Chapters 16 and 37 will not be renumbered after the deletions, however, notations will be made to each chapter regarding where the provisions may be found and the article and section numbers will be reserved; 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:** The City Council creates Chapter 40, “Nuisances,” of the Code of Ordinances of the City of Temple, Texas, amends Chapter 16, “Health and Sanitation,” to delete Article IV “Neighborhood Nuisances;” amends Chapter 37, “Traffic,” to delete Section 37-108 and Article V “Junked Motor Vehicles” of the Code of Ordinances of the City of Temple, Texas, as outlined in Exhibit ‘A,’ attached hereto and incorporated herein for all purposes.

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

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

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

**Part 5:** It is hereby officially found and determined that the meeting at which this ordinance 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 Meetings Act.

PASSED AND APPROVED on First Reading and Public Hearing on the **19<sup>th</sup>** day of **November**, 2015.

PASSED AND APPROVED on Second Reading on the **3<sup>rd</sup>** day of **December**, 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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12/03/15  
Item #4(H)  
Consent Agenda  
Page 1 of 1

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

Nicole Torralva, P.E., Public Works Director  
Damon Boniface, Utility Director

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing payment of the TCEQ Water System Fee to the Texas Commission on Environmental Quality for operations of Temple's water treatment plants, in the amount of \$69,171.95.

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

**ITEM SUMMARY:** The Texas Commission on Environmental Quality (TCEQ) requires Public Water Systems within the State of Texas to pay a Water System Fee for services provided by the commission to public water systems annually, as outlined in 30 TAC Chapter 290.51. This fee provides for general revenue in support of TCEQ's public water system activities.

This year, the TCEQ Water System Fee associated with permitted operations of the City's water treatment plant operation is \$69,171.95. Payment of this fee is due within 30 days of receipt of the invoice, and must be paid promptly.

**FISCAL IMPACT:** Funds are budgeted in the FY 2016 adopted budget to pay of the TCEQ Water System Fee in the amount of \$69,171.95 as follows:

Account	Description	Amount Available
520-5100-535-2616	Professional	\$ 70,000
	Total Funding Available	\$ 70,000

**ATTACHMENTS:**

[Resolution](#)

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING PAYMENT OF THE TCEQ WATER SYSTEM FEE TO THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY FOR OPERATIONS OF TEMPLE'S WATER TREATMENT PLANTS, IN THE AMOUNT OF \$69,171.95; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the Texas Commission on Environmental Quality (TCEQ) requires public water systems within the State of Texas to pay a water system fee for services provided by the Commission to public water systems annually, as outlined in 30 TAC Chapter 290.51 – this fee provides for general revenue in support of TCEQ's public water system activities;

**Whereas**, this year, TCEQ Water System Fee associated with permitted operations of the City's water treatment plant operation is \$69,171.95 and is due within 30 days of receipt of the invoice;

**Whereas**, funds are budgeted in the fiscal year 2016 adopted budget for this payment in Account No. 520-5100-535-2616; 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 payment of the TCEQ Water System fee to the Texas Commission on Environmental Quality for operations of Temple's water treatment plants, in the amount of \$69,171.95.

**Part 2:** It is hereby officially found and determined that the meeting at which this Resolution 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 Meetings Act.

PASSED AND APPROVED this the 3<sup>rd</sup> day of **December**, 2015.

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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12/03/15  
Item #4(I)  
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 2015-2016.

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

**ITEM SUMMARY:** This item is to recommend various budget amendments, based on the adopted FY 2015-2016 budget. The amendments will involve transfers of funds between contingency accounts, department and fund levels.

**FISCAL IMPACT:** The total amount of budget amendments is \$585,033.

### **ATTACHMENTS:**

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

**CITY OF TEMPLE**  
**BUDGET AMENDMENTS FOR FY 2016 BUDGET**  
**December 03, 2015**

			<b>APPROPRIATIONS</b>	
<b>ACCOUNT #</b>	<b>PROJECT #</b>	<b>DESCRIPTION</b>	<b>Debit</b>	<b>Credit</b>
363-2200-522-6532		Capital - Special Projects / Contingency Fund	\$ 8,902	
363-2200-522-6851		Capital Bonds / Fire Station # 8		\$ 8,902
To reallocate funding from completed project back into contingency account.				
561-5000-535-6532		Capital - Special Projects / Contingency Fund	\$ 34,057	
561-0000-373-0412		Utility Revenue Bonds / Unreserved	\$ 206,183	
561-5200-535-6950	100967	Capital Bonds / Western Hills Utility Relocation		\$ 160,917
561-5200-535-6949	101082	Capital Bonds / WL Replacement Lamar Street		\$ 28,960
561-5400-535-6951		Capital Bonds / WWL Replacement - 10th/12th Street		\$ 50,362
561-5500-535-6946	100993	Capital Bonds / WWTP RAS Pump Replacement		\$ 1
To reallocate completed projects into unreserved fund balance and to true up contingency account for the utility revenue bond funds.				
562-0000-373-0412		2014 Tax Utility Revenue Bonds / Unreserved	\$ 157,656	
562-5200-535-6532		Capital Bonds - Contingency Fund	\$ 49,855	
562-5200-535-6947		Capital Bonds - TBP Reclaim Waterline		\$ 207,511
Carry forward from FY 15 to FY 16 was incorrect by \$157,656. This budget adjustment will correct the carry forward, as well as, allocate funding from completed project into contingency account.				
110-2210-522-2516		Other Services / Judgement & Damages	\$ 11,164	
110-2400-519-2516		Other Services / Judgement & Damages	\$ 15,527	
110-3110-551-2516		Other Services / Judgement & Damages	\$ 475	
110-3130-551-2516		Other Services / Judgement & Damages	\$ 6,428	
110-3222-551-2516		Other Services / Judgement & Damages	\$ 1,472	
110-3223-551-2516		Other Services / Judgement & Damages	\$ 1,619	
110-3224-551-2516		Other Services / Judgement & Damages	\$ 5,008	
110-3500-552-2516		Other Services / Judgement & Damages	\$ 39,409	
110-4000-555-2516		Other Services / Judgement & Damages	\$ 12,456	
110-0000-352-1345		General Fund - Unassigned Fund Balance		\$ 93,558
240-7000-551-2516		Other Services / Judgement & Damages	\$ 19,197	
240-0000-358-1110		H/M Fund - Unassigned Fund Balance		\$ 19,197
520-5000-535-2516		Other Services / Judgement & Damages	\$ 1,275	
520-5100-535-2516		Other Services / Judgement & Damages	\$ 5,863	
520-5500-535-2516		Other Services / Judgement & Damages	\$ 3,250	
520-0000-373-0412		W/S Fund - Unassigned Fund Balance		\$ 10,388
To appropriate funding into Judgements & Damages accounts due to failure to carry forward funds from FY 15 into FY 16. Original allocation was made in FY 2015.				
110-4000-555-2128		Supplies / Postage	\$ 5,237	
110-0000-431-0163		Federal Grants / Federal Grants		\$ 5,237
To appropriate grant revenue and expenditures related to a grant the City has received from the Texas State Library and Archives Commission through the Inter-Library Loan Program.				
<b>TOTAL AMENDMENTS</b>			<b>\$ 585,033</b>	<b>\$ 585,033</b>

**CITY OF TEMPLE**  
**BUDGET AMENDMENTS FOR FY 2016 BUDGET**  
**December 03, 2015**

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
		<b>GENERAL FUND</b>		
		Beginning <b>Contingency</b> Balance	\$	-
		Added to Contingency Sweep Account		-
		Carry forward from Prior Year		-
		Taken From Contingency		-
		Net Balance of Contingency Account	\$	-
		Beginning <b>Judgments &amp; Damages</b> Contingency	\$	44,230
		Added to Contingency Judgments & Damages from Council Contingency		-
		Taken From Judgments & Damages		-
		Net Balance of Judgments & Damages Contingency Account	\$	44,230
		Beginning <b>Compensation</b> Contingency	\$	375,000
		Added to Compensation Contingency		-
		Taken From Compensation Contingency		-
		Net Balance of Compensation Contingency Account	\$	375,000
		<b>Net Balance Council Contingency</b>	\$	419,230
		Beginning Balance <b>Budget Sweep</b> Contingency	\$	-
		Added to Budget Sweep Contingency		-
		Taken From Budget Sweep		-
		Net Balance of Budget Sweep Contingency Account	\$	-
		<b>WATER &amp; SEWER FUND</b>		
		Beginning <b>Contingency</b> Balance	\$	50,000
		Added to Contingency Sweep Account		-
		Taken From Contingency		-
		Net Balance of Contingency Account	\$	50,000
		Beginning <b>Compensation</b> Contingency	\$	64,000
		Added to Compensation Contingency		-
		Taken From Compensation Contingency		-
		Net Balance of Compensation Contingency Account	\$	64,000
		<b>Net Balance Water &amp; Sewer Fund Contingency</b>	\$	114,000
		<b>HOTEL/MOTEL TAX FUND</b>		
		Beginning <b>Contingency</b> Balance	\$	-
		Added to Contingency Sweep Account		-
		Carry forward from Prior Year		-
		Taken From Contingency		-
		Net Balance of Contingency Account	\$	-
		Beginning <b>Compensation</b> Contingency	\$	13,300
		Added to Compensation Contingency		-
		Taken From Compensation Contingency		-
		Net Balance of Compensation Contingency Account	\$	13,300
		<b>Net Balance Hotel/Motel Tax Fund Contingency</b>	\$	13,300
		<b>DRAINAGE FUND</b>		
		Beginning <b>Contingency</b> Balance	\$	-
		Added to Contingency Sweep Account		-
		Carry forward from Prior Year		-
		Taken From Contingency		-
		Net Balance of Contingency Account	\$	-
		Beginning <b>Compensation</b> Contingency	\$	10,300
		Added to Compensation Contingency		-
		Taken From Compensation Contingency		-
		Net Balance of Compensation Contingency Account	\$	10,300
		<b>Net Balance Drainage Fund Contingency</b>	\$	10,300

CITY OF TEMPLE  
BUDGET AMENDMENTS FOR FY 2016 BUDGET  
December 03, 2015

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
		<b>FED/STATE GRANT FUND</b>		
		Beginning <b>Contingency</b> Balance		\$ -
		Carry forward from Prior Year		-
		Added to Contingency Sweep Account		-
		Taken From Contingency		-
		Net Balance of Contingency Account		\$ -



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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING BUDGET AMENDMENTS TO THE 2015-2016 CITY BUDGET; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on the 27<sup>th</sup> day of August, 2015, the City Council approved a budget for the 2015-2016 fiscal year; and

**Whereas**, the City Council deems it in the public interest to make certain amendments to the 2015-2016 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 2015-2016 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 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 Meetings Act.

PASSED AND APPROVED this the 3<sup>rd</sup> day of **December**, 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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12/03/15  
Item #5(A)  
Regular Agenda  
Page 1 of 2

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

Kayla Landeros, City Attorney

**ITEM DESCRIPTION:** FIRST READING – PUBLIC HEARING. Consider adopting an ordinance Creating Chapter 41, “Credit Access Businesses,” of the Code of Ordinances of the City of Temple, Texas.

**STAFF RECOMMENDATION:** Conduct a public hearing, and adopt ordinance as presented in item description on first reading, and set second and final reading for December 17, 2015.

**ITEM SUMMARY:** The proposed ordinance would regulate certain business practices of “Credit Access Businesses,” also commonly referred to as “payday lenders” or “auto title loan lenders.” A Credit Access Business (“CAB”) is defined in the Texas Finance Code, § 393.601 as a “credit services organization that obtains for a consumer or assists a consumer in obtaining an extension of credit in the form of a deferred presentment transaction or a motor vehicle title loan.” There are currently 15 CAB’s operating within the Temple city limits. The proposed ordinance would regulate the business practices of existing and future CAB’s in Temple.

The proposed ordinance is based off of a model ordinance that was drafted by the Texas Municipal League and that has been adopted by more than 25 cities in Texas. The ordinance would place the following requirements and restrictions on CAB’s:

- A CAB must apply for and receive a certificate of registration from the City;
- A CAB must maintain complete records of all loans made by the business for at least 3 years and make the records available to the City for inspection upon request;
- The amount of a payday loan may not exceed 20% of the consumer’s gross monthly income;
- The amount of an auto title loan may not exceed the lesser of 3% of the consumer’s gross annual income or 70% of the retail value of the motor vehicle;
- Any loan that provides for repayment in installments may not be payable in more than 4 installments, and the proceeds from each installment must be used to repay at least 25% of the principal amount of the loan;
- No renewals or refinancing of installment-payment loans would be permitted;
- Any loan that provides for a single lump sum repayment may not be refinanced or renewed more than 3 times and the proceeds from each refinancing or renewal must be used to repay at least 25% of the principal amount of the loan;
- Any loan made to a consumer within 7 days of a previous loan paid by the consumer constitutes a refinancing or renewal;

- Every agreement must be written in the consumer's language of preference and if a consumer is unable to read, it must be read to them in their language of preference prior to signature;
- Referral to non-profit credit counseling/financial education providers is required; and
- CAB's would be required to submit the State mandated quarterly reports to the Director of Finance, along with any other information requested by the City and required by the ordinance.

CAB's would be required to register with the City Secretary's Office and pay a \$50 registration fee. The General Services Department will track registrations to be sure that all CAB's are current. Regulation would be primarily complaint driven and a violation of the ordinance would be a Class C misdemeanor which could result in a fine of up to \$500.

**FISCAL IMPACT:** NA

**ATTACHMENTS:**

[Ordinance](#)

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, CREATING CHAPTER 41, "CREDIT ACCESS BUSINESSES" OF THE CODE OF ORDINANCES OF THE CITY OF TEMPLE, TEXAS; PROVIDING A REPEALER; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, the creation of Chapter 41 of the Code of Ordinances of the City of Temple, Texas would regulate certain business practices of "Credit Access Businesses," also commonly referred to as "payday lenders" or "auto title loan lenders;"

**Whereas**, a Credit Access Business ("CAB") is defined in the Texas Finance Code, § 393.601 as a "credit services organization that obtains for a consumer or assists a consumer in obtaining an extension of credit in the form of a deferred presentment transaction or a motor vehicle title loan;"

**Whereas**, there are currently 15 CAB's operating within the Temple city limits and this proposed ordinance would regulate the business practices of existing and future CAB's in Temple;

**Whereas**, the proposed ordinance is based off of a model ordinance that was drafted by the Texas Municipal League and that has been adopted by more than 25 cities in Texas - the ordinance would place the following requirements and restrictions on CAB's:

- a CAB must apply for and receive a certificate of registration from the City;
- a CAB must maintain complete records of all loans made by the business for at least 3 years and make the records available to the City for inspection upon request;
- the amount of a payday loan may not exceed 20% of the consumer's gross monthly income;
- the amount of an auto title loan may not exceed the lesser of 3% of the consumer's gross annual income or 70% of the retail value of the motor vehicle;
- any loan that provides for repayment in installments may not be payable in more than 4 installments, and the proceeds from each installment must be used to repay at least 25% of the principal amount of the loan;
- no renewals or refinancing of installment-payment loans would be permitted;
- any loan that provides for a single lump sum repayment may not be refinanced or renewed more than 3 times and the proceeds from each refinancing or renewal must be used to repay at least 25% of the principal amount of the loan;
- any loan made to a consumer within 7 days of a previous loan paid by the consumer constitutes a refinancing or renewal;
- every agreement must be written in the consumer's language of preference and if a consumer is unable to read, it must be read to them in their language of preference prior to signature;
- referral to non-profit credit counseling/financial education providers is required; and
- CAB's would be required to submit the State mandated quarterly reports to the Director of Finance, along with any other information requested by the City and required by the ordinance;

**Whereas,** CAB's would be required to register with the City Secretary's Office and pay a \$50 annual registration fee and the General Services Department would track registrations to be sure that all CAB's are current;

**Whereas,** Staff recommends the creation of Chapter 41 of the Code of Ordinances which will be titled "Credit Access Businesses;" 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:** The City Council creates Chapter 41, "Credit Access Businesses" of the Code of Ordinances of the City of Temple, Texas, as outlined in Exhibit 'A,' attached hereto and incorporated herein for all purposes.

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

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

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

**Part 5:** It is hereby officially found and determined that the meeting at which this ordinance 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 Meetings Act.

PASSED AND APPROVED on First Reading and Public Hearing on the **3<sup>rd</sup>** day of **December**, 2015.

PASSED AND APPROVED on Second Reading on the **17<sup>th</sup>** day of **December**, 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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12/03/15  
Item #5(B)  
Regular Agenda  
Page 1 of 4

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

Brian Chandler, Planning Director

**ITEM DESCRIPTION:** FIRST READING – PUBLIC HEARING Z-FY-16-04: Consider adopting an ordinance authorizing amendments to Ordinance 2010-4413, Temple Unified Development Code related to regulating Credit Access Businesses (commonly referred to as “Payday Lenders”) and the following specific Articles: Article 5-Use Standards, including specific locational standards; and Article 11-Definitions, providing a definition for Credit Access Businesses.

**P&Z RECOMMENDATION:** At the November 16, 2015 Planning and Zoning Commission meeting, P&Z recommended unanimous approval per staff recommendation.

**STAFF RECOMMENDATION:** Based on the additional research and conference call discussion, staff has revised the recommendation presented at the October 15, 2015 City Council and the November 2, 2015 Planning and Zoning Commission workshops to the following:

1. Allow CABs in O-1 (Office 1), O-2 (Office 2), GR (General Retail), C (Commercial), Light Industrial (LI) and HI (Heavy Industrial) zoning districts;
2. Require a minimum of 1000 feet between all CABs;
3. Prohibit on Major Arterials and Expressways as shown on the Thoroughfare Plan; and
4. Require a minimum of 200 feet (measured in a straight line from property lines) from a residential zoning district.

**ITEM SUMMARY:** Credit Access Businesses, which are defined by Chapter 393 of the Texas Finance Code, are commonly referred to as “payday lenders.” Many cities throughout Texas have proposed regulations mirroring a “model ordinance” drafted by TML (Texas Municipal League) that would regulate the lending practices of CAB with the overall objective of providing some limitations on fees and overall interest rates, while other cities have adopted zoning regulations and a few have adopted both. The City of Temple has proposed to adopt both 1) regulations based on the TML model ordinance and 2) zoning standards due to the fact that 15 CABs (see attached list) have opened in Temple (as of June 29, 2015 per the Texas Office of Consumer Credit) and that there is a growing concern that these businesses are beginning to have a negative impact on the lower-income sectors of the community and on associated social service organizations. However, only the proposed zoning regulations would be reviewed by P&Z.

While Temple has 15 CABs, the city also has 22 Licensed Finance Companies (see attached list) that are often confused for being payday lenders; however, they are licensed under Chapter 342 of the Texas Finance Code and, unlike CABs, their fees are capped.

**CITY COUNCIL AND P&Z WORKSHOPS:** The Credit Access Business topic was discussed with City Council at their August 20<sup>th</sup> and October 15<sup>th</sup> workshops. The first presentation was led by Texas Appleseed, a nonprofit organization that advocates against payday lenders, while the second presentation was given by City staff on proposed code amendments related to the TML model ordinance and CAB zoning regulations. Planning staff followed up that discussion with the zoning half of the presentation at the November 2, 2015 P&Z workshop. During both zoning presentations, staff recommended adopting the following standards:

5. Allowing CABs in O-1 (Office 1), O-2 (Office 2), GR (General Retail), C (Commercial), Light Industrial (LI) and HI (Heavy Industrial) zoning districts;
6. Requiring 1000 feet between all CABs;
7. Prohibiting on Major Arterials and Expressways as shown on the Thoroughfare Plan; and
8. Requiring a Conditional Use Permit (CUP)

P&Z advised staff at the workshop to take a closer look at proposing a 200-foot distance requirement from adjacent residential-zoned property per the City of Bryan zoning regulations, rather than requiring a CUP. Staff has more closely evaluated the 200-foot distance requirement versus requiring a CUP, which included a conference call with the City of Bryan's Planning Manager, Martin Zimmerman. Based on P&Z input, the discussion with Mr. Zimmerman and other additional analysis, staff is recommending the 200-foot distance requirement from adjacent residential zoning districts for the following reasons:

- A map produced by the GIS Division showing eligible CAB properties without the 200-foot distance requirement, indicates that those properties would be disproportionately concentrated in East Temple and South Temple (north of HK Dodgen Loop)
- CABs could still be located on an estimated 364 properties (that would still be subject to the 1000 feet distance requirement between them)
- However, adding the distance requirement, while eliminating the need for a CUP, combined with the other proposed regulations, CABs would be allowed by right in locations that are:
  1. Not abutting existing or proposed neighborhoods
  2. Not located within Temple's most visible corridors; and
  3. Are separated from each other, therefore, preventing the future clustering of CABs that we currently have along W. Adams near downtown.
- CUP applications for CABs would be subject to the existing UDC criteria in Sec. 3.5.4, which mostly address preventing negative nuisance-type impacts on nearby properties that are not typically created by CABs. Therefore, compliance with the criteria would typically result in staff recommendations for approval, anyway. So, if the intent of the CUP requirement would be to evaluate the impact on neighborhoods and/or to further limit where they can locate, staff has determined that a distance requirement from residential zoning districts would be a better way to meet that objective.

Staff has reached out to Adam Burklund, who represents a payday lender advocacy organization called the Consumer Service Alliance of Texas, to give them an opportunity to comment on the proposed amendments. As of November 12, 2015, staff had not received a response from Mr. Burklund other than that they would review and let us know whether they had any comments.

The TML model ordinance and zoning regulations are proposed to be considered by City Council on December 3<sup>rd</sup> (Public Hearing – 1<sup>st</sup> Reading) and December 17<sup>th</sup>, 2015 (2<sup>nd</sup> Reading).

### Article 5 Use Standards

Staff is proposing amending section 5.1, which currently does not address CABs.

P= Permitted by Right    L = Permitted by Right Subject to Limitations [blank cell] = Prohibited    C= Conditional Use Permit																						
Specific Use	AG	UE	SF-1	SF-2	SF-3	SFA-1	SFA-2	SFA-3	TH	2F	MF-1	MF-2	MF-3	O-1	O-2	NS	GR	C	CA	LI	HI	Standards
consumption, beer and wine store																						
Alcohol beverage sales, off-premise consumption, package store																	C	C	C	C	C	5.3.17
Antique shop															P	P	P	P	P	P	P	
Art supply store															P	P	P	P	P	P	P	
Bakery or confectionary shop (retail)															P	P	P	P	P	P	P	
Bank or savings and loan														P	P	P	P	P	P	P	P	
Barber shop or beauty shop															P	P	P	P	P	P	P	
Credit Access Business														P	P		P	P		P	P	5.3.26
Cleaning, pressing and pick up shop															L	L	L	L	L	L	L	5.3.18
Cleaning plant (commercial)																		P	P			
Discount or department store																	P	P	P	P	P	
Drug store or pharmacy															P	P	P	P	P	P	P	
Exercise gym	C										C	C	C		P	C	P	P	P	P	P	

### Sec. 5.3.26 Credit Access Business (Specific Use Standards)

A credit access business (commonly referred to as a “payday lender”) may be permitted in accordance with the use table in Sec. 5.1 subject to the following standards:

- A. A credit access business may not be located:
  1. Within 1000 feet of another credit access business; or
  2. Within 200 feet of a residentially-zoned property (property located within a UE, SF-1, SF-2, SF-3, SFA-1, SFA-2, SFA-3, TH, 2F, MF-1, MF-2 or MF-3 zoning district), or
- B. For purposes of this section, measurements are made in a straight line, without regard to intervening structures or objects, from property line to property line.
- C. A credit access business may not be located on property abutting a Major Arterial road or an Expressway, as identified on the Thoroughfare Plan.

Article 11 Definitions has been amended to add a definition for Credit Access Business to match the language in the Texas Finance Code Chapter 393.221.

**Credit Access Business.** Means a credit services organization that obtains for a consumer or assists a consumer in obtaining an extension of consumer credit in the form of a deferred presentment transaction or a motor vehicle title loan.

**PUBLIC NOTICE:** The newspaper printed notice of the Planning and Zoning Commission public hearing on November 5, 2015, in accordance with state law and local ordinance.



**FISCAL IMPACT:** NA

**ATTACHMENTS:**

Attachment 1: Draft UDC Code Amendments

Attachment 2: Map of Potential CAB Locations per Workshop Code Amendments (no 200' buffer)

Attachment 3: Map of Potential CAB Locations per Recommended Code Amendments (w/ 200' buffer)

Attachment 4: TML City Regulation of Payday and Auto Title Lenders

Attachment 5: List of Temple CABs

Attachment 6: List of Temple Licensed Financial Companies

Attachment 7: Email correspondence with Adam Burklund, Consumer Alliance of Texas

Attachment 8: Email correspondence with Ann Baddour, Texas Appleseed

Ordinance

Article 5: Use Standards

Sec. 5.1. Use Table

P= Permitted by Right L = Permitted by Right Subject to Limitations

[blank cell] = Prohibited C= Conditional Use Permit

Specific Use	AG	UE	SF-1	SF-2	SF-3	SFA-1	SFA-2	SFA-3	TH	2F	MF-1	MF-2	MF-3	O-1	O-2	NS	GR	C	CA	LI	HI	Standards
Rodeo grounds	C																	P		P	P	
Roller or Ice Rink	C																P	P	P	P	P	
Sexually oriented business																				P		Ordinance No. 99-2633
Shooting range (outdoor)	C																			C	C	5.3.16
Swimming pool, commercial	C																C	P	P	P	P	
Theater or playhouse (indoor)														P	P	P	P	P	P	P	P	
Theater or playhouse (open or drive-in)																		P		P	P	
Zoo	P																C	C	C	P	P	
<b>RESTAURANT USES</b>																						
Restaurant (not drive-in)														P	P	P	P	P	P	P	P	
Restaurant (drive-in)														P		P	P	P	P	P	P	
<b>RETAIL SALES AND SERVICE USES</b>																						
Alcohol beverage sales, off-premise consumption, beer and wine store																C	P	P	P	P	P	
Alcohol beverage sales, off-premise consumption, package store																	C	C	C	C	C	5.3.17
Antique shop														P	P	P	P	P	P	P	P	
Art supply store														P	P	P	P	P	P	P	P	
Bakery or confectionary shop (retail)														P	P	P	P	P	P	P	P	
Bank or savings and loan													P	P	P	P	P	P	P	P	P	
Barber shop or beauty shop														P	P	P	P	P	P	P	P	
<u>Credit Access Business</u>														<u>P</u>	<u>P</u>		<u>P</u>	<u>P</u>		<u>P</u>	<u>P</u>	<u>5.3.26</u>
Cleaning, pressing and pick up shop														L	L	L	L	L	L	L	L	5.3.18
Cleaning plant (commercial)																	P	P				
Discount or department store																	P	P	P	P	P	
Drug store or pharmacy														P	P	P	P	P	P	P	P	

Temple, Texas Unified Development Code

Effective 12/16/10 • Last Amended 04/16/15

#### 5.3.24 Wrecking or Salvage Yard

A wrecking or salvage yard may be permitted in accordance with the use table in Sec. 5.1 provided that the buying and receiving area is set back a minimum of 50 feet from the public street right-of-way.

#### 5.3.25 Kiosk

A kiosk is permitted in accordance with the use table in [Sec. 5.1](#) subject to the following standards:

- A. All of the Dimensional and General Development Standards in Article 4 and Article 7 of this UDC apply to a kiosk as if it were the principal use of the property.
- B. Drive-through kiosks must provide 3, 8-ft by 22-ft. queuing spaces per kiosk service window.
- C. Wall signs on the wall of a kiosk itself are the only sign type allowed for advertising the services of the kiosk. Wall signs on a kiosk are limited to a maximum of 25 percent of the surface area of each wall. Wall signs are permitted only on the sides of a kiosk that are visible from the public right-of-way.
- D. Pedestrian access to the kiosk use must be included from all pedestrian facilities, including but not limited to sidewalks.

Parking that serves as required parking for another use must not be used for either placement of the kiosk or for parking or vehicle maneuvering required by the kiosk unless additional parking exists for the adjacent use and a shared parking agreement is agreed upon by both property owners and submitted with the building permit application.

#### 5.3.26 Credit Access Business (see Sec. 11.2 for definition)

A credit access business (commonly referred to as a "payday lender") may be permitted in accordance with the use table in Sec. 5.1 subject to the following standards:

- A. A credit access business may not be located closer than:
  - 1. Within 1000 feet of another credit access business; or
  - 2. Within 200 feet of a residentially-zoned property (located within the UE, SF-1, SF-2, SF-3, SFA-1, SFA-2, SFA-3, TH, 2F, MF-1, MF-2 or MF-3 zoning districts).
- B. For purposes of this section, measurements are made in a straight line, without regard to intervening structures or objects, from property line to property line.
- C. A credit access business may not be located on property abutting a Major Arterial or an Expressway, as identified on the Thoroughfare Plan.

**Comprehensive Plan.** The comprehensive plan of the City and adjoining areas adopted by the Planning and Zoning Commission and approved by the City Council, including all its revisions. The plan indicates the general locations recommended for various land uses, transportation routes, public and private buildings, streets, parks and other public and private developments and improvements, to include detailed plans for water, sewer, and other public services.

**Conditional Use.** A use permitted in a particular zoning district only upon showing that such use in a specified location will be compatible and can comply with all the conditions and standards for the location or operation of such a use as specified in this UDC.

**Condominium.** A building or group of buildings in which units are owned individually, while the structure and common areas and facilities are owned by all the owners on a proportional, individual basis.

**Configuration.** The form of a building, based on its massing, private frontage and height. [Ord. 2010-4415]

**Copy.** Letters, characters, illustrations, logos, graphics, symbols or writing designed to communicate information of any kind, to advertise or identify the purpose of a person or entity, to identify or advertise a business or to advertise the sale or lease of a premise.

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

**Country Club.** An area containing a golf course and a clubhouse and available only to private specific membership, such a club may contain adjunct facilities such as private club, dining room, swimming pool, tennis courts and similar recreational or service facilities.

**Credit Access Business.** Means a credit services organization that obtains for a consumer or assists a consumer in obtaining an extension of consumer credit in the form of a deferred presentment transaction or a motor vehicle title loan.

**Cul-de-Sac.** A local street with only one street outlet and having an appropriate terminal for the same and convenient reversal of traffic movement.

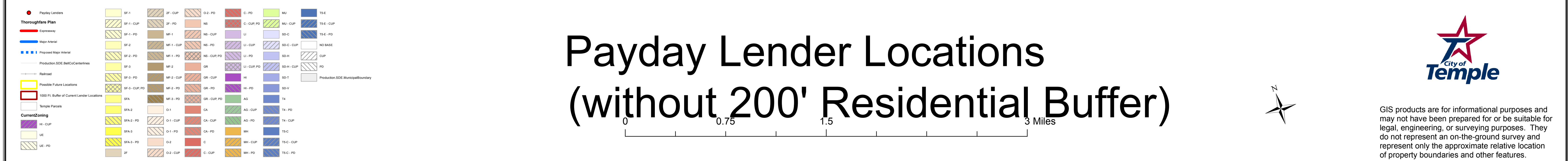
**Curb Line.** An imaginary line drawn along the outermost part or back of the curb and gutter on either side of a public street, or, if there is no curb and gutter, along the outermost portion of the paved roadway, or if there is no paved roadway, along the edge of the traveled portion of the roadway.

**Dance Hall or Nightclub.** An establishment offering to the general public facilities for dancing and entertainment for a fee and subject to licensing and regulation by the City.

**Day Camp.** A facility arranged and conducted for the organized recreation and instruction of children including outdoor activities on a daytime basis.

**Density:** The number of dwelling units within a standard measure of land area. [Ord. 2010-4415]



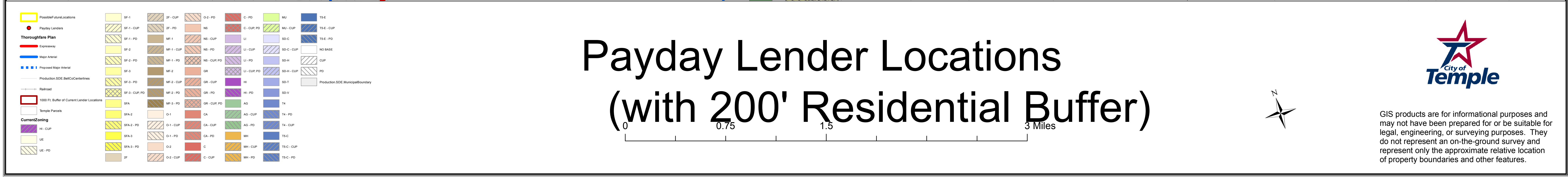


0 0.75 1.5 3 Miles



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.





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# City Regulation of Payday and Auto Title Lenders

## November 11, 2015

On October 30, the Office of Consumer Credit Commissioner (OCCC) published proposed administrative rules in the *Texas Register* regarding some aspects of payday and auto title lending. Among other things, the proposed rules outline: (1) the factors the OCCC will consider when reviewing criminal history information and grounds for denial, suspension, and revocation of a credit access business license; (2) OCC's examination and investigation authority regarding credit access businesses; and (3) the recordkeeping requirements applicable to credit access businesses.

Interested cities can review the proposed rules here

(<http://www.sos.state.tx.us/texreg/archive/October302015/Proposed%20Rules/7.BANKING%20AND%20SECURITIES.html#31>).

Comments on the proposal may be submitted to in writing to Laurie Hobbs, Assistant General Counsel, Office of Consumer Credit Commissioner, 2601 North Lamar Boulevard, Austin, Texas 78705-4207 or by email to [laurie.hobbs@occc.texas.gov](mailto:laurie.hobbs@occc.texas.gov) (mailto:[laurie.hobbs@occc.texas.gov](mailto:laurie.hobbs@occc.texas.gov)). To be considered, a written comment must be received at or before 5:00 p.m. on November 30, 2015.

## August 12, 2015

On August 11, 2015, Corpus Christi became the 26<sup>th</sup> Texas city to adopt business regulations governing payday and auto title lenders. The ordinance will be effective 90 days from passage. During the weeks preceding the city's adoption of the ordinance, the Consumer Service Alliance of Texas (CSAT), the statewide trade association for credit access businesses in Texas, made numerous comments on the city's actions.

CSAT pointed out that the federal Consumer Finance Protection Bureau (CFPB) has made public their proposed rules (<http://www.consumerfinance.gov/newsroom/cfpb-considers-proposal-to-end-payday-debt-traps/>) for short term consumer lending across the country.

CSAT claimed in an email to the city that the ordinance (which is the example provided at the bottom of this page) "would be in direct conflict with many of the provisions being considered by the CFPB, and would make you the first city (to my knowledge) in Texas to adopt this flawed and capricious ordinance." In response, Corpus Christi Mayor Nelda Martinez stated that "many people who take out these loans get trapped and end up losing everything, it sets them up for failure. We are going to protect those who we were elected to protect." The CSAT comments and the city's response are available [here \(/p/Corpus%20Christi%20CSAT%20comment%20letter%20and%20City%20response.pdf\)](#).

To the best of TML's knowledge, the following cities have enacted "business regulations" over payday lenders that are similar to the example ordinance available from TML:

1. Austin
2. Amarillo
3. Angleton
4. Balcones Heights
5. Baytown
6. Bellaire
7. Bryan
8. Brownsville
9. College Station
10. Corpus Christi
11. Dallas
12. Denton
13. Dickinson
14. El Paso
15. Flower Mound
16. Galveston
17. Garland
18. Houston
19. Midland
20. Pharr
21. San Antonio
22. Sequin
23. Somerset
24. South Houston
25. Universal City
26. West University Place
27. Willis

The following cities have enacted land use regulations:

1. Austin
2. Belton
3. Brownsville
4. Bryan
5. Corinth
6. Farmers Branch
7. Garland
8. Irving
9. Little Elm
10. Mesquite
11. Missouri City
12. Richardson
13. Sachse
14. Saginaw
15. Watauga

The following cities have enacted a resolution calling on the legislature to leave municipal



authority in place:

1. Lubbock
2. Somerset

### **June 12, 2015**

On June 4, the Fort Worth Court of Appeals issued a memorandum opinion in the case of *Ace Cash Express, Inc. v. City of Denton*. Ace Cash Express claimed that Denton's ordinance (which is essentially the same as the example available on this page) overwhelmed customers, increased default rates, caused a significant decrease in revenue, and could lead to the closure of at least one of its two Denton locations. It sought an injunction and declaratory judgment that the ordinance exceeded Denton's police power, violated due process, and exceeded the city's constitutional authority. The court disagreed, holding for the city on all claims. The opinion is available under "Denton" on the Lawsuit Pleadings (/payday-lawsuit-pleadings) page.

### **May 1, 2015**

To the best of TML's knowledge, the following cities have enacted "business regulations" over payday lenders that are similar to the example ordinance available from TML:

1. Austin
2. Amarillo
3. Angleton
4. Balcones Heights
5. Baytown
6. Bellaire
7. Bryan
8. Brownsville
9. College Station
10. Dallas
11. Denton
12. Dickinson
13. El Paso
14. Flower Mound
15. Galveston
16. Garland
17. Houston
18. Midland
19. San Antonio
20. Sequin
21. Somerset
22. South Houston
23. Universal City
24. West University Place

## 25. Willis

The following cities have enacted land use regulations:

1. Belton
2. Brownsville
3. Bryan
4. Corinth
5. Farmers Branch
6. Garland
7. Irving
8. Little Elm
9. Mesquite
10. Missouri City
11. Richardson
12. Sachse
13. Saginaw
14. Watauga

The following cities have enacted a resolution calling on the legislature to leave municipal authority in place:

1. Lubbock
2. Somerset

**If your city has adopted regulations and is not shown on this list, please email Scott Houston, TML general counsel, at [shouston@tml.org](mailto:shouston@tml.org) (mailto:shouston@tml.org).**

### September 17, 2014, Update

To the best of TML's knowledge, the following cities have enacted "business regulations" over payday lenders that are similar to the example ordinance available from TML:

1. Austin
2. Amarillo
3. Balcones Heights
4. Baytown
5. Bellaire
6. Bryan
7. College Station
8. Dallas
9. Denton
10. Dickinson
11. El Paso
12. Flower Mound
13. Galveston
14. Garland
15. Houston

16. Midland
17. San Antonio
18. Somerset
19. South Houston
20. Universal City
21. West University Place

The following cities have enacted land use regulations:

1. Belton
2. Brownsville
3. Bryan
4. Corinth
5. Farmers Branch
6. Garland
7. Irving
8. Little Elm
9. Mesquite
10. Missouri City
11. Richardson
12. Sachse
13. Saginaw
14. Watauga

The following cities have enacted a resolution calling on the legislature to leave municipal authority in place:

1. Lubbock
2. Somerset

**If your city has adopted regulations and is not shown on this list, please email Scott Houston, TML general counsel, at [shouston@tml.org](mailto:shouston@tml.org) (mailto:shouston@tml.org).**

**May 15, 2014 Update**

Style	Case/Cause No.	Court	Status
CSAT, et al. vs. City of Dallas	05-13-00255-CV	5 <sup>th</sup> Court of Appeals Dallas	Oral Argument: 3/25/14
TitleMax, et al. vs. City of Austin	D-1-GN-12-001780	98 <sup>th</sup> District Court Travis County	Pending
CSAT, et al. vs. City of Denton	2013-60479-393	393 <sup>rd</sup> District Court Denton County	4/1/14: Order granting City of Denton's Motion to Dismiss with Prejudice
ACE Cash, et al. vs. City of Denton	2013-1-564-16	16 <sup>th</sup> District Court Denton County	4/17/14: Order Granting Defendant's Plea to Jurisdiction Entered 5/7/14: N/Appeal filed by Ace; Case appealed to the 2 <sup>nd</sup> Court of Appeals – Ft. Worth
CSAT vs. City of San Antonio	2012-CI-20520	285 <sup>th</sup> District Court Bexar County	Pending

### April 24, 2014, Update

To the best of TML's knowledge, the following cities have enacted "business regulations" over payday lenders that are similar to the example ordinance available from TML:

1. Austin
2. Balcones Heights
3. Bellaire
4. Bryan
5. College Station
6. Dallas
7. Denton
8. El Paso
9. Flower Mound
10. Garland
11. Houston
12. San Antonio
13. Somerset
14. Universal City
15. West University Place

The following cities have enacted land use regulations:

1. Baytown
2. Brownsville
3. Corinth
4. Garland
5. Irving
6. Little Elm
7. Mesquite
8. Missouri City

9. Richardson
10. Sachse
11. Watauga

The following cities have enacted a resolution calling on the legislature to leave municipal authority in place:

1. Lubbock

**If your city has adopted regulations and is not shown on this list, please email Scott Houston, TML general counsel, at [shouston@tml.org](mailto:shouston@tml.org) (mailto:shouston@tml.org).**

### **April 3, 2014, Update**

To the best of TML's knowledge, the following cities have enacted "business regulations" over payday lenders that are similar to the example ordinance available from TML:

1. Austin
2. Balcones Heights
3. Bryan
4. College Station
5. Dallas
6. Denton
7. El Paso
8. Flower Mound
9. Garland
10. Houston
11. San Antonio
12. Somerset
13. West University Place

The following cities have enacted land use regulations:

1. Irving
2. Little Elm
3. Mesquite
4. Richardson
5. Sachse
6. Watauga

The following cities have enacted a resolution calling on the legislature to leave municipal authority in place:

1. Lubbock

**If your city has adopted regulations and is not shown on this list, please email Scott Houston, TML general counsel, at [shouston@tml.org](mailto:shouston@tml.org) (mailto:shouston@tml.org).**

Last February, the preemption lawsuit against the City of San Antonio was dismissed. The lawsuit may be back, but for now the dismissal is a victory for the city.

On March 25, the City of Dallas lawsuit was argued on appeal to the Fifth District Court of Appeals. The briefs are available under the “Lawsuit Pleadings” link on the left side of this page, and the following chart (provided by Joe Gorfida with Nichols, Jackson, Dillard, Hager & Smith, LLP) is an update on the status of the lawsuits:

## Lawsuit Update

Style	Case/Cause No.	Court	Status
CSAT, et al. vs. City of Dallas	05-13-00255-CV	5 <sup>th</sup> Court of Appeals Dallas	Oral Argument: 03/25/14
TitleMax, et al. vs. City of Austin	D-1-GN-12-001780	98 <sup>th</sup> District Court Travis County	Pending
CSAT, et al. vs. City of Denton	2013-60479-393	393 <sup>rd</sup> District Court Denton County	Plaintiff’s non-suit granted; Defendant’s counterclaim is pending
ACE Cash, et al. vs. City of Denton	2013-1-564-16	16 <sup>th</sup> District Court Denton County	3/20/14: Hearing on Defendant’s Plea to Jurisdiction 04/28/14: Trial Setting
CSAT vs. City of San Antonio	2012-CI-20520	285 <sup>th</sup> District Court Bexar County	Pending

### January 9, 2014, Update

Questions about state regulators have prompted recent press reports and correspondence from senators. The *El Paso Times* ran an [article](http://www.elpasotimes.com/news/ci_24816415/texas-governor-candidate-wendy-davis-calls-officials-removal?source=most_viewed) ([http://www.elpasotimes.com/news/ci\\_24816415/texas-governor-candidate-wendy-davis-calls-officials-removal?source=most\\_viewed](http://www.elpasotimes.com/news/ci_24816415/texas-governor-candidate-wendy-davis-calls-officials-removal?source=most_viewed)) on the subject, and three Texas senators sent a [letter](#) ([/p/Payday%20Letter.pdf](#)) to the Chairman of the Texas Finance Commission asking for his resignation.

### October 25, 2013, Update

Some cities, in addition to or in lieu of lender transaction regulations, have enacted various land use measures to address the proliferation of the lender storefronts. An informal [survey](#) ([/p/SUMMARY%20OF%20TEXAS%20LOCAL%20%20ORDINANCES.pdf](#)) of Texas ordinances prepared by Texas Appleseed is now available, as well as a [report](#) (<http://www.consumerfed.org/pdfs/Resources.PDL.LocalOrdinanceManual11.13.12.pdf>) by national consumer groups.

### August 23, 2013, Update

City officials interested in payday lending should know that, at the League's Annual Conference and Exhibition on Thursday, October 10, a panel will discuss the ins-and-outs of this type of regulation:

**Payday Lending: Are Cities the Last Line of Defense?**

City officials across the state have seen the proliferation of payday and auto title lender storefronts. How can these lenders negatively affect your citizens? What has the state done (or not done) to reign in predatory lending practices? What happened during the 2013 regular legislative session that leaves cities as the last line of defense? In this session, you'll earn the answers to these questions, how some cities are taking matters into their own hands, and about the lawsuits filed by the industry.

**Moderator:**

Scott Houston, Deputy Executive Director and General Counsel, Texas Municipal League

**Panel Members:**

The Honorable Bill Spelman, Councilmember, City of Austin

Meghan Riley, Litigation Division Chief, City of Austin

Jerry Drake, Deputy City Attorney, City of Denton

Laura Gordon, Deputy City Attorney, City of El Paso

To register for the League's Annual Conference and Exhibition, visit [www.tmlconference.org](http://www.tmlconference.org) (<http://www.tmlconference.org>).

### **August 2, 2013, Update**

The Town of Flower Mound has become the seventh Texas city to adopt an ordinance. In addition, some cities asked about what fee is appropriate to charge for a permit under the League's example ordinance. The Flower Mound ordinance sets the registration fee at \$50, and that is common. Of course, the common law rule is that a fee should approximate the amount needed to administer the ordinance. Thus, the fee amount can be set by each city accordingly.

In addition, the Flower Mound ordinance provides that "any lot containing a credit access business establishment shall be located at least one thousand (1,000') feet from any lot containing another credit access business establishment, as measured in a straight line between the nearest points of one lot to the other lot." To view the ordinance, **click here** ([/p/Flower%20Mound%20Payday%20Ordinance.pdf](#)). To view the agenda cover sheet, **click here** ([/p/FM%20Agenda%20Cover%20Sheet%20for%20Credit%20Access%20Businesses%20\(Payday%20Lenders\)%20Ordinance%207-3-13.pdf](#)).

### **July 26, 2013, Update**

**"Our efforts to reform payday lending in the state legislature are at a stalemate. To make progress at the state level, we must act locally by encouraging our city leaders to pass city ordinances regulating predatory lending."**

-- Rep. Mike Villarreal (D – San Antonio), Chairman of the Texas House Committee on Investments and Financial Services

While many other states have enacted laws to restrict predatory lending practices, meaningful reforms have failed to pass the Texas Legislature in the last three sessions. Free of any statewide cap on lending fees, limits on loan rollovers, and other restrictions, the number of payday and auto title loan stores in Texas has exploded with over 2,000 new storefronts opening in the last six years. In the absence of state action, Texas cities are stepping up to adopt ordinances to protect their citizens from some of the worst predatory practices of this industry.

### **Background**

Payday lending is a practice where a person can walk into a store, typically located in a strip mall, and take a cash advance on his or her next paycheck. Most such businesses offer a similar cash advance with a car's title as collateral. The interest rates on the loans are very high. In fact, legal loopholes used by the lenders exempt them from the state's usury laws.

Interest rates, when fees are included, often exceed 500 percent APR. Fifteen states limit the APR to 36 percent. The products are marketed as two-week or one-month loans, but the vast majority of borrowers refinance, often six to ten times. In addition to the traditional short-term payday loan, companies have started to offer expensive longer term installment loans. One company offers a five-month installment loan for \$1500. Customers must pay back over \$3,862, an APR of 612 percent.

Borrowers who fall behind on payments can refinance multiple times; meanwhile, the interest and other fees keep piling up. It's not uncommon on the auto title lending side for people to lose their car altogether after multiple refinancings.

In Texas and across the country, the payday and auto title lender industry (also known as the "credit access business") has grown dramatically. The Texas Office of Consumer Credit Commissioner (OCCC) reports that there are an estimated 3,000 credit access business locations in Texas alone. With the proliferation of the credit access business industry comes increased concerns about the harmful effects of Texas citizens entering a cycle of debt and dependency. Some cities are also concerned about public safety and the effect the businesses may have on property values. As a result, both the state legislature and a handful of Texas cities have taken steps to regulate this industry.

In 2011, the legislature addressed some of these concerns by passing legislation that both requires credit access businesses to provide consumer disclosures regarding their loan products, fees, interest charges, and percentage rates, as well as requires them to obtain a license with the OCCC (operating under the oversight of the Finance Commission of Texas), which in turn has some ability to examine these businesses. Some Texas cities viewed the 2011 legislation as insufficient to address the growth in the credit access business industry in their communities, and have since adopted ordinances that place additional restrictions on these businesses. The ordinances that have been adopted include zoning restrictions, substantive business regulations such as a limitation on the total amount of the loan, or both.

Several bills were filed during the 2013 legislative session that would have increased regulation of the credit access business industry. Other bills were filed at the behest of the credit access business lobby that would have preempted all city ordinances regulating the industry, including (in some cases) generally-applicable zoning and other health and safety ordinances. In the



end, no legislation dealing with payday and auto title lenders passed in 2013. Consequently, under current law cities are not expressly prohibited from adopting ordinances regulating the credit access business industry in any way, including ordinances restricting business practices.

### **City Ordinances**

In response to the state legislature's failure to adopt any substantive statewide regulation of credit access businesses, a handful of cities have adopted ordinances aimed at ending the cycle of debt and helping borrowers to be successful in paying back their loans. As of the spring of 2013, the cities that adopted ordinances were Austin, Balcones Heights, Dallas, Denton, El Paso, and San Antonio. There are likely to be more at the time of this publication. All of these cities – except for Balcones Heights – have been sued by the credit access business industry, with the industry claiming that the cities are preempted from regulating credit access businesses since the legislature gave the OCCC some authority to regulate in 2011. (Balcones Heights has suspended enforcement of its ordinance pending the outcome of the San Antonio lawsuit.)

When payday and auto title lenders argued before the legislature for preemption of all city ordinances regulating credit access businesses, chief among their policy arguments was the notion that it would be too administratively difficult to keep track of the different “patchwork of regulation” that exists from city to city. This argument falls flat in two ways. First, only six out of roughly 1,200 Texas cities have adopted ordinances. Second, the ordinances adopted by these six cities are all but identical in how they regulate the lending practices of credit access businesses. Key features of all six ordinances include the following provisions:

- A credit access business must apply for and receive a certificate of registration from the city.
- A credit access business must maintain complete records of all loans made by the business for at least three years and make the records available to the city for inspection upon request.
- The amount of a payday loan may not exceed 20 percent of the consumer's gross monthly income.
- The amount of an auto title loan may not exceed the lesser of three percent of the consumer's gross annual income or 70 percent of the retail value of the motor vehicle.
- Any loan from a credit access business that provides for repayment in installments may not be payable in more than four installments, and the proceeds from each installment must be used to repay at least 25 percent of the principal amount of the loan. No renewals or refinancing of installment-payment loans are permitted.
- Any loan from a credit access business that provides for a single lump sum repayment may not be refinanced or renewed more than three times, and the proceeds from each refinancing or renewal must be used to repay at least 25 percent of the principal amount of the loan.
- Any loan made to a consumer within seven days of a previous loan has been paid by the consumer constitutes a refinancing or renewal.

Cities contemplating the adoption of an ordinance regulating the lending practices of credit access businesses should consider adopting substantially similar regulations to those adopted by the six cities mentioned above. If Texas cities that wish to regulate in this area continue to adopt essentially uniform ordinances, credit access businesses will not be able to use the argument that city ordinances vary from city-to-city if they seek preemption legislation in 2015.

City officials should be aware that adoption of any ordinance regulating credit access businesses will likely cause stakeholders representing the payday and auto title lending industry to file a lawsuit. To assist cities that may be facing such a lawsuit, TML has created this “payday lending clearinghouse” webpage. This page includes the pleadings in each lawsuit that has been filed. In addition, it includes an example ordinance that consolidates the features of the similar city ordinances, as well as additional information.

Each city should consult with local legal counsel prior to adopting any ordinance. That is particularly true in this instance.

**Example Ordinance ([/payday-example-ordinance](#))**

**Helpful Links ([/payday-helpful-links](#))**

**Lawsuit Proceedings ([/payday-lawsuit-pleadings](#))**

Texas Municipal League    1821 Rutherford Lane, Suite 400    Austin, Texas 78754    512-  
231-7400    [Terms & Conditions of Use \(/p/TML%20Website%20Terms%20and%20Conditions%20of%20Use\\_7%2030%2013\\_SH.pdf\)](#) ([/p/10reasonsTMLAssociate.pdf](#))



(<http://www.facebook.com/TexasMunicipalLeague>)



([http://www.twitter.com/TML\\_Texas](http://www.twitter.com/TML_Texas))

# CABs

	Licensed Location Number	License DBA	License Address 1	License City	License Zip	License State	License Phone	License Status	License Licensed
1	61993	**EZPAWN	24 S 1ST	TEMPLE	76501	TX	2547736411	Active	3/30/2012
2	62010	**EZMONEY LOAN SERVICES	1205 W. ADAMS	TEMPLE	76501	TX	512-597-5856	Active	3/30/2012
3	60175		211 N GENERAL BRUCE DR	TEMPLE	76504	TX	2547733442	Active	3/16/2012
4	60356	ADVANCE AMERICA	2910 S 31ST STREET	TEMPLE	76502	TX	2547749143	Active	2/29/2012
5	60778	CHECK N GO	1616A SOUTHWEST H K DODGEN LOOP	TEMPLE	76504	TX	2548991161	Active	3/2/2012
6	61953	LOANSTAR TITLE LOANS	1303-1307 WEST ADAMS AVE	TEMPLE	76501	TX	2547420278	Active	3/16/2012
7	67530	TITLEMAX	1109 W ADAMS AVE	TEMPLE	76504	TX	912-525-2675	Active	12/20/2013
8	66566	TITLEMAX	2715 THORNTON LN	TEMPLE	76502	TX	912-525-2675	Active	10/4/2013
9	60841	FIRST CASH ADVANCE	2668 S 31ST STREET SUITE D	TEMPLE	76504	TX	2547421266	Active	12/31/2011
10	60937	FIRST CASH PAWN	3002 SW HK DODGEN LOOP	TEMPLE	76504	TX	2547746858	Active	12/30/2011
11	60962	FIRST CASH ADVANCE	110 N 27TH STREET	TEMPLE	76504	TX	2547711210	Active	12/31/2011
12	62714	STAR OF TEXAS FINANCIAL SOLUTIONS LLC	212 W ADAMS AVE	TEMPLE	76501	TX	2547741400	Active	5/10/2012
13	61490	ACE CASH EXPRESS #1519	2603 THORNTON LN STE 140	TEMPLE	76502	TX	2547749958	Active	2/15/2012
14	61590	ACE CASH EXPRESS #1520	1416 S 31ST ST	TEMPLE	76504	TX	2547919100	Active	2/15/2012
15	66677	PRESTO	1309 W ADAMS	TEMPLE	76504	TX	2547710700	Active	12/6/2013

\*source: Texas Office of Consumer Credit (June 29, 2015)

\*\*EZ Pawn has announced that they would be discontinuing their payday and auto title lending and just focusing on Pawn (possible they will no longer hold those licenses in the near future)

Notes: licensed under Chapter 393 of the Texas Finance Code, the Credit Servicees Organization Act  
they are loan brokers

uncapped fee, resulting in APRs of 500% or higher for payday loan transactions

this method of operation was adopted by payday and auto title loan businesses in 2005 as a way around complying with rat and fee caps under Chapter 342

because the CSO Act was never intended to regulate consumer loans, there are a lot of areas related to consumer loans not addressed in the law

this leaves home rule cities significant authority to adopt ordinances to address problems in the CAB market

Definition: "Credit access business" means a credit services organization that obtains for a consumer or assists a consumer in obtaining an extension of consumer credit in the form  
of a deferred presentment transaction or a motor vehicle title loan.

# Licensed Finance Companies

	License Number	License DBA	Location Address 1	Location City	Location Zip	Location State	Location Phone	License Status	License Licensed	License Canceled
1	56708	WORLD FINANCE CORPORATION	221 W ADAMS AVE	TEMPLE	76501	TX	2547712901	Active	4/12/2010	
2	10901		1005 MARLANDWOOD RD #111	TEMPLE	76502	TX	5126080035	Active	9/25/2012	
3	117		3809 S GENERAL BRUCE DR	TEMPLE	76502	TX	4103323000	Active	7/1/2011	
4	152830	TitleMax	1109 W ADAMS AVE	TEMPLE	76504	TX	254-774-1877	Active	4/17/2015	
5	152829	TitleMax	2715 THORNTON LANE	TEMPLE	76502	TX	254-774-6944	Active	4/17/2015	
6	151247	BELL FINANCE	1102 W ADAMS AVE STE C	TEMPLE	76501	TX	254-773-2333	Active	7/11/2014	
7	151150		2 SOUTH MAIN ST	TEMPLE	76501	TX	254-778-3678	Active	8/1/2014	
8	65866	PAYMENT 1 FINANCIAL	1229 B S 31ST ST	TEMPLE	76504	TX	555-555-5555	Active	4/26/2013	
9	55648		1412 W ADAMS AVE	TEMPLE	76504	TX	2547713442	Active	8/27/2009	
10	52803	REGIONAL FINANCE	2314 W ADAMS ST NEON SQUARE SHOPPING CENTER	TEMPLE	76504	TX	2547714145	Active	1/18/2008	
11	52090	FIRST FINANCE & FURNITURE	108 S MAIN	TEMPLE	76501	TX	2547734452	Active	10/12/2007	
12	8497		1408 S 31ST STREET STE F	TEMPLE	76504	TX	254-791-0305	Active	1/28/2013	
13	7620		108 N 27TH ST	TEMPLE	76504	TX	254-778-0189	Active	8/27/2009	
14	7563		1408 SOUTH 31ST STREET STE D	TEMPLE	76501	TX	254-742-0155	Active	3/19/1993	
15	7430		2 S FIRST ST	TEMPLE	76501	TX	254-778-0048	Active	8/21/1992	
16	6942	SUN LOAN COMPANY	916 S 31ST ST STE A	TEMPLE	76501	TX	254-770-1116	Active	4/13/2009	
17	6177	WESTERN FINANCE	8 E CENTRAL AVE	TEMPLE	76501	TX	2547713255	Active	4/11/2008	
18	5954	SERVICE LOAN COMPANY	215 W ADAMS ST	TEMPLE	76501	TX	254-778-0070	Active	7/3/2006	
19	5422	PREFERRED LOANS	11 E AVE B	TEMPLE	76501	TX	2547562081	Active	6/23/1989	
20	3732		6 1/2 E AVE A	TEMPLE	76501	TX	254-778-4777	Active	1/8/1990	
21	2284	FAMILY LOANS OF TEMPLE	10 E AVE A	TEMPLE	76501	TX	254-778-5241	Active	9/1/1976	
22	1265	WORLD FINANCE CORPORATION	1610 S 31ST ST STE 104	TEMPLE	76504	TX	2547785264	Active	11/16/1989	

\*source: Texas Office of Consumer Credit (June 29, 2015)

Notes: licensed finance companies are finance companies licensed unter Chapter 342 E or F of the Texas Finance Code  
both of these business types are direct lenders and are subject to failly sustantial regulatory oversight  
the CAB ordinances do not address this area of lending, as it is substantially regulated at the state level with rate and fee caps  
high caps, but still substantially lower than paybe and auto title charges.

342 E lenders are limited to a maximum of a \$100 fee plus 30% interest  
they are permitted to sell certain types of credit insurance along with a loan

342F lenders generally have their loans capped at around \$1300  
they can charge a 10% fee, plus a \$4 per \$100 borrowed per month  
they are not permtted to see certain types of credit insurance with a loan  
these loans are generally 6-month installment loans  
carry an APR of around 90%

## Brian Chandler

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**From:** Adam Burklund <adam@burklundconsulting.com>  
**Sent:** Wednesday, November 11, 2015 9:25 AM  
**To:** Brian Chandler  
**Subject:** RE: Proposed Credit Access Business Zoning Regulations

Brian,

Thank you for the update. We will review it and be in touch with any questions.

Regards,

**Adam Burklund**  
Burklund Consulting  
1122 Colorado Street  
Westgate Building, Suite 2320  
Austin, TX 78701  
Office: (512) 476-1117  
Cell: (512) 787-1397

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**From:** Brian Chandler [mailto:bchandler@templetx.gov]  
**Sent:** Wednesday, November 11, 2015 9:15 AM  
**To:** Adam Burklund <adam@burklundconsulting.com>  
**Subject:** RE: Proposed Credit Access Business Zoning Regulations

Good morning, Mr. Burklund. I wanted to give you a quick update on our proposed zoning regulations for CABs. Based on feedback received from our Planning and Zoning Commission at a 11/2 workshop, staff's recommendation will be to not require a Conditional Use Permit for CABs, but instead to add the 200' distance requirement from residentially-zoned properties instead. As a result, it would certainly further limit where CABs could be located. However, it would also eliminate the uncertainty of a CUP process and would, therefore, allow CABs by right subject to location and distance requirements within the zoning districts listed below. I've attached the draft amendments for your review. Please let me know if you have any comments or concerns. Thank you.

Brian

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**From:** Brian Chandler  
**Sent:** Friday, October 30, 2015 9:43 AM  
**To:** 'adam@burklundconsulting.com'  
**Subject:** Proposed Credit Access Business Zoning Regulations

Good morning, Mr. Burklund. Kayla Landeros, City Attorney, provided me with your contact information. I understand that you have had contact with her regarding the City of Temple's proposed adoption of the TML model ordinance regulating CABs. During that City Council workshop in August regarding the CAB discussion, direction was given for to look into potential zoning regulations for CABs, which I have done and which I wanted to share with you. I have copied slides showing the following below:

- The proposed zoning standards proposed here in Temple to regulate CABs

Please review and perhaps we can discuss either by phone or in person next week. I'm in the process of drafting code amendments reflecting this concept that would go to our Planning and Zoning Commission on 11/16, followed by City Council on 12/3. In the meantime, please let me know if you have any questions. Thanks for your time.

## Recommendations (Option 1)

### 1. Distance requirements

- 1000' between
- Originally considered 200' distance from residential zoning district or use, but would not recommend...
  - Determined that the direct impact on neighbors would be limited and could be addressed through CUP on a case-by-case basis

### 2. Allow in:

- O-1, O-2, GR, C, LI and HI Districts

### 3. Require a Conditional Use Permit (CUP) subject to the existing **UDC** criteria

#### 3.5.4 CUP Review Criteria

- A. Compatible with and *does not significantly diminish or impair property values within the immediate vicinity*
- B. Does not impede the normal and development and improvement of surrounding vacant property
- C. Adequate utilities, access roads, drainage, and other necessary support facilities
- D. Provide for the safe and convenient movement of vehicular and pedestrian traffic
- E. Adequate nuisance prevention measures related to controlling offensive odors, fumes, dust, noise and vibration
- F. Directional lighting is provided so as not to disturb or adversely affect neighboring properties
- G. Sufficient landscaping and screening to insure harmony and compatibility with adjacent property



# Recommendations (Option 1)

## 4. Prohibit on Major Arterials or Above

- I-35
- Adams Ave.
- Central Ave.
- S. 31<sup>st</sup> Street
- 1<sup>st</sup> and 3<sup>rd</sup> Streets
- FM 93
- SH 317
- Airport Rd.
- Outer Loop
- HK Dodgen Loop
- W. and E. Avenue H
- Canyon Creek Dr./Blackland Rd.

*Note: Could be located along the following Minor Arterials, subject to the other proposed standards:*

- FM 2271, FM 2438, Prairie View Rd., Poison Oak, Westfield Blvd., N. Kegley Rd., Mouser Rd., Central Pointe Pkwy, Charter Oak Dr., Midway Dr., Hickory Rd., S. 57th St., Marlandwood Rd., Little River Rd., MLK Jr. Dr., S. 25th St., W. Ave. M, N. 31st St., W. Nugent Ave., Wendland Rd., Eberhardt Rd., Lucius McElvey, Industrial Blvd., Zenith Ave.



Sincerely,  
Brian



## Dessie Redmond

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**From:** Ann Baddour <[abaddour@texasappleseed.net](mailto:abaddour@texasappleseed.net)>  
**Sent:** Thursday, October 08, 2015 3:03 PM  
**To:** Dessie Redmond  
**Subject:** RE: Payday Lender Locations in Temple

Licensed finance company is a finance company licensed under Ch. 342 E or F of the Texas Finance Code. These businesses are often confused with payday lenders—in my experience, even consumers don't necessarily know the difference. However, there are many substantive differences. The main differences are the transaction structure and the cost.

342 E lenders are limited to a maximum of a \$100 fee plus 30% interest. Springleaf and One Main Financial are some of the biggest operators in this space, though there are others as well. They are also permitted to sell certain types of credit insurance along with a loan.

342 F lenders generally have their loans capped at around \$1,300. They can charge a 10% fee, plus a \$4 per \$100 borrowed per month. They are not permitted to sell credit insurance. These loans are generally six-month installment loans and carry an APR of around 90%.

These businesses are direct lenders and are subject to fairly substantial regulatory oversight. The CAB ordinances do not address this area of lending, as it is substantially regulated at the state level with rate and fee caps—high caps, but still substantially lower than payday and auto title charges.

CABs are licensed under Ch. 393 of the Texas Finance Code, the Credit Services Organization Act. They are loan brokers and their fees are uncapped, resulting in APRs of 500% or higher for payday loan transactions. This method of operation was adopted by payday and auto title loan businesses in 2005, as a way around complying with the rate and fee caps under Chapter 342. Because the CSO Act was never intended to regulate consumer loans, there are a lot of areas related to consumer loans not addressed in the law, leaving home rule cities significant authority to adopt ordinances to address problems in the CAB market.

I hope this clarifies things.

Thanks,

Ann

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**From:** Dessie Redmond [mailto:[dredmond@templetx.gov](mailto:dredmond@templetx.gov)]  
**Sent:** Thursday, October 08, 2015 2:49 PM  
**To:** Ann Baddour <[abaddour@texasappleseed.net](mailto:abaddour@texasappleseed.net)>  
**Subject:** RE: Payday Lender Locations in Temple

Hi Ann-

This is great information it will be very useful as we dig into code amendments. Thank you very much!

Follow-up question: What is the difference between CABs and Licensed Finance companies? I pulled the definition of CABs the Texas Finance Code but couldn't find any definition for Licensed Finance companies. The "payday lenders" list we compiled before reaching out to you included some businesses on the 342-E and 342-F lists and I want to make sure we are amending the code so it affects the right business.

Thanks for your help. Very much appreciated!

Dessie

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**From:** Ann Baddour [<mailto:abaddour@texasappleseed.net>]  
**Sent:** Thursday, October 08, 2015 12:20 PM  
**To:** Dessie Redmond  
**Subject:** Payday Lender Locations in Temple

Hello Dessie,

Attached is data I received from the Texas Office of Consumer Credit Commissioner on June 29<sup>th</sup> of 2015. I created a new tab in the data set that includes all the active licensed store locations in Temple. The full list includes the entire state, with active, surrendered, canceled, and various other statuses. The other tab—342-E and 342 F lenders included licensed finance companies. It is not relevant to your inquiry, but wanted to share the original documents with you, so you can clearly see the source.

I noticed that two of the licensed CAB locations in Temple are with Texas EZ Pawn. They announced in August that they would be discontinuing their payday and auto title lending and just focusing on Pawn, so it is possible they no longer hold those licenses. Otherwise, it should be up to date.

Please let me know if I can be of any further help.

Sincerely,

Ann

----- Forwarded message -----

**From:** Dana Edgerton <[Dana.Edgerton@occc.texas.gov](mailto:Dana.Edgerton@occc.texas.gov)>  
**Date:** Mon, Jun 29, 2015 at 1:00 PM  
**Subject:** Re: Number of CAB, 342 E and F licensees  
**To:** Ann Baddour <[abaddour@texasappleseed.net](mailto:abaddour@texasappleseed.net)>

OR-15-221

Ms. Baddour:

Attached is the list responsive to your request for CABs and 342 E and F licensees. Please feel free to contact me if you have any other questions.

I hope this information is helpful to you as this correspondence completes and closes this request. Thank you.

Sincerely,

Dana D. Edgerton  
Public Information Officer

Office of Consumer Credit Commissioner  
2601 N. Lamar Blvd  
Austin, Texas 78705

[512.936.7639](tel:512.936.7639) phone  
[512.936.7610](tel:512.936.7610) fax  
[www.occc.state.tx.us](http://www.occc.state.tx.us)

>>> Ann Baddour <[abaddour@texasappleseed.net](mailto:abaddour@texasappleseed.net)> 6/15/2015 10:26 AM >>>  
Dana,

Could you share with me the latest data for CAB and 342 E and F licensees?

Thanks,

Ann

Ann Baddour

Director, Fair Financial Services Program

Texas Appleseed

1609 Shoal Creek Blvd, Suite 201

Austin, TX 78701

[512-473-2800](tel:512-473-2800) X104

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[www.texasappleseed.net](http://www.texasappleseed.net)

[Z-FY-16-04]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AMENDMENTS TO ORDINANCE NO. 2010-4413, UNIFIED DEVELOPMENT CODE, RELATED TO REGULATING CREDIT ACCESS BUSINESSES AND ARTICLE 5 AND 11; PROVIDING A REPEALER; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, Credit Access Businesses (“CAB”), which are defined by Chapter 393 of the Texas Finance Code, are commonly referred to as “payday lenders;”

**Whereas**, at its November 2, 2015 meeting, the Planning and Zoning Commission voted to amend Article 5 and Article 11 of the Unified Development Code - the recommended changes are as follows:

- ARTICLE 5: USE STANDARDS: The amendment will include Credit Access Business as a specific use, which currently does not exist.
- ARTICLE 5, SECTION 5.3.26 – Credit Access Businesses (Specific Use Standards): A credit access business (commonly referred to as a “payday lender”) may be permitted in accordance with the use table in Sec. 5.1 subject to the following standards:
  - a credit access business may not be located:
    - Within 1000 feet of another credit access business; or
    - Within 200 feet of a residentially-zoned property (property located within a UE, SF-1, SF-2, SF-3, SFA-1, SFA-2, SFA-3, TH, 2F, MF-1, MF-2 or MF-3 zoning district);
  - for purposes of this section, measurements are made in a straight line, without regard to intervening structures or objects, from property line to property line;
  - a credit access business may not be located on property abutting a Major Arterial road or an Expressway, as identified on the Thoroughfare Plan.
- ARTICLE 11: DEFINITIONS – Article 11 has been amended to add a definition for Credit Access Business (“CAB”) to match the language in the Texas Finance Code Chapter 393.221.
  - *Credit Access Business. Means a credit services organization that obtains for a consumer or assists a consumer in obtaining an extension of consumer credit in the form of a deferred presentment transaction or a motor vehicle title loan; and*

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

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

**Part 1:** The City Council approves amendments to Ordinance No. 2010-4413, the “Unified Development Code,” by amending Article 5 and Article 11 as set forth in Exhibits A and B, attached hereto and incorporated herein for all purposes.

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

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

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

**Part 5:** It is hereby officially found and determined that the meeting at which this ordinance 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 Meetings Act.

PASSED AND APPROVED on First Reading and Public Hearing on the **3<sup>rd</sup>** day of **December**, 2015.

PASSED AND APPROVED on Second Reading on the **17<sup>th</sup>** day of **December**, 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

---

12/03/15  
Item #6  
Regular Agenda  
Page 1 of 4

### **DEPARTMENT / DIVISION SUBMISSION & REVIEW:**

Mark Baker, Senior Planner

**ITEM DESCRIPTION:** FIRST READING – PUBLIC HEARING – Z-FY-16-01: Consider adopting an ordinance authorizing a rezoning from General Retail District (GR), Office 1 District (O-1) and Multiple-Family Dwelling 1 District (MF-1) to General Retail District (GR), on 6.414 +/- acres, being all of Lot 1, Block 1, G2K North subdivision, located on the north side of West Adams Avenue, west of Holy Trinity Catholic High School and east of Hilliard Road.

**PLANNING & ZONING COMMISSION RECOMMENDATION:** At their November 2, 2015 meeting, the Planning & Zoning Commission voted 8 to 0 to recommend approval of the proposed rezoning as presented by Planning staff.

**STAFF RECOMMENDATION:** Based on the following, staff recommends approval for a rezoning from General Retail (GR), Office-1 (O-1) and Multi-Family-1 (MF-1) district to General Retail (GR) for the following reasons:

1. The proposed rezoning is in compliance with the Future Land Use Plan's (FLUP) Suburban Commercial District;
2. The proposed zoning is compatible with surrounding zoning and uses;
3. The request complies with the Thoroughfare Plan; and
4. Public facilities are available to serve the subject property.

**ITEM SUMMARY:** The subject property contains three different zoning districts, General Retail (GR), Office 1 (O-1) and Multiple Family 1 (MF-1) was established by Ordinance #1350 in May 1981 on two different lots.

This rezoning follows the boundaries of Lot 2, Block 1, established by the recordation of the final plat of G2K North subdivision (Exhibit A) on January 8, 2014, and contains 6.414 +/- acres of undeveloped land. No further platting to the subject property is anticipated in the immediate future. Any future platting would be processed as a Replat and reviewed by the Design Review Committee (DRC).

While it is anticipated the property will be developed with non-residential uses, there are a number of residential and non-residential uses that are permitted by right in the GR zoning district. The uses permitted in the GR, include but are not limited to:

Residential uses

Detached / Attached SF Homes  
Duplex  
Home for the aged  
Industrialized housing  
Apartments

Nonresidential uses

Retail and Service Uses (Various)  
Place of Worship  
Convenience Stores with Fuel Sales  
Hotel or Motel  
Beer & Wine Sales (On-Premise Consumption – Less than 75% Gross Revenue)

It should be noted that the GR zoning district provides for sale of alcoholic beverages for both on-premise and off-premise consumption, both permitted by-right or with an approved conditional use permit. Any future requests will be evaluated and processed based on their own merits at the time application. This includes the applicability of both UDC Section 5.3.15 and Chapter 4 of the City Code of Ordinances. At the present time, the applicant has indicated, there are no plans for beer & wine or other alcoholic beverage sales to be located on the subject property.

Prohibited uses include HUD-Code manufactured homes and land lease communities, most commercial uses and industrial uses. A number of uses are allowed by an approved conditional use permit (package store, any percentage of all alcoholic beverage sales with on-premise consumption, temporary asphalt concrete batching plants, sewage pumping station or petroleum gas well).

**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	GR. O-1 & MF-1	Undeveloped
North	Public institutional	SF-1	Undeveloped
South	Suburban Commercial	GR	Retail & Service Uses
East	Public Institutional & Suburban Comm.	SF-1, O-1	Holy Trinity Catholic High School
West	Suburban Commercial	GR	Retail & Service Uses

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

<b>Document</b>	<b>Policy, Goal, Objective or Map</b>	<b>Compliance?</b>
CP	Map 3.1 - Future Land Use Plan (FLUP)	YES
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 Plan (FLUP) (CP Map 3.1)

The subject property is entirely within the Suburban Commercial land use district. While the office and retails service-related zoning districts are typically consistent with the Suburban Commercial land use district, the GR zoning is in-compliance for this location. In these circumstances, staff evaluates the appropriateness of GR on a case by case basis. While the GR zoning district lends itself more to the Auto-Urban Commercial land use district, the presence of existing GR and the location of arterial roads as well as future development trends for an area influence the consideration of GR consistency. In this case, since the subject property would have direct access to W. Adams Ave (FM 2305), a major arterial and the property is surrounded on 2 of 4 sides by established GR-zoning, the request to GR is considered consistent with the Future Land Use Plan. A similar situation is the presence of GR-supported zoning along Old Waco Road, the Outer Loop, where the Future Land Use Plan designation is also Suburban Commercial.

Thoroughfare Plan (CP Map 5.2)

The subject property takes access from an existing 20-foot access easement leading to W. Adams Ave (FM 2305). The property does not front along any classified City roadway and therefore no additional Thoroughfare Plan compliance is applicable. No additional ROW or dedication is anticipated for the development of the subject property.

Availability of Public Facilities (CP Goal 4.1)

Sewer is available to the subject property through an existing 18" sewer line on the eastern property line. The same line extends along a portion of the northern property line. Water is available through either an existing 14" or 4" water line in W. Adams Ave.

Temple Trails Master Plan Map and Sidewalks Ordinance

The Trails Master Plan identifies an existing City-Wide Spine Trail along W. Adams Ave. A 10-foot asphalt trail is currently in existence. Trail improvements (sidewalk) would be addressed at the platting stage of development, if they include the lots that front along W. Adams Ave. The subject property does not front along W. Adams Ave. No new trails or sidewalks are anticipated by this project.

**DEVELOPMENT REGULATIONS:** Standard non-residential setbacks in the GR 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' (10' adjacent to or abutting residential use or zoning district)
Max Height	3 Stories

Since the proposed GR zoning is adjacent to a residentially-zoned property, additional Development Regulations include but not limited to:

- \* A minimum 10' rear setback is required where a non-residential use abuts a residential zoning district or use (UDC Section 4.4.4.F3) and,



While 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 GR 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:** Seven notices to property owners within 200-feet of the subject property were sent notice of the public hearing as required by State law and City Ordinance. As of Tuesday November 17, 2015 at 9:00 AM, three notices for approval of the request have been received. No notices for denial have been received.

The newspaper printed notice of the public hearing on October 21, 2015, in accordance with state law and local ordinance.

**FISCAL IMPACT:** Not Applicable

**ATTACHMENTS:**

[Site and Surrounding Property Photos](#)  
[Boundary Survey \(Exhibit A\)](#)  
[Vicinity Map](#)  
[Zoning Map](#)  
[Future Land Use and Character Map](#)  
[Thoroughfare & Trails Map](#)  
[Utility Map](#)  
[Notification Map](#)  
[Returned Property Notices](#)  
[Ordinance](#)

# Site & Surrounding Property Photos



**Site: Undeveloped (GR, O-1 & MF-1)**



**Site: Undeveloped (GR, O-1 & MF-1)**



**North: Holy Trinity Catholic High School (SF-1)**



**North: Holy Trinity Catholic High School (SF-1)**





**West: Undeveloped (GR)**



**East: Undeveloped (SF-1 & O-1)**

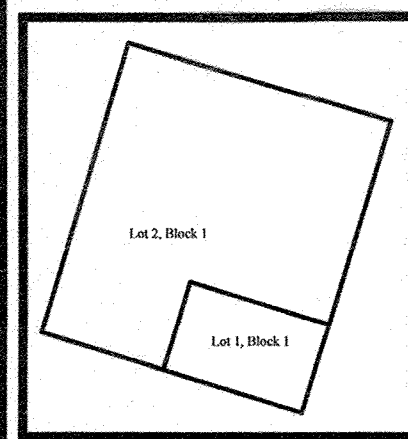


**South: Scott & White Medical Clinic (GR)**



**South: Retail Uses - Family Dollar (GR)**





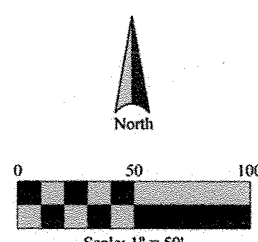
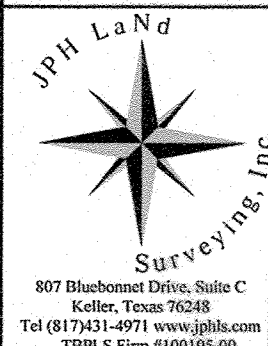
CONFIGURATION OF  
JOSHIN SUBDIVISION  
CABINET A, SLIDE 351-A  
P.R.B.C.T.  
(1~259)

#### Legend of Abbreviations

P.R.B.C.T.-Plat Records Bell County, Texas  
O.P.R.B.C.T.-Official Public Records Bell County, Texas  
D.R.B.C.T.-Deed Records Bell County, Texas  
CRS-1/2" capped rebar stamped "JPH Land Surveying" set  
MNS-mag nail with metal washer stamped "JPH Land Surveying" set  
-see note 8  
P.O.B.-Place of Beginning

#### Surveyor's Notes

1. Basis of Bearings: west line of Lot 2, Block 1 of Joshin Subdivision an addition in the City of Temple, Bell County, Texas according to the plat recorded on March 19, 2012 in Cabinet D, Slide 351-A of the Plat Records of Bell County, Texas.
2. According to the Flood Insurance Rate Map (FIRM) for Bell County, Texas and Incorporated Areas, Panel 335 of 725, Map Number 48027C035E, effective date of September 26, 2008 as published by the Federal Emergency Management Agency (FEMA), the subject tract lies within Zone X (unshaded), areas outside the 0.2-percent-annual-chance floodplain.
3. This project is referenced to the City of Temple Coordinate System, an extension of the Texas Coordinate System of 1983, Central Zone. All distances are horizontal surface distances and all bearings are grid bearings. The combined correction factor (CCF) is 0.999853 for this location. Grid distance = Surface distance X CCF. Reference tie from City of Temple Monument Number 188 to the P.O.B. is N 72°53'48" W, 1,961.42 feet. Published City coordinates for the project reference point 188 are N = 10,381,459.02 E = 3,211,709.53
4. Monuments are found, unless marked CRS or MNS.
5. The purpose of this replat is to subdivide Lot 2, Block 1, Joshin Subdivision into two lots.
6. A 10-foot wide concrete sidewalk is required along West Adams Avenue. Standard development regulations require a 6-foot wide sidewalk along Major Arterials, such as West Adams Avenue, per UDC Section 8.2.3-Sidewalks. Since a 10-foot wide concrete spine trail is required along the property's frontage along West Adams Avenue, the required 6-foot wide concrete sidewalk will need to be upsized to a 10-foot width, with the City's oversize participation agreement for the additional 4 feet.
7. This plat has one block (Block 1) and two lots (Lot 1 & Lot 2).
8. The 15" utility easements on the east and west lines as dedicated by the plat recorded in Cabinet D, Slide 351-A of the Plat Records of Bell County, Texas are marked (\*).



JPH Job No. 2013.040.002  
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**Client**  
CEI Engineering Associates Inc.  
Tri West Plaza  
3030 LBJ Freeway, Suite 100  
Dallas, TX 75234

**Owners**  
Lisa Joshlin & C.A. Joshlin  
486 Valley Dr.  
Moody, TX 76557-3822  
Temple-North G2K Development, LLC  
11609 Kingsbridge Dr.  
Montgomery, TX 77316

THE STATE OF TEXAS §  
COUNTY OF TARRANT §

I hereby certify that this plat is true and correct and was prepared from an actual survey of the property made under my supervision on the ground.

Jewel Chadd  
Registered Professional  
Land Surveyor No. 5754  
November 7, 2013



**Recordation Information:**  
Plat recorded in Cabinet \_\_\_\_\_, Office \_\_\_\_\_, Plat Records of Bell County, Texas

Dedication recorded in Instrument number \_\_\_\_\_, Official Public Records of Real Property of Bell County, Texas, filed this the \_\_\_\_\_ day of \_\_\_\_\_, 2014.

**Affidavit:**  
The Tax Appraisal District of Bell County, the taxing authority for all taxing entities in Bell County, Texas does hereby certify that there are currently no delinquent taxes due or owed on the property described by this plat.

Dated this the 7 day of January, 2014  
Bell County Tax Appraisal District

OWNER'S CERTIFICATE  
STATE OF TEXAS §  
COUNTY OF BELL §  
KNOW ALL MEN BY THESE PRESENTS:

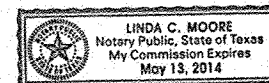
I, the undersigned, being the owner of the land shown on this plat and designated herein as G2K North subdivision, within the City limits of the City of Temple, Bell County, Texas, and whose name is subscribed hereto, hereby dedicate the to the use of the public forever all streets, alleys, parks, watercourses, drains, easements, and public places shown hereon within the plat boundaries of this subdivision.

LISA JOSHIN  
*Lisa Joshlin*  
Lisa Joshlin

STATE OF TEXAS §  
COUNTY OF BELL §

This instrument was acknowledged before me on the 18th day of November, 2013, by Lisa Joshlin.

*Linda C. Moore*  
Notary Public, State of Texas



OWNER'S CERTIFICATE  
STATE OF TEXAS §  
COUNTY OF BELL §  
KNOW ALL MEN BY THESE PRESENTS:

I, the undersigned, being the owner of the land shown on this plat and designated herein as G2K North subdivision, within the City limits of the City of Temple, Bell County, Texas, and whose name is subscribed hereto, hereby dedicate the to the use of the public forever all streets, alleys, parks, watercourses, drains, easements, and public places shown hereon within the plat boundaries of this subdivision.

TEMPLE-NORTH G2K DEVELOPMENT LLC  
a Texas limited liability company

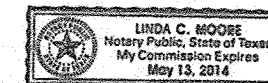
By: *Jim Chadd*  
Jim Chadd  
Title: *1/20*

STATE OF TEXAS §  
COUNTY OF BELL §

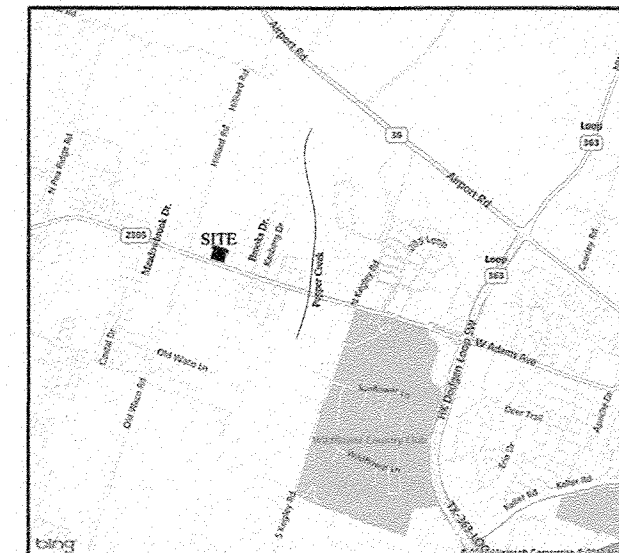
Before me, on this day personally appeared *Jim Chadd*, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 15th day of November, 2013.

*Linda C. Moore*  
Notary Public, State of Texas



Note: Please see separately filed dedication with metes & bounds description.



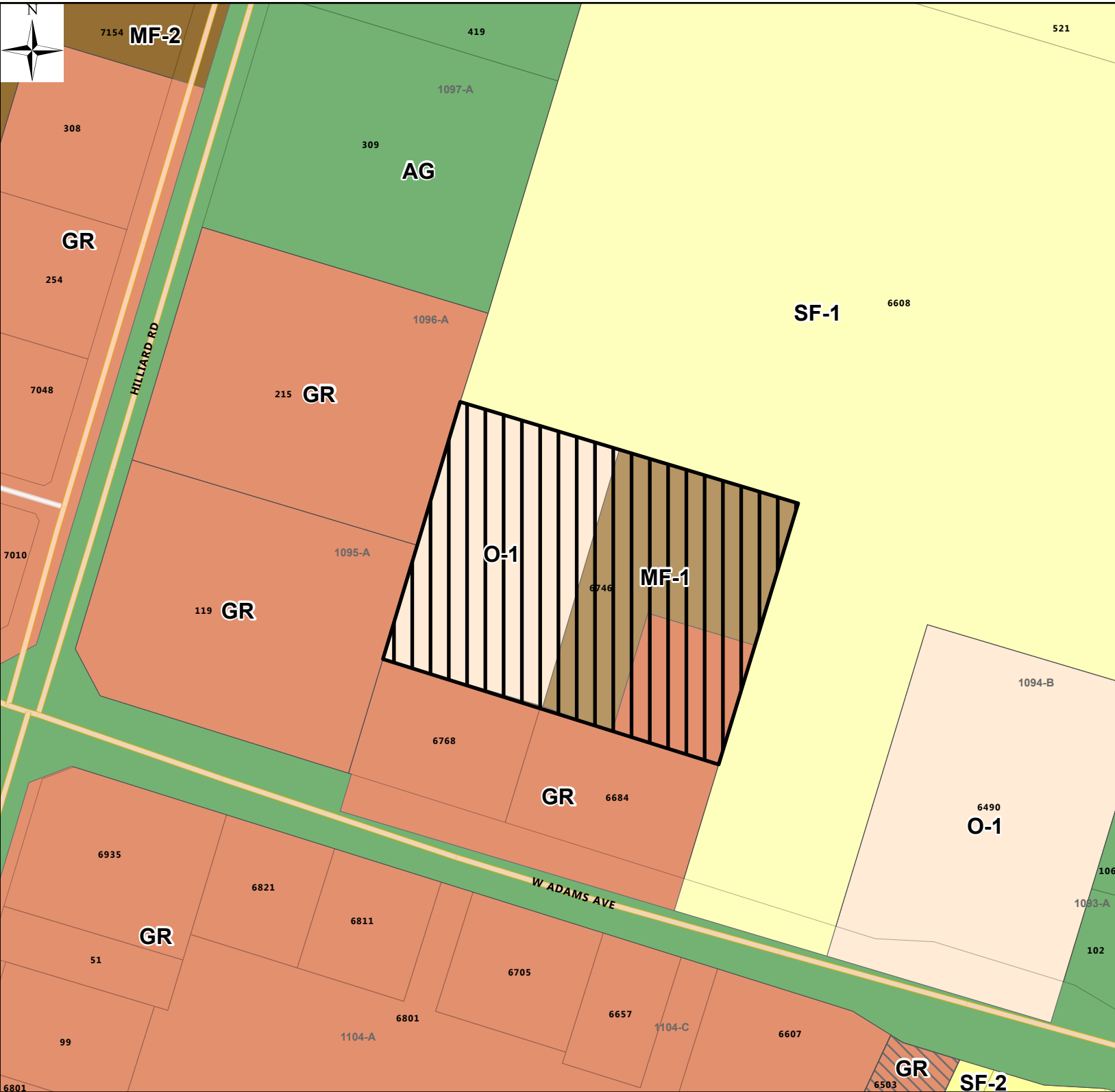
VICINITY MAP  
NOT TO SCALE

## FINAL PLAT G2K NORTH

LOTS 1 & 2, BLOCK 1  
7.731 ACRES

BEING A REPLAT OF  
LOT 2, BLOCK 1, JOSHIN SUBDIVISION  
AN ADDITION IN THE  
CITY OF TEMPLE, BELL COUNTY, TEXAS

CITY CASE NO. PFY-13-41



GR, O-1, MF-1 TO GR

200'  
ZONING MAP

Zoning Case :  
Z-FY-16-01

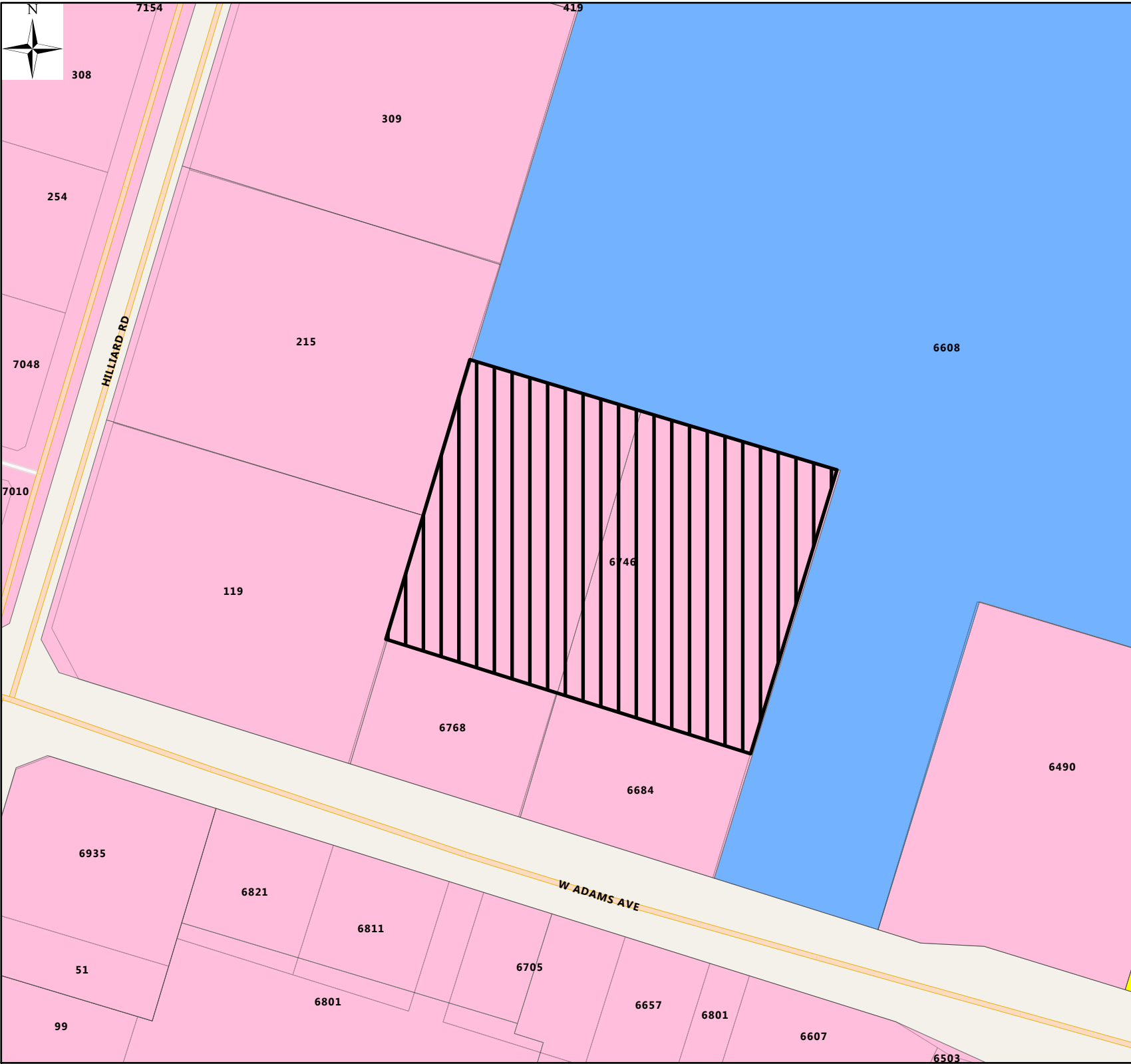
Address :  
6746 W ADAMS AVE

CurrentZoning	O-1	AG - CUP
HI - CUP	O-1 - CUP	MH
UE	O-1 - PD	MH - CUP
UE - PD	O-2	MH - PD
SF-1	O-2 - CUP	MU
SF-1 - CUP	O-2 - PD	MU - CUP
SF-1 - PD	NS	SD-C
SF-2	NS - CUP	SD-C - CUP
SF-2 - PD	NS - PD	SD-H
SF-3	GR	SD-H - CUP
SF-3 - PD	GR - CUP	SD-T
SF-3 - CUP, PD	GR - PD	SD-V
SFA	GR - CUP, PD	T4
SFA-2	CA	T4 - PD
SFA-2 - PD	CA - CUP	T4 - CUP
SFA-3	CA - PD	T5-C
SFA-3 - PD	C	T5-C - CUP
2F	C - CUP	T5-C - PD
2F - CUP	C - PD	T5-E
2F - PD	C - CUP, PD	T5-E - CUP
MF-1	LI	T5-E - PD
MF-1 - CUP	LI - CUP	NO BASE
MF-1 - PD	LI - PD	CUP
MF-2	LI - CUP, PD	PD
MF-2 - CUP	HI	CaseArea
MF-2 - PD	HI - PD	
MF-3 - PD	AG	

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.

myarberry  
Date: 10/6/2015





GR, O-1, MF-1 TO GR

# FUTURE LAND USE MAP

Zoning Case :  
Z-FY-16-01

Address :  
6746 W ADAMS AVE

- EXPRESSWAY
- MAJOR ARTERIAL
- COLLECTOR
- LOCAL STREET
- MINOR ARTERIAL
- PRIVATE
- RAMP
- Parcels
- Future LUP
  - Agricultural/Rural
  - Auto-Urban Commercial
  - Auto-Urban Mixed Use
  - Auto-Urban Multi-Family
  - Auto-Urban Residential
  - Business Park
  - Estate Residential
  - Industrial
  - Neighborhood Conservation
  - Parks & Open Space
  - Public Institutional
  - Suburban Commercial
  - Suburban Residential
  - Temple Medical Education District
  - Urban Center
- CaseArea

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myarberry  
Date: 10/5/2015







GR, O-1, MF-1 TO GR

UTILITY MAP

Zoning Case :  
Z-FY-16-01

Address :  
6746 W ADAMS AVE

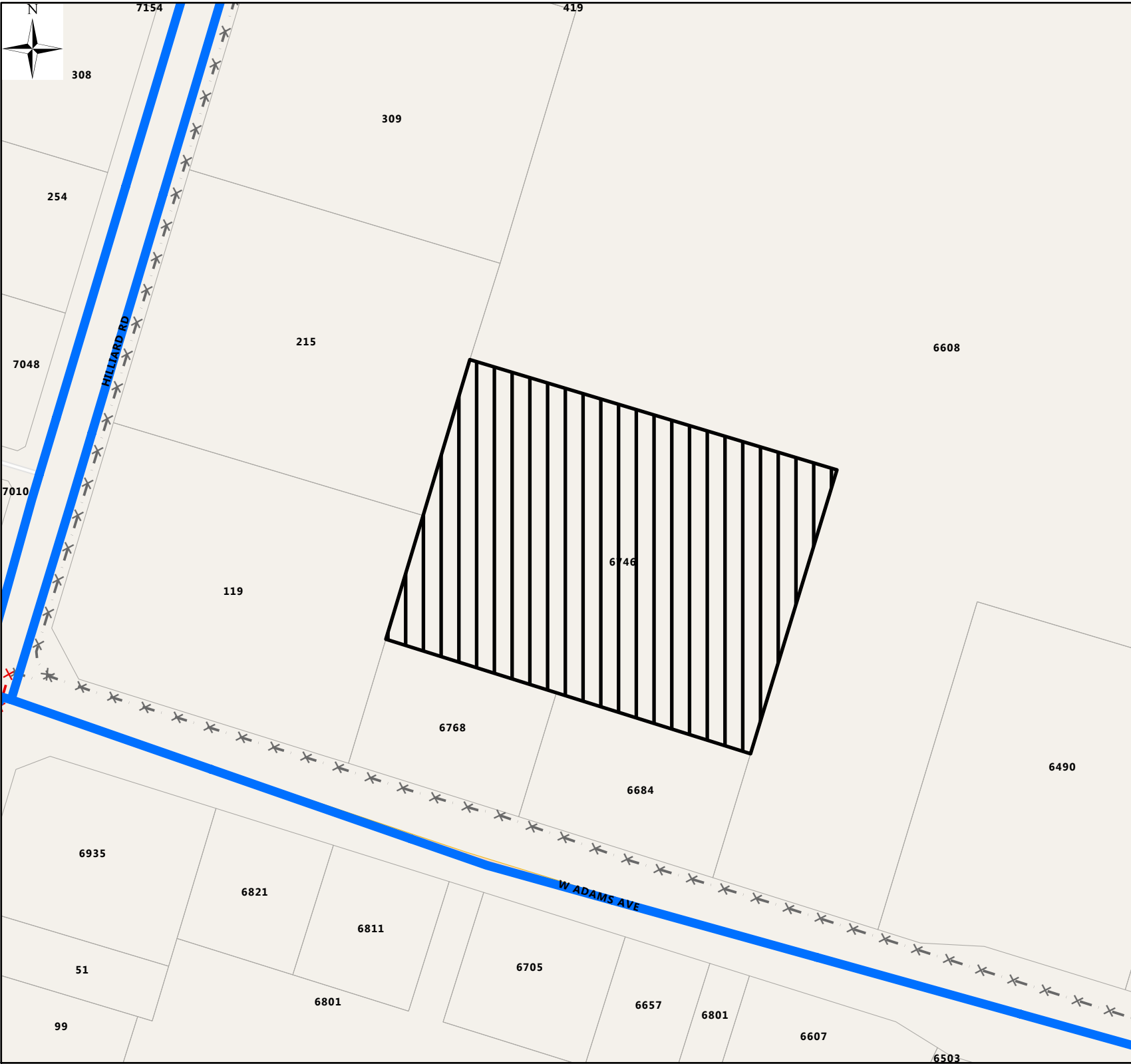
- Manhole
- Gravity Main
- ✚ Hydrant
- Main
- Parcels
- ▨ CaseArea

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myarberry  
Date: 10/5/2015







GR, O-1, MF-1 TO GR  
THOROUGHFARE  
AND TRAILS MAP

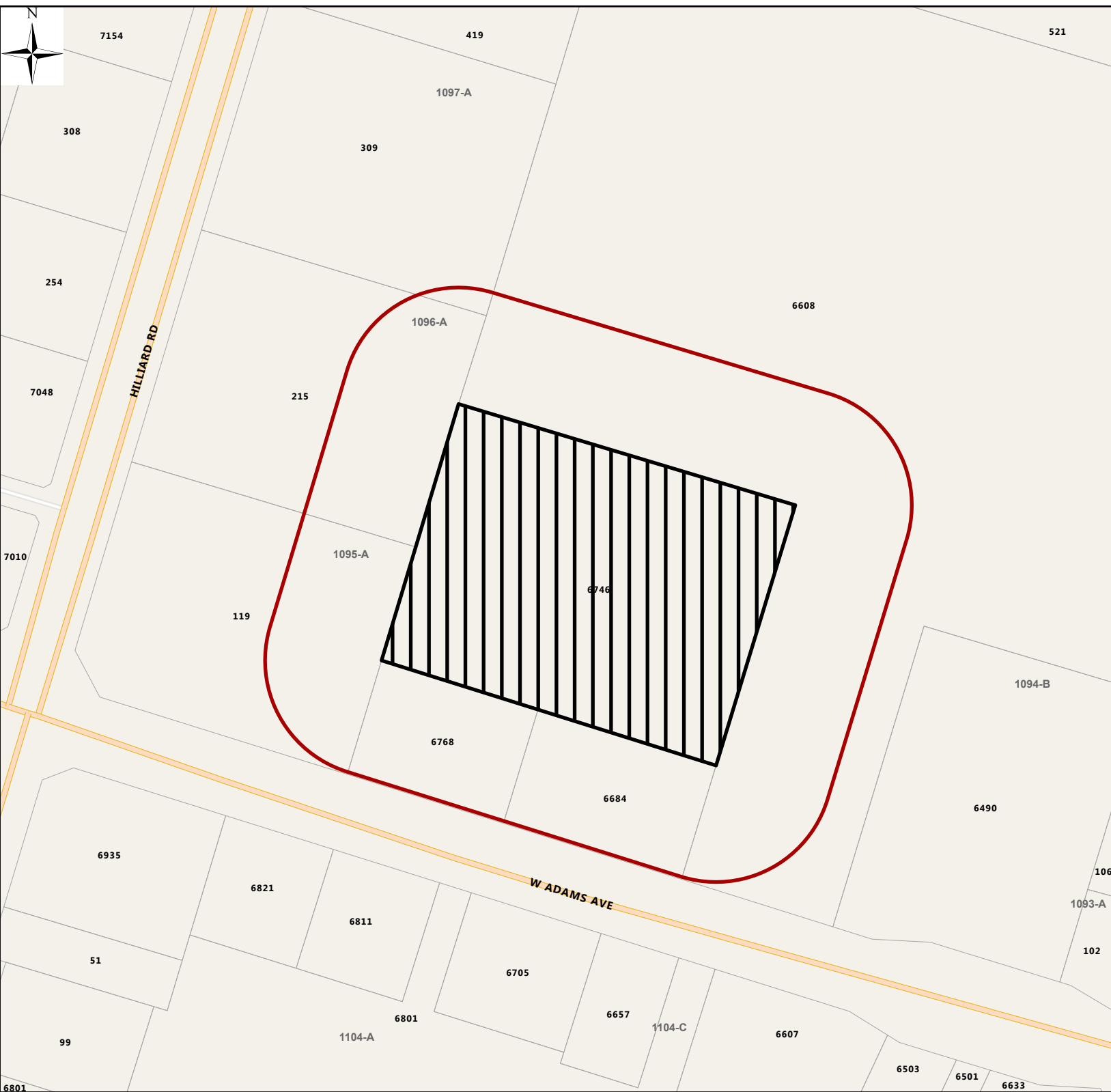
Zoning Case :  
Z-FY-16-01  
Address :  
6746 W ADAMS AVE

- Parcels
- Thoroughfare Plan
  - Expressway
  - Major Arterial
  - Proposed Major Arterial
  - Minor Arterial
  - Proposed Minor Arterial
  - Collector
  - Proposed Collector
- Trails Master Plan
  - EXISTING, CITY WIDE SPINE
  - EXISTING, COMMUNITY WIDE CONNECTOR
  - EXISTING, LOCAL CONNECTOR
  - PROPOSED, CITY WIDE SPINE
  - PROPOSED, COMMUNITY WIDE CONNECTOR
  - PROPOSED, LOCAL CONNECTOR
- CaseArea

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myarberry  
Date: 10/20/2015





GR, O-1, MF-1 TO GR

## 200' NOTIFICATION MAP

Zoning Case :

Z-FY-16-01

Address :

6746 W ADAMS AVE

-  CaseArea
-  Buffer.shp

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.

myarberry

Date: 10/6/2015





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

James L. Kasberg  
601 Kasberg Drive  
Temple, Texas 76502

**Zoning Application Number:** Z-FY-16-01

**Project Manager:** Mark Baker

**Location:** North side of West Adams Avenue, west of Holy Trinity High School and east of Hilliard Road

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

I recommend ☒ approval      ( ) denial of this request.

**Comments:**

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Signature

James Kasberg  
Print Name

**Please mail or hand-deliver this comment form to the address shown below, no later than November 2, 2015.**

City of Temple  
Planning Department  
Room 102  
Municipal Building  
Temple, Texas 76501

**RECEIVED**

OCT 30 2015

City of Temple  
Planning & Development

Number of Notices Mailed: 7

Date Mailed: October 22, 2015



RESPONSE TO PROPOSED  
REZONING REQUEST  
CITY OF TEMPLE

Southbank Investments LLC  
2070 Newcomb Ave, Unit B  
San Francisco, CA 94124

Zoning Application Number: Z-FY-16-01

Project Manager: Mark Baker

Location: North side of West Adams Avenue, west of Holy Trinity High School and east of Hilliard Road

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

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

Comments:

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Southbank Investments LLC  
By: Robert Caldwell by Teresa Green  
Robert Caldwell, Sole Member w/ permission,  
attorney for SouthBank Investments LLC

Signature

SouthBank Investments LLC

Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than November 2, 2015.

City of Temple  
Planning Department  
Room 102  
Municipal Building  
Temple, Texas 76501

RECEIVED

NOV - 2 2015

City of Temple  
Planning & Development

Number of Notices Mailed: 7

Date Mailed: October 22, 2015





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

Holy Trinity Catholic High School  
Attn: President of The Board of Trustees  
Temple, Texas 76502  
418 North 11<sup>th</sup> Street  
Temple, Texas 76501

**Zoning Application Number:** Z-FY-16-01

**Project Manager:** Mark Baker

**Location:** North side of West Adams Avenue, west of Holy Trinity High School and east of Hilliard Road

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

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

**Comments:**

SEE ATTACHED LETTER

CONDITIONAL APPROVAL PER LETTER  
DATED 11-9-15

Bruce A. Matous  
Signature

Bruce A. Matous  
Print Name

**Please mail or hand-deliver this comment form to the address shown below, no later than  
November 2, 2015.**

City of Temple  
Planning Department  
Room 102  
Municipal Building  
Temple, Texas 76501

**RECEIVED**

NOV 12 2015

City of Temple  
Planning & Development

Number of Notices Mailed: 7

Date Mailed: October 22, 2015

# Holy Trinity Catholic High School

6608 West Adams  
Temple, Texas 76502  
254-771-0787

November 9, 2015

Mr. Mark Baker, Project Manager  
City of Temple  
Planning Department, Room 102  
Municipal Building  
Temple, Texas 76501

RE: Zoning Application Number Z-FY-16-01

Dear Mr. Baker;

In response the Proposed Rezoning Request received for the above referenced Application, we have the following comments and concerns:

1. This is a large tract of land that is currently in agriculture. Construction of paved areas, roof runoff, etc will increase the runoff that goes on our west property line.
2. This runoff already causes problems for Holy Trinity Catholic High School since it goes under our roadway thru drainage culverts and has to be mechanically pumped to drain across the property on our east.
3. Any new construction will cause additional runoff. We will require that the owner will be responsible for the complete cost of upsizing our existing drainage culverts as well as any modifications to our pumping system to divert storm water runoff that collects in front of our detention pond and they must pay for the cost to pump their runoff.
4. In addition to the above, the adjacent land owner on our east side must be required to excavate the silted up drainage ditch in front of their property which causes us to have to pump.
5. Holy Trinity Catholic High School is being damaged by the silted up ditch on the east land owner and the new runoff that will occur on the subject tract.

In addition to the above, Holy Trinity will not approve of any establishments that sale or serve alcoholic beverages. We have a church on our campus and wish to notify the adjacent land owners and the city of such. Holy Trinity will not allow any traffic or adjoining roads on our property without written permission from the Chairman of the Board of Trustees.

Should you have any questions, please do not hesitate to contact us.

Sincerely,



Bruce A. Matous  
Chairman, Board of Trustees

RECEIVED  
NOV 12 2015  
City of Temple  
Planning & Development

ORDINANCE NO. \_\_\_\_\_

(PLANNING NO. Z-FY-16-01)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A REZONING FROM GENERAL RETAIL DISTRICT, OFFICE ONE DISTRICT AND MULTIPLE FAMILY DWELLING ONE DISTRICT TO GENERAL RETAIL DISTRICT, ON APPROXIMATELY 6.414 ACRES OF LOT 1, BLOCK 1, G2K NORTH SUBDIVISION, LOCATED ON THE NORTH SIDE OF WEST ADAMS AVENUE, WEST OF HOLY TRINITY CATHOLIC HIGH SCHOOL, AND EAST OF HILLIARD ROAD; 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 rezoning from General Retail District (GR), Office One District (O-1) and Multiple Family Dwelling One District (MF-1) to General Retail District (GR), on approximately 6.414 acres of Lot 1, Block 1, G2K North Subdivision, located on the north side of West Adams Avenue, west of Holy Trinity Catholic High School and east of Hilliard Road, as outlined in the map attached hereto as Exhibit 'A,' and made a part hereof for all purposes.

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

**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 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 Meetings Act.

PASSED AND APPROVED on First Reading and Public Hearing on the 3<sup>rd</sup> day of December, 2015.



PASSED AND APPROVED on Second Reading on the **17<sup>th</sup>** day of **December**, 2015.

THE CITY OF TEMPLE, TEXAS

---

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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12/03/15  
Item #7  
Regular Agenda  
Page 29 of 4

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

Tammy Lyerly, Senior Planner

**ITEM DESCRIPTION:** FIRST READING – PUBLIC HEARING - Z-FY-16-02: Consider adopting an ordinance authorizing a rezoning from Agricultural District (AG) to Single Family Three Dwelling District (SF-3) on a tract of land situated in the MAXIMO MORENO Survey, Abstract 14, Bell County, Texas, located at 902 East Nugent Avenue.

**PLANNING AND ZONING COMMISSION RECOMMENDATION:** At its November 2, 2015, meeting the Planning and Zoning Commission voted 6/2 (Commissioners Crisp and Alaniz voted Nay) to recommend denial of a rezoning from AG to SF-3, in agreement with staff. Commissioner Mikeska-Reed was absent.

**STAFF RECOMMENDATION:** Staff recommends denial of a rezoning from Agricultural District (AG) to Single Family Three Dwelling District (SF-3). The proposed rezoning demonstrates the following:

1. Compliance with the Future Land Use Plan;
2. Compatibility with surrounding zoning and land uses;
3. **Noncompliance** with the Thoroughfare Plan; and
4. Public facilities are available to serve the subject property.

**ITEM SUMMARY:** Due to the Planning and Zoning Commission's recommendation of denial for this request, a super majority vote would be required for the City Council's approval of the applicant's rezoning request from Agricultural District (AG) to Single Family Three Dwelling District (SF-3).

The applicant requests a rezoning from Agricultural District (AG) to Single Family Three Dwelling District (SF-3) to allow a 10.862-acre residential subdivision with approximately 23 single-family lots. A rezoning to SF-3 complies with the Future Land Use Plan which has identified this area as Auto-Urban Residential.

The applicants spoke to Planning staff regarding their rezoning proposal prior to submitting a formal application. During their pre-application meeting, the applicants discussed their concept plan, but did not mention existing issues regarding non-compliant infrastructure and trains blocking access to the subject area.

The following residential uses are **permitted by right** in the proposed Single Family Three (SF-3) zoning district:

- Industrialized housing;
- Single Family Detached Dwelling;
- Place of worship; and
- Fire Station

**Prohibited uses** include Home for the aged, apartment, patio home, single-family attached dwelling, duplex, and townhouse, among others.

**DEVELOPMENT REGULATIONS (SF-3):** Dimensional standards are as follows:

- Minimum lot size – 4,000 square feet
- Minimum Lot Width – 40 feet
- Minimum Lot Depth – 100 feet
- Front Yard Setback – 15 feet
- Side Yard Setback – 5 feet
- Side Yard Setback (Corner) – 15 feet
- Rear Yard Setback – 10 feet

**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	Auto-Urban Residential	AG	Undeveloped Property
North	Auto-Urban Residential	AG	Undeveloped Property
South	Auto-Urban Residential	AG and SFA-3	Residential and Undeveloped Property
East	Auto-Urban Residential	AG	Residential and Undeveloped Property
West	Auto-Urban Commercial	LI	Railroad

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

<u>Document</u>	<u>Policy, Goal, Objective or Map</u>	<u>Compliance?</u>
CP	Map 3.1 - Future Land Use and Character (FLUP)	Yes
CP	Map 5.2 - Thoroughfare Plan	No
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 the Auto-Urban Residential character district of the *Choices '08* City of Temple Comprehensive Plan. The Auto-Urban Residential character district is suited for higher-density uses such as attached and multiple-family housing, manufactured home communities, recreational vehicle parks, and site-built homes on small lots due to their density, limited open space, relative amount of impervious surface devoted to buildings and parking lots, and increased building enclosure.

Thoroughfare Plan (CP Map 5.2) and Temple Trails Master Plan Map and Sidewalk Ordinance

The subject property fronts East Monroe Avenue, North 16<sup>th</sup> Street, East Nugent Avenue, and North 18<sup>th</sup> Street. The Thoroughfare Plan classifies all these streets as local streets. Although local streets are appropriate for single-family residential developments, these surrounding streets do not meet local street width standards. The standard width for a local street is 31 feet from back of curb to back of curb. The subject streets do not have curbing and are not wide enough to allow two-way traffic, including East Monroe Avenue, which is estimated to be 14 feet wide at the railroad intersection. The other streets bordering the site are estimated to be between 12 and 14 feet wide.

The applicant's property and the surrounding properties only have one ingress/egress into the area from East Monroe Avenue at its intersection with the Union Pacific Railroad (UP), east of North 14<sup>th</sup> Street. Conversations with existing residents surrounding the subject property revealed current issues with trains parking on the railroad tracks and blocking ingress/egress to the existing rural neighborhood.

Planning staff contacted the Police Records Department for information regarding calls to the police regarding trains blocking ingress/egress into the neighborhood. Since "railroad related" calls are automatically transferred to Burlington Northern Santa Fe Railroad (BNSF), there are no records regarding this matter. Planning staff talked to Joe Faust, Public Affairs Officer for BNSF in our area. He said BNSF did not have the requested information regarding frequency of calls regarding trains blocking ingress/egress into the subject neighborhood.

Brad Devault, BNSF Terminal Superintendent, addressed the Planning and Zoning Commission at its November 2, 2015 meeting. He explained that although the railroad adjacent to the applicant's property is Union Pacific, the BNSF has an agreement with Union Pacific to respond to calls on Thursday and Saturday nights from 8:00 pm to 11:00pm. Mr. Devault was only able to contribute information regarding BNSF practices in dealing with train blocking intersections. Staff hopes to have a Union Pacific Railroad representative at the City Council meeting.

Planning staff studied the surrounding area for potential options regarding an additional ingress/egress into the subject neighborhood. The most logical option appears to be extending North 16<sup>th</sup> Street southward, approximately 1200 feet, to fill in the gap to the other end of North 16<sup>th</sup> Street at East Jackson Avenue in the Tal-Gin Heights Addition.

Availability of Public Facilities (CP Goal 4.1)

An existing 8-inch water line is located along the property line adjacent North 16<sup>th</sup> Street, East Nugent, and North 18<sup>th</sup> Street. An existing sewer line exists on the properties to the east side of North 18<sup>th</sup> Street.

**PUBLIC NOTICE:** Fifteen (15) notices of the Planning and Zoning Commission 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 Monday, November 16, 2015, One notice has been received in favor of the proposed rezoning and eight notices have been returned in opposition to the proposed rezoning. Opposition to the rezoning request expressed concerns of existing narrow street widths, issues with trains blocking access to the neighborhood, and adding additional homes to the area without proper ingress/egress.

The newspaper printed notice of the public hearing on October 22, 2015, in accordance with state law and local ordinance.




**FISCAL IMPACT:** Not Applicable

**ATTACHMENTS:**

[Site and Surrounding Property Photos](#)  
[Zoning & Notification Map](#)  
[Location map with Aerial](#)  
[Future Land Use and Character Map](#)  
[Thoroughfare & Trails Map](#)  
[Utility Map](#)  
[Response letters](#)  
[Ordinance](#)




**SURROUNDING PROPERTY AND USES:**

The following table shows the subject property, existing zoning and current land uses:


Direction	Zoning	Current Land Use	Photo
Subject Property	AG	Undeveloped Property	 E Munroe Ave
			 E Nugent Ave
East	AG	Rural Residential and Undeveloped Property	 N 18 <sup>th</sup> St

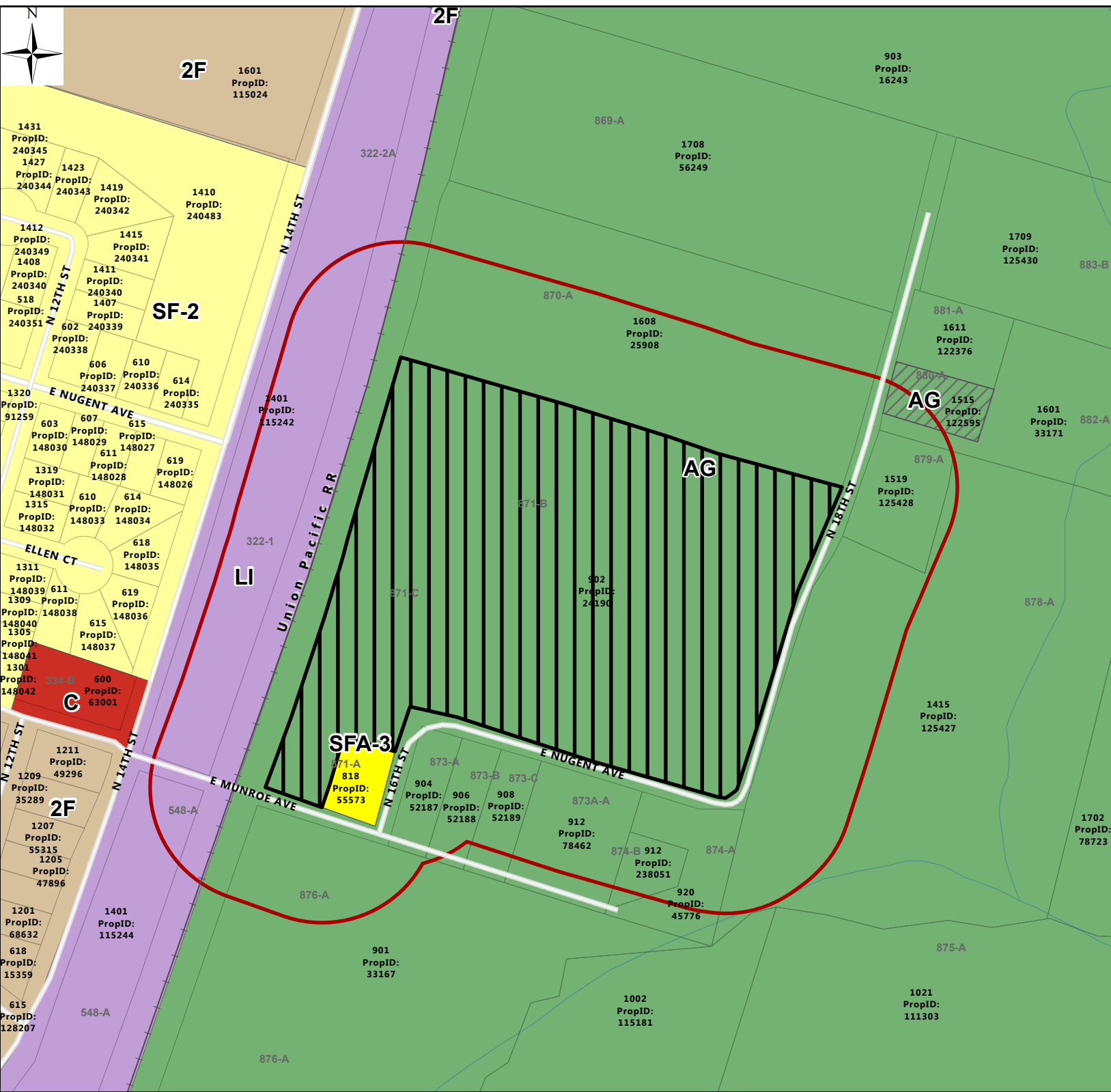


Direction	Zoning	Current Land Use	Photo
			 <p>N 18<sup>th</sup> St</p>
West	LI	Railroad Tracks	
			

Direction	Zoning	Current Land Use	Photo
South	AG and SFA-3	Rural Residential and Undeveloped Property	 <p>E Munroe Ave</p>
			 <p>E Nugent Ave</p>
			 <p>E Nugent Ave</p>



Direction	Zoning	Current Land Use	Photo
North	AG	Undeveloped Property	



# AG to SF-3

## 200'

### NOTIFICATION MAP

Zoning Case :  
Z-FY-16-02

Address :  
902 E. Nugent Ave.

CurrentZoning	O-1	AG - CUP
HI - CUP	O-1 - CUP	MH
UE	O-1 - PD	MH - CUP
UE - PD	O-2	MH - PD
SF-1	O-2 - CUP	MU
SF-1 - CUP	O-2 - PD	MU - CUP
SF-1 - PD	NS	SD-C
SF-2	NS - CUP	SD-C - CUP
SF-2 - PD	NS - PD	SD-H
SF-3	GR	SD-H - CUP
SF-3 - PD	GR - CUP	SD-T
SF-3 - CUP, PD	GR - PD	SD-V
SFA	GR - CUP, PD	T4
SFA-2	CA	T4 - PD
SFA-2 - PD	CA - CUP	T4 - CUP
SFA-3	CA - PD	T5-C
SFA-3 - PD	C	T5-C - CUP
2F	C - CUP	T5-C - PD
2F - CUP	C - PD	T5-E
2F - PD	C - CUP, PD	T5-E - CUP
MF-1	LI	T5-E - PD
MF-1 - CUP	LI - CUP	NO BASE
MF-1 - PD	LI - PD	CUP
MF-2	LI - CUP, PD	PD
MF-2 - CUP	HI	Buffer
MF-2 - PD	HI - PD	CaseArea
MF-3 - PD	AG	

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.

tlyerly  
Date: 10/13/2015



















AG to SF-3

## LOCATION MAP

Zoning Case :  
Z-FY-16-02

Address :  
902 E. Nugent Ave.

### Streets

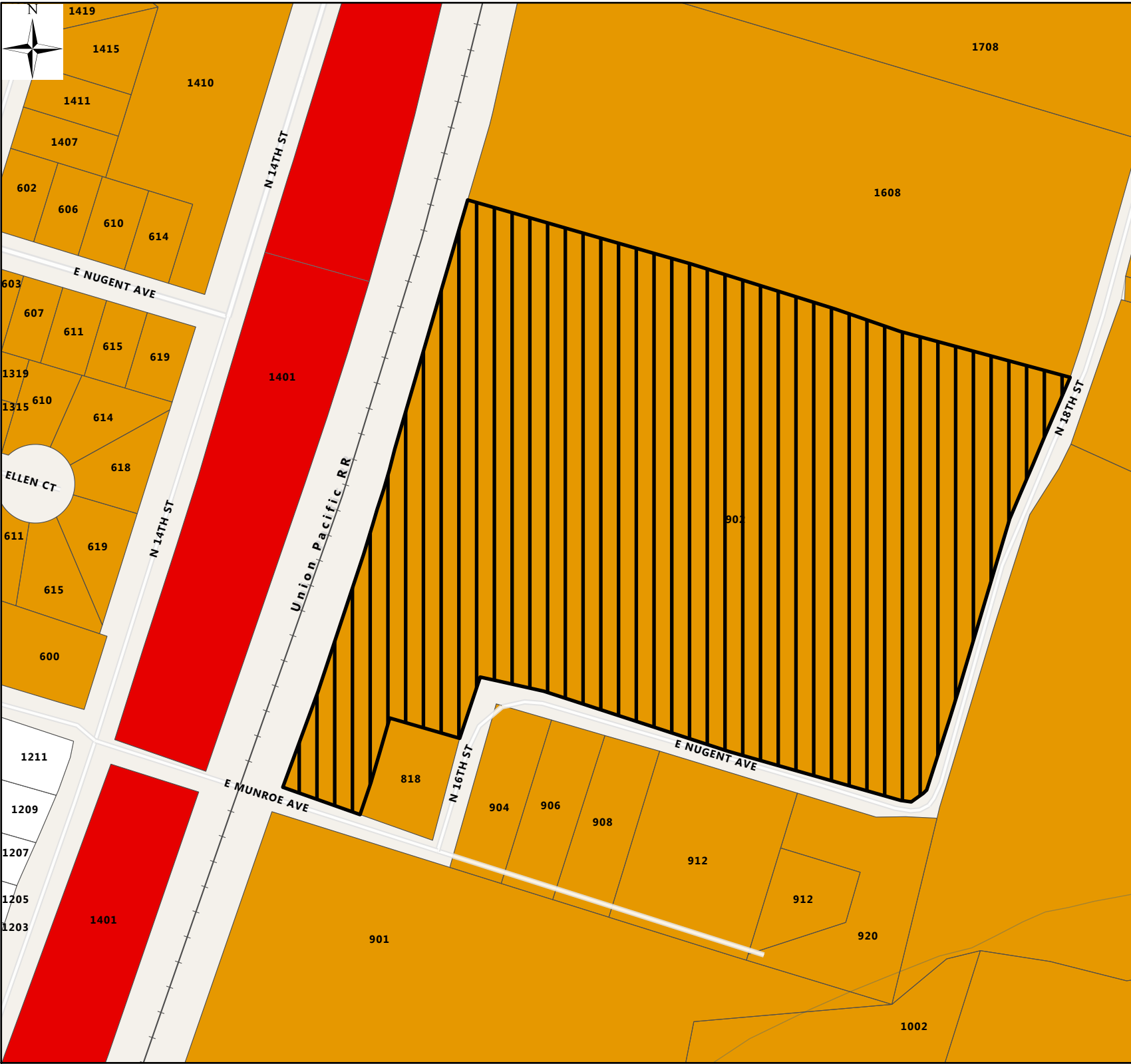
-  EXPRESSWAY
-  MAJOR ARTERIAL
-  COLLECTOR
-  LOCAL STREET
-  MINOR ARTERIAL
-  PRIVATE
-  RAMP
-  Railroad
-  Temple Municipal Boundary
-  Parcels
-  ETJ Parcels
-  CaseArea

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tlyerly  
Date: 10/9/2015







# AG to SF-3 FUTURE LAND USE MAP

Zoning Case :  
Z-FY-16-02

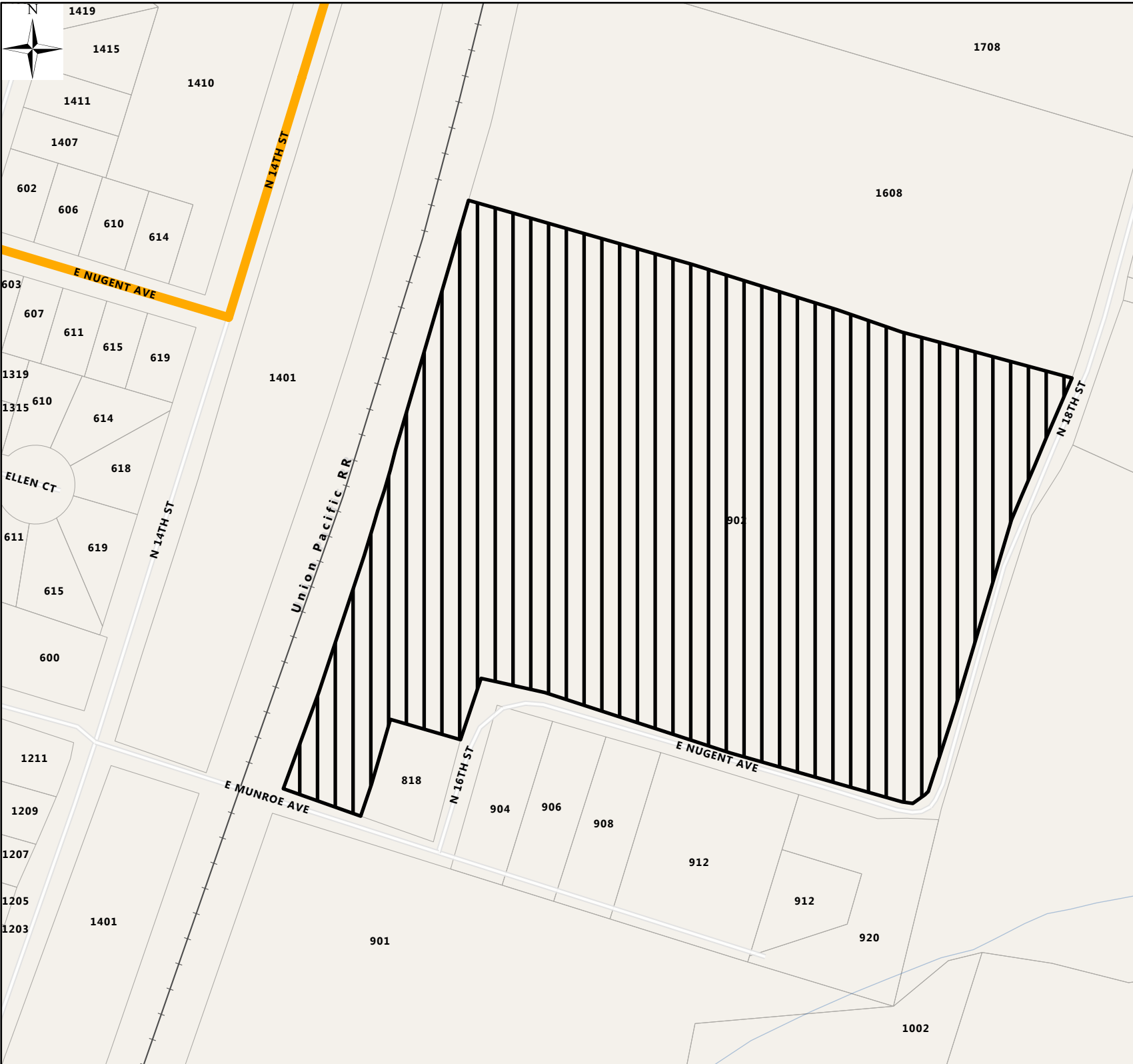
Address :  
902 E. Nugent Ave.

- EXPRESSWAY
- MAJOR ARTERIAL
- COLLECTOR
- LOCAL STREET
- MINOR ARTERIAL
- PRIVATE
- RAMP
- Parcels
- Future LUP
  - Agricultural/Rural
  - Auto-Urban Commercial
  - Auto-Urban Mixed Use
  - Auto-Urban Multi-Family
  - Auto-Urban Residential
  - Business Park
  - Estate Residential
  - Industrial
  - Neighborhood Conservation
  - Parks & Open Space
  - Public Institutional
  - Suburban Commercial
  - Suburban Residential
  - Temple Medical Education District
  - Urban Center
- CaseArea

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tlyerly  
Date: 10/9/2015





AG to SF-3  
THOROUGHFARE  
AND TRAILS MAP  
Zoning Case :  
Z-FY-16-02  
Address :  
902 E. Nugent Ave.

- Parcels
- Thoroughfare Plan
  - Expressway
  - Major Arterial
  - Proposed Major Arterial
  - Minor Arterial
  - Proposed Minor Arterial
  - Collector
  - Proposed Collector
- CaseArea

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.

tlyerly  
Date: 10/9/2015













AG to SF-3

## UTILITY MAP

Zoning Case :  
Z-FY-16-02

Address :  
902 E. Nugent Ave.

-  Manhole
-  Gravity Main
-  Hydrant
-  Main
-  Parcels
-  CaseArea

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.

tlyerly  
Date: 10/9/2015











RESPONSE TO PROPOSED  
REZONING REQUEST  
CITY OF TEMPLE

Rhonda Juarez Etvir Heriberto  
818 East Munroe Avenue  
Temple, Texas 76501

Zoning Application Number: Z-FY-16-02

Project Manager: Tammy Lyerly

Location: 902 E. Nugent Avenue

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

I recommend ( ) approval

☒ denial of this request.

# Traffic

# Safety

# EMS - Police - Fire

Comments: ① Only one entrance/Exit which is often times blocked by train for hours.

② Most of us back here are owners not temp renters ③ Traffic - street is one car only no room for  $\leftrightarrow$  traffic.

④ School buses unable to come back here, fire dept vehicles hard to maneuver back here - large vehicles have difficult time with angle of tracks and room to turn around.

⑤ Most families back here know respect - understand the way we have to drive to co-live here.

⑥ Construction vehicles would severely interrupt travel for all.

⑦ Flooding? Have seen several new builds cause flooding to older resident property.

⑧ In event of medical/fire emergencies think people who rent would be able to sue city for fines or hatched entrance where as people who have chosen to purchase have had to know the life s/way - they really work here.

Rhonda Juarez

Signature

Rhonda Juarez

Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than  
November 2, 2015.

City of Temple  
Planning Department  
Room 102  
Municipal Building  
Temple, Texas 76501

RECEIVED

OCT 30 2015

City of Temple

Planning & Development

Number of Notices Mailed: 15

Date Mailed: October 22, 2015



RESPONSE TO PROPOSED  
REZONING REQUEST  
CITY OF TEMPLE

Mark Etux Edna Velazco  
P.O. Box 95  
Nolanville, Texas 76559-0095

Zoning Application Number: Z-FY-16-02

Project Manager: Tammy Lyerly

Location: 902 E. Nugent Avenue

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

I recommend ( ) approval ☒ denial of this request.

Comments:

The Rail track ave is too high for fire truck and will not be able to come in and the street is only wide enough for one car you need to pull over to let other car by

  
Signature

  
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than November 2, 2015.

City of Temple  
Planning Department  
Room 102  
Municipal Building  
Temple, Texas 76501

RECEIVED

OCT 30 2015

City of Temple  
Planning & Development

Number of Notices Mailed: 15

Date Mailed: October 22, 2015



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

Mark Etux Edna Velazco  
P.O. Box 95  
Nolanville, Texas 76559-0095

**Zoning Application Number:** Z-FY-16-02

**Project Manager:** Tammy Lyerly

**Location:** 902 E. Nugent Avenue

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

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

**Comments:**

no the streets are not wide enough for traffic and only one  
exit to leave and sometimes it take a half hour to get out if  
theres more traffic we will never leave

  
Signature

Mark Butts  
Print Name

**Please mail or hand-deliver this comment form to the address shown below, no later than  
November 2, 2015.**

City of Temple  
Planning Department  
Room 102  
Municipal Building  
Temple, Texas 76501

**RECEIVED**

OCT 30 2015

City of Temple  
Planning & Development

Number of Notices Mailed: 15

Date Mailed: October 22, 2015





RESPONSE TO PROPOSED  
REZONING REQUEST  
CITY OF TEMPLE

Mark Etux Edna Velazco  
P.O. Box 95  
Nolanville, Texas 76559-0095

Zoning Application Number: Z-FY-16-02

Project Manager: Tammy Lyerly

Location: 902 E. Nugent Avenue

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

I recommend ( ) approval ☒ denial of this request.

Comments:

if this area is built on all the water run off will flood my lands  
and there will be over populated and now we have no police protection  
if this happen there will be a lot of problem with no surty in this  
area

  
Signature

  
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than  
November 2, 2015.

City of Temple  
Planning Department  
Room 102  
Municipal Building  
Temple, Texas 76501

RECEIVED  
OCT 30 2015  
City of Temple  
Planning & Development

Number of Notices Mailed: 15

Date Mailed: October 22, 2015



RESPONSE TO PROPOSED  
REZONING REQUEST  
CITY OF TEMPLE

Myndie Ann Hodge  
901 East Munroe Avenue  
Temple, Texas 76501

Zoning Application Number: Z-FY-16-02

Project Manager: Tammy Lyerly

Location: 902 E. Nugent Avenue

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

I recommend ( ) approval ☒ denial of this request.

Comments:

Too much Farming  
Here Need that county  
Road For Farming equipment  
+1

Signature

Myndie Hodge

Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than November 2, 2015.

City of Temple  
Planning Department  
Room 102  
Municipal Building  
Temple, Texas 76501

RECEIVED

OCT 30 2015

City of Temple  
Planning & Development

Number of Notices Mailed: 15

Date Mailed: October 22, 2015



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

Myndie Ann Hodge  
901 East Munroe  
Temple, Texas 76501

**Zoning Application Number:** Z-FY-16-02

**Project Manager:** Tammy Lyerly

**Location:** 902 E. Nugent Avenue

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

I recommend ( ) approval

(☒) denial of this request.

**Comments:**

FARM AREA

  
Signature

  
Print Name

**Please mail or hand-deliver this comment form to the address shown below, no later than November 2, 2015.**

City of Temple  
Planning Department  
Room 102  
Municipal Building  
Temple, Texas 76501

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OCT 30 2015

City of Temple  
Planning & Development

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

Temple Machine Shop Inc.  
1401 North 14<sup>th</sup> Street  
c/o Michelle Fettig  
Temple, Texas 76501

**Zoning Application Number:** Z-FY-16-02

**Project Manager:** Tammy Lyerly

**Location:** 902 E. Nugent Avenue

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

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

**Comments:**

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Signature

  
Print Name

**Please mail or hand-deliver this comment form to the address shown below, no later than  
November 2, 2015.**

**City of Temple  
Planning Department  
Room 102  
Municipal Building  
Temple, Texas 76501**

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OCT 29 2015  
City of Temple  
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Number of Notices Mailed: 15

Date Mailed: October 22, 2015





RESPONSE TO PROPOSED  
REZONING REQUEST  
CITY OF TEMPLE

RECEIVED

OCT 26 2015

City of Temple  
Planning & Development

Lloyd Hodge Estate  
c/o Myndie Hodge  
P.O. Box 2452  
Temple, Texas 76503-2452

Zoning Application Number: Z-FY-16-02

Project Manager: Tammy Lyerly

Location: 902 E. Nugent Avenue

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

I recommend ( ) approval

(X) denial of this request.

Comments:

What would be the reason  
to put traffic on a dead  
end street where the train  
has blocked us in

in here this is ~~SIX~~ hours

Land Back Here you can't even  
myndie Hodge

Signature

Print Name

get A Fire truck over those tracks

Please mail or hand-deliver this comment form to the address shown below, no later than  
November 2, 2015.

City of Temple  
Planning Department  
Room 102  
Municipal Building  
Temple, Texas 76501

We are  
all retired

Number of Notices Mailed: 15

Date Mailed: October 22, 2015

Living Back here  
how will they get to school blocked in  
by a train



RESPONSE TO PROPOSED  
REZONING REQUEST  
CITY OF TEMPLE

Lloyd Hodge  
P.O. Box 2452  
Temple, Texas 76503-2452

Zoning Application Number: Z-FY-16-02

Project Manager: Tammy Lyerly

Location: 902 E. Nugent Avenue

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

I recommend ( ) approval ☒ (X) denial of this request.

Comments:

We own 12 Acres of Hay - Farming  
There are no kids. Back here this  
train has slept on the only way out  
of here for 6 hours or more at a  
time too much traffic backed up here  
emergency vehicles will have to wait for  
all this traffic to go by before they could  
enter you did not permit a soccer field here  
for that reason and that traffic from that  
soccer event was the reason a ambulance could not  
get back here to save my husband  
MRS Myndie Lloyd Hodge

Signature

Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than  
November 2, 2015.

City of Temple  
Planning Department  
Room 102  
Municipal Building  
Temple, Texas 76501

RECEIVED  
OCT 26 2015  
City of Temple  
Planning & Development

Number of Notices Mailed: 15

Date Mailed: October 22, 2015

ORDINANCE NO. \_\_\_\_\_

(PLANNING NO. Z-FY-16-02)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A REZONING FROM AGRICULTURAL DISTRICT TO SINGLE FAMILY THREE DWELLING DISTRICT, ON A TRACT OF LAND SITUATED IN THE MAXIMO MORENO SURVEY, ABSTRACT 14, BELL COUNTY, TEXAS, AND LOCATED AT 902 EAST NUGENT AVENUE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

**Part 1:** The City Council approves a rezoning from Agricultural District (AG) to Single Family Three Dwelling District (SF-3), on a tract of land situated in the Maximo Moreno Survey, Abstract 14, Bell County, Texas, located at 902 E. Nugent Avenue, as outlined in the map attached hereto as Exhibit 'A,' and made a part hereof for all purposes.

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

**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 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 Meetings Act.

PASSED AND APPROVED on First Reading and Public Hearing on the 3<sup>rd</sup> day of December, 2015.

PASSED AND APPROVED on Second Reading on the **17<sup>th</sup>** day of **December**, 2015.

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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12/03/15  
Item #8  
Regular Agenda  
Page 1 of 2

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

Jonathan Graham, City Manager

**ITEM DESCRIPTION:** FIRST READING – PUBLIC HEARING: Consider adopting an ordinance amending the approval process for economic development incentives for property redevelopment in the Jeff Hamilton Park area.

**STAFF RECOMMENDATION:** Conduct public hearing and adopt ordinances as presented in item description, on first reading, and schedule second reading and final adoption for December 17, 2015.

**ITEM SUMMARY:** The proposed amends portions of the City's comprehensive economic development ordinance related to our Empowerment Zone (Jeff Hamilton Park area) incentive program.

In May of 2015, the City Council adopted an ordinance creating an incentive zone in the Jeff Hamilton Park area designed to encourage redevelopment that might otherwise not occur in the absence of incentives. The ordinance encourages redevelopment in the Jeff Hamilton Park area incentive zone primarily through the availability of incentives (Chapter 380) where the City participates with dollars or in-kind services to encourage redevelopment. The 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.

Incentives include:

- Conveyance of City-owned lots to builders
- Waiver of platting, zoning & permit fees
- Demolition of structures by City crews
- Waiver of water & wastewater tap fees
- Release of mowing & demolitions liens
- Providing solid waste containers at no charge (clean up, construction or demolition)
- Lot clearing by City Crews

The proposed change to the ordinance includes eliminating the provision that each incentive agreement requires City Council approval and instead delegates that authority to the City Manager.

**FISCAL IMPACT:** Incentives proposed under this program would be in the form of in-kind services or through forgoing potential revenue.

**ATTACHMENTS:**

[Ordinance](#)

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING THE APPROVAL PROCESS FOR ECONOMIC DEVELOPMENT INCENTIVES FOR PROPERTY REDEVELOPMENT IN THE JEFF HAMILTON PARK AREA; PROVIDING A REPEALER; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the approval process of the City's comprehensive economic development ordinance related to our Empowerment Zone (Jeff Hamilton Park area) incentive program needs to be amended;

**Whereas**, in May 2015, the City Council adopted an ordinance creating an incentive zone in the Jeff Hamilton Park area designed to encourage redevelopment that might otherwise not occur in the absence of incentives;

**Whereas**, this ordinance encourages redevelopment in the Jeff Hamilton Park area incentive zone primarily through the availability of incentives where the City participates with dollars or in-kind services to encourage redevelopment - the ordinance also creates an 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;

**Whereas**, certain incentives include:

- conveyance of City-owned lots to builders;
- waiver of platting, zoning and permit fees;
- demolition of structures by City crews;
- waiver of water and wastewater tap fees;
- release of mowing and demolition liens;
- providing solid waste containers at no charge (clean-up, construction or demolition);
- lot clearing by City crews;

**Whereas**, the proposed change includes eliminating the provision that each incentive agreement requires City Council approval and instead delegates that authority to the City Manager; and

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

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



**Part 1:** The City Council amends the approval process for economic development incentives for property redevelopment in the Jeff Hamilton Park area to delegate to the City Manager the authority to approve incentive agreements.

**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 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 Meetings Act.

PASSED AND APPROVED on First Reading and Public Hearing on the **3<sup>rd</sup>** day of **December**, 2015.

PASSED AND APPROVED on Second Reading on the **17<sup>th</sup>** day of **December**, 2015.

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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12/03/15  
Item #9  
Regular Agenda  
Page 1 of 1

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

Jonathan Graham, City Manager

**ITEM DESCRIPTION:** FIRST READING – PUBLIC HEARING - Consider adopting an ordinance amending the City's strategic investment zones incentive policies.

**STAFF RECOMMENDATION:** Conduct public hearing and adopt ordinances as presented in item description, on first reading, and schedule second reading and final adoption for December 17, 2015.

**ITEM SUMMARY:** The proposed ordinance amends portions of the City's comprehensive economic development ordinance related to our Strategic Investment Zone (SIZ) incentive program. The proposed substantive changes to the ordinance include:

- Creation of a Downtown zone with incentives targeting conditions specific to area, including enhanced façade improvement incentives
- Consolidation of the portions of the five current zones (South 1st, Avenue G/H, North 3rd, MLK, and Adams, Central, and C Avenues) which fall outside of the proposed Downtown zone into a single incentive zone area with consistent incentives and standards
- Expansion of existing zones
- Clarification of application process
- General clean-up of ordinance

As with our previously adopted ordinance, this proposed ordinance is designed to encourage redevelopment of strategically important neighborhoods and corridors that might otherwise not occur in the absence of incentives. The proposed ordinance encourages redevelopment in the 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.

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 our current program. The grant matrix includes funds or services related to façade replacement or upgrading, sign improvements, landscaping improvements, asbestos abatements, demolitions and sidewalk replacement. Availability of these matching funds would be on a first-come/first-served basis for eligible projects.

The proposed grant matrix is as follows:

TYPE OF GRANT	Downtown Zone Single Facade	Downtown Zone Double Facade	Commercial Zone
Façade	\$25,000	\$40,000	\$15,000
Sign	\$2,500	\$2,500	\$2,500
Landscaping	\$2,000	\$3,000	\$5,000
Asbestos	\$4,000	\$4,000	\$4,000
Demolition	\$2,500	\$5,000	\$2,500
Sidewalk	\$10,000	\$10,000	\$10,000
Design	\$5,000	\$5,000	\$5,000
Fee Waiver	\$2,000	\$2,000	\$2,000
Maximum Grant	\$53,000	\$71,500	\$46,000
Required Minimum Investment	\$20,000	\$35,000	\$20,000

A map of the proposed boundaries of the SIZ incentive zones is attached to this narrative as Exhibit A and shows the proposed Downtown zone, the proposed consolidation of the zones, and the proposed expansion of the zones.

Finally, in our proposed amendments to the City's Comprehensive Economic Development Ordinance, changes were made to clarify the application process and for non-substantive general clean-up of the ordinance.

**FISCAL IMPACT:** A total of \$193,363 is currently available in account 110-1500-515-2695 for Strategic Investment Zone grants. 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:**

[Map](#)  
[Ordinance](#)





AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING THE CITY'S STRATEGIC INVESTMENT ZONES INCENTIVE POLICIES; PROVIDING A REPEALER; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, amendments to portions of the City's comprehensive economic development ordinance related to our Strategic Investment Zone ("SIZ") incentive program are needed - the proposed substantive changes include:

- creation of a Downtown zone with incentives targeting conditions specific to area, including enhanced façade improvement incentives;
- consolidation of the portions of the five current zones (South 1st, Avenue G/H, North 3rd, MLK, and Adams, Central, and C Avenues) which fall outside of the proposed Downtown zone into a single incentive zone area with consistent incentives and standards;
- expansion of existing zones;
- clarification of application process;
- general clean-up of ordinance;

**Whereas**, these proposed changes are designed to encourage redevelopment of strategically important neighborhoods and corridors that might otherwise not occur in the absence of incentives;

**Whereas**, these proposed changes will encourage redevelopment in the SIZ incentive areas primarily through the availability of agreements that provide tax abatement for commercial and industrial property on the increased value of eligible real and personal property, and the availability of matching grant incentives (Chapter 380) where the City participates with dollars or in-kind services to encourage redevelopment;

**Whereas**, the proposed changes 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;

**Whereas**, in addition to the possibility of a 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 our current program - 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;

**Whereas**, availability of these matching funds would be on a first-come/first-served basis for eligible projects;

**Whereas**, proposed amendments to the City’s Comprehensive Economic Development Ordinance are being made to clarify the application process and for non-substantive general clean-up of the ordinance; and

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

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

**Part 1:** The City Council approves amendments to the City’s Strategic Investment Zones Incentive Policies as set forth in Exhibit A attached hereto and incorporated herein for all purposes.

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

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

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

**Part 5:** It is hereby officially found and determined that the meeting at which this ordinance 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 Meetings Act.

PASSED AND APPROVED on First Reading and Public Hearing on the **3<sup>rd</sup>** day of **December**, 2015.

PASSED AND APPROVED on Second Reading on the **17<sup>th</sup>** day of **December**, 2015.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, MAYOR

APPROVED AS TO FORM:

ATTEST:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney