



**MEETING OF THE  
TEMPLE CITY COUNCIL  
MUNICIPAL BUILDING  
2 NORTH MAIN STREET  
3<sup>rd</sup> FLOOR – CONFERENCE ROOM  
THURSDAY, JULY 7, 2016**

**3:30 P.M.**

**AGENDA**

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, July 7, 2016.
2. Discuss the City's strategic plan, to include the FY 2016-2017 budget process to include the various strategic and budget related policy issues to include, but not limited to, receiving an overview briefing of the FY2017 Preliminary Budget.
3. Discuss the status of right-of-way acquisition for the proposed Santa Fe Market Trail/MLK Fields festival grounds and the purchase of two properties necessary for construction of the project.

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

4. Discuss the status of easement acquisitions for the Leon River trunk sewer project and the purchase of one easement necessary for the construction of the project.

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

5. Discuss the status of easement acquisitions for the Charter Oak water line project and the purchase of four easements necessary for the construction of the project.

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

**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 three minutes. No discussion or final action will be taken by the City Council.

**III. PUBLIC APPEARANCE**

3. Receive comments from Mr. Ken Valka, regarding [proposed amendments to Chapter 4](#), related to alcoholic beverage sales near private schools.

**IV. PROCLAMATIONS & SPECIAL RECOGNITIONS**

4. (A) Recognize July as National Parks and Recreation Month.  
(B) Recognize sponsors for the 2016 Bloomin Temple.

**V. CONSENT AGENDA**

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

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

**Minutes**

- (A) [June 16, 2016 Special and Regular Meeting](#)

## **Contracts, Leases, & Bids**

- (B) [2016-8191-R](#): Consider adopting a resolution authorizing the purchase of a portion of two properties necessary for the expansion of Old Howard Road and authorizing closing costs associated with the purchases, in an amount not to exceed \$320,000.
- (C) [2016-8192-R](#): Consider adopting a resolution authorizing the purchase of two properties necessary for the construction of the proposed Santa Fe Market Trail/MLK Fields festival grounds and authorizing closing costs associated with the purchase, in an amount not to exceed \$23,000, and authorizing the release of liens on the properties to be acquired, in the amount of \$4,100.
- (D) [2016-8193-R](#): Consider adopting a resolution authorizing the purchase of an easement necessary for the construction of the Leon River Trunk Sewer and authorizing closing costs associated with the purchase, in an amount not to exceed \$22,000.
- (E) [2016-8194-R](#): Consider adopting a resolution authorizing the purchase of four easements necessary for the construction of the Charter Oak Water Line and authorizing closing costs associated with the purchases, in an amount not to exceed \$30,000.
- (F) [2016-8195-R](#): Consider adopting a resolution ratifying the acceptance of the donation of approximately 0.031 acre of right-of-way in the Nancy Chance Survey, Abstract 5, Temple, Bell County, Texas, necessary for the extension of Tarver Drive to Old Waco Road.
- (G) [2016-8196-R](#): Consider adopting a resolution authorizing a Quitclaim Deed to Temple Independent School District to transfer any ownership the City of Temple may have to 0.157 acres of land located off of North 3rd Street in Temple.
- (H) [2016-8196-R](#): Consider adopting a resolution authorizing the purchase of 1,272 plastic 96-gallon garbage and recycling containers for the Solid Waste & Recycling Services Division of Public Works from Toter, Inc., Statesville, NC, utilizing a National IPA cooperative contract, in the amount of \$57,353.56.
- (I) [2016-8197-R](#): Consider adopting a resolution ratifying the purchase of a drop-in aeration system from Environmental Treatment Technologies and authorizing installation of said equipment by Brazos River Authority for the emergency repair of the aerator at the Temple-Belton Wastewater Treatment Plant in the amount of \$227,500.
- (J) [2016-8198-R](#): Consider adopting a resolution authorizing a construction contract with Total Recreation Products, Inc. of Cypress in the amount of \$172,118.63 for the purchase and installation of park amenities in Western Hills Park.
- (K) [2016-8199-R](#): Consider adopting a resolution authorizing a contract with Brockway, Gersbach, Franklin and Niemeier, P.C. for an amount not to exceed \$73,400, to perform the annual City of Temple audit.
- (L) [2016-8200-R](#): Consider a resolution authorizing a construction contract with TTG Utilities LP of Gatesville, in the amount of \$1,632,357, for the Pepper Creek Trail Extension Project, SH 36/Airport Road to McLane Parkway.



- (M) [2016-8201-R](#): Consider adopting a resolution authorizing a construction contract with Cody Stanley Construction, LLC. of Holland in the amount of \$227,677.96, for the construction of a concession/restroom building in Scott & White Park to serve the baseball fields.
- (N) [2016-8202-R](#): Consider adopting a resolution authorizing a construction contract for the replacement of the south Service Center vehicular gate system in the amount of \$49,500 with RM Rodriguez Construction of Temple, as well as declare an official intent to reimburse expenditures with the issuance of 2016 Limited Tax Notes (LTN's).
- (O) [2016-8203-R](#): Consider adopting a resolution deducting construction and bid-phase services from a professional agreement with Kasberg, Patrick & Associates, LP, in the amount of \$275,000, for the Veterans Memorial Blvd. improvements from the Temple College Apartments to Avenue O.
- (P) [2016-8204-R](#): Consider adopting a resolution authorizing a Chapter 380 Economic Development Agreement with JDLG Ventures, LLC, for the potential construction of a commercial development at 30 South Pea Ridge Road.
- (Q) [2016-8205-R](#): Consider adopting a resolution authorizing a Chapter 380 Development Agreement with Casey Building, LLC for improvements to property located within the Downtown Street Strategic Investment Zone corridor, in amounts not to exceed:
  - 1. 7 South Second Street - \$41,282
  - 2. 9 South Second Street - \$47,582
  - 3. 11 South Second Street - \$41,115
- (R) [2016-8206-R](#): Consider adopting a resolution authorizing a renewal to the Services Agreement with James Construction Group, LLC to provide Temple police officers for traffic control services and use of police vehicles on the I-35 Reconstruction Project.
- (S) [2016-8207-R](#): Consider adopting a resolution authorizing a lease agreement with Hill Country Community Action Association, Inc. for lease of space in the Public Services Building located at 102 East Central Avenue, Temple, Texas.
- (T) [2016-8208-R](#): Consider adopting a resolution authorizing a two year lease agreement with William Wilson for lease of space in the E. Rhodes and Leona B. Carpenter Foundation Building (the Temple Public Library).

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

- (U) [2016-4783](#): SECOND READING: Consider adopting an ordinance amending the City of Temple's Comprehensive Economic Development Ordinance (Ord. No. 2014-4673) to readopt the City's guidelines and criteria governing property tax abatement, incorporate recent changes to the City's Strategic Investment Zone Incentive Program, and update the ordinance to reflect changes in policy and procedure.
- (V) [2016-4786](#): SECOND READING - Z-FY-16-29: Consider adopting an ordinance authorizing a rezoning from Agricultural (AG) District to General Retail (GR) District on 4.889 +/- acres situated in the Nancy Chance Survey, Abstract No. 5, Bell County, Texas, located at 419 Hilliard Road.

- (W) [2016-4787](#): SECOND READING – Z-FY-16-30: Consider adopting an ordinance authorizing a Conditional Use Permit (CUP) to allow a restaurant where less than 50% of the total gross revenue may be from the sale of all alcoholic beverages with on-premise consumption on Lot 2, Block 1, of the Shoppes on the Hill, Phase II Subdivision, located at 2320 South 31st Street, Suite 100.
- (X) [2016-4788](#): SECOND READING – Z-FY-16-31: Consider an ordinance adopting a rezoning from Single Family-One District (SF-1) to Planned Development Single Family-One District (PD-SF-1) to allow continued use of existing secondary residential dwellings on Lot part of 4, 6, Block 4, Roselawn Addition, located at 1516 North 5th Street.

**Misc.**

- (Y) [2016-8209-R](#): Consider adopting a resolution authorizing adjustments to the Water/Wastewater Capital Improvement Program for FY 2016.
- (Z) [2016-8210-R](#): Consider adopting a resolution adopting program guidelines for the City of Temple Housing Improvement Program.
- (AA) [2016-8211-R](#): Consider adopting a resolution authorizing certain City employees to conduct investment transactions, transfer funds, and represent the City in other financial transactions.
- (BB) [2016-8212-R](#): Consider adopting a resolution setting the date, time and place of public hearings on the proposed FY 2016-2017 Budget for August 4, 2016, at 5:00 p.m. and August 26, 2016, at 8:30 a.m. in the City Council Chambers.
- (CC) [2016-8213-R](#): Consider adopting a resolution authorizing budget amendments for fiscal year 2015-2016.

**VI. REGULAR AGENDA**

**ORDINANCES – FIRST READING/PUBLIC HEARING**

- 6. [2016-4789](#): FIRST READING – PUBLIC HEARING: Consider adopting an ordinance authorizing an amendment to the Tax Increment Financing Reinvestment Zone No. 1 Financing and Project Plans to align with the 2022 Master Plan which includes appropriating bond proceeds, adjusting tax revenues and allocating expenditures for public improvements for years FY 2016-2062.
- 7. [2016-4790](#): FIRST READING – PUBLIC HEARING - Z-FY-16-33: Consider adopting an ordinance authorizing a rezoning from Neighborhood Services (NS) to General Retail (GR) on Lot 1, Block 1, D'Antoni's Crossing Phase V, located at 6365 South 31st Street, Bell County, Temple, Texas.
- 8. [2016-4791](#): FIRST READING - PUBLIC HEARING - Z-FY-16-34: Consider adopting an ordinance authorizing a Conditional Use Permit (CUP) to allow a substance abuse outpatient counseling service on Lot PT 2, 75' of 2, Block 2, LR Taylor Addition, located at 416 North 3rd Street, Suite A.

## **RESOLUTIONS**

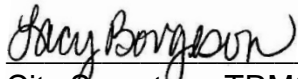
9. **2016-8214-R:** Consider adopting a resolution appointing members to the following City boards and commissions:
- (A) Temple Economic Development Corporation – one member to fill a standing Councilmember position.
  - (B) Development Standards Advisory Board –two members to fill unexpired terms through March 1, 2018;
  - (C) Parks and Leisure Services Advisory Board – one member to fill an unexpired term through March 1, 2019;
  - (D) Planning & Zoning Commission – one member to fill an unexpired term through September 1, 2017;
  - (E) Zoning Board of Adjustment – one alternate member to fill an unexpired term through March 1, 2018

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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 12:00 PM, on Friday, July 1, 2016.



City Secretary, TRMC



## COUNCIL AGENDA ITEM MEMORANDUM

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07/07/16  
Item #3  
Regular Agenda  
Page 1 of 1

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

Daniel A. Dunn, Mayor

**ITEM DESCRIPTION:** Receive comments from Mr. Ken Valka, regarding proposed amendments to Chapter 4, related to alcoholic beverage sales near private schools.

**STAFF RECOMMENDATION:** Receive comments as presented in item description.

**ITEM SUMMARY:** Mr. Sales submitted a Request for Placement on the City Council Agenda, please see attached the forms.

**FISCAL IMPACT:** None

**ATTACHMENTS:**

[Request for placement on agenda](#)



Baird, Crews, Schiller & Whitaker, P.C.  
Attorneys at Law

Kenneth R. Valka  
Direct #: (254) 743-7350  
kenvalka@bcswlaw.com

June 28, 2016

Ms. Lacy Borgeson  
City Secretary  
City of Temple  
2 N. Main Street, Suite 103  
Temple, Texas 76501

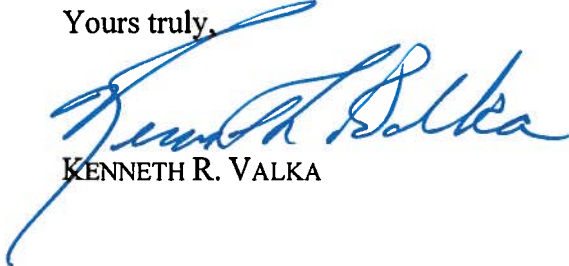
VIA E-MAIL: [lborgeson@templetx.gov](mailto:lborgeson@templetx.gov)

**Re: Request for Placement on Agenda**

Dear Ms. Borgeson:

Please find enclosed the attached Request for Placement on the City Council agenda for the City Council meeting scheduled for July 7, 2016. Should you have any questions, please feel free to give me a call. Thanks very much.

Yours truly,



KENNETH R. VALKA

KRV/jlb  
Enclosure

cc: Ms. Kayla Landeros  
City Attorney  
City of Temple  
2 N. Main Street  
Temple, Texas 76501

VIA E-MAIL: [klanderos@templetx.gov](mailto:klanderos@templetx.gov)



**CITY OF TEMPLE, TEXAS**

**CITY COUNCIL MEETINGS**

**REQUEST FOR PLACEMENT ON AGENDA**

\_\_Priority

NAME OF PRESENTER: Ken Valka/Pres. of Holy Trinity Catholic High School

ADDRESS: 15 N. Main Street, Temple, Texas 76501

TELEPHONE NO. (254) 743-7350

DATE REQUESTED TO APPEAR BEFORE THE COUNCIL: (Note – The City Council meets the first and third Thursdays of each month.) July 7, 2016

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

Request for amendment to Chapter 4, Alcoholic Beverages Sales near school, church, and

hospital to include "or private" (see attached) after "public" school in Sections 4-2, 4-4 and

any other relevant Sections, so as to ban alcohol sales "within 300 feet of a church, public or private school, or public hospital."

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

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

  
SIGNATURE OF PRESENTER

June 28, 2016  
DATE

For Office Use:

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## **Chapter 4**

### **ALCOHOLIC BEVERAGES**

#### **ARTICLE I. EXTENDED HOURS**

**Sec. 4-1. Extended hours.**

#### **ARTICLE II. SPACING**

**Sec. 4-2. Sales near school, church or hospital**

**Sec. 4-3. Measurement for church or public hospital**

**Sec. 4-4. Measurement for public school.**

**Secs. 4-5--4-10. Reserved.**

#### **ARTICLE III. LICENSE AND PERMIT FEES**

**Sec. 4-11. Alcoholic beverage license and permit fees.**

**Sec. 4-12. Display**

**Secs. 4-13 -- 4-20. Reserved.**

#### **ARTICLE IV. SALE OF ALCOHOLIC BEVERAGES ON CITY PROPERTY**

**Sec. 4-21. Sale of alcoholic beverages on city property prohibited except where specially permitted.**

## **Chapter 4**

### **ALCOHOLIC BEVERAGES**

#### **ARTICLE I. EXTENDED HOURS**

##### **Sec. 4-1. Extended hours.**

The City of Temple is an "extended hours area" as that term is defined in the Texas Alcoholic Beverage Code. (Ref. V.T.C.A., Alcoholic Beverage Code § 105.06)

#### **ARTICLE II. SPACING**

##### **Sec. 4-2. Sales near school, church or hospital.**

It is an offense for any person to sell alcoholic beverages at a place of business which is within 300 feet of a church, public school or public hospital. (Ref. V.T.C.A., Alcoholic Beverage Code § 109.33)

##### **Sec. 4-3. Measurement for church or public hospital.**

The measurement of the distance between the place of business where alcoholic beverages are sold and the church or public hospital shall be along the property lines of the street fronts and from front door to front door, and in a direct line across intersections.

##### **Sec. 4-4. Measurement for public school.**

The measurement of the distance between the place of business where alcoholic beverages are sold and the public school shall be:

(a) in a direct line from the property line of the public school to the property line of the place of business, and in a direct line across intersections; or

(b) if the permit or license holder is located on or above the fifth story of a multistory building, in a direct line from the property line of the public school to the property line of the place of business, in a direct line across intersections, and vertically up the building at the property line to the base of the floor on which the permit or license holder is located.

**Sections 4-5 through 4-10 reserved.**



### **ARTICLE III. LICENSE AND PERMIT FEES**

#### **Sec. 4-11. Alcoholic beverage license and permit fees.**

A license fee and permit fee is levied in the amount of one-half of the state license and permit fees for each permit issued for premises located within the City, except for permits that are exempted from municipal fees. The city license and permit fees shall be paid to the City at the same time that the state license and permit fees are paid to the state. (Ref. V.T.C.A. Alcoholic Beverage Code § 11.38, § 61.36.

#### **Sec. 4-12. Display.**

It is an offense for any person licensed under this article to fail to display ~~such~~ the City license and keep the same displayed in a conspicuous place in the place of business licensed.

**Sections 4-13 through 4-20 reserved.**

### **ARTICLE IV. SALE OF ALCOHOLIC BEVERAGES ON CITY PROPERTY**

#### **Sec. 4-21. Sale of alcoholic beverages on city property prohibited except where specially permitted.**

(a) **City Property.** It shall be unlawful for any person to sell alcoholic beverages in any public park of the city, or on or in other publicly owned property, save and except that the city and concessionaires or caterers having a contract with the city to sell alcoholic beverages at the Frank W. Mayborn Civic and Convention Center, Santa Fe Depot, and at Sammons Park, if properly licensed, may sell alcoholic beverages upon the premises of the civic and convention center, depot, and within the Sammons Park Restaurant, Clubhouse, and deck exclusively. The city manager or his designee may authorize a special event permit for the sale of alcoholic beverages on city property other than a city park.

(b) **Criteria for Permits.** The City Council shall from time to time by resolution establish criteria for special event permit applications and approvals under this section.

(Ordinance No. 2009-4323, 11-05-09)



## **COUNCIL AGENDA ITEM MEMORANDUM**

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07/07/16  
Item #5(A)  
Consent Agenda  
Page 1 of 1

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

Lacy Borgeson, City Secretary

**ITEM DESCRIPTION:** Approve Minutes:

(A) June 16, 2016 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:**

June 16, 2016 Special and Regular Meeting



## COUNCIL AGENDA ITEM MEMORANDUM

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07/07/16  
Item #5(B)  
Consent Agenda  
Page 1 of 2

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

Kayla Landeros, City Attorney

Jim Kachelmeyer, Deputy City Attorney

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the purchase of a portion of two properties necessary for the expansion of Old Howard Road and authorizing closing costs associated with the purchases, in an amount not to exceed \$320,000.

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

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

**ITEM SUMMARY:** The City is currently in the design phase for the proposed expansion of Old Howard Road from Central Pointe Parkway to Moores Mill Road, as well as an expansion of Moores Mill Road from Old Howard Road to IH-35, including a realigned intersection at Pegasus Drive. The design requires the acquisition of right-of-way from 21 different property owners. Appraisals have been performed on fourteen of the parcels, and the remaining seven are underway. Offers have been made to several of the property owners based upon those appraisals, and the remaining offers will be presented in the coming weeks. For those properties that will require relocation, the City's consultant is preparing the necessary relocation studies.

Agreements have been reached with five of the property owners. Staff is actively negotiating with each of the remaining property owners and hopes to reach agreements with each of them this fiscal year. On June 16, Council approved the acquisition of portions of three properties, as well as the payment of associated closing costs and any relocation benefits required by law, in an amount not to exceed \$225,000. At this time, Staff is asking for authorization to purchase the necessary right-of-way from two additional properties and pay closing costs, in an amount not to exceed \$320,000. The addresses of the two properties are listed below:

4324 Old Howard Road

4321 Old Howard Road

**FISCAL IMPACT:** Funding for the purchases of the two properties necessary for the expansion of Old Howard Road is appropriated as follows:

Property Description:	<u>Account/Project #:</u>
4324 Old Howard Road	795-9800-531-6864, 101001
4321 Old Howard Road	795-9800-531-6864, 101001

**ATTACHMENTS:**

[Resolution](#)

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF A PORTION OF TWO PROPERTIES NECESSARY FOR THE EXPANSION OF OLD HOWARD ROAD, AUTHORIZING THE PAYMENT OF CLOSING COSTS ASSOCIATED WITH THE PURCHASES, IN AN AMOUNT NOT TO EXCEED \$320,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the City is currently in the design phase for the proposed expansion of Old Howard Road from Central Pointe Parkway to Moores Mill Road, as well as an expansion of Moores Mill Road from Old Howard Road to IH-35, including a realigned intersection at Pegasus Drive and the design requires the acquisition of right-of-way from 21 different property owners;

**Whereas**, appraisals have been performed on fourteen of the parcels, the remaining seven are underway and offers have been made to several of the property owners based upon those appraisals - the remaining offers will be presented to Council in the coming weeks;

**Whereas**, agreements have been reached with five of the property owners and Staff is actively negotiating with each of the remaining property owners and hopes to reach agreements with each of them this fiscal year - on June 16, 2016, Council approved the acquisition of portions of three properties, as well as the payment of associated closing costs and any relocation benefits required by law;

**Whereas**, Staff recommends Council authorize the purchase the necessary right-of-way from two additional properties and pay closing costs, in an amount not to exceed \$320,000 - the addresses of the two properties are:

4324 Old Howard Road

4321 Old Howard Road;

**Whereas**, funding for the purchase of a portion of two properties for the expansion of Old Howard Road is available in Account No. 795-9800-531-6864, Project No. 101001; and

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

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

**Part 1:** The City Council authorizes the purchase of a portion of two properties necessary for the expansion of Old Howard Road located at 4324 Old Howard Road and 4321 Old Howard Road, and authorizes closing costs associated with the purchases, in an amount not to exceed \$320,000.

**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 the purchase of these properties.

**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 7<sup>th</sup> day of **July**, 2016.

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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07/07/16  
Item #5(C)  
Consent Agenda  
Page 1 of 1

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

Kayla Landeros, City Attorney

Jim Kachelmeyer, Deputy City Attorney

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the purchase of two properties necessary for the construction of the proposed Santa Fe Market Trail/MLK Fields festival grounds and authorizing closing costs associated with the purchase, in an amount not to exceed \$23,000, and authorizing the release of liens on the properties to be acquired, in the amount of \$4,100.

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

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

**ITEM SUMMARY:** The City is currently in the design phase for the proposed Santa Fe Market Trail and MLK Fields festival grounds. The design requires the acquisition of real property from sixteen different property owners. Appraisals have been performed on all of the parcels and the City has made offers to the owners. Seven offers have been accepted to date. Council approved the acquisition of two properties on May 5, two properties on May 19, and one property on June 16. Two additional property owners have accepted the City's initial offers, and Staff is seeking authorization to complete the purchase of 205 and 215 South 6<sup>th</sup> Street and pay necessary closing costs, in an amount not to exceed \$23,000. As additional consideration, the owner of 205 South 6<sup>th</sup> Street has requested that the City release its 27 liens against the property, totaling \$3,500, and the owner of 215 South 6<sup>th</sup> Street has requested that the City release its three liens against the property, totaling \$600. Staff is seeking authorization to release the 30 liens with the acquisitions.

**FISCAL IMPACT:** Funding for the purchase of two properties necessary for construction of the proposed Santa Fe Market Trail/MLK Fields festival grounds is appropriated in account 795-9500-531-6566, project #101262.

### **ATTACHMENTS:**

[Resolution](#)

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF TWO PROPERTIES NECESSARY FOR THE CONSTRUCTION OF THE SANTA FE MARKET TRAIL/MLK FIELDS FESTIVAL GROUNDS; AUTHORIZING CLOSING COSTS ASSOCIATED WITH THE PURCHASES IN AN AMOUNT NOT TO EXCEED \$23,000; AUTHORIZING THE RELEASE OF LIENS ON THE PROPERTIES TO BE ACQUIRED, IN THE AMOUNT OF \$4,100; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the City is currently in the design phase for the proposed Santa Fe Market Trail and MLK Fields festival grounds and the design requires the acquisition of real property from sixteen different property owners;

**Whereas**, appraisals have been performed on all of the parcels and the City has made offers to the owners - seven offers have been accepted to date and two additional property owners have accepted the City's initial offers;

**Whereas**, as additional consideration, the owner of 205 South 6<sup>th</sup> Street has requested that the City release its 27 liens against the property, totaling \$3,500, and the owner of 215 South 6<sup>th</sup> Street has requested that the City release its three liens against the property, totaling \$600;

**Whereas**, Staff recommends Council authorize the purchase of 205 South 8<sup>th</sup> Street and 215 South 6<sup>th</sup> Street, the payment of necessary closing costs in an amount not to exceed \$23,000 and the release of the 30 liens in the amount of \$4,100;

**Whereas**, funding for these two purchases is appropriated in Account No. 795-9500-531-6566, Project No. 101262; 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 205 South 6<sup>th</sup> Street and 215 South 6<sup>th</sup> Street, which are necessary for the construction of the proposed Santa Fe Market Trail/MLK Fields festival grounds, authorizes the payment of closing costs associated with the purchases, in an amount not to exceed \$23,000, and authorizes the release of liens on the properties in the amount of \$4,100.

**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 the purchase of these properties.



**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 7<sup>th</sup> day of **July**, 2016.

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 #5(D)  
Consent Agenda  
Page 1 of 1

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

Kayla Landeros, City Attorney  
Jim Kachelmeyer, Deputy City Attorney

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the purchase of an easement necessary for the construction of the Leon River Trunk Sewer and authorizing closing costs associated with the purchase, in an amount not to exceed \$22,000.

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

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

**ITEM SUMMARY:** The City is currently in the design phase for the proposed Leon River Trunk Sewer project in southwest Temple, roughly parallel to the Leon River. The project is necessary to provide sewer service to properties along the route. The design requires the acquisition of easements for wastewater utilities and temporary construction easements from five property owners, including the property situated at 5105 Charter Oak Drive in Temple. Staff is asking for authorization to purchase a necessary easement across this property and pay closing costs in an amount not to exceed \$22,000.

**FISCAL IMPACT:** Funding is available for the purchase of an easement necessary for the construction of the Leon River Trunk Sewer in account 561-5400-535-6941, project 100851.

**ATTACHMENTS:**

[Resolution](#)

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF AN EASEMENT NECESSARY FOR THE CONSTRUCTION OF THE LEON RIVER TRUNK SEWER; AUTHORIZING CLOSING COSTS ASSOCIATED WITH THE PURCHASE IN AN AMOUNT NOT TO EXCEED \$22,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the City is currently in the design phase for the proposed Leon River Trunk Sewer project in southwest Temple, roughly parallel to the Leon River - this project is necessary to provide sewer service to properties along the route;

**Whereas**, the design requires the acquisition of easements for wastewater utilities and temporary construction easements from five property owners, including the property located at 5105 Charter Oak Drive in Temple;

**Whereas**, Staff recommends Council authorize the purchase of the necessary easement across the property located at 5105 Charter Oak Drive, and pay associated closing costs, in an amount not to exceed \$22,000;

**Whereas**, funding for the acquisition of an easement necessary for the construction of the Leon River Trunk Sewer is appropriated in Account No. 561-5400-535-6941, Project No. 100851; 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 an easement located at 5105 Charter Oak Drive, which is necessary for the construction of the Leon River trunk sewer and authorizes closing costs associated with the purchase in an amount not to exceed \$22,000.

**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 the purchase of this easement.

**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 7<sup>th</sup> day of **July**, 2016.

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



## COUNCIL AGENDA ITEM MEMORANDUM

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07/07/16  
Item #5(E)  
Consent Agenda  
Page 1 of 1

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

Kayla Landeros, City Attorney  
Jim Kachelmeyer, Deputy City Attorney

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the purchase of four easements necessary for the construction of the Charter Oak Water Line and authorizing closing costs associated with the purchases, in an amount not to exceed \$30,000.

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

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

**ITEM SUMMARY:** The City is installing a new transmission water line in southwest Temple, roughly parallel to Charter Oak Drive. The project is necessary to replace deteriorating existing facilities and improve service to properties along the route. Phase One of the project is currently under construction and required the acquisition of easements from four property owners.

The design of Phase Two requires the acquisition of easements for water lines from 30 property owners. Appraisals have been completed for 12 of the properties, and offers have been made to the property owners. Two owners have agreed to dedicate the necessary easements with the platting of their properties, and four other owners have agreed to the City's offer. At this time, Staff is asking for authorization to purchase a necessary easements across the four properties and pay closing costs in an amount not to exceed \$30,000.

**FISCAL IMPACT:** Funding is available for the purchase of four easements necessary for the construction of the Charter Oak Water Line in account 520-5900-535-6110, project 100608.

**ATTACHMENTS:**

[Resolution](#)

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF FOUR EASEMENTS NECESSARY FOR THE CONSTRUCTION OF THE CHARTER OAK WATER LINE; AUTHORIZING CLOSING COSTS ASSOCIATED WITH THE PURCHASES IN AN AMOUNT NOT TO EXCEED \$30,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the City is installing a new transmission water line in southwest Temple, roughly parallel to Charter Oak Drive which is necessary to replace deteriorating existing facilities and to improve service to properties along the route - Phase One of the project is currently under construction and requires the acquisition of easements from four property owners;

**Whereas**, the design of Phase Two requires the acquisition of easements for water lines from 30 property owners and appraisals have been completed for twelve of the properties - offers have been made to the property owners with two owners agreeing to dedicate the necessary easements with the platting of their properties, and four other owners agreeing to the City's offer;

**Whereas**, Staff recommends Council authorize the purchase of necessary easements across four properties, and pay associated closing costs, in an amount not to exceed \$30,000;

**Whereas**, funding for the acquisition of easements necessary for the construction of the Charter Oak Water Line is appropriated in Account No. 520-5900-535-6110, Project No. 100608; 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 four easements necessary for the construction of the Charter Oak Water Line and authorizes closing costs associated with the purchases in an amount not to exceed \$30,000.

**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 the purchase of these easements.

**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 7<sup>th</sup> day of **July**, 2016.

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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07/07/16  
Item #5(F)  
Consent Agenda  
Page 1 of 1

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

Kayla Landeros, City Attorney

Jim Kachelmeyer, Deputy City Attorney

**ITEM DESCRIPTION:** Consider adopting a resolution ratifying the acceptance of the donation of approximately 0.031 acre of right-of-way in the Nancy Chance Survey, Abstract 5, Temple, Bell County, Texas, necessary for the extension of Tarver Drive to Old Waco Road.

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

**ITEM SUMMARY:** The City has completed the design phase for the proposed extension of Tarver Drive to Old Waco Road, which is needed to relieve the traffic burden in adjacent neighborhoods. On May 5, Council approved a construction contract with RT Schneider Construction Company, LLC, for the construction of the Tarver Drive extension.

The design originally required the acquisition of right-of-way from two properties. On May 5, Council ratified the acceptance of the donation of 1.185 acre of right-of-way necessary for the extension, and on February 4 and May 19, Council approved the acquisition of a portion of the property located at 1002 Old Waco Road, including any relocation benefits required by law. An amendment to the design now requires the acquisition of fee simple title to an additional 0.031-acre tract of land situated in the Nancy Chance Survey, Abstract 5, owned by Kiella Development, Inc., for the construction of the roadway and its necessary appurtenances. Kiella Development, Inc. has offered to donate the necessary right-of-way and has executed a General Warranty Deed for the property. Staff is asking Council to ratify its acceptance of the donation.

**FISCAL IMPACT:** The City will be responsible for future maintenance of the property and any costs associated with the closing transaction on the land which are nominal.

### **ATTACHMENTS:**

[Resolution](#)

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, RATIFYING THE ACCEPTANCE OF THE DONATION OF APPROXIMATELY 0.031 ACRES OF RIGHT-OF-WAY IN THE NANCY CHANCE SURVEY, ABSTRACT NO. 5, TEMPLE, BELL COUNTY, TEXAS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the City has completed the design phase for the proposed extension of Tarver Drive to Old Waco Road, which is needed to relieve the traffic burden in adjacent neighborhoods;

**Whereas**, on May 5, 2016, Council approved a construction contract with RT Schneider Construction Company, LLC, for the construction of the Tarver Drive extension - the design originally required the acquisition of right-of-way from two properties and on May 5, 2016, Council ratified the acceptance of the donation of 1.185 acres of right-of-way necessary for the extension;

**Whereas**, on February 4, 2016 and May 19, 2016, Council approved the acquisition of a portion of the property located at 1002 Old Waco Road, including any relocation benefits required by law;

**Whereas**, an amendment to the design of Tarver Drive to Old Waco Road now requires the acquisition of fee simple title to an additional 0.031-acre tract of land situated in the Nancy Chance Survey, Abstract No. 5, owned by Kiella Development, Inc., for the construction of the roadway and its necessary appurtenances;

**Whereas**, Kiella Development, Inc. has offered to donate the necessary right-of-way and has executed a General Warranty Deed for the property - Staff recommends Council ratify its acceptance of this donation;

**Whereas**, the City will be responsible for future maintenance of the property and any costs associated with the closing transaction on the land which will be nominal; 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 ratifies the acceptance of the donation of an approximately 0.031 acre of right-of-way in the Nancy Chance Survey, Abstract No. 5, Temple, Bell County, Texas, which is necessary for the extension of Tarver Drive to Old Waco Road.

**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 donation.



**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 **7<sup>th</sup>** day of **July**, 2016.

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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07/07/16  
Item #5(G)  
Consent Agenda  
Page 1 of 2

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

Kayla Landeros, City Attorney

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a Quitclaim Deed to Temple Independent School District to transfer any ownership the City of Temple may have to 0.157 acres of land located off of North 3<sup>rd</sup> Street in Temple.

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

**ITEM SUMMARY:** The Temple Independent School District (TISD) owns several acres of property located off of North 3<sup>rd</sup> Street which serves as the site for Lamar Middle School. TISD has recently acquired additional property in the area in preparation for a proposed expansion of the campus. During that acquisition, it was discovered that a small strip of land, approximately 0.157 acres, between TISD's newly acquired parcels, had no record ownership, but was only referred to in the deed records as an "extension of Thompson Avenue." The small strip lines up with dedicated Thompson Avenue right-of-way on the west side of North 3<sup>rd</sup> Street.

In order to clear title, TISD has asked the City to convey, by Quitclaim Deed, any ownership the City may have in the property as public right-of-way.

Section 253.013 of the Local Government Code allows the City to donate surplus property of a negligible value to an abutting property owner. The City Council must determine that the property is surplus property of a negligible value by evaluating the following factors:

- (1) the property is not improved;
- (2) ownership of the property does not provide any identifiable positive benefit to the City in relation to the City's current needs;
- (3) ownership of the property is not likely to provide any identifiable positive benefit to the City in relation to the City's future needs; and
- (4) the cost of maintaining the property is a substantial burden to the City.

Staff believes that all of the above factors are met in this case and the property is surplus property of a negligible value. For that reason, the property can be donated to TISD through a Quitclaim Deed.

**FISCAL IMPACT:** None.

### **ATTACHMENTS:**

[Resolution](#)

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A QUITCLAIM DEED TO TEMPLE INDEPENDENT SCHOOL DISTRICT TO TRANSFER ANY OWNERSHIP THE CITY OF TEMPLE MAY HAVE TO APPROXIMATELY 0.157 ACRES OF LAND LOCATED OFF OF NORTH 3<sup>RD</sup> STREET IN TEMPLE, TEXAS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the Temple Independent School District (“TISD”) owns several acres of property located off of North 3<sup>rd</sup> Street which serves as the site for Lamar Middle School - TISD has recently acquired additional property in the area in preparation for a proposed expansion of the campus;

**Whereas**, during that acquisition, it was discovered that a small strip of land of approximately 0.157 acres between TISD’s newly acquired parcels, had no record of ownership, but was only referred to in the deed records as an “extension of Thompson Avenue;”

**Whereas**, in order to clear title, TISD has asked the City to convey, by Quitclaim Deed, any ownership the City may have in the property as public right-of-way;

**Whereas**, Section 253.013 of the Local Government Code allows the City to donate surplus property of a negligible value to an abutting property owner – in order to do so, the City Council must determine that the property is surplus property of a negligible value by evaluating the following factors:

- (1) the property is not improved;
- (2) ownership of the property does not provide any identifiable positive benefit to the City in relation to the City’s current needs;
- (3) ownership of the property is not likely to provide any identifiable positive benefit to the City in relation to the City’s future needs; and
- (4) the cost of maintaining the property is a substantial burden to the City;

**Whereas**, Staff believes that all of the above factors are met in this case and the property is surplus property of a negligible value and for that reason, the property can be donated to TISD through a Quitclaim Deed; and

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

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

**Part 1:** The City Council authorizes a Quitclaim Deed to Temple Independent School District to transfer any ownership the City of Temple may have to 0.157 acres of land located off of North 3<sup>rd</sup> Street in Temple.

**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 the Quitclaim Deed.

**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 7<sup>th</sup> day of **July**, 2016.

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 #5(H)  
Consent Agenda  
Page 1 of 1

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

Nicole Torralva, Director of Public Works

Lisa Sebek, Director of Solid Waste Services

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the purchase of 1,272 plastic 96-gallon garbage and recycling containers for the Solid Waste & Recycling Services Division of Public Works from Toter, Inc., Statesville, NC, utilizing a National IPA cooperative contract, in the amount of \$57,353.56.

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

**ITEM SUMMARY:** This item is for routine growth and container replacement purchase for 96-gallon residential garbage and recycling containers.

Current pricing is \$43.90 per container, plus \$0.25 hot stamp recycling symbol on half, plus \$1,353.76 for freight to Temple. We believe this to be a good cost per container.

The city has done business with Toter, Inc. and finds them to be a responsible vendor. Utilizing this contract through the National IPA cooperative purchasing organization satisfies competitive bid requirements.

**FISCAL IMPACT:** Funding has been appropriated for the purchase of the garbage and recycling containers in the account listed below.

Description	Account #	Budget	Proposed Expenditure
96-Gallon Containers	110-2330-540-2211	\$57,354	\$57,353.56

**ATTACHMENTS:**

[Resolution](#)

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF 1,272 PLASTIC 96-GALLON GARBAGE AND RECYCLING CONTAINERS IN THE AMOUNT OF \$57,353.56, FOR THE SOLID WASTE AND RECYCLING SERVICES DIVISION OF THE PUBLIC WORKS DEPARTMENT FROM TOTER, INC. OF STATESVILLE, NORTH CAROLINA; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, each year, the Solid Waste Division purchases new 96-gallon residential refuse containers both for new service and regular container replacement, for both garbage and recycling services;

**Whereas**, Staff recommends the purchase of 1,272 plastic, 96-gallon garbage and recycling containers to be used for routine growth and normal container replacement;

**Whereas**, the current pricing is \$43.90 per container, \$0.25 for a hot stamp recycling symbol on half of the containers, plus \$1,353.76 for freight - Staff believes this to be a good cost per container and recommends Council authorize this purchase;

**Whereas**, the City has done business with Toter, Inc. in the past and finds it to be a responsible vendor – this purchase will be made utilizing a National IPA Cooperative Purchasing contract which satisfies the competitive bid requirements;

**Whereas**, funding for the purchase of 1,272 plastic, 96-gallon garbage and recycling containers is available in Account No. 110-2330-540-2211; and

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

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

**Part 1:** The City Council authorizes the purchase of 1,272 plastic, 96-gallon garbage and recycling containers, in the amount of \$57,353.56 from Toter, Inc., of Statesville, North Carolina, utilizing the National IPA Cooperative Contract.

**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 7<sup>th</sup> day of **July**, 2016.

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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07/07/16  
Item #5(I)  
Consent Agenda  
Page 1 of 2

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

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

**ITEM DESCRIPTION:** Consider adopting a resolution ratifying the purchase of a drop-in aeration system from Environmental Treatment Technologies and authorizing installation of said equipment by Brazos River Authority for the emergency repair of the aerator at the Temple-Belton Wastewater Treatment Plant in the amount of \$227,500.

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

**ITEM SUMMARY:** The aerator at the Temple-Belton Wastewater Treatment Plant serves a vital component to the treatment process in providing adequate air supply to the influent received at the plant. During the summer months, it becomes more difficult to maintain the quantity of airflow necessary to remain in compliance with the TCEQ permit, due to increasing organic loading.

The Brazos River Authority operates and maintains the Temple-Belton Wastewater Treatment Plant under contract. In order to be confident in the functionality of this aeration system, City staff authorized a pilot study with Environmental Treatment Technologies in summer 2015. The results proved to be successful. In May 2016, City of Temple and City of Belton staff in conjunction with BRA agreed on the necessity to purchase the additional aeration equipment. It was not known until June 2016 that the BRA was not able to procure the purchase as emergency capital purchases are not authorized on equipment that the BRA does not own. Due to the time constraints on the upcoming summer season and the need for the additional aeration, it became the responsibility of the City of Temple and City of Belton to make the system purchase.

Due to the time sensitivity of getting the aeration system in place (estimated 4-6 weeks) to remain in permit compliance, staff did not believe that there was time to generate contracts and purchase orders with both the City of Temple and the City of Belton. It was deemed an emergency and necessary purchase for this facility. The cost for the equipment alone is \$215,000 and once delivered to the facility, BRA will install for a cost of \$12,500.

The purchase order for the aerator discs and associated fittings was issued June 15, 2016 and installation is expected by the end of July 2016.

**FISCAL IMPACT:** A budget adjustment is being presented to Council in the amount of \$227,500 reallocating funding from previously completed projects. Upon approval of the budget adjustment, funding will be appropriated in account 520-5500-535-6211, project 101513, as follows:



Project Budget	\$	-
Budget Adjustment Presented for Approval		227,500
<b>Purchase &amp; Installation Award - Environmental Treatment Technologies &amp; BRA</b>		<b>(227,500)</b>
Remaining Project Funds	\$	-

The City of Temple is only responsible for 75% of the cost, \$170,625. The City of Belton will reimburse the City of Temple at the end of the fiscal year through the true-up process with the BRA.

**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.**

+

1

ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE	DECREASE
520-5500-535-62-11	101513	Capital Equipment / Drop-In Aeration System	\$ 227,500	
520-5200-535-63-57	100909	Capital Bldg & Grnds / FY 13 WL Imprvmnts		193,641
520-5200-535-63-57	101090	Capital Bldg & Grnds / FY 14 WL Imprvmnts		33,859
TOTAL.....			\$ 227,500	\$ 227,500

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

To appropriate funding for equipment and services to provide a Drop-In Aeration system at the Temple-Belton WWTP by Environmental Treatment Technologies, Inc. Total pricing including installation is estimated at \$227,500. City of Temple is responsible for 75% (\$170,625) of the costs while City of Belton will be responsible for 25% (\$56,875) of the costs. COT will be up fronting the cost with BRA allocating Belton their 25% share as part of year-end true-up.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒ Yes

☐ No

DATE OF COUNCIL MEETING

7/7/2016

WITH AGENDA ITEM?

X	Yes
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☐ No

Department Head/Division Director

6/14/2016  
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, RATIFYING THE PURCHASE OF A DROP-IN AERATION SYSTEM FROM ENVIRONMENTAL TREATMENT TECHNOLOGIES, IN THE AMOUNT OF \$227,500, AND AUTHORIZING THE INSTALLATION OF THE SYSTEM BY THE BRAZOS RIVER AUTHORITY FOR THE EMERGENCY REPAIR AT THE TEMPLE-BELTON WASTEWATER TREATMENT PLANT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the aerator at the Temple-Belton Wastewater Treatment Plant (“TBP”) serves as a vital component to the treatment process which provides adequate air supply to the influent received at the plant;

**Whereas**, during the summer months, it becomes more difficult to maintain the quantity of airflow necessary to remain in compliance with the Texas Commission on Environmental Quality permit, due to increasing organic loading;

**Whereas**, the Brazos River Authority operates and maintains the TBP and in order to be confident in the functionality of this aeration system, Staff authorized a pilot study with Environmental Treatment Technologies in the summer of 2015 and the results proved to be successful;

**Whereas**, in May 2016, City of Temple and City of Belton Staff, in conjunction with BRA, agreed on the necessity to purchase the additional aeration equipment, however, it was not known until June 2016 that the BRA was not able to procure the purchase as an emergency capital purchase;

**Whereas**, due to the time constraints and the upcoming summer season, Staff did not believe there was time to generate contracts and purchase orders with both the City of Temple and the City of Belton and therefore it was deemed this purchase to be an emergency for this facility;

**Whereas**, Staff recommends Council ratify the purchase of a drop-in aeration system from Environmental Treatment Technologies in the amount of \$227,500, and authorize the installation of the system by the Brazos River Authority for the emergency repair of the aerator at the Temple-Belton Wastewater Treatment Plant;

**Whereas**, funds are available for this purchase, but an amendment to the fiscal year 2016 budget needs to be approved to appropriate the funds to Account No. 520-5500-535-6211, Project No. 101513;

**Whereas**, the City of Temple is responsible for 75% of the cost (\$170,625) and the City of Belton will reimburse the City of Temple at the end of the fiscal year through the true-up process with the BRA; 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 ratifies the purchase of a drop-in aeration system from Environmental Treatment Technologies in the amount of \$227,500 and authorizes the installation of the system by the Brazos River Authority for the emergency repair of the aerator at the Temple-Belton Wastewater Treatment Plant.

**Part 2:** 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 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 7<sup>th</sup> day of **July**, 2016.

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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07/07/16  
Item #5(J)  
Consent Agenda  
Page 1 of 1

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

Kevin Beavers, CPRP, Director of Parks and Recreation

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a construction contract with Total Recreation Products, Inc. of Cypress in the amount of \$172,118.63 for the purchase and installation of park amenities in Western Hills Park.

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

**ITEM SUMMARY:** One of the projects approved in the 2015 Parks Bond was renovating the facilities located in Western Hills Neighborhood Park located at 4420 Gazelle Trail.

This project includes the purchase and installation of 5 themed play pods complete with retaining walls and fall safe surfacing, a shade cover for the existing play structure, and two picnic shelters complete with tables, grills and trash receptacles. Other improvements at the park, which will be contracted under separate contracts, will include the construction of a trail and the installation of landscaping and irrigation

Total Recreation Products, Inc has been awarded contract #423-13 by BuyBoard, which the City will use for this purchase. Contracts awarded through BuyBoard have been competitively procured and meet the statutory procurement requirements for Texas municipalities.

This resolution will also waive any construction permit fees associated with the project.

It is anticipated that the improvements at Western Hills Park will be completed by the end of January 2017.

**FISCAL IMPACT:** Funding is appropriated for purchase and installation of park amenities from Total Recreation Products, Inc. in account 362-3500-552-6416, project 101325, as follows:

Project Budget	\$ 302,140
Encumbered/Committed to Date	(9,392)
<b>Purchase &amp; Installation Contract Award - Total Recreation Products, Inc.</b>	<b>(172,119)</b>
Remaining Project Funds	<u>\$ 120,629</u>

### **ATTACHMENTS:**

[Resolution](#)

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH TOTAL RECREATION PRODUCTS, INC. OF CYPRESS, TEXAS, IN THE AMOUNT OF \$172,118.63, FOR THE PURCHASE AND INSTALLATION OF PARK AMENITIES IN WESTERN HILLS PARK; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, one of the projects approved in the 2015 Parks Bond was the renovation of the facilities in Western Hills Neighborhood Park, located at 4420 Gazelle Trail;

**Whereas**, this renovation project includes the purchase and installation of 5 themed play pods complete with retaining walls and fall safe surfacing, a shade cover for the existing play structure, two picnic shelters complete with tables, grills and trash receptacles and the waiver of any construction permit fees;

**Whereas**, Staff recommends authorizing a construction contract with Total Recreation Products, Inc. in the amount of \$172,118.63 for the purchase and installation of park amenities for Western Hills Neighborhood Park utilizing a BuyBoard Local Government Online Purchasing Cooperative contract - purchases made through the BuyBoard meet the City's competitive bid requirements;

**Whereas**, this project is funded by the Parks GO Bonds that were approved by the voters on May 9, 2015 and funding is appropriated in Account No. 362-3500-552-6416, Project No. 101325; 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 Total Recreation Products, Inc. of Cypress, Texas, in the amount of \$172,118.63 for the purchase and installation of park amenities for Western Hills Neighborhood Park utilizing a BuyBoard Local Government Online Purchasing Cooperative contract.

**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 7<sup>th</sup> day of **July**, 2016.

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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07/07/16  
Item #5(K)  
Consent Agenda  
Page 1 of 1

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

Traci L. Barnard, Director of Finance

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a contract with Brockway, Gersbach, Franklin and Niemeier, P.C. for an amount not to exceed \$73,400, to perform the annual City of Temple audit.

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

**ITEM SUMMARY:** This item is to engage the audit firm of Brockway, Gersbach, Franklin and Niemeier, P.C. to perform the annual audit of the City of Temple. This will be the second year of a five year contract for audit services. The contract will be renewed annually. Staff anticipates the audit for FY 2016 will be completed and presented to Council in February 2017.

Listed below are the cost proposals related to the audit services:

	<b>Fiscal Year Ending</b>	<b>Fee</b>
First Year	2015	\$ 72,000
Second Year	2016	73,400
Third Year	2017	74,900
Fourth Year	2018	76,400
Fifth Year	2019	77,900

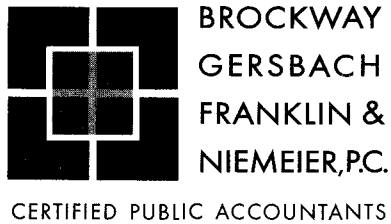
Per the Local Government Code Section 252.022, professional services are exempt from the competitive bidding rules.

**FISCAL IMPACT:** \$73,400 is proposed in the FY 2016-2017 preliminary budget filed on June 24, 2016. The fee for FY 2016 audit is 1.94% higher than the FY 2015 audit fee.

### **ATTACHMENTS:**

[Engagement letter](#)  
[Resolution](#)





June 13, 2016

Honorable Mayor and  
Members of the City Council  
Temple, Texas

We are pleased to confirm our understanding of the services we are to provide City of Temple, Texas for the year ended September 30, 2016. We will audit the financial statements of the governmental activities, the business-type activities, the discretely presented component units, each major fund, and the aggregate remaining fund information, including the related notes to the financial statements, which collectively comprise the basic financial statements, of City of Temple, Texas as of and for the year ended September 30, 2016. Accounting standards generally accepted in the United States of America provide for certain required supplementary information (RSI), such as management's discussion and analysis (MD&A), to supplement City of Temple, Texas's basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to City of Temple, Texas's RSI in accordance with auditing standards generally accepted in the United States of America. These limited procedures will consist of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We will not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance. The following RSI is required by generally accepted accounting principles and will be subjected to certain limited procedures, but will not be audited:

- 1) Management's Discussion and Analysis
- 2) Budgetary Comparison Schedules
- 3) GASB – Required Supplementary Pension and OPEB Schedules

We have also been engaged to report on supplementary information other than RSI that accompanies City of Temple, Texas' financial statements. We will subject the following supplementary information to the auditing procedures applied in our audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America, and we will provide an opinion on it in relation to the financial statements as a whole, in a report combined with our auditor's report on the financial statements:

- 1) Combining and Individual Fund Statements and Schedules
- 2) Schedule of Expenditures of Federal and State Awards

The following other information accompanying the financial statements will not be subjected to the auditing procedures applied in our audit of the financial statements, and our auditor's report will not provide an opinion or any assurance on that other information.

1) Introductory Section

2) Statistical Data

### **Audit Objectives**

The objective of our audit is the expression of opinions as to whether your financial statements are fairly presented, in all material respects, in conformity with U.S. generally accepted accounting principles and to report on the fairness of the supplementary information referred to in the second paragraph when considered in relation to the financial statements as a whole. The objective also includes reporting on—

- Internal control over financial reporting and compliance with provisions of laws, regulations, contracts, and award agreements, noncompliance with which could have a material effect on the financial statements in accordance with *Government Auditing Standards*.
- Internal control over compliance related to major programs and an opinion (or disclaimer of opinion) on compliance with federal statutes, regulations, and the terms and conditions of federal awards that could have a direct and material effect on each major program in accordance with the Single Audit Act Amendments of 1996 and Title 2 U.S. *Code of Federal Regulations* (CFR) Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance).

The *Government Auditing Standards* report on internal control over financial reporting and on compliance and other matters will include a paragraph that states that (1) the purpose of the report is solely to describe the scope of testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance, and (2) the report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. The Uniform Guidance report on internal control over compliance will include a paragraph that states that the purpose of the report on internal control over compliance is solely to describe the scope of testing of internal control over compliance and the results of that testing based on the requirements of the Uniform Guidance. Both reports will state that the report is not suitable for any other purpose.

Our audit will be conducted in accordance with auditing standards generally accepted in the United States of America; the standards for financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; the Single Audit Act Amendments of 1996; and the provisions of the Uniform Guidance, and will include tests of accounting records, a determination of major program(s) in accordance with the Uniform Guidance, and other procedures we consider necessary to enable us to express such opinions. We will issue written reports upon completion of our Single Audit. Our reports will be addressed to the Honorable Mayor and Members of City Council of City of Temple, Texas. We cannot provide assurance that unmodified opinions will be expressed. Circumstances may arise in which it is necessary for us to modify our opinions or add emphasis-of-matter or other-matter paragraphs. If our opinions are other than unmodified, we will discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed opinions, we may decline to express opinions or issue reports, or we may withdraw from this engagement.

### **Audit Procedures—General**

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, our audit will involve judgment about the number of transactions to be examined and the areas to be tested. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements. We will plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the government or to acts by management or employees acting on behalf of the government. Because the determination of abuse is subjective, *Government Auditing Standards* do not expect auditors to provide reasonable assurance of detecting abuse.

Because of the inherent limitations of an audit, combined with the inherent limitations of internal control, and because we will not perform a detailed examination of all transactions, there is a risk that material misstatements or noncompliance may exist and not be detected by us, even though the audit is properly planned and performed in accordance with U.S. generally accepted auditing standards and *Government Auditing Standards*. In addition, an audit is not designed to detect immaterial misstatements or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements or major programs. However, we will inform the appropriate level of management of any material errors, any fraudulent financial reporting, or misappropriation of assets that come to our attention. We will also inform the appropriate level of management of any violations of laws or governmental regulations that come to our attention, unless clearly inconsequential, and of any material abuse that comes to our attention. We will include such matters in the reports required for a Single Audit. Our responsibility as auditors is limited to the period covered by our audit and does not extend to any later periods for which we are not engaged as auditors.

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, and may include tests of the physical existence of inventories, and direct confirmation of receivables and certain other assets and liabilities by correspondence with selected individuals, funding sources, creditors, and financial institutions. We will request written representations from your attorneys as part of the engagement, and they may bill you for responding to this inquiry. At the conclusion of our audit, we will require certain written representations from you about your responsibilities for the financial statements; schedule of expenditures of federal awards; federal award programs; compliance with laws, regulations, contracts, and grant agreements; and other responsibilities required by generally accepted auditing standards.

### **Audit Procedures—Internal Control**

Our audit will include obtaining an understanding of the government and its environment, including internal control, sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures. Tests of controls may be performed to test the effectiveness of certain controls that we consider relevant to preventing and detecting errors and fraud that are material to the financial statements and to preventing and detecting misstatements resulting from illegal acts and other noncompliance matters that have a direct and material effect on the financial statements. Our tests, if performed, will be less in scope than would be necessary to render an opinion on internal control and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to *Government Auditing Standards*.

As required by the Uniform Guidance, we will perform tests of controls over compliance to evaluate the effectiveness of the design and operation of controls that we consider relevant to preventing or detecting material noncompliance with compliance requirements applicable to each major federal award program. However, our tests will be less in scope than would be necessary to render an opinion on those controls and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to the Uniform Guidance.

An audit is not designed to provide assurance on internal control or to identify significant deficiencies or material weaknesses. However, during the audit, we will communicate to management and those charged with governance internal control related matters that are required to be communicated under AICPA professional standards, *Government Auditing Standards*, and the Uniform Guidance.

#### **Audit Procedures—Compliance**

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will perform tests of City of Temple, Texas' compliance with provisions of applicable laws, regulations, contracts, and agreements, including grant agreements. However, the objective of those procedures will not be to provide an opinion on overall compliance and we will not express such an opinion in our report on compliance issued pursuant to *Government Auditing Standards*.

The Uniform Guidance requires that we also plan and perform the audit to obtain reasonable assurance about whether the auditee has complied with federal statutes, regulations, and the terms and conditions of federal awards applicable to major programs. Our procedures will consist of tests of transactions and other applicable procedures described in the *OMB Compliance Supplement* for the types of compliance requirements that could have a direct and material effect on each of City of Temple, Texas' major programs. The purpose of these procedures will be to express an opinion on City of Temple, Texas' compliance with requirements applicable to each of its major programs in our report on compliance issued pursuant to the Uniform Guidance.

#### **Other Services**

We will also assist in preparing the financial statements, schedule of expenditures of federal awards, and related notes of City of Temple, Texas in conformity with U.S. generally accepted accounting principles and the Uniform Guidance based on information provided by you. These nonaudit services do not constitute an audit under *Government Auditing Standards* and such services will not be conducted in accordance with *Government Auditing Standards*. We will perform the services in accordance with applicable professional standards. The other services are limited to the financial statements, schedule of expenditures of federal awards, and related notes services previously defined. We, in our sole professional judgment, reserve the right to refuse to perform any procedure or take any action that could be construed as assuming management responsibilities.

#### **Management Responsibilities**

Management is responsible for (1) establishing and maintaining effective internal controls, including internal controls over federal awards, and for evaluating and monitoring ongoing activities, to help ensure that appropriate goals and objectives are met; (2) following laws and regulations; (3) ensuring that there is reasonable assurance that government programs are administered in compliance with compliance requirements; and (4) ensuring that management and financial information is reliable and properly reported. Management is also responsible for implementing systems designed to achieve compliance with applicable laws, regulations, contracts, and grant agreements. You are also responsible for the selection and application of accounting principles; for the preparation and fair presentation of the financial statements, schedule of expenditures of federal awards, and all accompanying information in conformity with U.S. generally accepted accounting principles; and for compliance with applicable laws and regulations (including federal statutes) and the provisions of contracts and grant agreements (including award agreements). Your responsibilities also include identifying significant contractor relationships in which the contractor has responsibility for program compliance and for the accuracy and completeness of that information.

Management is also responsible for making all financial records and related information available to us and for the accuracy and completeness of that information. You are also responsible for providing us with (1) access to all information of which you are aware that is relevant to the preparation and fair presentation of the financial statements, (2) access to personnel, accounts, books, records, supporting documentation, and other information as needed to perform an audit under the Uniform Guidance, (3) additional information that we may request for the purpose of the audit, and (4) unrestricted access to persons within the government from whom we determine it necessary to obtain audit evidence.

Your responsibilities include adjusting the financial statements to correct material misstatements and confirming to us in the management representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements as a whole.

You are responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud affecting the government involving (1) management, (2) employees who have significant roles in internal control, and (3) others where the fraud could have a material effect on the financial statements. Your responsibilities include informing us of your knowledge of any allegations of fraud or suspected fraud affecting the government received in communications from employees, former employees, grantors, regulators, or others. In addition, you are responsible for identifying and ensuring that the government complies with applicable laws, regulations, contracts, agreements, and grants. Management is also responsible for taking timely and appropriate steps to remedy fraud and noncompliance with provisions of laws, regulations, contracts, and grant agreements, or abuse that we report. Additionally, as required by the Uniform Guidance, it is management's responsibility to evaluate and monitor noncompliance with federal statutes, regulations, and the terms and conditions of federal awards; take prompt action when instances of noncompliance are identified including noncompliance identified in audit findings; promptly follow up and take corrective action on reported audit findings; and prepare a summary schedule of prior audit findings and a separate corrective action plan.

You are responsible for identifying all federal awards received and understanding and complying with the compliance requirements and for the preparation of the schedule of expenditures of federal awards (including notes and noncash assistance received) in conformity with the Uniform Guidance. You agree to include our report on the schedule of expenditures of federal awards in any document that contains and indicates that we have reported on the schedule of expenditures of federal awards. You also agree to [include the audited financial statements with any presentation of the schedule of expenditures of federal awards that includes our report thereon OR make the audited financial statements readily available to intended users of the schedule of expenditures of federal awards no later than the date the schedule of expenditures of federal awards is issued with our report thereon]. Your responsibilities include acknowledging to us in the written representation letter that (1) you are responsible for presentation of the schedule of expenditures of federal awards in accordance with the Uniform Guidance; (2) you believe the schedule of expenditures of federal awards, including its form and content, is stated fairly in accordance with the Uniform Guidance; (3) the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the schedule of expenditures of federal awards.

You are also responsible for the preparation of the other supplementary information, which we have been engaged to report on, in conformity with U.S. generally accepted accounting principles. You agree to include our report on the supplementary information in any document that contains, and indicates that we have reported on, the supplementary information. You also agree to [include the audited financial statements with any presentation of the supplementary information that includes our report thereon OR make the audited financial statements readily available to users of the supplementary information no later than the date the supplementary information is issued with our report thereon]. Your responsibilities include acknowledging to us in the written representation letter that (1) you are responsible for presentation of the supplementary information in accordance with GAAP; (2) you believe the supplementary information, including its form and content, is fairly presented in accordance with GAAP; (3) the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the supplementary information.

Management is responsible for establishing and maintaining a process for tracking the status of audit findings and recommendations. Management is also responsible for identifying and providing report copies of previous financial audits, attestation engagements, performance audits, or other studies related to the objectives discussed in the Audit Objectives section of this letter. This responsibility includes relaying to us corrective actions taken to address significant findings and recommendations resulting from those audits, attestation engagements, performance audits, or studies. You are also responsible for providing management's views on our current findings, conclusions, and recommendations, as well as your planned corrective actions, for the report, and for the timing and format for providing that information.

You agree to assume all management responsibilities relating to the financial statements, schedule of expenditures of federal awards, and related notes, and any other nonaudit services we provide. You will be required to acknowledge in the management representation letter our assistance with preparation of the financial statements, schedule of expenditures of federal awards, and related notes and that you have reviewed and approved the financial statements, schedule of expenditures of federal awards, and related notes prior to their issuance and have accepted responsibility for them. Further, you agree to oversee the nonaudit services by designating an individual, preferably from senior management, with suitable skill, knowledge, or experience; evaluate the adequacy and results of those services; and accept responsibility for them.

#### **Engagement Administration, Fees, and Other**

We may from time to time, and depending on the circumstances, use third-party service providers in serving your account. We may share confidential information about you with these service providers, but remain committed to maintaining the confidentiality and security of your information. Accordingly, we maintain internal policies, procedures, and safeguards to protect the confidentiality of your personal information. In addition, we will secure confidentiality agreements with all service providers to maintain the confidentiality of your information and we will take reasonable precautions to determine that they have appropriate procedures in place to prevent the unauthorized release of your confidential information to others. In the event that we are unable to secure an appropriate confidentiality agreement, you will be asked to provide your consent prior to the sharing of your confidential information with the third-party service provider. Furthermore, we will remain responsible for the work provided by any such third-party service providers.

We understand that your employees will prepare all cash, accounts receivable, or other confirmations we request and will locate any documents selected by us for testing.

At the conclusion of the engagement, we will complete the appropriate sections of the Data Collection Form that summarizes our audit findings. It is management's responsibility to electronically submit the reporting package (including financial statements, schedule of expenditures of federal awards, summary schedule of prior audit findings, auditors' reports, and corrective action plan) along with the Data Collection Form to the federal audit clearinghouse. We will coordinate with you the electronic submission and certification. The Data Collection Form and the reporting package must be submitted within the earlier of 30 calendar days after receipt of the auditors' reports or nine months after the end of the audit period.

We will provide copies of our reports to City of Temple, Texas; however, management is responsible for distribution of the reports and the financial statements. Unless restricted by law or regulation, or containing privileged and confidential information, copies of our reports are to be made available for public inspection.

The audit documentation for this engagement is the property of Brockway, Gersbach, Franklin & Niemeier, P.C. and constitutes confidential information. However, subject to applicable laws and regulations, audit documentation and appropriate individuals will be made available upon request and in a timely manner to federal or state agency or its designee, a federal agency providing direct or indirect funding, or the U.S. Government Accountability Office for purposes of a quality review of the audit, to resolve audit findings, or to carry out oversight responsibilities. We will notify you of any such request. If requested, access to such audit documentation will be provided under the supervision of Brockway, Gersbach, Franklin & Niemeier, P.C. personnel. Furthermore, upon request, we may provide copies of selected audit documentation to the aforementioned parties. These parties may intend, or decide, to distribute the copies or information contained therein to others, including other governmental agencies.

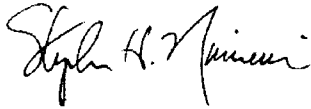
The audit documentation for this engagement will be retained for a minimum of seven years after the report release date or for any additional period requested by the City. If we are aware that a federal awarding agency, pass-through entity, or auditee is contesting an audit finding, we will contact the party(ies) contesting the audit finding for guidance prior to destroying the audit documentation.

Steve Niemeier is the engagement partner and is responsible for supervising the engagement and signing the reports or authorizing another individual to sign them.

Our fee for these services will be at our standard rates, except we agree that our gross fee, including expenses, will not exceed \$ 73,400. Our standard hourly rates vary accordingly to the degree of responsibility involved and the experience level of the personnel assigned to your audit. Our invoices for these fees will be rendered each month as work progresses and are payable on presentation. In accordance with our firm policies, work may be suspended if your account becomes 30 days or more overdue and may not be resumed until your account is paid in full. If we elect to terminate our services for nonpayment, our engagement will be deemed to have been completed upon written notification of termination, even if we have not completed our report(s). You will be obligated to compensate us for all time expended and to reimburse us for all out-of-pocket costs through the date of termination. The above fee is based on anticipated cooperation from your personnel and the assumption that unexpected circumstances will not be encountered during the audit. If significant additional time is necessary, we will discuss it with you and arrive at a new fee estimate before we incur the additional costs.

*Government Auditing Standards* require that we provide you with a copy of our most recent external peer review report and any letter of comment, and any subsequent peer review reports and letters of comment received during the period of the contract. Our 2015 peer review report accompanies this letter.

We appreciate the opportunity to be of service to City of Temple, Texas and believe this letter accurately summarizes the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please sign the enclosed copy and return it to us.  
Sincerely,



Stephen H. Niemeier, CPA  
Brockway, Gersbach, Franklin & Niemeier, P. C.

**RESPONSE:**

This letter correctly sets forth the understanding of the City of Temple, Texas

By: \_\_\_\_\_ Title: City Manager

Date: \_\_\_\_\_

By: \_\_\_\_\_ Title: City Attorney

Date: \_\_\_\_\_





CPAs • Tax • Audit & Accounting

### **System Review Report**

To the Owners of Brockway, Gersbach, Franklin & Niemeier, P.C.  
and the Peer Review Committee of the  
Texas Society of Certified Public Accountants

We have reviewed the system of quality control for the accounting and auditing practice of Brockway, Gersbach, Franklin & Niemeier, P.C. (the firm) in effect for the year ended April 30, 2015. Our peer review was conducted in accordance with the Standards for Performing and Reporting on Peer Reviews established by the Peer Review Board of the American Institute of Certified Public Accountants. As a part of our peer review, we considered reviews by regulatory entities, if applicable, in determining the nature and extent of our procedures. The firm is responsible for designing a system of quality control and complying with it to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Our responsibility is to express an opinion on the design of the system of quality control and the firm's compliance therewith based on our review. The nature, objectives, scope, limitations of, and the procedures performed in a System Review are described in the standards at [www.aicpa.org/prsummary](http://www.aicpa.org/prsummary).

As required by the standards, engagements selected for review included engagements performed under the *Government Auditing Standards* and audits of employee benefit plans.

In our opinion, the system of quality control for the accounting and auditing practice of Brockway, Gersbach, Franklin & Niemeier, P.C. in effect for the year ended April 30, 2015, has been suitably designed and complied with to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Firms can receive a rating of *pass*, *pass with deficiency (ies)* or *fail*. Brockway, Gersbach, Franklin & Niemeier, P.C. has received a peer review rating of *pass*.

*Bumgardner, Morrison & Company, LLP*

**BUMGARDNER, MORRISON & COMPANY, LLP**

July 29, 2015

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Bumgardner, Morrison & Company, LLP  
Certified Public Accountants

Members: American Institute of Certified Public Accountants  
Texas Society of Certified Public Accountants  
AICPA Private Companies Practice Section  
AICPA Employee Benefit Plan Audit Quality Center  
AICPA Government Audit Quality Center

1501 E Mockingbird Lane, Suite 300  
PO Box 3750  
Victoria, Texas 77903-3750  
Phone: 361.575.0271  
Fax: 361.578.0880  
Website: BMCcpa.com

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONTRACT WITH BROCKWAY, GERSBACH, FRANKLIN AND NIEMEIER, P.C., IN AN AMOUNT NOT TO EXCEED \$73,400, TO PERFORM THE ANNUAL CITY OF TEMPLE AUDIT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, Staff recommends engaging the audit firm of Brockway, Gersbach, Franklin and Niemeier, P.C., to perform the annual audit for fiscal year 2016 for the City of Temple;

**Whereas**, this will be the second year of a 5-year contract for audit services and Staff anticipates the audit will be completed and presented to Council in February, 2017;

**Whereas**, per Local Government Code Section 252.022, professional services are exempt from the competitive bidding rules;

**Whereas**, funds have been budgeted in the fiscal year 2016-2017 preliminary budget which was filed on June 24, 2016; 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 an agreement with Brockway, Gersbach, Franklin and Niemeier, P.C., in an amount not to exceed \$73,400, to perform the annual audit for fiscal year 2016 for the City of Temple.

**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 7<sup>th</sup> day of **July**, 2016.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, Mayor

ATTEST:

ATTEST:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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07/07/16  
Item #5(L)  
Consent Agenda  
Page 1 of 1

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

Kevin Beavers, Parks and Recreation Director

**ITEM DESCRIPTION:** Consider a resolution authorizing a construction contract with TTG Utilities LP of Gatesville, in the amount of \$1,632,357, for the Pepper Creek Trail Extension Project, SH 36/Airport Road to McLane Parkway.

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

**ITEM SUMMARY:** This project will extend the existing Pepper Creek Trail to the north approximately 2.4 miles. This new section of trail will be constructed the same as the existing trail which is 12' wide concrete at 6" thick. There will be several drainage structures along the trail route with limestone headwalls. This project has rest areas with benches, shade canopies, drinking fountains, trash receptacles and dog waste stations. Trail signage and crosswalk striping are also included in this project.

On May 24, 2016 the City of Temple received nine bids for this trail extension project. Bid ranged from a low of \$1,632,357.00 to a high of \$2,121,026.75 with TTG Utilities submitting the low bid. This project is scheduled for completion within 240 days from the date of the Notice to Proceed.

The Parks and Recreation Department and Kasberg, Patrick & associates have worked with TTG Utilities on projects in the past and has found them to be a very responsive and responsible contractor.

The Reinvestment Zone #1 Board of Directors approved this item for Council approval at their June 22, 2016 meeting.

This item will also waived any permit fees associated with this project.

**FISCAL IMPACT:** Funding is available in the Reinvestment Zone No. 1 Financing and Project Plans, Line 155, accounts 795-9800-531-6865 and 795-9500-531-6865, project 101002, to fund the construction contract with TTG Utilities in the amount of \$1,632,357 as shown below:

Project Budget	\$2,754,900
Encumbered/Committed to Date	(350,194)
<b>Construction Contract-TTG Utilities</b>	<b><u>(1,632,357)</u></b>
Remaining Funds	<b><u>\$ 772,349</u></b>

### **ATTACHMENTS:**

Letter of Recommendation & Bid Tabulation  
Resolution



**KASBERG, PATRICK & ASSOCIATES, LP**  
CONSULTING ENGINEERS  
Texas Firm F-510

Temple  
One South Main Street  
Temple, Texas 76501  
(254) 773-3731

RICK N. KASBERG, P.E.  
R. DAVID PATRICK, P.E., CFM  
THOMAS D. VALLE, P.E.  
GINGER R. TOLBERT, P.E.  
ALVIN R. "TRAE" SUTTON, III, P.E., CFM

Georgetown  
1008 South Main Street  
Georgetown, Texas 78626  
(512) 819-9478

May 25, 2016

Mr. Val Roming  
City of Temple Parks & Leisure  
2 North Main Street Ste. 201  
Temple, Texas 76501

Re: City of Temple, Texas  
Pepper Creek Trail Extension  
SH 36/Airport Road to McLane Parkway

Dear Mr. Roming:

On May 24, 2016, the City of Temple received competitive bids from nine (9) contractors for the Pepper Creek Trail Extension, SH 36/Airport Road to McLane Parkway Project. A Bid Tabulation is provided for your reference.

The attached Bid Tabulation shows TTG Utilities, LP of Gatesville, Texas as the low bidder with a total bid of \$1,632,357.00. The bids ranged from this low bid to \$2,121,026.75. Our final opinion of probable construction (OPC) cost was \$1,880,000.

TTG Utilities, LP has completed multiple projects for both KPA and the City of Temple and has the experience necessary to successfully complete this project. Therefore, we recommend that a contract be awarded to TTG Utilities, LP for the total bid amount of \$1,632,357.00.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. David Patrick'.

R. David Patrick, P.E., CFM

2014-105-40

xc: Kevin Beavers

BID TABULATION  
CITY OF TEMPLE  
PROPOSED PEPPER CREEK TRAIL EXTENSION  
SH 36/AIRPORT ROAD TO MCLANE PARKWAY  
May 24, 2016; 2:00 PM

				BIDDER INFORMATION									
				TTG Utilities, LP PO Box 299 Gatesville TX 76528		Holy Contractors, LLC 712 E Panther Way Hewitt TX 76643		Choice Builders LLC 3809 S General Bruce Dr, Ste 103 Temple TX 76502		RM Rodriguez Construction LP 5116 S General Bruce Dr Ste A Temple TX 76502		Gary W Purser Construction Ltd 2901 E Stan Schlueter Loop Killeen TX 76542	
Bid No.	Estimated Quantity	Unit	Bid Data Description	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount
BASE BID													
1	100%	LS	Mobilization, Bonds & Insurance, not-to-exceed 5% of Base Bid Amount	\$ 50,000.00	\$ 50,000.00	\$ 80,000.00	\$ 80,000.00	\$ 82,400.00	\$ 82,400.00	\$ 82,765.40	\$ 82,765.40	\$ 52,350.00	\$ 52,350.00
2	127	STA	Provide Labor, Equipment, Tools & Supervision to Complete Preparation of ROW	400.00	50,800.00	1,000.00	127,000.00	159.00	20,193.00	900.00	114,300.00	551.18	69,999.86
3	100%	LS	Submit Trench Safety Plan Prepared & Signed by P.E., in Conformance with State Law & OSHA	895.00	895.00	500.00	500.00	1,277.00	1,277.00	1,500.00	1,500.00	2,500.00	2,500.00
4	201	LF	Implement & Follow Trench Safety Plan (Pipe)	2.00	402.00	10.00	2,010.00	8.00	1,608.00	4.60	924.60	5.00	1,005.00
5	1,400	SF	Implement & Follow Trench Safety Plan (Structures)	0.50	700.00	1.00	1,400.00	2.00	2,800.00	1.15	1,610.00	2.00	2,800.00
6	100%	LS	Prepare Stormwater Pollution Prevention Plan, Including Submission to & Receiving Permits from Texas Commission on Environmental Quality (TCEQ)	450.00	450.00	550.00	550.00	1,007.00	1,007.00	2,500.00	2,500.00	3,000.00	3,000.00
7	100%	LS	Implement & Administer Barricade, Signing & Traffic Safety Plan (Vehicular & Pedestrian)	3,000.00	3,000.00	10,400.00	10,400.00	4,464.00	4,464.00	9,000.00	9,000.00	4,500.00	4,500.00
8	100%	LS	Provide Project Record Drawings	800.00	800.00	2,000.00	2,000.00	208.00	208.00	500.00	500.00	1,800.00	1,800.00
9	100%	LS	Provide DVD of ROW pre-construction & post construction site conditions for total project	750.00	750.00	300.00	300.00	258.00	258.00	500.00	500.00	3,500.00	3,500.00
10	7,225	LF	Furnish, Install, Maintain & Remove Silt Fence as required in the Stormwater Pollution Prevention Plan	2.45	17,701.25	1.75	12,643.75	3.20	23,120.00	2.30	16,617.50	2.50	18,062.50
11	285	LF	Furnish, Install, Maintain & Remove Rock Berm as required in the Stormwater Pollution Prevention Plan	32.50	9,262.50	28.00	7,980.00	20.00	5,700.00	50.00	14,250.00	25.00	7,125.00
12	315	LF	Remove Existing Barbed Wire Fencing	2.25	708.75	2.50	787.50	1.30	409.50	10.00	3,150.00	5.00	1,575.00
13	14,000	LF	Barbed Wire Fencing	11.50	161,000.00	4.50	63,000.00	6.60	92,400.00	6.82	95,480.00	8.50	119,000.00
14	485	LF	Guardfence Railing per the Details	83.00	40,255.00	105.76	51,293.60	135.00	65,475.00	103.50	50,197.50	31.45	15,253.25
15	192	LF	30" Diameter RCP, Class III, Including Bedding & Backfill	140.00	26,880.00	103.50	19,872.00	194.00	37,248.00	350.00	67,200.00	101.00	19,392.00
16	350	SY	12-Inch Diameter Rock Riprap	31.00	10,850.00	100.00	35,000.00	21.00	7,350.00	58.00	20,300.00	45.00	15,750.00
17	6	EA	Concrete Headwall with Flared Wing Walls for 30" RCP, Type FW-0, Including Apron & Limestone Façade per Details	7,500.00	45,000.00	9,700.00	58,200.00	6,030.00	36,180.00	3,800.00	22,800.00	7,400.00	44,400.00
18	2	EA	Concrete Headwall with Flared Wing Walls for 30" RCP, Type FW-30, Including Apron & Limestone Façade per Details	8,700.00	17,400.00	10,400.00	20,800.00	8,317.00	16,634.00	4,700.00	9,400.00	7,400.00	14,800.00
19	2	EA	Concrete Headwall with Flared Wing Walls for 2 - 30" RCP, Type FW-30, Including Apron & Limestone Façade per Details	9,600.00	19,200.00	19,000.00	38,000.00	14,385.00	28,770.00	4,700.00	9,400.00	8,800.00	17,600.00
20	4	EA	Concrete Headwall with Parallel Wing Walls for 30" RCP, Type PW-S, Including Apron & Limestone Façade per Details	7,800.00	31,200.00	10,700.00	42,800.00	12,677.00	50,708.00	4,300.00	17,200.00	7,385.00	29,540.00
21	3	EA	TxDOT Type 7 Handicap Ramp	850.00	2,550.00	1,500.00	4,500.00	1,117.00	3,351.00	1,150.00	3,450.00	2,500.00	7,500.00
22	17,575	SY	12-Foot Wide Concrete Hike & Bike Trail per Detail	45.50	799,662.50	45.00	790,875.00	48.30	848,872.50	49.00	861,175.00	49.50	869,962.50
23	3,860	CY	For Unclassified Excavation (Trail & Channel)	12.00	46,320.00	6.00	23,160.00	8.00	30,880.00	5.00	19,300.00	16.67	64,346.20
24	3,400	CY	For Placing & Compacting Unclassified Fill	3.85	13,090.00	12.00	40,800.00	13.50	45,900.00	16.00	54,400.00	24.67	83,878.00
25	4	EA	Materials, Equipment, Tools & Labor Necessary for Constructing the Rest Area per Detail, Including But Not Limited to Concrete, Bench, Canopy, & Other Appurtances	14,000.00	56,000.00	15,000.00	60,000.00	15,217.00	60,868.00	12,100.00	48,400.00	13,501.00	54,004.00
26	3	EA	Materials, Equipment, Tools & Labor Necessary for Constructing the Rest Area per Detail, Including But Not Limited to Concrete, Bench, Drinking Fountain with Pet Fountain & Canopy, Service Connection & Service Pipe, & Other Appurtances	22,000.00	66,000.00	20,000.00	60,000.00	25,584.00	76,752.00	21,000.00	63,000.00	22,000.00	66,000.00
27	7	EA	Litter Bin Including Concrete Pad	1,750.00	12,250.00	1,249.00	8,743.00	1,832.00	12,824.00	1,450.00	10,150.00	2,100.00	14,700.00
28	5	EA	Dog Waste STA per Detail	690.00	3,450.00	1,249.00	6,245.00	630.00	3,150.00	630.00	3,150.00	900.00	4,500.00
29	5	EA	Hinged Round Post Bollard per Detail	940.00	4,700.00	535.00	2,675.00	352.00	1,760.00	730.00	3,650.00	1,200.00	6,000.00
30	1	EA	Materials, Equipment, Tools & Labor Necessary to Re-Gravel Driveway to Proposed Elevation	1,000.00	1,000.00	3,500.00	3,500.00	317.00	317.00	860.00	860.00	500.00	500.00
31	86	LF	For Crosswalk Striping	25.00	2,150.00	21.00	1,806.00	29.00	2,494.00	25.00	2,150.00	24.00	2,064.00
32	4	EA	Hike/Bike Trail Sign W11-15 with X-ing Sign W11-15P, Including Pole, Base, & other Appurtenances	5,800.00	23,200.00	500.00	2,000.00	392.00	1,568.00	350.00	1,400.00	400.50	1,602.00
33	6	EA	Bike X-ing Pavement Marking Set	775.00	4,650.00	650.00	3,900.00	903.00	5,418.00	750.00	4,500.00	700.00	4,200.00
34	3	EA	HWY X-ing Pavement Marking Set	840.00	2,520.00	700.00	2,100.00	972.00	2,916.00	800.00	2,400.00	800.00	2,400.00
35	3	EA	Hike/Bike Trail Sign W11-15 with Direction Arrow Sign W16-8R, Including Pole, Base, & other Appurtenances	420.00	1,260.00	500.00	1,500.00	392.00	1,176.00	350.00	1,050.00	400.50	1,201.50

BID TABULATION  
 CITY OF TEMPLE  
 PROPOSED PEPPER CREEK TRAIL EXTENSION  
 SH 36/AIRPORT ROAD TO MCLANE PARKWAY  
 May 24, 2016; 2:00 PM

				BIDDER INFORMATION							
				Etcon Inc dba JHL Construction PO Box 58 Gatesville TX 76528		Austin Filter Systems Inc 13653 Rutledge Spur Austin TX 78717-1016		Mitchell Construxion Co Inc 139 Mid Tex Road Lorean TX 76655		Westar Construction Inc 4500 Williams Dr Ste 212-PMB 411 Georgetown TX 78633	
Bid No.	Estimated Quantity	Unit	Bid Data Description	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount
<b>BASE BID</b>											
1	100%	LS	Mobilization, Bonds & Insurance, not-to-exceed 5% of Base Bid Amount	\$ 76,000.00	\$ 76,000.00	\$ 89,000.00	\$ 89,000.00	\$ 80,000.00	\$ 80,000.00	\$ 100,000.00	\$ 100,000.00
2	127	STA	Provide Labor, Equipment, Tools & Supervision to Complete Preparation of ROW	630.00	80,010.00	750.00	95,250.00	406.55	51,631.85	250.00	31,750.00
3	100%	LS	Submit Trench Safety Plan Prepared & Signed by P.E., in Conformance with State Law & OSHA	1,000.00	1,000.00	1,000.00	1,000.00	896.00	896.00	1,750.00	1,750.00
4	201	LF	Implement & Follow Trench Safety Plan (Pipe)	2.00	402.00	2.00	402.00	2.52	506.52	3.00	603.00
5	1,400	SF	Implement & Follow Trench Safety Plan (Structures)	0.50	700.00	2.00	2,800.00	1.12	1,568.00	2.00	2,800.00
6	100%	LS	Prepare Stormwater Pollution Prevention Plan, Including Submission to & Receiving Permits from Texas Commission on Environmental Quality (TCEQ)	1,270.00	1,270.00	1,500.00	1,500.00	1,036.00	1,036.00	3,000.00	3,000.00
7	100%	LS	Implement & Administer Barricade, Signing & Traffic Safety Plan (Vehicular & Pedestrian)	7,000.00	7,000.00	10,000.00	10,000.00	10,024.00	10,024.00	15,000.00	15,000.00
8	100%	LS	Provide Project Record Drawings	1,000.00	1,000.00	1,800.00	1,800.00	10,640.00	10,640.00	5,500.00	5,500.00
9	100%	LS	Provide DVD of ROW pre-construction & post construction site conditions for total project	1,200.00	1,200.00	1,800.00	1,800.00	2,016.00	2,016.00	3,500.00	3,500.00
10	7,225	LF	Furnish, Install, Maintain & Remove Silt Fence as required in the Stormwater Pollution Prevention Plan	3.30	23,842.50	2.50	18,062.50	2.18	15,750.50	2.75	19,868.75
11	285	LF	Furnish, Install, Maintain & Remove Rock Berm as required in the Stormwater Pollution Prevention Plan	31.50	8,977.50	43.00	12,255.00	9.52	2,713.20	33.00	9,405.00
12	315	LF	Remove Existing Barbed Wire Fencing	3.00	945.00	2.30	724.50	2.31	727.65	2.00	630.00
13	14,000	LF	Barbed Wire Fencing	6.40	89,600.00	8.50	119,000.00	3.76	52,640.00	14.00	196,000.00
14	485	LF	Guardfence Railing per the Details	106.00	51,410.00	130.00	63,050.00	71.98	34,910.30	150.00	72,750.00
15	192	LF	30" Diameter RCP, Class III, Including Bedding & Backfill	100.00	19,200.00	137.00	26,304.00	167.39	32,138.88	105.00	20,160.00
16	350	SY	12-Inch Diameter Rock Riprap	39.00	13,650.00	38.00	13,300.00	36.96	12,936.00	135.00	47,250.00
17	6	EA	Concrete Headwall with Flared Wing Walls for 30" RCP, Type FW-0, Including Apron & Limestone Façade per Details	6,800.00	40,800.00	5,200.00	31,200.00	6,501.60	39,009.60	5,500.00	33,000.00
18	2	EA	Concrete Headwall with Flared Wing Walls for 30" RCP, Type FW-30, Including Apron & Limestone Façade per Details	7,750.00	15,500.00	6,650.00	13,300.00	8,008.00	16,016.00	7,500.00	15,000.00
19	2	EA	Concrete Headwall with Flared Wing Walls for 2 - 30" RCP, Type FW-30, Including Apron & Limestone Façade per Details	9,750.00	19,500.00	9,400.00	18,800.00	9,800.00	19,600.00	9,500.00	19,000.00
20	4	EA	Concrete Headwall with Parallel Wing Walls for 30" RCP, Type PW-S, Including Apron & Limestone Façade per Details	11,660.00	46,640.00	10,000.00	40,000.00	8,736.00	34,944.00	12,000.00	48,000.00
21	3	EA	TxDOT Type 7 Handicap Ramp	3,200.00	9,600.00	1,100.00	3,300.00	1,680.00	5,040.00	1,100.00	3,300.00
22	17,575	SY	12-Foot Wide Concrete Hike & Bike Trail per Detail	48.00	843,600.00	42.50	746,937.50	50.52	887,889.00	54.00	949,050.00
23	3,860	CY	For Unclassified Excavation (Trail & Channel)	9.28	35,820.80	27.00	104,220.00	35.06	135,331.60	8.00	30,880.00
24	3,400	CY	For Placing & Compacting Unclassified Fill	9.28	31,552.00	17.00	57,800.00	5.93	20,162.00	17.00	57,800.00
25	4	EA	Materials, Equipment, Tools & Labor Necessary for Constructing the Rest Area per Detail, Including But Not Limited to Concrete, Bench, Canopy, & Other Appurtances	13,140.00	52,560.00	13,650.00	54,600.00	13,009.64	52,038.56	17,000.00	68,000.00
26	3	EA	Materials, Equipment, Tools & Labor Necessary for Constructing the Rest Area per Detail, Including But Not Limited to Concrete, Bench, Drinking Fountain with Pet Fountain & Canopy, Service Connection & Service Pipe, & Other Appurtances	33,800.00	101,400.00	22,000.00	66,000.00	35,968.80	107,906.40	22,000.00	66,000.00
27	7	EA	Litter Bin Including Concrete Pad	1,950.00	13,650.00	2,000.00	14,000.00	1,738.40	12,168.80	3,000.00	21,000.00
28	5	EA	Dog Waste STA per Detail	780.00	3,900.00	870.00	4,350.00	680.96	3,404.80	1,200.00	6,000.00
29	5	EA	Hinged Round Post Bollard per Detail	1,200.00	6,000.00	940.00	4,700.00	741.89	3,709.45	1,900.00	9,500.00
30	1	EA	Materials, Equipment, Tools & Labor Necessary to Re-Gravel Driveway to Proposed Elevation	600.00	600.00	690.00	690.00	1,400.00	1,400.00	9,500.00	9,500.00
31	86	LF	For Crosswalk Striping	25.00	2,150.00	29.00	2,494.00	23.52	2,022.72	30.00	2,580.00
32	4	EA	Hike/Bike Trail Sign W11-15 with X-ing Sign W11-15P, Including Pole, Base, & other Appurtenances	400.00	1,600.00	275.00	1,100.00	448.00	1,792.00	1,000.00	4,000.00
33	6	EA	Bike X-ing Pavement Marking Set	715.00	4,290.00	895.00	5,370.00	728.00	4,368.00	1,000.00	6,000.00
34	3	EA	HWY X-ing Pavement Marking Set	770.00	2,310.00	963.00	2,889.00	784.00	2,352.00	1,000.00	3,000.00
35	3	EA	Hike/Bike Trail Sign W11-15 with Direction Arrow Sign W16-8R, Including Pole, Base, & other Appurtenances	400.00	1,200.00	275.00	825.00	448.00	1,344.00	1,000.00	3,000.00

BID TABULATION  
CITY OF TEMPLE  
PROPOSED PEPPER CREEK TRAIL EXTENSION  
SH 36/AIRPORT ROAD TO MCLANE PARKWAY  
May 24, 2016; 2:00 PM

				BIDDER INFORMATION									
				TTG Utilities, LP PO Box 299 Gatesville TX 76528		Holy Contractors, LLC 712 E Panther Way Hewitt TX 76643		Choice Builders LLC 3809 S General Bruce Dr, Ste 103 Temple TX 76502		RM Rodriguez Construction LP 5116 S General Bruce Dr Ste A Temple TX 76502		Gary W Purser Construction Ltd 2901 E Stan Schlueter Loop Killeen TX 76542	
36	2	EA	Hike/Bike Trail Sign W11-15 with Direction Arrow Sign W16-8L, Including Pole, Base, & other Appurtenances	420.00	840.00	435.00	870.00	392.00	784.00	350.00	700.00	400.50	801.00
37	3	EA	Stop Sign R1-1, Including Pole, Base, & other Appurtenances	420.00	1,260.00	435.00	1,305.00	357.00	1,071.00	350.00	1,050.00	400.50	1,201.50
38	3	EA	Materials, Equipment, Tools & Labor Necessary for Constructing Entry Sign per Detail	420.00	1,260.00	4,200.00	12,600.00	8,008.00	24,024.00	2,600.00	7,800.00	1,200.00	3,600.00
39	100	CY	Class A Concrete	255.00	25,500.00	200.00	20,000.00	213.00	21,300.00	400.00	40,000.00	230.00	23,000.00
40	100	SY	Concrete Riprap	45.00	4,500.00	43.00	4,300.00	59.00	5,900.00	60.00	6,000.00	58.50	5,850.00
41	35,000	SY	Bermuda seeding with fertilizer with Flexible growth medium including watering to promote & sustain growth throughout the project	2.00	70,000.00	1.50	52,500.00	1.60	56,000.00	0.60	21,000.00	2.67	93,450.00
42	210	SF	Reinforcing by Dowel & Epoxy & 3,000 psi Concrete as Per Concrete Leveling Detail	14.00	2,940.00	10.00	2,100.00	17.00	3,570.00	12.00	2,520.00	15.00	3,150.00
BASE BID AMOUNT - (Items 1 - 42)				\$ 1,632,357.00		\$ 1,680,015.85		\$ 1,689,105.00		\$ 1,697,700.00		\$ 1,757,863.31	

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



BID TABULATION  
CITY OF TEMPLE  
PROPOSED PEPPER CREEK TRAIL EXTENSION  
SH 36/AIRPORT ROAD TO MCLANE PARKWAY  
May 24, 2016; 2:00 PM

BIDDER INFORMATION											
Etcon Inc dba JHL Construction PO Box 58 Gatesville TX 76528				Austin Filter Systems Inc 13653 Rutledge Spur Austin TX 78717-1016				Mitchell Construxtion Co Inc 139 Mid Tex Road Lorean TX 76655			
Westar Construction Inc 4500 Williams Dr Ste 212-PMB 411 Georgetown TX 78633											
36	2	EA	Hike/Bike Trail Sign W11-15 with Direction Arrow Sign W16-8L, Including Pole, Base, & other Appurtenances	400.00	800.00	275.00	550.00	448.00	896.00	1,000.00	2,000.00
37	3	EA	Stop Sign R1-1, Including Pole, Base, & other Appurtenances	400.00	1,200.00	275.00	825.00	448.00	1,344.00	750.00	2,250.00
38	3	EA	Materials, Equipment, Tools & Labor Necessary for Constructing Entry Sign per Detail	7,000.00	21,000.00	4,500.00	13,500.00	6,016.27	18,048.81	12,000.00	36,000.00
39	100	CY	Class A Concrete	310.00	31,000.00	300.00	30,000.00	448.00	44,800.00	385.00	38,500.00
40	100	SY	Concrete Riprap	45.00	4,500.00	39.00	3,900.00	84.00	8,400.00	72.00	7,200.00
41	35,000	SY	Bermuda seeding with fertilizer with Flexible growth medium including watering to promote & sustain growth throughout the project	2.86	100,100.00	3.00	105,000.00	1.44	50,400.00	4.00	140,000.00
42	210	SF	Reinforcing by Dowel & Epoxy & 3,000 psi Concrete as Per Concrete Leveling Detail	15.00	3,150.00	4.50	945.00	20.16	4,233.60	50.00	10,500.00
BASE BID AMOUNT - (Items 1 - 42)				\$ 1,770,629.80		\$ 1,783,543.50		\$ 1,788,756.24		\$ 2,121,026.75	

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

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

  
R. David Patrick, PE, CFM  
Kasberg, Patrick & Associates, LP

5/25/16  
Date





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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH TTG UTILITIES, LP OF GATESVILLE, TEXAS, IN THE AMOUNT OF \$1,632,357, FOR THE PEPPER CREEK TRAIL EXTENSION PROJECT FROM SH 36/AIRPORT ROAD TO MCLANE PARKWAY; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the existing Pepper Creek Trail will be extended to the north by approximately 2.4 miles and will be constructed in the same manner as the existing trail which is 12 feet wide with 6-inch thick concrete;

**Whereas**, there will be several drainage structures along the trail route with limestone headwalls, rest areas with benches, shade canopies, drinking fountains, trash receptacles and dog waste stations - trail signage, crosswalk striping and the waiver of permit fees are also included in this project;

**Whereas**, on May 24, 2016, Staff received 9 bids for this trail extension project with TTG Utilities submitting the low bid - the Parks and Recreation Department and Kasberg, Patrick & Associates have worked with TTG Utilities on projects in the past and has found it to be a very responsive and responsible contractor;

**Whereas**, Staff recommends authorizing a construction contract with TTG Utilities, LP in the amount of \$1,632,357 for the Pepper Creek Trail Extension Project from SH36/Airport Road to McLane Parkway;

**Whereas**, funding is available for this construction contract in the Reinvestment Zone No. 1 Financing and Project Plans, Line 155, Account No. 795-9800-531-6865, Project No. 101002; 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 TTG Utilities, LP in the amount of \$1,632,357, for the Pepper Creek Trail Extension Project from SH36/Airport Road to McLane Parkway.

**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 7<sup>th</sup> day of **July**, 2016.

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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07/07/16  
Item #5(M)  
Consent Agenda  
Page 1 of 1

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

Kevin Beavers, CPRP, Director of Parks and Recreation

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a construction contract with Cody Stanley Construction, LLC. of Holland in the amount of \$227,677.96, for the construction of a concession/restroom building in Scott & White Park to serve the baseball fields.

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

**ITEM SUMMARY:** One of the projects approved in the 2015 Parks Bond was constructing a new concession/restroom facility at Wiseman and Guthrie baseball fields located in Scott & White Park.

This project includes the construction of a new concession/restroom building with storage, ADA accessible parking spaces and a sidewalk that will connect the baseball fields to the parking spaces. This project will also move all of the controls for the lighting and irrigation systems into the storage area at the new building. A previously approved project for this site was the installation of a new field lighting system for Wiseman Field. These two projects will be under construction during the same time period.

As show on the attached bid tabulation, on June 23, 2016 the City of Temple received nine bids for this project that ranged from \$227,677.96 to \$331,238 with the low bid submitted by Cody Stanley Construction. The Parks and Recreation Department has worked with this company before and have found them to be a responsible contractor. Staff is recommending award of the base bid totaling \$222,677.96, and the add alternate bid of \$5,000 for the stainless steel countertops, for a total bid award of \$227,677.96.

This resolution will also waive any construction permit fees associated with the project.

Construction of this project will commence in August 2016 with completion by November 2016.

**FISCAL IMPACT:** Funding is appropriated for award of the construction contract of a concession/restroom building in Scott & White Park to serve the baseball fields in account 362-3500-552-6414, project 101323, as identified below:

Project Budget	\$	371,998
Encumbered/Committed to Date		(121,853)
<b>Construction Award - Cody Stanley Construction</b>		<b>(227,678)</b>
Remaining Project Funds	\$	<u>22,467</u>

**ATTACHMENTS:**

[Bid Tabulation](#)  
[Resolution](#)

Tabulation of Bids Received  
on June 23, 2016 at 2:00 p.m.  
Wiseman Baseball Complex (Restroom & Concession Building)  
Bid# 35-10-16

	Bidders				
	Holy Contractors, LLC Hewitt, TX	LM Armstrong Construction, LLC Temple, TX	National Native American Construction, Inc Killeen, TX	Majestic Services, Inc Cedar Park, TX	Wright Builders II, Ltd Temple, TX
Description					
Mobilization and Bonding	\$5,000.00	\$7,800.00	\$10,000.00	\$33,000.00	\$8,241.00
Demolition	\$3,000.00	\$4,000.00	\$1,200.00	\$20,000.00	\$4,072.00
Restroom/Concessions Building	\$295,962.00	\$229,553.00	\$223,800.00	\$235,000.00	\$208,732.00
Site Work and Concrete Paths	\$20,776.00	\$28,427.00	\$8,000.00	\$30,000.00	\$28,942.00
<b>Total Base Bid</b>	<b>\$324,738.00</b>	<b>\$269,780.00</b>	<b>\$243,000.00</b>	<b>\$318,000.00</b>	<b>\$249,987.00</b>
Add Alternate 1: Stainless Steel Countertops	\$6,500.00	\$2,600.00	\$5,000.00	\$4,450.00	\$3,146.00
<b>Total Bid with Add Alternate 1</b>	<b>\$331,238.00</b>	<b>\$272,380.00</b>	<b>\$248,000.00</b>	<b>\$322,450.00</b>	<b>\$253,133.00</b>
Acknowledge Addendum (5)	Yes	Yes	Yes	Yes	Yes
Bid Bond	Yes	Yes	Yes	Yes	Yes
Bond Requirement Affidavit	Yes	Yes	Yes	Yes	Yes
Credit Check Authorization	Yes	Yes	Yes	Yes	Yes

	Bidders			
	Hard Hats & Heels Construction & Services, Inc Copperas Cove, TX	RM Rodriguez Construction, LP Temple, TX	Cody Stanley Construction, LLC Belton, TX	Bounds Commercial Construction, LLC Waco, TX
Description				
Mobilization and Bonding	\$28,812.75	\$10,000.00	\$22,787.96	\$10,000.00
Demolition	\$4,425.00	\$7,000.00	\$16,000.00	\$16,000.00
Restroom/Concessions Building	\$246,272.25	\$260,920.00	\$177,090.00	\$209,306.00
Site Work and Concrete Paths	\$16,745.00	\$15,000.00	\$6,800.00	\$51,482.00
<b>Total Base Bid</b>	<b>\$296,255.00</b>	<b>\$292,920.00</b>	<b>\$222,677.96</b>	<b>\$286,788.00</b>
Add Alternate 1: Stainless Steel Countertops	(Blank)	\$2,600.00	\$5,000.00	\$1,140.00
<b>Total Bid with Add Alternate 1</b>	<b>\$296,255.00</b>	<b>\$295,520.00</b>	<b>\$227,677.96</b>	<b>\$287,928.00</b>
Acknowledge Addendum (5)	No	Yes	Yes	Yes
Bid Bond	No	Yes	Yes	Yes
Bond Requirement Affidavit	No	Yes	Yes	Yes
Credit Check Authorization	Yes	Yes	Yes	Yes

**Recommended for Council Award**

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH CODY STANLEY CONSTRUCTION, LLC OF HOLLAND, TEXAS, IN THE AMOUNT OF \$227,677.96, FOR THE CONSTRUCTION OF A CONCESSION/RESTROOM BUILDING IN SCOTT & WHITE PARK; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, one of the projects approved in the 2015 Parks Bond was the construction of a new concession/restroom facility at Wiseman and Guthrie baseball fields located in Scott & White Park;

**Whereas**, this renovation project includes the construction of a new concession/restroom building with storage, ADA accessible parking spaces and a sidewalk that will connect the baseball fields to the parking spaces - this project will also move all of the controls for the lighting and irrigation systems into the storage area at the new building;

**Whereas**, on June 23, 2016, the City received 9 bids for this project, with Cody Stanley Construction, LLC submitting the low bid - Staff has worked with Cody Stanley Construction previously and has found them to be a responsible contractor;

**Whereas**, Staff recommends authorizing a construction contract with Cody Stanley Construction, LLC in the amount of \$227,677.96 for construction of a concession/restroom building in Scott & White Park;

**Whereas**, this project is funded by the Parks GO Bonds that were approved by the voters on May 9, 2015 and funding is appropriated in Account No. 362-3500-552-6414, Project No. 101323; 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 Cody Stanley Construction, LLC of Holland, Texas, in the amount of \$227,677.96 for construction of a concession/restroom building in Scott & White Park.

**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 7<sup>th</sup> day of **July**, 2016.

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

07/07/16  
Item #5(N)  
Consent Agenda  
Page 1 of 2

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

Belinda Mattke, Director of Purchasing  
Ashley Williams, General Services Manager

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a construction contract for the replacement of the south Service Center vehicular gate system in the amount of \$49,500 with RM Rodriguez Construction of Temple, as well as, declare an official intent to reimburse expenditures with the issuance of 2016 Limited Tax Notes.

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

**ITEM SUMMARY:** The City Council approved funding this fiscal year for an upgrade to the vehicular gate system at the Service Center. The improvements were designed by Clark & Fuller and consist of structural improvements to the gate design to improve reliability of operation and technology improvements for ease of after-hour access.

As reflected on the attached Engineer's Letter of Recommendation and Bid Tabulation, on June 16, 2016 the City received two bids for this project. Clark & Fuller and City staff are recommending award of the bid to the low bidder, RM Rodriguez Construction, in the amount of \$49,500.

It is anticipated that the construction of this project will commence in August with completion of the project in October.

**FISCAL IMPACT:** Funds will be available for the replacement of the gate system in the amount of \$49,500 as follows:

Account	Project No.	Description	Amount Available
364-3800-519-6310	101405	Project Budget	\$ 45,000
		Encumbered/Committed to Date	(4,700)
		<b>Construction Award - RM Rodriguez Construction</b>	<b>(24,750)</b>
		LTN Remaining Project Funds	\$ 15,550
520-5000-535-6310	101405	Project Budget	\$ 45,000
		Encumbered/Committed to Date	(4,881)
		<b>Construction Award - RM Rodriguez Construction</b>	<b>(24,750)</b>
		TCIP Remaining Project Funds	\$ 15,369



**ATTACHMENTS:**

Engineer's Letter of Recommendation  
Bid Tabulation  
Resolution



215 North Main Street  
Temple, Texas 76501  
(254) 899-0899  
Fax (254) 899-0901  
[www.clark-fuller.com](http://www.clark-fuller.com)  
Firm Registration No: F-10384

June 17, 2016

City of Temple  
Belinda Mattke  
3210 E. Ave H, Bldg C  
Temple, Texas 76501

Re: 2015 Service Gate Replacement Project

Dear Ms. Mattke,

On June 16th, we received two (2) bids for the 2015 Service Gate Replacement Project. We have reviewed each of the bids for accuracy and completeness. Cody Stanley Construction, LLC. submitted a Base Bid totaling \$64,311.00. R M Rodriguez Construction submitted a Base Bid totaling \$49,500.00, making them the apparent low bidder. *Please see the enclosed Bid Tabulation Sheet and Bid Schedule Breakout for detailed information.*

The engineer's original opinion of probable cost for this project is \$68,000.00 and we are recommending that you award the contract to R M Rodriguez Construction. We believe, through personal experience, that R M Rodriguez Construction is qualified and is capable of providing the 2015 Service Gate Replacement as required in this project.

We believe that R M Rodriguez Construction is a proven company with many successfully completed projects and we look forward to working with them on this project.

Sincerely,

Monty Clark, P.E., CPESC



# Bid Tabulation Sheet 2015 Service Gate Replacement Project

Bid Date: June 16th, 2016

Base Bid		Base Bid		Est. Quan.		UOM		R M Rodriguez Construction		Cody Stanley Construction, LLC	
No.	Item Description							Unit Price	Total Cost	Unit Price	Total Cost
1	Provide Mobilization, Bonds, Permits and Insurance			100%		LS		\$ 5,000.00	\$ 5,000.00	\$ 10,078.00	\$ 10,078.00
2	Provide all Site Demolition and Clearing			100%		LS		\$ 8,000.00	\$ 8,000.00	\$ 6,520.00	\$ 6,520.00
3	Provide New Intruder Resistant Fencing, Gates, and Gate Motors			100%		LS		\$ 22,000.00	\$ 22,000.00	\$ 34,835.00	\$ 34,835.00
4	Provide New Sidewalk and Pavement Sections			100%		LS		\$ 6,000.00	\$ 6,000.00	\$ 2,380.00	\$ 2,380.00
5	Provide new Sandy Loam Topsoil and Grass Sod			100%		LS		\$ 1,000.00	\$ 1,000.00	\$ 2,698.00	\$ 2,698.00
6	Provide all labor, equipment, materials, tools, supervision, and permits to remove the existing electrical and communications terminations			100%		LS		\$ 2,500.00	\$ 2,500.00	\$ 1,600.00	\$ 1,600.00
7	Provide all labor, equipment, materials, tools, supervision, and permits to modify the existing electrical system			100%		LS		\$ 3,500.00	\$ 3,500.00	\$ 3,600.00	\$ 3,600.00
8	Provide the Owner's desired control schemes for each gate			100%		LS		\$ 1,000.00	\$ 1,000.00	\$ 2,050.00	\$ 2,050.00
9	Provide record drawings			1		LS		\$ 500.00	\$ 500.00	\$ 550.00	\$ 550.00
<b>Total Base Bid</b>											
<b>2015 Service Gate Replacement Project</b>								<b>\$</b>	<b>49,500.00</b>	<b>\$</b>	<b>64,311.00</b>

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH RM RODRIGUEZ CONSTRUCTION, LP OF TEMPLE, TEXAS, IN THE AMOUNT OF \$49,500, FOR REPLACEMENT OF THE SOUTH SERVICE CENTER VEHICULAR GATE SYSTEM; DECLARING AN OFFICIAL INTENT TO REIMBURSE CERTAIN EXPENDITURES WITH THE ISSUANCE OF 2016 LIMITED TAX NOTES; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, funding for upgrades to the vehicular gate system at the Service Center has been authorized by City Council this fiscal year – the improvements were designed by Clark & Fuller and consist of structural improvements to the gate design to improve reliability of operation and technology improvements for ease of after-hour access;

**Whereas**, on June 16, 2016 the City received two bids for this project with RM Rodriguez Construction, LP submitting the low bid in the amount of \$49,500, and Staff and Clark & Fuller recommend award of this construction contract to RM Rodriguez Construction;

**Whereas**, the City finds, considers and declares that the reimbursement of the City for the payment of such expenditures will be appropriate and consistent with the lawful objectives of the City and, as such, chooses to declare its intention, in accordance with the provisions of Section 1.150-2 of the Treasury Regulations, to reimburse itself for such payments at such time as it issues Limited Tax Notes to finance the Project;

**Whereas**, the City hereby certifies that such expenditures have not been made prior to the date of passage of this Resolution;

**Whereas**, upon issuance of the Limited Tax Notes, the City desires to reimburse these prior expenditures with proceeds of the Notes;

**Whereas**, Section 1.150-2 of the Treasury Regulations provides that an expenditure on the Project may not be reimbursed from Limited Tax Notes proceeds unless, along with other requirements, the City declares official intent to reimburse the expenditure prior to the date that the expenditure to be reimbursed was paid;

**Whereas**, City Council approved this project as part of the Capital Improvement Plan in the fiscal year 2016 budget - this project will be partially funded with the proposed issuance of the 2016 Limited Tax Notes to be sold this summer and the remaining is available in the Water & Sewer Fund fiscal year 2016 Operating budget, Account No. 364-3800-519-6310, Project No. 101405; 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 RM Rodriguez Construction, LP of Temple, Texas, in the amount of \$49,500 for replacement of the south Service Center vehicular gate system.

**Part 2:** The findings, determinations and certifications contained in the preamble hereof are incorporated herein for all purposes.

**Part 3:** This Resolution is a declaration of official intent by the City under Section 1.150-2 of the Treasury Regulations that it reasonably expects to reimburse the expenditures described in Part 1 with proceeds of debt to be incurred by the City, such debt to be issued on or before eighteen (18) months after the date of (i) the date the first expenditure is paid; or (ii) the date on which the property is placed in service, but in no event three years after the first expenditure is paid.

**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 7<sup>th</sup> day of **July**, 2016.

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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07/07/16  
Item #5(O)  
Consent Agenda  
Page 1 of 2

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

Nicole Torralva, P.E., Public Works Director  
Don Bond, P.E., CFM, City Engineer

**ITEM DESCRIPTION:** Consider adopting a resolution deducting construction and bid-phase services from a professional agreement with Kasberg, Patrick & Associates, LP, in the amount of \$275,000, for the Veterans Memorial Boulevard improvements from the Temple College Apartments to Avenue O.

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

**ITEM SUMMARY:** KPA contracted with the City to provide the following services for the third phase of improvements along South First Street in the vicinity of the Veterans Administration hospital within the Temple Medical Education District:

<u>Survey Services</u>	
Design Services, Metes & Bounds	\$ 8,300
<u>Design Services</u>	
Civil	\$ 378,300
Landscape	\$ 182,600
Electrical	\$ 52,500
<u>Post-Design Services</u>	
Bidding	\$ 8,700
Construction Administration	\$ 189,600
On-Site Services	<u>\$ 76,700</u>
TOTAL	<u>\$ 896,700</u>

This resolution would deduct the three "Post-Design Services" items above. Design will continue on the drainage, public utilities, enhanced intersections, landscaping, irrigation, sidewalks, and lighting.

**FISCAL IMPACT:** Funding for the deductive Contract Amendment with KPA will be recognized and available in the Reinvestment Zone No. 1 Financing and Project Plans in FY 2016, line 464, account 795-9500-531-6567, project 101263, as follows:

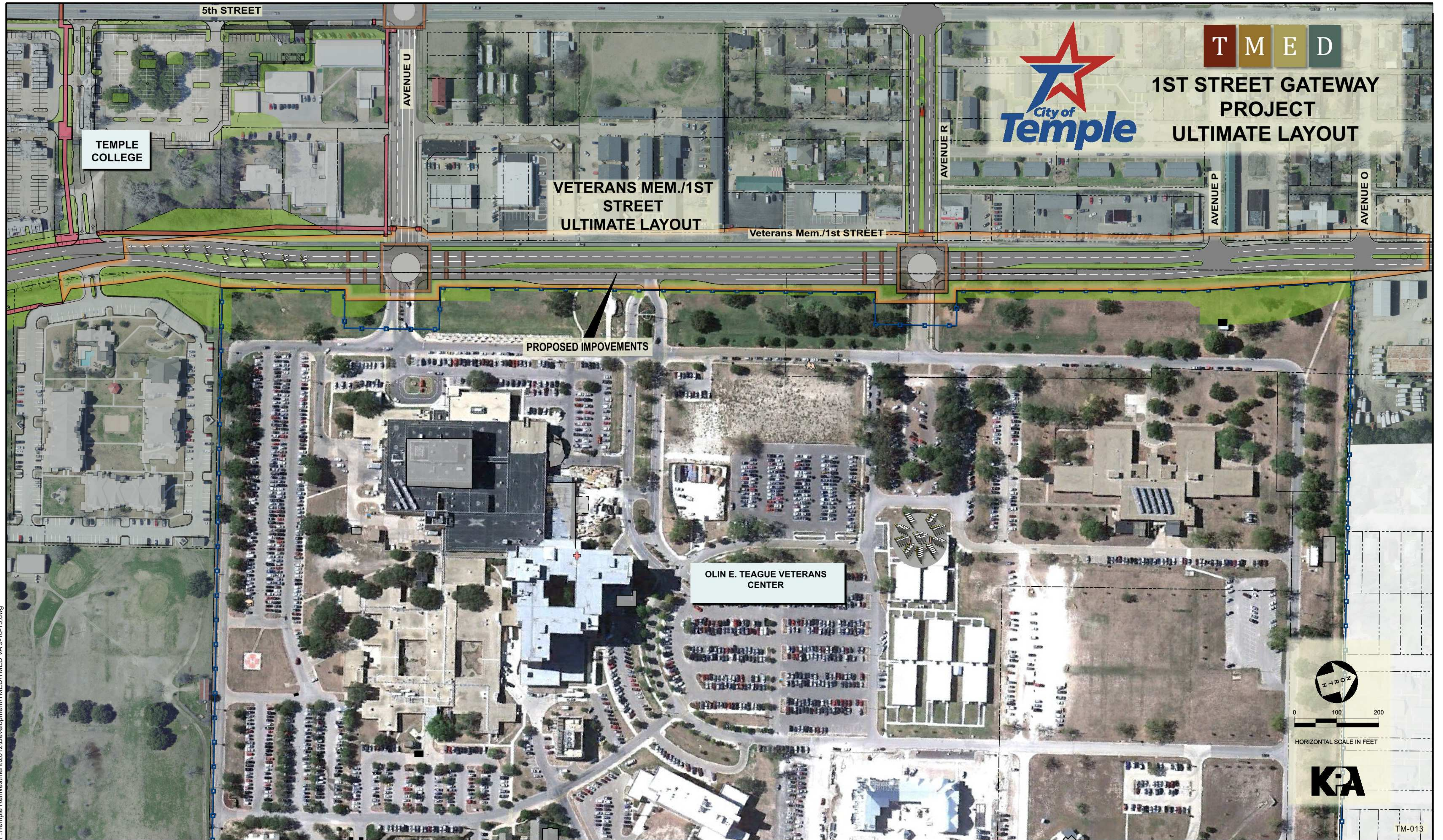
Project Budget	\$ 1,675,000
Encumbered/Committed to Date	(896,700)
<b>Deductive Contract Amendment #1 - KPA</b>	<b>275,000</b>
Remaining Project Funds	<u>\$ 1,053,300</u>

**ATTACHMENTS:**

[Map](#)  
[Resolution](#)



P:\Temple Reinvestment\2012\Development\TMED\TMED VA 9-16-15.dwg





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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE DEDUCTION OF CONSTRUCTION AND BID-PHASE SERVICES FROM A PROFESSIONAL SERVICES AGREEMENT WITH KASBERG, PATRICK & ASSOCIATES, LP OF TEMPLE, TEXAS, IN THE AMOUNT OF \$275,000, FOR THE VETERANS MEMORIAL BOULEVARD IMPROVEMENTS FROM THE TEMPLE COLLEGE APARTMENTS TO AVENUE O; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas,** Kasberg, Patrick & Associates, LP contracted with the City to provide certain services for the third phase of improvements along South First Street, in the vicinity of the Veterans Administration hospital within the Temple Medical Education District;

**Whereas,** this deduction includes the following construction and bid-phase services from the Professional Services Agreement:

<u>Post-Design Services</u>	
Bidding	\$ 8,700
Construction Administration	\$ 189,600
<u>On-Site Services</u>	<u>\$ 76,700</u>
Total Deduction	\$ 275,000

**Whereas,** design will continue on the drainage, public utilities, enhanced intersections, landscaping, irrigation, sidewalks, and lighting;

**Whereas,** funding for this deduction will be recognized and available in the Reinvestment Zone No. 1 Financing and Project Plans in fiscal year 2016, Line 464, Account No. 795-9500-531-6567, Project No. 101263; 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 contract amendment to ~~deduction of~~ construction and bid-phase services, in the amount of \$275,000, from a professional agreement with Kasberg, Patrick & Associates, LP of Temple, Texas, for the Veterans Memorial Boulevard improvements from the Temple College Apartments to Avenue O.

**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 7<sup>th</sup> day of **July**, 2016.

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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07/07/16  
Item #5(P)  
Consent Agenda  
Page 1 of 1

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

Kayla Landeros, City Attorney

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a Chapter 380 Economic Development Agreement with JDLG Ventures, LLC, for the potential construction of a commercial development at 30 South Pea Ridge Road.

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

**ITEM SUMMARY:** JDLG Ventures, LLC (JDLG) owns property located 30 South Pea Ridge Road. The City owns abutting property located at 110 South Pea Ridge Road which consists of approximately 0.169 acres. JDLG is interested in developing its property for commercial use and has approached the City about acquiring the abutting 0.169 acres to use as part of the commercial development. In exchange for the City's agreement to transfer the property, JDLG would agree to use the property for economic development, convey to the City approximately 0.206 acres which abuts the City's West Temple Park, and construct a retaining wall between the commercial development and City park land. The City will retain any necessary easements over the property to be transferred. The property will also have to go through the platting process.

Staff from the Parks and Recreation Department, Engineering Department, and the City Attorney's Office recommend approval of the proposed agreement.

**FISCAL IMPACT:** At the present time, the 0.169 acres being conveyed to JDLG by the City is exempt from property taxes. When the property is conveyed for a commercial purpose it will be added back to the property tax rolls. The 0.206 acres being conveyed by JDLG is currently subject to property taxes, and when the property is conveyed to the City, it will be exempt from property taxes.

### **ATTACHMENTS:**

[Resolution](#)

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CHAPTER 380 DEVELOPMENT AGREEMENT WITH JDLG VENTURES, LLC FOR THE POTENTIAL CONSTRUCTION OF A COMMERCIAL DEVELOPMENT LOCATED AT 30 SOUTH PEA RIDGE ROAD; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, JDLG Ventures, LLC (“JDLG”) owns property located 30 South Pea Ridge Road and the City owns abutting property located at 110 South Pea Ridge Road which consists of approximately 0.169 acres;

**Whereas**, JDLG is interested in developing its property for commercial use and has approached the City about acquiring the abutting 0.169 acres to use as part of the commercial development - in exchange for the City’s agreement to transfer the property, JDLG would agree to use the property for economic development, convey to the City approximately 0.206 acres which abuts the City’s West Temple Park, and construct a retaining wall between the commercial development and City park land;

**Whereas**, the City will retain any necessary easements over the property to be transferred and the property will also have to go through the platting process;

**Whereas**, Staff from the Parks and Recreation Department, Engineering Department, and the City Attorney’s Office recommend approval of the proposed Chapter 380 Development Agreement;

**Whereas**, the approximately 0.169 acres owned by the City is exempt from property taxes - when the property is conveyed for a commercial purpose it will be added back to the property tax rolls;

**Whereas**, the approximately 0.206 acres being conveyed by JDLG is currently subject to property taxes, and when the property is conveyed to the City, it will then be exempt from property taxes; 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 Chapter 380 Development Agreement with JDLG Ventures, LLC for the potential construction of a commercial development at 30 South Pea Ridge Road.

**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 7<sup>th</sup> day of **July**, 2016.

THE CITY OF TEMPLE, TEXAS

---

DANIEL A. DUNN MAYOR

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

---

Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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07/07/16  
Item #5(Q)  
Consent Agenda  
Page 1 of 2

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

Brynn Myers, Assistant City Manager  
Ashley Williams, General Services Manager

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a Chapter 380 Development Agreement with Casey Building, LLC for improvements to property located within the Downtown Street Strategic Investment Zone corridor, in amounts not to exceed:

- (1) 7 South Second Street - \$41,282
- (2) 9 South Second Street - \$47,582
- (3) 11 South Second Street - \$41,115

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

**ITEM SUMMARY:** The proposed resolution would allow the City Manager to enter into a Chapter 380 Development Agreement with Casey Building, LLC, through which the City would provide a SIZ 1:1 matching grant for exterior building improvements up to \$41,282, \$47,582 and \$41,115 for 7, 9 and 11 South Second Street, respectively. This provides grant funding for a project with a total capital investment of \$290,178. The renovated spaces will be used as 16,000 square feet of retail space with an ice cream shoppe/restaurant and party rental space.

Improvements included in the proposed project are removal of all windows and shutters; installation of new windows and front door entry; new electrical for exterior lighting; cleaning, repair and painting of brick; installation of cast concrete window trim; demo and replacement of sidewalk; installation of new sign; and abatement of environmental factors.

In order to receive grant funding, the applicant must enter into a development agreement with the City prior to commencing work and receiving any grant funds. The agreement shall provide that the applicant agrees to:

- complete the work and total capital investment described in the agreement in a timely fashion;
- give the City the right to inspect the work described in the development agreement and the financial records associated with the same during reasonable business hours;
- perform all of the work described in the agreement in accordance with all applicable City codes and regulations; and
- maintain those improvements in the future.

**FISCAL IMPACT:** The total maximum grant match by the City is \$41,282, \$47,582 and \$41,115 for 7, 9 and 11 South Second Street, respectively. Payment of the grant matching funds will not be made until work and inspections are completed, and receipts are received by the City. Funding is available in account 110-1500-515-2695 as follows:

Available Funding	\$ 165,567
Maximum Grant to Casey Building, LLC	(129,979)
<b>Remaining Funds Available</b>	<b>\$ 35,588</b>

**ATTACHMENTS:**

[Scope of Works](#)  
[Resolution](#)







<b>Agency:</b>	Casey Building, LLC	<b>Application Received:</b>	6/2/2016
<b>Building/Company:</b>	Casey Building	<b>Address:</b>	7 S 2nd St
<b>Project Amount:</b>	\$94,049	<b>Amount Requested:</b>	\$43,177.00
		<b>Awarded:</b>	

**Description of Proposed Improvements:**

Remove all windows and shutters, install new windows and front door entry, new electrical for exterior lighting, clean and repair brick, paint brick, install cast concrete window trim, dmoe sidewalk and pour new concrete sidewalk, hang new sign

**SIZ Area:**

**Maximum Grant Amount Allowed:** \$53,000 **Does this meet the threshold?:** Y

**Maximum Investment Required:** \$20,000 **Does this meet the threshold?:** Y

**Project Estimate and Funding Request:**

	Maximum Grant Match	Project Estimate	Funding Requested	Staff Recommendation
Façade	\$ 25,000.00	\$ 54,913.10	\$ 25,000.00	\$ 25,000.00
Sign	\$ 2,500.00	\$ 5,000.00	\$ 2,500.00	\$ 2,500.00
Landscaping (w/o irrigation)	\$ 2,000.00	\$ -	\$ -	\$ -
Landscaping (w/ irrigation)	\$ 4,000.00	\$ -	\$ -	\$ -
Asbestos Abatement	\$ 4,000.00	\$ 7,935.00	\$ 3,967.50	\$ 3,967.50
Demolition	\$ 2,500.00		\$ -	\$ -
Sidewalk	\$ 10,000.00	\$ 9,240.00	\$ 4,620.00	\$ 4,620.00
Design	\$ 5,000.00	\$ 6,388.33	\$ 3,194.17	\$ 3,194.17
Fee Waiver	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00
Code Compliance (Res. Only)	N/A	N/A	N/A	N/A
<b>MAXIMUM GRANT MATCH REQUEST:</b>	<b>\$ 10,000.00</b>	<b>\$ 85,476.43</b>	<b>\$ 41,281.67</b>	<b>\$ 41,281.67</b>

<b>Agency:</b>	Casey Building, LLC	<b>Application Received:</b>	6/2/2016
<b>Building/Company:</b>	Casey Building	<b>Address:</b>	9 S 2nd St
<b>Project Amount:</b>	\$107,249	<b>Amount Requested:</b>	\$49,176.50
		<b>Awarded:</b>	

**Description of Proposed Improvements:**

Remove all windows and shutters, install new windows and front door entry, new electrical for exterior lighting, clean and repair brick, paint brick, install cast concrete window trim, dmoe sidewalk and pour new concrete sidewalk, hang new sign

**SIZ Area:**

**Maximum Grant Amount Allowed:** \$53,000 **Does this meet the threshold?:** Y

**Maximum Investment Required:** \$20,000 **Does this meet the threshold?:** Y

**Project Estimate and Funding Request:**

	Maximum Grant Match	Project Estimate	Funding Requested	Staff Recommendation
Façade	\$ 25,000.00	\$ 54,913.10	\$ 25,000.00	\$ 25,000.00
Sign	\$ 2,500.00	\$ 5,000.00	\$ 2,500.00	\$ 2,500.00
Landscaping (w/o irrigation)	\$ 2,000.00	\$ -	\$ -	\$ -
Landscaping (w/ irrigation)	\$ 4,000.00	\$ 6,000.00	\$ 3,000.00	\$ 3,000.00
Asbestos Abatement	\$ 4,000.00	\$ 7,935.00	\$ 3,967.50	\$ 3,967.50
Demolition	\$ 2,500.00	\$ -	\$ -	\$ -
Sidewalk	\$ 10,000.00	\$ 15,840.00	\$ 7,920.00	\$ 7,920.00
Design	\$ 5,000.00	\$ 6,388.33	\$ 3,194.17	\$ 3,194.17
Fee Waiver	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00
Code Compliance (Res. Only)	N/A	N/A	N/A	N/A
<b>MAXIMUM GRANT MATCH REQUEST:</b>	<b>\$ 10,000.00</b>	<b>\$ 98,076.43</b>	<b>\$ 47,581.67</b>	<b>\$ 47,581.67</b>

<b>Agency:</b>	Casey Building, LLC	<b>Application Received:</b>	6/2/2016
<b>Building/Company:</b>	Casey Building	<b>Address:</b>	11 S 2nd St
<b>Project Amount:</b>	\$88,879	<b>Amount Requested:</b>	\$42,676.50
		<b>Awarded:</b>	

**Description of Proposed Improvements:**

Remove all windows and shutters, install new windows and front door entry, new electrical for exterior lighting, clean and repair brick, paint brick, install cast concrete window trim, dmoe sidewalk and pour new concrete sidewalk, hang new sign

**SIZ Area:**

**Maximum Grant Amount Allowed:** \$53,000 **Does this meet the threshold?:** Y

**Maximum Investment Required:** \$20,000 **Does this meet the threshold?:** Y

**Project Estimate and Funding Request:**

	Maximum Grant Match	Project Estimate	Funding Requested	Staff Recommendation
Façade	\$ 25,000.00	\$ 54,913.10	\$ 25,000.00	\$ 25,000.00
Sign	\$ 2,500.00	\$ -	\$ -	\$ -
Landscaping (w/o irrigation)	\$ 2,000.00	\$ -	\$ -	\$ -
Landscaping (w/ irrigation)	\$ 4,000.00	\$ 6,000.00	\$ 3,000.00	\$ 3,000.00
Asbestos Abatement	\$ 4,000.00	\$ -	\$ -	\$ -
Demolition	\$ 2,500.00	\$ -	\$ -	\$ -
Sidewalk	\$ 10,000.00	\$ 15,840.00	\$ 7,920.00	\$ 7,920.00
Design	\$ 5,000.00	\$ 6,388.33	\$ 3,194.17	\$ 3,194.17
Fee Waiver	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00
Code Compliance (Res. Only)	N/A	N/A	N/A	N/A
<b>MAXIMUM GRANT MATCH REQUEST:</b>	<b>\$ 10,000.00</b>	<b>\$ 85,141.43</b>	<b>\$ 41,114.17</b>	<b>\$ 41,114.17</b>

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CHAPTER 380 DEVELOPMENT AGREEMENT WITH CASEY BUILDING, LLC FOR IMPROVEMENTS TO THREE PROPERTIES LOCATED ON SOUTH SECOND STREET AND WITHIN THE DOWNTOWN STRATEGIC INVESTMENT ZONE CORRIDOR; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, Casey Building, LLC (“Casey”) owns three properties located at:

7 South Second Street  
9 South Second Street  
11 South Second Street

**Whereas**, the City may provide a Strategic Investment Zone 1:1 matching grant for exterior building improvements - this provides grant funding for a project with a total capital investment of \$290,178;

**Whereas**, Casey will renovate the spaces and use it as 16,000 square feet of retail space with an ice cream shop/restaurant and party rental space;

**Whereas**, improvements included in the proposed project are removal of all windows and shutters, installation of new windows and front door entry, new electrical for exterior lighting, cleaning, repair and painting of brick, installation of cast concrete window trim, demolition and replacement of sidewalk, installation of a new sign, and abatement of environmental factors;

**Whereas**, Staff recommends entering into a Chapter 380 Development Agreement with Casey Building, LLC for improvements to three properties located on South Second Street and within the Downtown Strategic Investment Zone Corridor;

**Whereas**, the total maximum grant match by the City would be \$41,282 for 7 South Second Street, \$47,582 for 9 South Second Street, and \$41,115 for 11 South Second Street and payment of the grant matching funds will not be made until work and inspections are completed, and receipts are received by the City;

**Whereas**, funding for the Chapter 380 Development Agreement is available in Account No. 110-1500-515-2695; 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 Chapter 380 Development Agreement with Casey Building, LLC for improvements to three properties located at 7 South Second Street, 9 South Second Street, and 11 South Second Street and located within the Downtown Strategic Investment Zone Corridor.

**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 7<sup>th</sup> day of **July**, 2016.

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 #5(R)  
Consent Agenda  
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### **DEPT./DIVISION SUBMISSION & REVIEW:**

Kayla Landeros, City Attorney

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a renewal to the Services Agreement with James Construction Group, LLC to provide Temple police officers for traffic control services and use of police vehicles on the I-35 Reconstruction Project.

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

**ITEM SUMMARY:** James Construction Group, LLC ("James") is the general contractor on TXDOT's I-35 Reconstruction Project. James has requested a one-year renewal to the current Services Agreement which utilizes Temple police officers and Temple police vehicles to provide traffic control services on the I-35 project. All police officers working on the project will continue to remain under the supervision and control of the Temple Police Department. James will reimburse the City for overtime salary and benefits paid to the police officers. James will also pay the City \$20 per hour, per vehicle for each police vehicle used on any portion of the I-35 project that lies in whole or in part within the Temple city limits and \$30 per hour, per vehicle for each police vehicle used on any portion of the project that lies completely outside of the Temple city limits. The agreement is for a term of one year beginning August 1, 2016 and expiring July 31, 2017.

**FISCAL IMPACT:** Based on the average hours worked during the current fiscal year, it is estimated that the City will be reimbursed by James Construction approximately \$659,300 for overtime incurred and approximately \$229,700 for vehicle costs during FY 2017.

### **ATTACHMENTS:**

[Resolution](#)

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE-YEAR RENEWAL TO THE SERVICES AGREEMENT WITH JAMES CONSTRUCTION GROUP, LLC, OF TEMPLE, TEXAS, TO PROVIDE TEMPLE POLICE OFFICERS FOR TRAFFIC CONTROL SERVICES AND USE OF TEMPLE POLICE VEHICLES ON THE I-35 RECONSTRUCTION PROJECT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, James Construction Group, LLC (“James”) is the general contractor on TxDOT’s I-35 Reconstruction Project – James has requested a one-year renewal to the current Services Agreement which utilizes Temple police officers and Temple police vehicles to provide traffic control services on the I-35 project;

**Whereas**, all police officers working on this project will continue to remain under the supervision and control of the Temple Police Department;

**Whereas**, James will reimburse the City for overtime salary and benefits paid to the police officers and pay the City \$20.00 per hour, per vehicle used on any portion of the I-35 project that lies in whole or in part within the Temple city limits;

**Whereas**, James will also pay the City \$30.00 per hour, per vehicle for each police vehicle used on any portion of the project that lies completely outside of the Temple city limits - this agreement is for a term of one year beginning August 1, 2016 and expiring July 31, 2017;

**Whereas**, based on the average hours worked over the last nine months, it is estimated that the City will be reimbursed \$659,300 by James Construction for overtime incurred and approximately \$229,700 for vehicle costs during fiscal year 2016; 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 one-year renewal to the Services Agreement with James Construction Group, LLC of Temple, Texas, to provide Temple police officers for traffic control services and use of Temple police vehicles on the I-35 Reconstruction Project.

**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 7<sup>th</sup> day of **July**, 2016.

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

Kayla Landeros, City Attorney

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a lease agreement with Hill Country Community Action Association, Inc. for lease of space in the Public Services Building located at 102 East Central Avenue, Temple, Texas.

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

**ITEM SUMMARY:** On February 2, 2006, Council authorized a lease agreement with Hill Country Community Action Association, Inc. ("HCCAA") for the lease of approximately 1,046 square feet of office space and three parking spaces in the garage structure at the City's Public Services Building located at 102 East Central Avenue. The term of that lease was March 1, 2006 to February 28, 2008. HCCAA has continued to occupy the building since 2008 and has paid the annual rent.

HCCAA desires to continue its lease of space at the Public Services Building and the parties wish to execute a new lease agreement. The term of this lease will be July 8, 2016 to July 7, 2018 and HCCAA will pay \$1 per year.

**FISCAL IMPACT:** HCCAA will pay rent in the amount of \$1 per year. In addition, HCCAA will pay for garbage removal, electricity, heat, gas, and telephone service directly to the utility companies.

### **ATTACHMENTS:**

[Resolution](#)

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A LEASE AGREEMENT WITH HILL COUNTRY COMMUNITY ACTION ASSOCIATION, INC., FOR LEASE OF SPACE IN THE PUBLIC SERVICES BUILDING LOCATED AT 102 EAST CENTRAL AVENUE, TEMPLE, TEXAS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on February 2, 2006, Council authorized a lease agreement with Hill Country Community Action Association, Inc. ("HCCAA") for the lease of approximately 1,046 square feet of office space and three parking spaces, in the garage structure at the City's Public Services Building located at 102 East Central Avenue;

**Whereas**, the term of that lease was from March 1, 2006 to February 28, 2008 - HCCAA has continued to occupy the building since 2008 and desires to continue its lease of space at the Public Services Building and execute a new lease agreement;

**Whereas**, the term of this lease will be July 8, 2016 to July 7, 2018 - HCCAA will pay the lease amount of \$1 per year;

**Whereas**, Staff recommends entering into a two year lease agreement with Hill Country Community Action Association, Inc. ("HCCAA") for the lease of approximately 1,046 square feet of office space and three parking spaces, in the garage structure at the City's Public Services Building located at 102 East Central Avenue;

**Whereas**, the lease agreement allows for a 30-day termination clause should the lessee or the City desire to terminate the lease - the City has previously leased property to this tenant and finds it to be a responsible lessee; and

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

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

**Part 1:** The City Council authorizes the City Manager, or his designee, to execute a two year lease agreement, after approval as to form by the City Attorney, with Hill Country Community Action Association, Inc. for the lease of approximately 1,046 square feet of office space and three parking spaces, in the garage structure at the City's Public Services Building located at 102 East Central Avenue at the lease rate of \$1 per year.

**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 7<sup>th</sup> day of **July**, 2016.

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

Kayla Landeros, City Attorney

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a two year lease agreement with William Wilson for lease of space in the E. Rhodes and Leona B. Carpenter Foundation Building (the Temple Public Library).

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

**ITEM SUMMARY:** William Wilson, a current tenant at the Temple Public Library, has requested to renew his lease of Suite 301 for a period of two years. The lease will run from August 1, 2016 to July 31, 2018. Mr. Wilson will pay a monthly lease rate of \$1,814.20

**FISCAL IMPACT:** Annual lease revenue of \$21,770.40 will be deposited into Account No. 110-0000-461-0937, Library Building Rental.

### **ATTACHMENTS:**

[Resolution](#)

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A TWO YEAR LEASE AGREEMENT WITH WILLIAM WILSON FOR SPACE IN THE E. RHODES AND LEONA B. CARPENTER FOUNDATION BUILDING (TEMPLE PUBLIC LIBRARY); AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the City currently owns and leases offices in the E. Rhodes and Leona B. Carpenter Foundation Building (the Temple Public Library);

**Whereas**, William Wilson currently leases Suite 301 in the Temple Public Library and has requested to renew his lease for a two year term, from August 1, 2016 to July 31, 2018, at the lease rate of \$1,814.20 per month;

**Whereas**, Staff recommends entering into a two year lease agreement with William Wilson for the lease of space in the E. Rhodes and Leona B. Carpenter Foundation Building (Temple Public Library), which will expire on July 31, 2018;

**Whereas**, the lease agreement allows for a 30-day termination clause should the lessee or the City desire to terminate the lease - the City has previously leased property to this tenant and finds him to be a responsible lessee; 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 two year lease agreement, with William Wilson for the lease of Suite 301 in the E. Rhodes and Carpenter Foundation Building (Temple Public Library) at the rate of \$1,814.20 per month.

**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 7<sup>th</sup> day of **July**, 2016.

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  
Deputy City Attorney



## **COUNCIL AGENDA ITEM MEMORANDUM**

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

Kayla Landeros, City Attorney

**ITEM DESCRIPTION:** SECOND READING: Consider adopting an ordinance amending the City of Temple's Comprehensive Economic Development Ordinance (Ord. No. 2014-4673) to readopt the City's guidelines and criteria governing property tax abatement, incorporate recent changes to the City's Strategic Investment Zone Incentive Program, and update the ordinance to reflect changes in policy and procedure.

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

**ITEM SUMMARY:** Several years ago, the City adopted a comprehensive economic development policy that includes guidelines and criteria for authorizing property tax abatement, an overview of the Strategic Investment Zone Incentive Program, and guidelines and criteria for additional City incentives which are authorized by Chapter 380 of the Texas Local Government Code.

Pursuant to Chapter 312 of the Texas Tax Code, the City must adopt guidelines and criteria for offering property tax abatement under that chapter. The guidelines and criteria are effective for two years from the date of adoption. The City's tax abatement guidelines and criteria were last adopted in July, 2014 and therefore must be renewed at this time.

Also, in December, 2015, Council authorized certain changes to the City's Strategic Investment Zone Incentive Program (Ord. No. 2015-4744). Those changes need to be incorporated into the Comprehensive Economic Development Ordinance.

Lastly, the draft ordinance provides for general updates to reflect changes in policy and procedure.

Staff recommends approval of this ordinance.

**FISCAL IMPACT:** None

### **ATTACHMENTS:**

[Ordinance](#)

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

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

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

**Whereas**, in an effort to enrich an already substantial diversity of economic activity, the City of Temple established an *Economic Development Policy* consolidating the City's economic development policies into one comprehensive document;

**Whereas**, the City has established criteria and guidelines governing tax abatement within the City pursuant to Chapter 312 of the Tax Code;

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

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

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

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

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

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

# ECONOMIC DEVELOPMENT POLICY

## FOR THE CITY OF TEMPLE, TEXAS

REVISED JULY 7, 2016

### I. Criteria and Guidelines Governing Tax Abatement.

#### A. Definitions.

1. "**Abatement**" means the full or partial exemption from ad valorem taxes of certain real property (including fixed-in-place machinery & equipment) in a tax abatement reinvestment zone designated by the City of Temple ("City") for economic development purposes.

2. "**Agreement**" means a contractual agreement between a property owner and/or lessee and an eligible jurisdiction for the purposes of tax abatement.

3. "**Base year value**" means the assessed value of eligible property in the reinvestment zone on January 1st preceding the effective date of the tax abatement agreement, plus the agreed upon value of eligible property improvements made after January 1 but before the effective date of the agreement.

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

5. "**Economic Life**" means the number of years a property improvement is expected to be in service in a reinvestment zone.

6. "**Eligible Facilities**" means those new, expanded or modernized buildings and structures, including fixed machinery and equipment, which are reasonably likely as a result of granting abatement, to contribute to the retention or expansion of primary employment or to attract major investment in the reinvestment zone that would be a benefit to the property and that would contribute to the economic development within the City. Eligible Facilities in all commercial/industrial tax abatement reinvestment zones include, but are not limited to, Manufacturing Facilities, Research Facilities, Regional Distribution Center Facilities, Regional Service Facilities, Regional Entertainment Facilities, Research and Development Facilities, Other Basic Industry Facilities, retail stores, apartment buildings, and restaurants.

7. "**Eligible Jurisdiction**" means the City and any other taxing jurisdiction eligible to abate its taxes according to Texas law that levies ad valorem taxes upon and provides services to property located within a proposed or existing reinvestment zone.



8. **"Employee"** means a person whose employment is both permanent and full time, who works for and is an employee of the property owner or an employee of a contractor, who works exclusively within the reinvestment zone, who received industry-standard benefits, and whose employment is reflected in the owner's (and contractor's, if applicable) Internal Revenue Service Form 941.

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

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

11. **"Manufacturing Facility"** means buildings and structures, including fixed-in-place machinery and equipment, the primary purpose of which is or will be the manufacture of tangible goods or materials or the processing of such goods or materials by physical or chemical change.

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

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

14. **"Other Basic Industry Facility"** means buildings and structures including fixed machinery and equipment not elsewhere described, used or to be used for the production of products or services which primarily serve a market in the creation of new permanent employment and bring in new wealth.

15. **"Regional Distribution Center Facility"** means buildings and structures, including fixed machinery and equipment, used or to be used primarily to receive, store, service or distribute goods or materials owned by the facility operator where a majority of the goods or services are distributed to points outside of the City.

16. **"Regional Entertainment Facility"** means buildings and structures, including fixed machinery and equipment, used or to be used to provide entertainment through the admission of the general public where the majority of users reside outside of the City.

17. **"Regional Service Facility"** means buildings and structures, including fixed machinery and equipment, used or to be used to service goods where a majority of the goods being serviced originate outside of the City.

18. **"Research Facility"** means buildings and structures, including fixed machinery and equipment, used or to be used primarily for research or experimentation to improve or develop new tangible goods or materials or to improve or develop the production processes thereto.

19. **“Research and Development Facility”** means buildings and structures, including fixed machinery and equipment, used or to be used entirely for research or experimentation to improve or develop current technology in biomedicine, electronics or pre-commercial emerging industries.

## **B. Statement of Purpose.**

The City is committed to the promotion of high quality commercial and industrial development in all parts of the City, and an ongoing improvement of the quality of life of its citizens. These objectives may be served by the enhancement and expansion of the local economy. The City will consider, on a case-by-case basis granting property tax abatement as a stimulus for economic development in accordance with the criteria and guidelines established herein. Nothing herein shall imply or suggest that the City is under any obligation to provide tax abatement to any applicant, that any applicant has a property right or interest in tax abatement, or that the City is precluded from considering other options which may be in the best interest of the City.

## **C. Designation of Tax Abatement Reinvestment Zones.**

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

## **D. Abatement Authorized.**

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

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

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

c. Eligible Property. The City will consider granting abatement to the value of real property improvements (buildings, structures, fixed machinery and equipment, site improvements, related fixed improvements necessary to the operation and administration of the Facility), and

personal property (excluding inventory or supplies) with an Economic Life of fifteen (15) years or more.

d. Ineligible Property. The following types of property shall remain fully taxable and ineligible for tax abatement: land, supplies, inventory, housing, Deferred Maintenance, property to be rented or leased except as provided in subpart (5) below, and other property which has an Economic Life of less than fifteen (15) years.

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

## **2. Standards for Tax Abatement.**

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

(1) The project involves a minimum increase in property value of three hundred percent (300%) for construction of a new facility, or fifty percent (50%) for expansion of an existing facility, with an overall new investment of at least \$1 million in taxable assets. For Eligible Facilities in any reinvestment zone within the Strategic Investment Zone Grant Corridors, the project must involve either a minimum increase in property value of one hundred and fifty percent (150%) for construction of a new facility, or twenty-five percent (25%) for expansion of an existing facility, with an overall new investment of at least \$50,000 in taxable assets.

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

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

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

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

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

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

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

b. Minimum Required Investment. An applicant requesting tax abatement shall agree as a condition of any tax abatement agreement ultimately approved by the City Council to expend a certain minimum amount of funds on real or personal property improvements, or to provide a certain number of jobs, as provided below:

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

Percentage of increased	Minimum Required Real or Personal Property Investment or Job Creation inside the Strategic Investment Zone Grant Corridors
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value To be abated	Eligible Real Property Improvements	Eligible Personal Property*	Job Creation
100%	\$50,000 or more	\$60,000 or more	5-25 jobs

Projects involving an investment in real property in excess of \$10,000,000 (\$250,000 in the Strategic Investment Zone Grant Corridors), or in eligible personal property of more than \$40,000,000 (\$1,000,000 in the Strategic Investment Zone Grant Corridors), or the creation of more than 175 (25 in the Strategic Investment Zone Grant Corridors) new full time jobs, or requests for tax abatement for more than 5 years, will be individually negotiated.

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

\*Personal property with an Economic Life of less than fifteen years is not eligible for tax abatement.

Personal property on site prior to the effective date of the tax abatement agreement is not eligible. Supplies and inventory are ineligible for tax abatement under this policy and State law.

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

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

- (1) value of land and existing improvements, if any;
- (2) type and value of proposed improvements;
- (3) Economic Life of proposed improvements;
- (4) number of existing jobs to be retained by proposed improvements;
- (5) number, salary, and type of new jobs to be created by proposed improvements;
- (6) amount of local payroll to be created;
- (7) whether the new jobs to be created will be filled by persons residing or projected to reside within the City;
- (8) amount of local sales taxes to be generated directly;

- (9) the costs, if any, to be incurred by the City to provide facilities or services directly resulting from the new improvements;
- (10) the amount of ad valorem taxes to be paid the City during the Abatement period considering the existing values, the percentage of new value abated, the Abatement period, and the projected property value after expiration of the Abatement period;
- (11) population growth that occurs directly as a result of new improvements;
- (12) the types and value of public improvements, if any, to be constructed and paid for by the applicant seeking abatement;
- (13) the extent to which the proposed improvements compete with existing businesses;
- (14) the positive or negative impact on the opportunities of existing businesses;
- (15) the attraction of other new businesses to the area;
- (16) the overall compatibility with the City's zoning and subdivision regulations, and overall comprehensive plan; and
- (17) whether the project is environmentally compatible with the community (no appreciable negative impact on quality-of-life perceptions).

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

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

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

**4. Property subject to Taxation.** From the execution of a tax abatement agreement to the end of the effective abatement period under the agreement, taxes shall be payable as follows:

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

d. the additional value of new, eligible property shall be fully taxable at the end of the abatement period.

## **5. Application for Tax Abatement.**

a. Any present or potential owner of taxable property in the City of Temple may request the creation of a tax abatement reinvestment zone and tax abatement by filing a complete application package with the City Manager. The application shall then be forwarded to other appropriate City departments for review. After processing the application, the City Manager shall make a recommendation to the City Council to grant or deny the application.

b. A complete application package for consideration of a tax abatement shall consist of:

- a completed application form;
- an investment budget detailing components and costs of the real property and personal property improvements for which tax abatement is requested, including type, number, and economic life;
- A map and legal description of the property;
- A time schedule for undertaking and completing the proposed improvements;
- The number of jobs to be retained and/or created as a result of the proposed project;
- Information pertaining to the reasons that the requested tax abatement is necessary to ensure that the proposed project is built in the City;
- Financial and other information, as the City deems appropriate, for evaluating the financial capacity and other factors of the applicant;
- For a leased facility, the name and address of the lessor and a copy of the proposed or existing lease, or option contract.

c. Pursuant to the requirements of the Tax Code, Chapter 312, the City shall give written notice to the presiding officer of the governing body of each taxing unit that includes in its boundaries real property that is to be included in a proposed reinvestment zone and in which the property to be subject to the agreement is located.

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

## **6. Tax Abatement Agreements**

a. After City Council approval of a resolution authorizing a tax abatement agreement, the owner (and lessee, where applicable) of the Facility and the City shall execute an agreement which shall include, but not be limited to:

- (1) The kind, number, and location of all proposed improvements on the property;
- (2) The amount of investment, increase in appraised value and number of jobs to be added and/or retained;

(3) A provision authorizing access to and inspection of the property by municipal employees to ensure that the improvements are made according to the specifications and conditions of the agreement;

(4) Limits for the uses of the property consistent with the general purpose of encouraging development or redevelopment of the zone during the period the property tax abatement is in effect;

(5) A provision providing for recapture of property tax revenue lost as a result of the agreement if the owner of the property fails to make the improvements as provided by the agreement;

(6) All other contractual terms agreed to by the owner of the property;

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

(8) A provision allowing the City Council to cancel or modify the agreement if the owner fails to comply with the agreement;

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

(10) The commencement date and the termination date of abatement.

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

c. Agreements shall normally be approved or disapproved within sixty (60) days from the date the applicant files a properly completed application package with the City.

## **7. Recapture of Abated Taxes Upon Default.**

a. In the event that the owner and/or lessee:

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

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

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

b. Should the City determine that the owner and/or lessee is in default according to the terms and conditions of its agreement, the City shall notify the owner and/or lessee of such default in



writing at the address stated in the agreement, and if such is not cured within thirty (30) days from the date of such notice ("Cure Period"), then the agreement may be terminated.

## **8. Administration.**

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

b. A tax abatement agreement shall stipulate that employees or designated representatives of the City will have access to the reinvestment zone during the term of the abatement to inspect the Facility to determine if the terms and conditions of the agreement are being met. All inspections will be made only after the giving of twenty-four (24) hours prior notice and will only be conducted in such manner as to not unreasonably interfere with the construction or operation of the Facility. All inspections will be made with one or more representatives of the owner and/or lessee and in accordance with its safety standards.

## **9. Assignment of Tax Abatement Agreements.**

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

## **10. Sunset Provision.**

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

# **II. Availability of Tax Increment Financing of Public Improvements.**

## **A. Existence of tax increment financing district.**

The City of Temple has previously created Tax Increment Financing Reinvestment Zone Number One. To be designated as a tax increment financing reinvestment zone (TIFRZ), an area must meet the criteria established for reinvestment zones under Section 311.005 of the Tax Code. Designation of an area of the City as an Enterprise Zone under Texas Government Code, Chapter 2303, the Texas Enterprise Zone Act, qualifies an area automatically for designation as a tax increment financing reinvestment zone.

## **B. Development agreements.**

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

## **III. Additional Economic Incentives within the City**

### **A. Designation of Enterprise Zone.**

The City will consider designating an Enterprise Zone or nominating an Enterprise Project as allowed by Texas Government Code, Chapter 2303, also known as the Texas Enterprise Zone Act.

#### **1. Sales and use tax refunds.**

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

- (1) meet the definition of "qualified businesses" as defined in the Texas Enterprise Zone Act;
- (2) meet the qualifications for, and receive designation by the State as an enterprise project in accordance with the Texas Enterprise Zone Act.

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

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

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

## **2. Waiver of permit fees.**

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

## **B. Other economic incentives within the City.**

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

2. A “qualified business” under this section means a business or project which is reasonably likely to contribute to the retention or expansion of primary employment or to attract major investment in the City that would be a benefit to the property to be developed and that would contribute to economic development within the City. The determination of whether a proposed project is a “qualified business” is at the sole discretion of the City.

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

- (a) The City may purchase tracts of land in the City to encourage economic development if it determines that assembly of smaller tracts into larger tracts will promote the sale or development of property over the long term. The City may also purchase land to sell or lease to a qualified business in the City.
- (b) To promote economic development within the City, the City Manager is authorized to execute Chapter 380 agreements involving grants of public funds, or the transfer of land with value, providing personnel and services of the municipality, up to \$25,000 within the Strategic Investment Zone Grant Corridors, subject to the availability of funds appropriated annually for that purpose.
- (c) To promote economic development within the City, the City Manager is authorized to execute Chapter 380 agreements involving grants of public funds, or the transfer of land with value, providing personnel and services of the municipality, up to \$10,000 within any of the City’s other Strategic Investment Zones, as designated in Exhibit A, attached hereto and made a part hereof for all purposes. To promote economic development within the City, the City Manager is authorized to execute Chapter 380 agreements involving grants of public funds, or the transfer of land with value, providing personnel and services of the municipality, up to \$7,500 in any part of the City not covered by one of the City’s Strategic Investment Zones.
- (d) The City may sell or lease City-owned property to private developers, if the City Council determines that the property is not needed for any other public purpose, and that sale of the property to a private developer will result in capital improvements or the creation of new jobs within the City. The City will generally sell or lease public

property at its fair market value, but will consider making a one-time grant to an applicant, or selling or leasing property at less than fair market value.

### **C. Incentives in Certain Strategic Incentive Zones (SIZ)**

1. **Authority.** Pursuant to Article 3, Section 52-a of the Texas Constitution, Chapter 380 of the Texas Local Government Code, and Section III.B of the City's Economic Development Policy ordinance, the City will consider offering additional economic incentives for development within certain of the City's Strategic Investment Zone Grant Corridors ("SIZ Grant Corridors" or "Grant Corridors"). The Strategic Investment Zone Grant Corridors consist of two zones: the Commercial Zone and the Downtown Core Zone. The zones are depicted in Exhibit B, attached hereto and made a part hereof for all purposes.

2. **Purpose.** The City is committed to establishing long-term economic vitality in Strategic Investment Zone Grant Corridors, encouraging redevelopment and diversification. Through the implementation of this incentive grant program, property owners who meet certain eligibility criteria may facilitate new public and private sector investments.

3. **Incentives.** For eligible projects involving investment in real property, incentive grants are available on property located within a delineated Grant Corridor. The grants are provided as reimbursements, as a match to the funds disbursed by the applicant. Only the applicant's cash disbursements may be used as a grant match and in-kind contributions may not be used as part of the applicant's match.

4. **Application Process.** The funding cycle for SIZ grants shall be from October 1<sup>st</sup> to September 30<sup>th</sup>. For each funding cycle the City shall designate a specific amount of funding available for that cycle. Upon exhaustion of those funds, the City will be under no obligation to fund additional grants. Likewise, the City is under no obligation to establish future funding cycles.

Applications shall be submitted to the General Services Office for consideration by the City Council or the City Manager, depending on the amount of the grant request.

#### **5. Types of Grants.**

- a. **Façade Improvement Grants.** The City will consider making grants on a 1:1 matching basis for the replacement or upgrade of an existing façade with an eligible product to an eligible property, or to remove an existing façade to expose the original façade. Façade improvement costs eligible for reimbursement with a façade improvement grant include demolition costs (including labor), landfill costs, and material and construction (including labor) costs. Improvements which are primarily deferred maintenance by the property owner will not be eligible for grants.
- b. **Sign Improvement Grants.** The City will consider making grants on a 1:1 matching basis for the installation of new signs on eligible properties or the replacement of a dilapidated sign. Sign improvement costs eligible for reimbursement with a sign improvement grant include demolition costs (including labor), landfill costs, and the City-approved material and construction (including labor) costs.

- c. **Landscaping Improvement Grants.** The City will consider making grants on a 1:1 matching basis for the installation of new or additional landscaping to an eligible property. Landscaping improvement costs eligible for reimbursement include:
- Ground preparation costs (including labor);
  - materials (trees, shrubs, soil and amendments thereto and other decorative hardscape such as arbors, art, and walls or fences);
  - material installation of a non-portable space conditioning device (heaters, fans, and misters);
  - curbed islands; and
  - material and construction (including labor) costs.

The City will also consider making grants of trees from the City's tree farm if requested by the Applicant.

- d. **Asbestos Survey or Abatement Grants.** The City will consider making grants on a 1:1 matching basis for an owner-initiated asbestos survey of a building and for asbestos abatement for a building on eligible property. Asbestos survey and abatement grant eligible costs include professional fees, labor costs, select demolition/removal costs, and replacement materials.
- e. **Demolition Grants.** The City will consider, when requested by the applicant, demolishing buildings, signs or parking lots, and disposing of the same at the City's cost, when the City has the capacity and equipment to do so. The City will not demolish buildings where the City, in its sole discretion, determines that there is a reasonable probability that the building contains asbestos, unless the applicant has obtained an asbestos survey and abates asbestos, where necessary, prior to demolition of the structure. In lieu of doing the demolition work with its own crews, the City will also consider a grant on a 1:1 matching basis for the demolition of existing buildings, signs, or parking lots on eligible property. Where the applicant is performing the demolition and seeking a demolition grant, eligible costs include the labor and landfill costs, and equipment rental, but exclude any design costs.
- f. **Sidewalk Improvement Grants.** The City will consider making grants on a 1:1 matching basis for the construction of new sidewalks, curb and guttering or the replacement of existing sidewalks or curb and guttering on eligible property. Sidewalk improvements costs eligible for reimbursement include demolition costs (where applicable and including labor), landfill costs, and material and construction (including labor) costs and equipment.
- g. **Fee Waiver.** The City will consider waiving platting, zoning, and building permit fees for eligible projects. The City cannot waive water and wastewater tap fees.
- h. **Design.** The City will consider making grants on a 1:1 matching basis for the provision of design services, by a certified/licensed design professional or firm, to encourage increased aesthetics.

6. **Maximum Amount of Grants.** The chart below shows the types and dollar amounts of grants available in each of the current SIZ Grant Corridors. An applicant can request consideration for up to the maximum for each type of grant applicable to the applicant's property and application, but the total amount that an applicant can receive for any particular application and property is

limited by the size of the applicant's actual investment. The chart below shows the minimum required investment by a property owner for consideration of a SIZ grant. The value of grants of trees from the City's tree farm and demolition work performed by City crews, as determined by the City, is applied to the grant maximum.

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 w/o irrigation	\$2,000	\$3,000	\$5,000
Landscaping with Irrigation	\$4,000	\$6,000	\$10,000
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 (\$55,000 w/ irrigation)	\$71,500 (\$74,500 w/ irrigation)	\$46,000 (\$51,000 w/ irrigation)
Required Minimum Investment	\$20,000	\$35,000	\$20,000

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

7. **Eligible Property.** To be eligible for a SIZ grant, the applicant must be the owner or a lessee of property lying within the boundaries of one of the City's SIZ Grant Corridors. The current SIZ Corridors are "Commercial" and "Downtown Core." Please see Exhibit B for additional information regarding the Corridor boundaries.

8. **Application Form.** To be eligible for a SIZ grant an applicant must submit an application and receive approval from the City prior to commencing the work for which a grant or assistance by the City is sought. Applications must be submitted on an application form provided by the City, be fully and accurately completed, and signed by the owner(s) (and the lessee(s), where applicable) of the property. Forms are available in the **General Services Office, 101 North Main Street, Temple, Texas 76501**, and must be submitted to the General Services office for review and potential approval by the City. A completed application must contain a rendering of all proposed improvements and a written description of the same. Where the proposed scope of work requires professional work by an engineer or architect, the plans must be sealed by an engineer or architect prior to the issuance of building permits, as applicable.

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

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

Applications that do not meet the above criteria will not be recommended by the Staff for approval by the City Council or City Manager, depending on the amount of the grant request.

10. **Approval of grants; duration of approval.** The City Council or the City Manager, depending on the amount of the grant request, may approve a request for a grant in whole or in part, or deny the same.

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

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

Payment to grantees shall be made within thirty (30) days of the work described in the agreement

being completed, inspected and a certificate of occupancy issued by the City. When the recipient of a SIZ grant fails to complete a project by the date provided for completion in the agreement with the City, inclusive of any extension approved by the Staff (up to ninety (90) days), the amount of the grant provided for in the agreement shall be reduced by 5% for each thirty days that the project lacks completion. Completion under this section means the inspection and acceptance of any public improvements by the City and the issuance of a certificate of occupancy (where applicable) by the City.

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

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

**Part 4:** It is hereby officially found and determined that the meeting at which this ordinance 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 **16th** day of **June**, 2016.

PASSED AND APPROVED on Second and Final Reading on the **7th** day of **July**, 2016.

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

---

07/07/16  
Item #5(V)  
Consent Agenda  
Page 1 of 4

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

Mark Baker, Senior Planner

**ITEM DESCRIPTION:** SECOND READING - Z-FY-16-29: Consider adopting an ordinance authorizing a rezoning from Agricultural (AG) District to General Retail (GR) District on 4.889 +/- acres situated in the Nancy Chance Survey, Abstract No. 5, Bell County, Texas, located at 419 Hilliard Road.

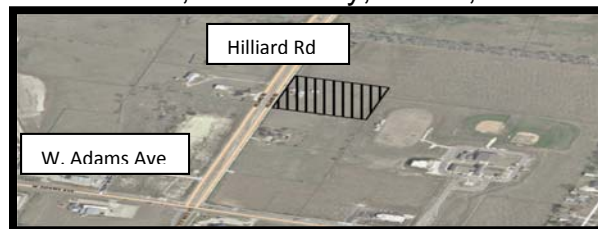


Figure 1: Aerial Location Map

**PLANNING & ZONING COMMISSION RECOMMENDATION:** At their May 16, 2016 meeting, the Planning & Zoning Commission voted 6 to 0 to recommend approval of the proposed rezoning as presented by staff.

**STAFF RECOMMENDATION:** Based on the following, staff recommends approval for a rezoning from Agricultural (AG) district to General Retail (GR) district for the following reasons:

1. The proposed rezoning is in compliance with the Future Land Use Map's Suburban Commercial District;
2. The proposed zoning is compatible with surrounding zoning and anticipated retail and service uses along this section of Hilliard Road;
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 a 4.889 +/- acre tract, (Exhibit A) which is being proposed for rezoning from Agricultural (AG) district to General Retail (GR) district. The property is currently developed with single residence.

Prior to the issuance of a building permit for any non-single-family residential development, a subdivision plat will be required. The applicant has indicated that there are currently no plans to immediately develop the property with a specific retail or service use. It is noteworthy that two separate property owners in the immediate vicinity have approached Planning staff to discuss the feasibility to also rezone their property to General Retail.

While there is currently a single-family residence on the property, it is anticipated the property will eventually be re-developed with retail and service uses. There are a number of residential and non-residential uses that are permitted by right in the GR zoning district. The uses allowed in the GR, include but are not limited to:

Permitted & Conditional Use Table - General Retail (GR)	
<b>Agricultural Uses</b>	* Farm, Ranch or Orchard
<b>Residential Uses</b>	* Single Family Residence (Detached & Attached) * Duplex * Townhouse * Industrialized Housing * Family or Group Home * Home for the Aged
<b>Retail &amp; Service Uses</b>	* Most Retail & Service Uses * Alcoholic Beverage Sales, off-premise consumption, package Store (CUP)
<b>Commercial Uses</b>	* Plumbing Shop * Upholstery Shop * Kennel without Veterinary Hospital (CUP) * Indoor Flea Market
<b>Industrial Uses</b>	* Temporary Asphalt & Concrete Batching Plat (CUP) * Laboratory, medical, dental, scientific or research * Recycling collection location
<b>Recreational Uses</b>	* Park or Playground * Beer & Wine (On Premise Consumption) < 75%
<b>Vehicle Service Uses</b>	* Auto Leasing, Rental * Auto Sales - New & Used (outside Lot) * Car Wash * Vehicle Servicing (Minor)
<b>Restaurant Uses</b>	* With & Without Drive-In
<b>Overnight Accommodations</b>	* Hotel or Motel
<b>Transportation Uses</b>	* Emergency Vehicle Service * Helistop

Prohibited uses include HUD-Code manufactured homes and land lease communities, most commercial uses and industrial uses.

Surrounding Property & Uses			
<u>Direction</u>	<u>Future Land Use Map</u>	<u>Zoning</u>	<u>Current Land Use</u>
Site	Suburban Commercial	AG	Existing SF Residence
North	Suburban Commercial	SF-1	Undeveloped & SF Uses
South	Suburban Commercial	AG & GR	Undeveloped & Scattered SF Uses
East	Suburban Commercial	SF-1	Holy Trinity Catholic High School
West	Suburban Commercial	AG, MF-2 & GR	Scattered SF 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:

Document	Policy, Goal, Objective or Map	Compliance?
CP	Map 3.1 - Future Land Use Map	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 Map (CP Map 3.1)**

The subject property is entirely within the Suburban Commercial land use district. The Suburban Commercial district is intended for office and retail service-related zoning districts, of which the requested GR-zoning is in compliance with the Future Land Use Map. While there are no immediate plans to develop the property for retail and service uses, if approved, the zoning would be in-place to accommodate future market trends to allow development along the Hilliard Road corridor, north of its intersection with West Adams Avenue (FM 2305).

**Thoroughfare Plan (CP Map 5.2)**

The subject property takes access from Hilliard Road, located approximately 1,200 feet north of its intersection with West Adams Ave. This section of Hilliard Road, also known as Research Parkway, is a major arterial, which requires a 6-foot sidewalk on both sides. Sidewalk improvements are currently in place on the project's side of Hilliard Road. Any sidewalk deficiencies will be addressed during the future platting process. Currently, there are no funded or scheduled TCIP improvement projects along this section of Hilliard Road.

**Availability of Public Facilities (CP Goal 4.1)**

Sewer is available to the subject property through an existing 8-inch sewer line in Hilliard Road and will require extension to the subject from its current location. Water is available through an existing 18-inch waterline in Hilliard Road. Public facilities will be addressed through the subdivision plat process.

**Temple Trails Master Plan Map and Sidewalks Ordinance**

The Trails Master Plan identifies an existing City-Wide spine trail in Hilliard Road. Any needed trail improvements or upsizing will be addressed during the future platting process.

**DEVELOPMENT REGULATIONS:** Residential setbacks in the Agricultural (AG) district & Non-Residential General Retail (GR) district are:

	Current (AG)	Proposed (GR)
Minimum Lot Size	1 Acre	N/A
Minimum Lot Width	100 Feet	N/A
Minimum Lot Depth	150 Feet	N/A
Front Setback	50 Feet	15 Feet
Side Setback	15 Feet	10 Feet
Side Setback (corner)	15 Feet	10 Feet
Rear Setback	10 Feet	❖ 10 Feet
Max Building Height	3 Stories	3 Stories

- ❖ 10' rear setback (Non-residential use abuts a residential zoning district or use - UDC Section 4.4.4.F3) and,

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

- \* Landscaping or solid fencing from 6 to 8 feet in height (UDC Section 7.7.4),
- \* Refuse containers located in the side or rear of the property (UDC Section 7.7.6), and
- \* Screened outdoor storage (UDC Section 7.7.8.B1).

**PUBLIC NOTICE:** Nine 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 June 7, 2016 at 9:00 AM, Two notices in Agreement from property owned by the same individual and one notice in disagreement have been received. In addition, one letter from a property owner outside the 200 foot buffer has also been received.

The newspaper printed notice of the public hearing on May 5, 2016, in accordance with state law and local ordinance.

**FISCAL IMPACT:** Not Applicable

**ATTACHMENTS:**

[Site and Surrounding Property Photos](#)  
[Surveyor Sketch \(Exhibit A\)](#)  
[Aerial Map / Location 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 – Existing Single Family Residence (from Median in Hilliard Rd (AG))**



**Site – Existing Single Family Residence (AG)**



**North: Undeveloped Land and Scattered SF Uses (AG & SF-1)**



**North: Undeveloped Land & Scattered SF Uses (From Median in Hilliard Rd  
(SF-1 & AG))**





**South: Undeveloped Land (AG & GR)**



**South: Undeveloped Land (from Median in Hilliard Rd  
(AG & GR)**

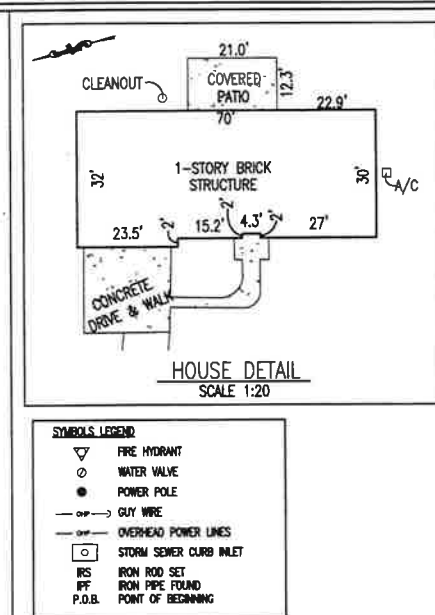
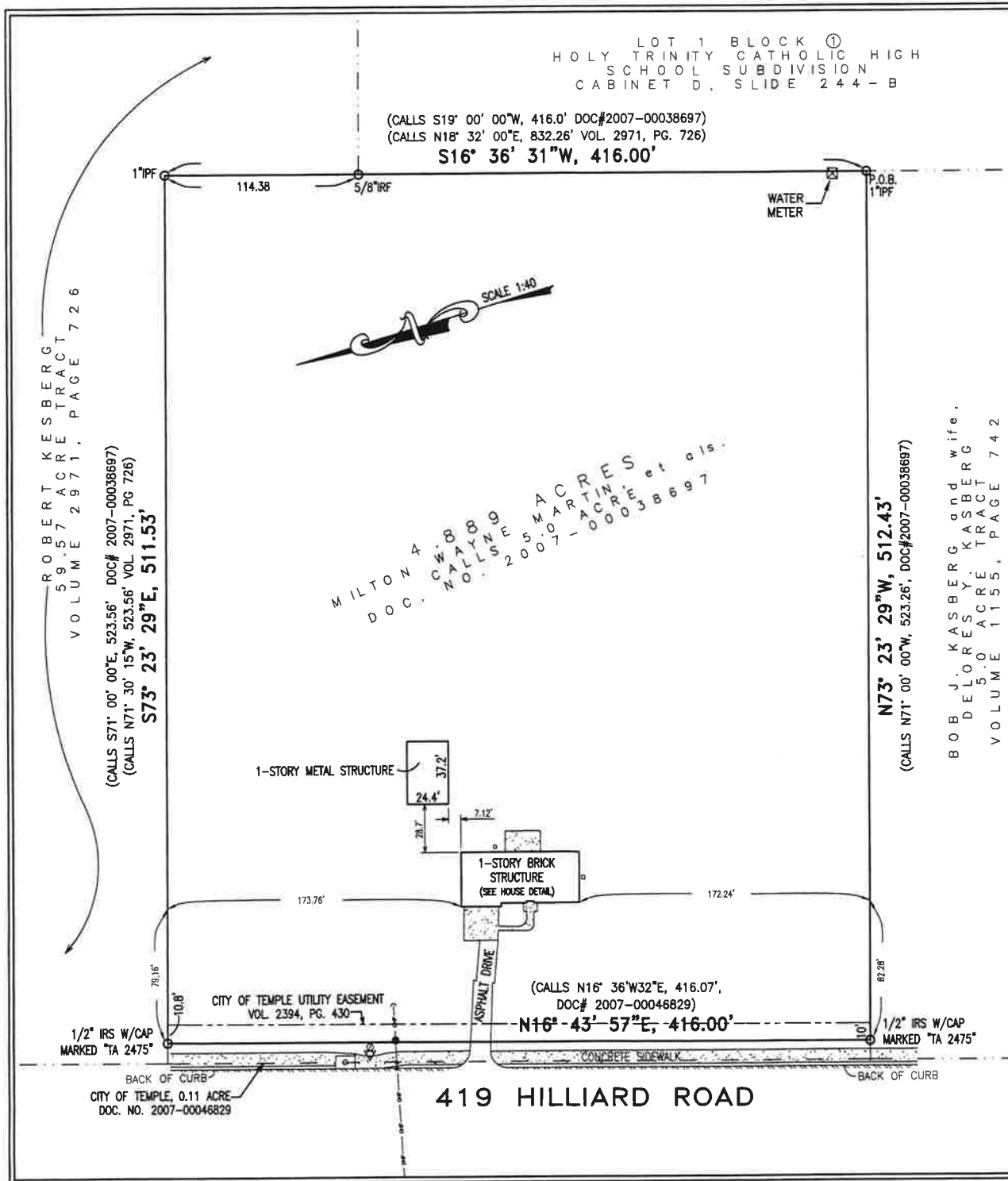


**East: Holy Trinity Catholic High School  
(SF-1)**



**West: Existing SF Uses on Acreage (AG)**





\*\*\*\*\*

THE FOLLOWING EASEMENTS DO AFFECT THIS TRACT BUT ARE UNLOCATABLE BY DESCRIPTION:

- TEXAS POWER & LIGHT COMPANY, VOLUME 972, PAGE 512
- PEPPER'S CREEK WATER SUPPLY CORPORATION, VOLUME 1018, PAGE 489

\*\*\*\*\*

BEING a 4.889 acre tract of land situated in the NANCY CHANCE SURVEY, ABSTRACT NO. 5, Bell County, Texas and being a part or portion of that certain 5.0 acre tract of land described in a General Warranty Deed dated August 31, 2007 from Willie Mae Martin to Milton Wayne Martin, et al and being of record in Document No. 2007-00038697, Real Property Records in Bell County, Texas and being more particularly described by separate metes and bounds.

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

This property is not within the Special Flood Hazard Area as per the Federal Emergency Management Agency Federal Insurance Administration Map No. 48027C0335E, date September 26, 2008.

IN WITNESS THEREOF, my hand and seal, this the 3rd day of September, 2009.

Michael E. Alvis, R.P.L.S. #5402

Michael E. Alvis, R.P.L.S. #5402

\*\*\*\*\*

Bearing Base: 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 unless noted and all bearings are grid bearings. All coordinates are referenced to City Monument No. 205. The theta angle at City Monument No. 205 is 01° 30' 24". The combined correction factor (CCF) is 0.999853. Grid distance = Surface distance X CCF. Geodetic north = Grid north + theta angle. Reference tie from City of Temple Monument No. 205 to the southeast corner of this 4.889 acre tract is S. 15° 38' 44" W., 5802.75 feet. Published coordinates for project reference point 205 are N. = 10,388,617.28 E. = 3,211,706.19

ENGINEERING • PLANNING • SURVEYING  
CONSTRUCTION MANAGEMENT

**TURLEY ASSOCIATES, INC.**

301 N. 3rd ST. TEMPLE, TEXAS (254) 773-2400  
E-MAIL: VTURLEY@AOL.COM (254) 773-3998

**PEPPER CREEK REALTORS**

**4.889 ACRE TRACT  
419 HILLIARD ROAD**

NANCY CHANCE SURVEY  
ABSTRACT NO. 5, BELL COUNTY, TEXAS

REVISIONS	
DATE:	09-03-09
DRN. BY:	MZS
REF.:	
FIELD BOOK	-
JOB NO.:	09-281
SHEET	1 OF 1
COMPUTER	09-281.DWG
<b>12159-C</b>	
DRAWING NUMBER	

BEING a 4.889 acre tract of land situated in the NANCY CHANCE SURVEY, ABSTRACT NO. 5, Bell County, Texas and being a part or portion of that certain 5.0 acre tract of land described in a General Warranty Deed dated August 31, 2007 from Willie Mae Martin to Milton Wayne Martin, et als and being of record in Document No. 2007-00038697, Real Property Records in Bell County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a 1" iron pipe found being the called southeast corner (calls iron pipe) of said 5.0 acre tract (Martin Tract) and being the northeast corner of that certain 5.0 acre tract of land described in a Warranty Deed dated December 6, 1972 from E. L. Gribble and wife, Myrtle Effie Gribble to Bob J. Kasberg and wife, Delores Y. Kasberg and being of record in Volume 1155, Page 742, Deed Records of Bell County, Texas and being in the west boundary line of Lot 1, Block 1, HOLY TRINITY CATHOLIC HIGH SCHOOL SUBDIVISION, an addition to the City of Temple, Bell County, Texas according to the map or plat of record in Cabinet D, Slide 244-B, Plat Records of Bell County, Texas for corner;

THENCE N. 73° 23' 29" W., 512.43 feet departing said west boundary line and with the common boundary line (calls N. 71° 00' 00" W., 523.56 feet) of said 5.0 acre tract (Martin Tract) and said 5.0 acre tract (Kasberg Tract) to a ½" iron rod with cap marked "RPLS 2475" set being the southeast corner (calls 5/8" iron rod) of that certain 0.11 acre tract of land described in a General Warranty Deed dated October 24, 2007 from Milton Wayne Martin, et als to The City of Temple, Texas and being of record in Document No. 2007-00046829, Real Property Records in Bell County, Texas and being in the east right-of-way line of Hilliard Road for corner;

THENCE N. 16° 43' 57" E., 416.00 feet departing said common boundary line and with the east boundary line (calls N. 16° 36' 32" E., 416.07 feet) of said 0.11 acre tract; being the east right-of-way line of Hilliard Road to a ½" iron rod with cap marked "RPLS 2475" set being the northeast corner (calls 5/8" iron rod) of said 0.11 acre tract and being in the north boundary line of said 5.0 acre tract (Martin Tract) and being in a south boundary line of that certain 59.57 acre tract of land (Exhibit "A") described in a Warranty Deed dated April 26, 1993 from E. L. Gribble and wife, Myrtle E. Gribble to Robert Kasberg and being of record in Volume 2971, Page 726, Official Public Records of Bell County, Texas for corner;

THENCE S. 73° 23' 29" E., 511.53 feet departing said east right-of-way line and with the common boundary line of said 5.0 acre tract (Martin Tract) (calls S. 71° 00' 00" E., 523.56 feet) and said 59.57 acre tract (calls N. 71° 30' 15" W., 523.56 feet) to a 1" iron pipe found being the northeast corner (calls iron pipe) of said 5.0 acre tract (Martin Tract) and being an ell or angle corner of said 59.57 acre tract for corner;



THENCE S. 16° 36' 31" W., with the north boundary line (calls S. 19° 00' 00" W., 416.0 feet) of said 5.0 acre tract (Martin Tract) and with a boundary line (calls N. 18° 32' 00" E., 832.26 feet) of said 59.57 acre tract, at 114.38 feet a 5/8" iron rod with cap marked "All County" found being the northwest corner of said Lot 1, Block 1, HOLY TRINITY CATHOLIC HIGH SCHOOL SUBDIVISION and at 416.00 feet in all to the Point of BEGINNING and containing 4.889 acres of land.

\*\*\*\*\*

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

Michael E. Alvis, R.P.L.S. #5402  
September 3, 2009



Bearing Base: 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 unless noted and all bearings are grid bearings. All coordinates are referenced to City Monument No. 205. The theta angle at City Monument No. 205 is 01° 30' 24". The combined correction factor (CCF) is 0.999853. Grid distance = Surface distance X CCF. Geodetic north = Grid north + theta angle. Reference tie from City of Temple Monument No. 205 to the southeast corner of this 4.889 acre tract is S. 15° 38' 44" W., 5602.75 feet. Published coordinates for project reference point 205 are N. = 10,388,617.28 E = 3,211,706.19

See attached surveyors sketch, which accompanies this set of field notes (ref: Turley Associates Inc. drawing No. 12159-C)



















AG to GR

## AERIAL MAP

Zoning Case :  
Z-FY-16-29

Address :  
419 Hilliard

### Streets

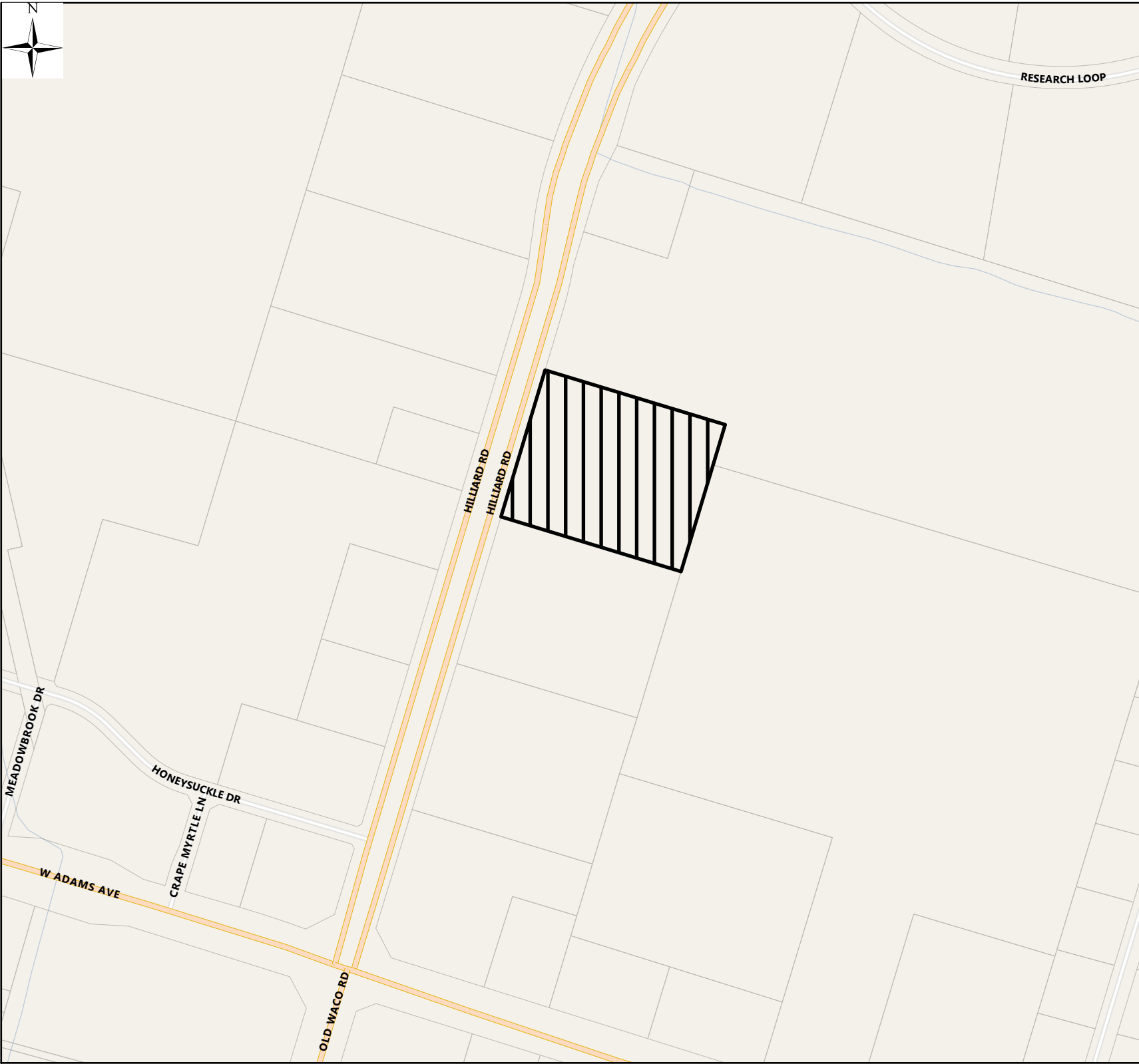
-  EXPRESSWAY
-  MAJOR ARTERIAL
-  COLLECTOR
-  LOCAL STREET
-  MINOR ARTERIAL
-  PRIVATE
-  RAMP
-  Railroad
-  Temple Municipal Boundary
-  Parcels
-  ETJ Parcels
-  CaseArea

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.

mbaker  
Date: 4/18/2016







AG to GR

## LOCATION MAP

Zoning Case :  
Z-FY-16-29

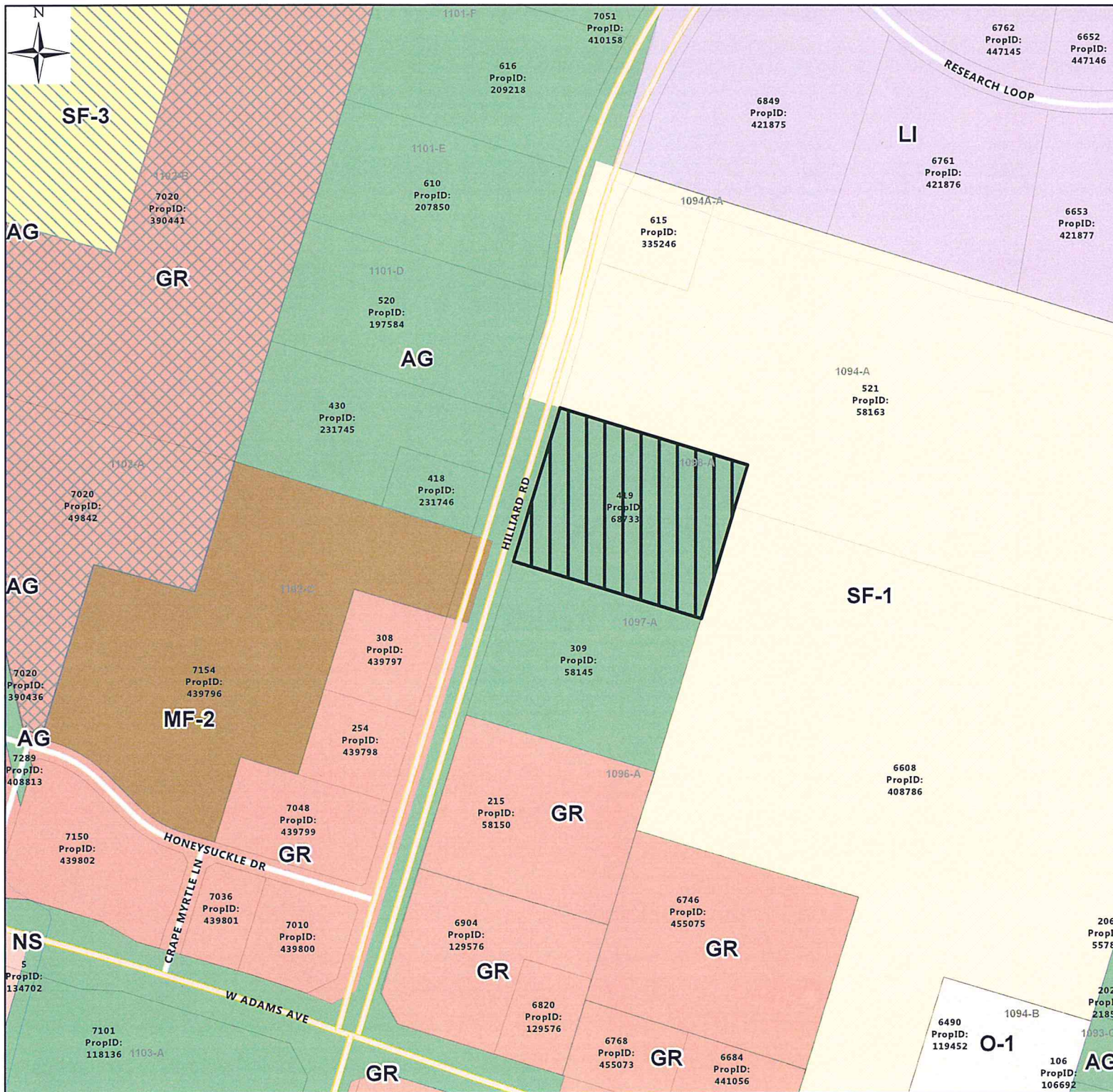
Address :  
419 Hilliard

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

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mbaker  
Date: 4/18/2016





# AG to GR

## ZONING MAP

Zoning Case :  
Z-FY-16-29  
Address :  
419 Hilliard

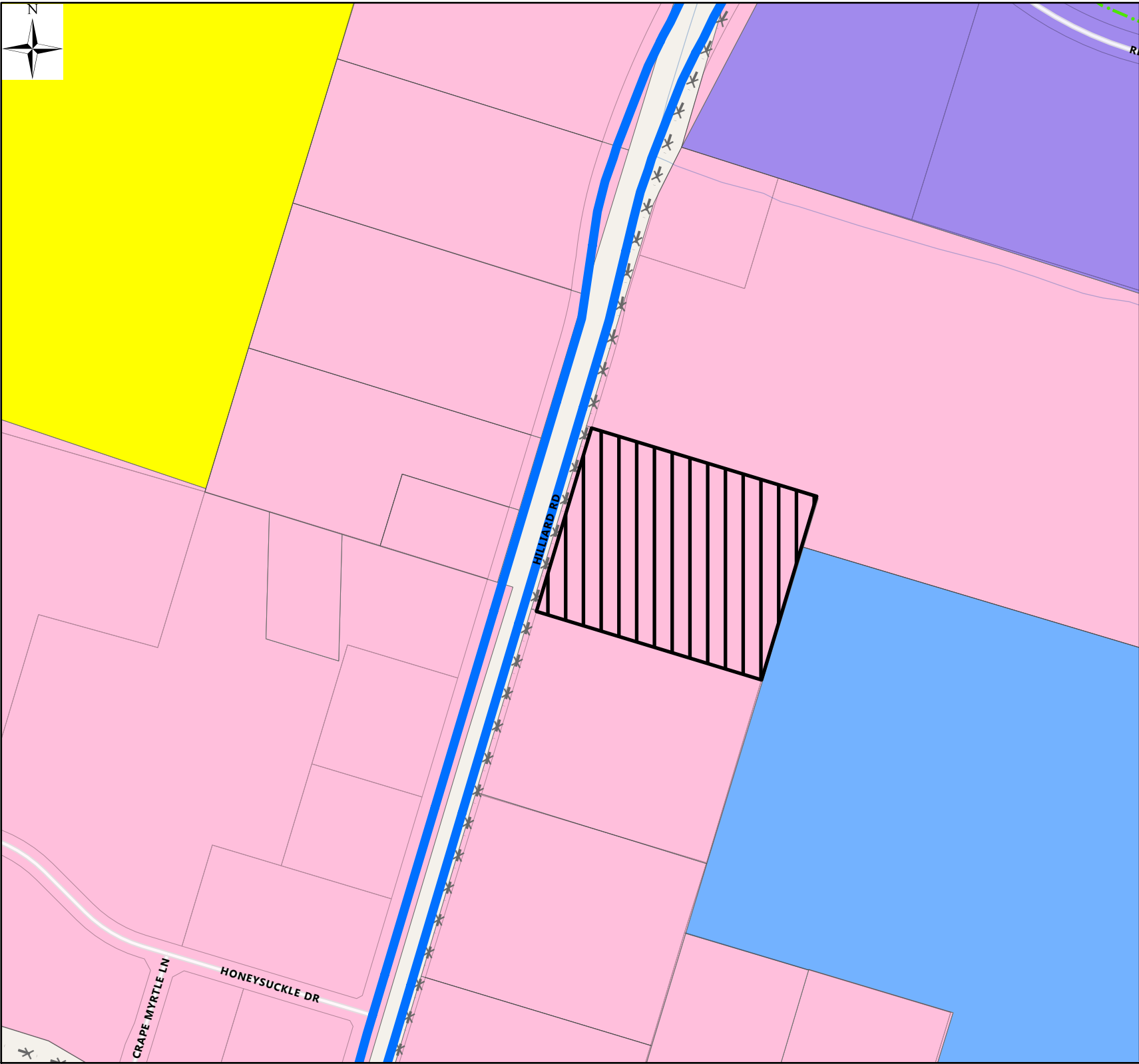
CurrentZoning		
HI - CUP	O-1	AG - CUP
UE	O-1 - CUP	MH
UE - PD	O-1 - PD	MH - CUP
SF-1	O-2	MH - PD
SF-1 - CUP	O-2 - CUP	MU
SF-1 - PD	O-2 - PD	MU - CUP
SF-2	NS	SD-C
SF-2 - PD	NS - CUP	SD-C - CUP
SF-3	NS - PD	SD-H
SF-3 - PD	GR	SD-T
SF-3 - CUP, PD	GR - CUP	SD-V
SFA	GR - PD	T4
SFA-2	GR - CUP, PD	T4 - PD
SFA-2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

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mbaker  
Date: 4/18/2016







AG to GR  
FUTURE LAND  
USE MAP

Zoning Case :  
Z-FY-16-29

Address :  
419 Hilliard

- 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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mbaker  
Date: 4/18/2016





# AG to GR THOROUGHFARE AND TRAILS MAP

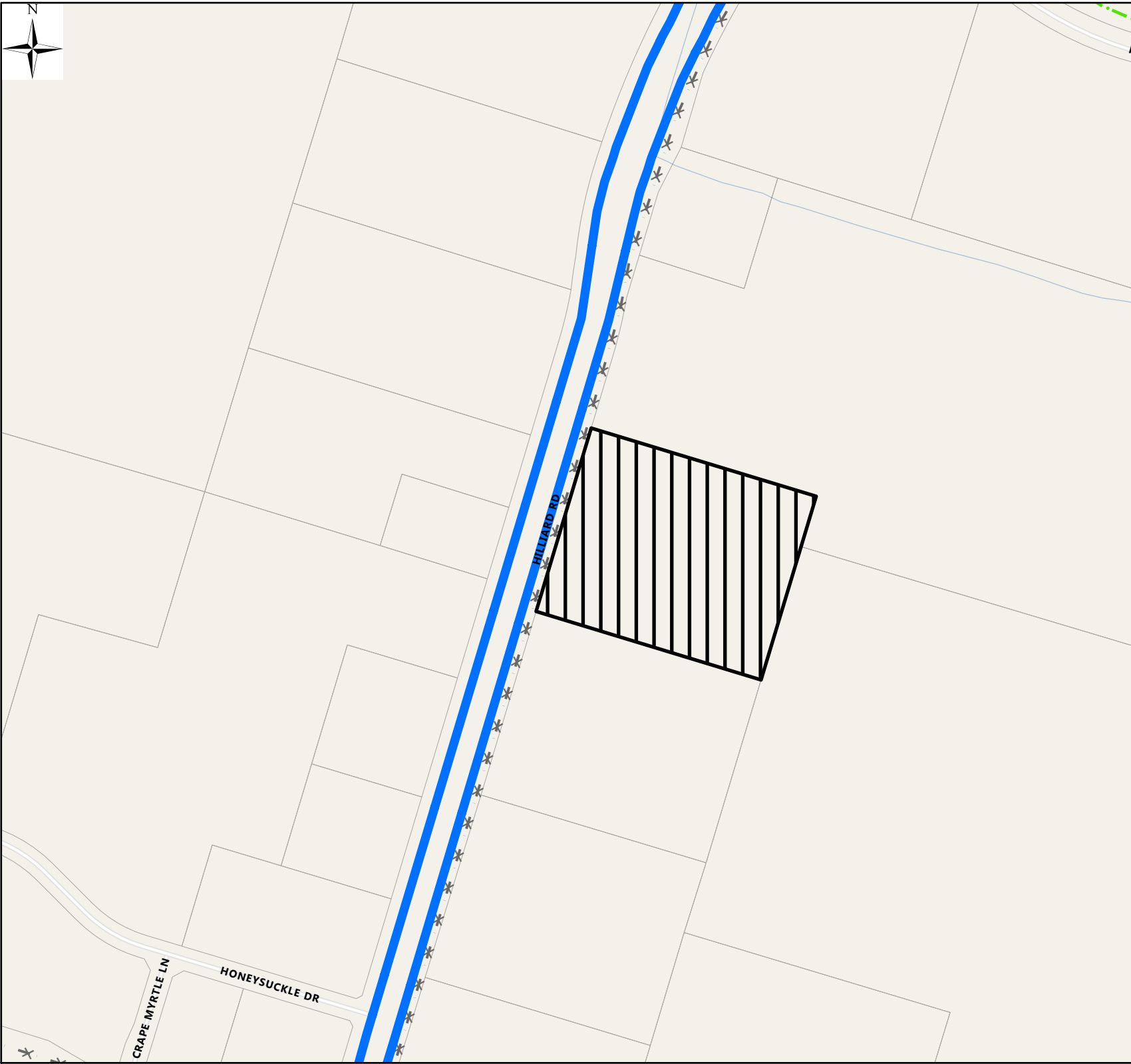
Zoning Case :  
Z-FY-16-29

Address :  
419 Hilliard

- |                                    |                                    |
|------------------------------------|------------------------------------|
| Parcels                            | PROPOSED, COMMUNITY WIDE CONNECTOR |
| Major Arterial                     | PROPOSED, LOCAL CONNECTOR          |
| Expressway                         | CaseArea                           |
| Proposed Major Arterial            |                                    |
| Minor Arterial                     |                                    |
| Collector                          |                                    |
| Proposed Collector                 |                                    |
| <b>Trails Master Plan</b>          |                                    |
| EXISTING, CITY WIDE SPINE          |                                    |
| EXISTING, COMMUNITY WIDE CONNECTOR |                                    |
| EXISTING, LOCAL CONNECTOR          |                                    |
| PROPOSED, CITY WIDE SPINE          |                                    |

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mbaker  
Date: 4/18/2016







AG to GR

## UTILITY MAP

Zoning Case :  
Z-FY-16-29

Address :  
419 Hilliard

- Manhole
- Gravity Main
- + Hydrant
- Main
- Parcels
- ▢ CaseArea

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mbaker  
Date: 4/18/2016









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

KASBERG, BOB J  
309 HILLIARD RD  
TEMPLE, TX 76502-4707

**Zoning Application Number: Z-FY-16-29**

**Project Manager: MARK BAKER**

**Location: 419 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 ☒ agree

( ) disagree with this request

**Comments:**

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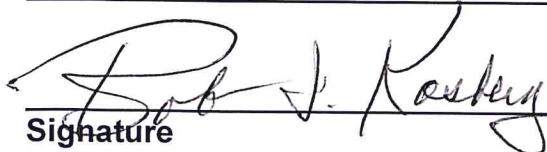
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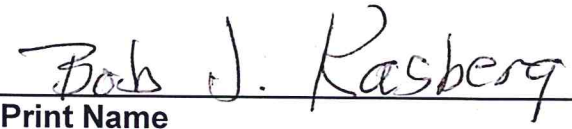
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Signature

  
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than **May 16, 2016**.

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

**RECEIVED**

**MAY 13 2016**

City of Temple  
Planning & Development

Number of Notices Mailed: 8

Date Mailed: May 5, 2016



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

KASBERG, ROBERT  
309 HILLIARD RD  
TEMPLE, TX 76502-4707

**Zoning Application Number: Z-FY-16-29**

**Project Manager: MARK BAKER**

**Location: 419 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 agree**

☐ **( ) disagree with this request**

**Comments:**

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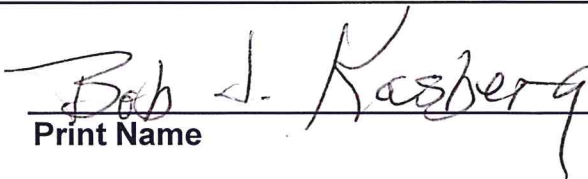
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**Signature**

  
**Print Name**

Please mail or hand-deliver this comment form to the address shown below, no later than **May 16, 2016**.

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

**RECEIVED**  
**MAY 13 2016**  
City of Temple  
Planning & Development

Number of Notices Mailed: 8

Date Mailed: May 5, 2016

James & Debbie Hering  
615 Hilliard Road  
Temple, Texas 76502

May 10, 2016

Mr. Mark P. Baker, Senior Planner  
Planning Department  
City of Temple  
2 North Main, Suite 102  
Temple, Texas 76501

Re: Zoning Application No. Z-FY-16-29

Dear Mr. Baker,

Per our conversation we had when you stopped by our property to confirm the address for your sign placement and site visit at 419 Hilliard Road, we are submitting this letter to the Planning and Zoning Commission and City Council for their consideration regarding the proposed GR zoning of the Mark Zwerneman tract (Z-FY-16-29).

We are in favor of this tract being rezoned from AG to GR. This would keep the area compatible with the new growth and represent the highest and best use of the land along this major outer loop corridor. This is supported by the tracts along the east line of Hilliard Road recently zoned GR, the tracts on the west line of Hilliard Road at Honeysuckle zoned GR, as well as some other tracts in the area zoned GR.

Please contact us if you need additional information or comments.

Sincerely,

  
  
James & Debbie Hering

**RECEIVED**

**MAY 13 2016**

City of Temple  
Planning & Development





RESPONSE TO PROPOSED  
REZONING REQUEST  
CITY OF TEMPLE

ORSAG, RONALD L ETUX MELANIE A  
520 HILLIARD RD  
TEMPLE, TX 76502-4700

Zoning Application Number: Z-FY-16-29

Project Manager: MARK BAKER

Location: 419 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 ☐ agree

☒ disagree with this request

Comments:

We respectfully request that this property  
NOT be rezoned.

Ronald Orsag  
Melanie Orsag  
Signature

Ronald Orsag  
Melanie Orsag  
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than **May 16, 2016**.

**RECEIVED**

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

**MAY 16 2016**

City of Temple  
Planning & Development

Number of Notices Mailed: 8

Date Mailed: May 5, 2016

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

(PLANNING NO. Z-FY-16-29)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A REZONING FROM AGRICULTURAL DISTRICT TO GENERAL RETAIL DISTRICT ON APPROXIMATELY 4.889 ACRES OF LAND SITUATED IN THE NANCY CHANCE SURVEY, ABSTRACT NO. 5, BELL COUNTY, TEXAS, LOCATED AT 419 HILLIARD ROAD; 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 to General Retail District on approximately 4.889 acres of land situated in the Nancy Chance Survey, Abstract No. 5, Bell County, Texas, located at 419 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 **16<sup>th</sup>** day of **June**, 2016.

PASSED AND APPROVED on Second Reading on the 7<sup>th</sup> day of **July**, 2016.

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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07/07/16  
Item #5(W)  
Consent Agenda  
Page 1 of 3

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

Mark Baker, Senior Planner

**ITEM DESCRIPTION:** SECOND READING – Z-FY-16-30: Consider adopting an ordinance authorizing a Conditional Use Permit (CUP) to allow a restaurant where less than 50% of the total gross revenue may be from the sale of all alcoholic beverages with on-premise consumption on Lot 2, Block 1, of the Shoppes on the Hill, Phase II Subdivision, located at 2320 South 31st Street, Suite 100.



Figure 2: Aerial Location Map

**PLANNING & ZONING COMMISSION RECOMMENDATION:** At their May 16, 2016 meeting, the Planning & Zoning Commission voted 6 to 0 to recommend approval of the proposed Conditional Use Permit as presented by staff.

**STAFF RECOMMENDATION:** Based on the following analysis that:

1. The project has demonstrated compliance with the specific standards in Unified Development Code (UDC) Section 5.3.15;
2. The project has demonstrated compliance to Chapter 4 of the City of Temple Code of Ordinances related to alcoholic beverages; and
3. The request is compatible with existing adjacent and anticipated retail and service uses.

Staff recommends approval of the requested Conditional Use Permit to allow establishments where less than 50% of the total gross revenue may be from the sale of all alcoholic beverages with on-premise consumption, subject to the following conditions:

1. That the sale of alcoholic beverages be restricted to on-premise consumption only, contained within the developed site of Lot 2, Block 1 of the Shoppes on the Hill, Phase II subdivision, located at 2320 South 31<sup>st</sup> Street, Suite 100;
2. The use is subject to compliance to Chapter 4 of the City Code of Ordinances related to alcoholic beverages; and
3. That the Conditional Use, complies with UDC Section 5.3.15 related to all alcoholic beverage sales with on-premise consumption.

**ITEM SUMMARY:** The applicant, Mark House on behalf of Tavistock Freebirds LLC., requests a Conditional Use Permit to allow the sale of less than 50% of the total gross revenue being from the sale of all alcoholic beverages with on-premise consumption only. The restaurant includes an outdoor patio area and on-premise alcohol consumption and sales is permitted since the exterior dining area is considered on-premise. This request is for an existing Freebirds Restaurant on Lot 2 of the recorded Shoppes on the Hill, Phase II subdivision, located in Suite 100 at 2320 South 31<sup>st</sup> Street.

**BACKGROUND:** The 2500 square foot suite is located within Lot 2, of the recorded Shoppes on the Hill, Phase II subdivision (attached). Phase II, is a 2.95 +/- acre, Replat of the larger Shoppes on the Hill subdivision being a total of 12.40 +/- acres, for the mixed use development which was rezoned on October 16, 2014, by Ordinance 2014-4689, to Planned Development - Temple Medical Education District (TMED) with an underlying transect zone designation of T-5C. Discussion related to Comprehensive Plan compliance was addressed during the related analysis of that request.

Specific to this request, a restaurant that generates less than 50% of its total gross revenue from the sale of all alcoholic beverages is a compatible use subject to approval of a Conditional Use Permit. The use as a restaurant with on-premise consumption of all alcohol is compatible with the existing and anticipated retail and service uses within "The Shoppes on the Hill" and the surrounding area along South 31<sup>st</sup> Street

Although not part of this request, it is noteworthy that included with Ordinance 2014-4689, exceptions to site plan standards were granted by City Council. Compliance to Ordinance 2014-4689 were confirmed during the building permit process.

Section 5.3.15 of the Unified Development Code provides for multiple performance standards related to the provision of a Conditional Use Permit for the on-premise sale of alcoholic beverages. Some of which include, but not limited to:

- *The permittee must comply with applicable licensing and permit provisions of the Alcoholic Beverage Code within 6 months from the date of the issuance of the Conditional Use Permit, such limitation in time being subject to City review and possible extension,*
- *The permittee must demonstrate that the granting of the permit would not be detrimental to the public welfare of the Citizens of the City,*
- *The permittee must, at all times, provide an adequate number of employees for security purposes to adequately control the establishment to prevent incidents of drunkenness, disorderly conduct and raucous behavior. The permittee must consult with the Chief of Police, who acts in an advisory capacity, to determine the number of qualified employees necessary to meet such obligations.*

*Additionally, the UDC states:*

*The City Council may deny or revoke a Conditional Use Permit in accordance with UDC Section 3.5 if it affirmatively determines that the issuance of the permit is:*

- a. Incompatible with the surrounding uses of property; or*
- b. Detrimental or offensive to the neighborhood or contrary to the health, safety and general welfare of the City and its inhabitants, and*
- c. Per UDC Section 3.5.5, the Planning & Zoning Commission may recommend and the City Council may impose additional conditions of approval.*

Adherence to UDC Section 5.3.15 in its entirety is included by reference in the Ordinance as conditions of approval. A Conditional Use Permit runs with the property and a change in ownership or change in the lessee does not affect the Conditional Use Permit.

Further, UDC Section 5.3.15B provides standards for all establishments with alcoholic beverage sales with on-premise consumption that is less than 75% of the gross total revenue. The standards include a distance requirement of not being within 300 feet of a place of worship, public school or public hospital as well as how the distance is measured. None of the identified uses are within 300 feet of the existing restaurant. However, it is noteworthy of mentioning that per the required measurement provided by the Texas Alcoholic Beverage Commission, the existing Baylor, Scott & White Hospital is located approximately 621 feet directly to the east across South 31<sup>st</sup> Street.

Lastly, Chapter 4 of the City of Temple Code of Ordinances reiterates state laws for distancing with regard to alcohol sales and on-premise consumption. Compliance to Chapter 4 standards are required and are included as a condition.

**DEVELOPMENT REVIEW COMMITTEE (DRC):** The DRC reviewed the proposed conditional use permit on May 2, 2016. No issues were identified during the review.

**PUBLIC NOTICE:** Six properties 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 June 7, 2016 at 9:00 AM, four separate notices in Agreement, for property owned by the same owner, have been received.

The newspaper printed notice of the public hearing on May 5, 2016, in accordance with state law and local ordinance.

**FISCAL IMPACT:** Not Applicable

**ATTACHMENTS:**

[Chapter 4 – Code of Ordinances – Alcoholic Beverages](#)  
[Site and Surrounding Property Photos](#)  
[Aerial Map](#)  
[Shoppes on the Hill subdivision - Final Plat](#)  
[Freebirds Restaurant \(Site Plan\) \(Exhibit A\)](#)  
[Notification Map](#)  
[Returned Property Notices](#)  
[Ordinance](#)

# Site & Surrounding Property Photos



**Site – Existing Freebirds Restaurant (TMED – T5-C)**



**Site (Alternative View) – Existing Restaurant (TMED – T5-C)**



**North: Aerial – Shoppes on the Hill & Relative to the “The District”  
(TMED-T5-C & T-4)**



**North: Undeveloped Pad Site – Shoppes on the Hill  
(TMED-T5-C)**





**South: Existing Business at the Shoppes on the Hill (TMED – T5-C)**



**South: (Alt. View) Existing Business at the Shoppes on the Hill (TMED T5-C)**





**East: Baylor, Scott & White Hospital across S. 31<sup>st</sup> St. (TMED – T5-C & SD-H)**



**West: Developing Multi-Family Uses - Apartment Complex (TMED T5-C)**

## **Chapter 4**

### **ALCOHOLIC BEVERAGES**

#### **ARTICLE I. EXTENDED HOURS**

##### **Sec. 4-1. Extended hours.**

The City of Temple is an "extended hours area" as that term is defined in the Texas Alcoholic Beverage Code. (Ref. V.T.C.A., Alcoholic Beverage Code § 105.06)

#### **ARTICLE II. SPACING**

##### **Sec. 4-2. Sales near school, church or hospital.**

It is an offense for any person to sell alcoholic beverages at a place of business which is within 300 feet of a church, public school or public hospital. (Ref. V.T.C.A., Alcoholic Beverage Code § 109.33)

##### **Sec. 4-3. Measurement for church or public hospital.**

The measurement of the distance between the place of business where alcoholic beverages are sold and the church or public hospital shall be along the property lines of the street fronts and from front door to front door, and in a direct line across intersections.

##### **Sec. 4-4. Measurement for public school.**

The measurement of the distance between the place of business where alcoholic beverages are sold and the public school shall be:

(a) in a direct line from the property line of the public school to the property line of the place of business, and in a direct line across intersections; or

(b) if the permit or license holder is located on or above the fifth story of a multistory building, in a direct line from the property line of the public school to the property line of the place of business, in a direct line across intersections, and vertically up the building at the property line to the base of the floor on which the permit or license holder is located.

**Sections 4-5 through 4-10 reserved.**

### **ARTICLE III. LICENSE AND PERMIT FEES**

#### **Sec. 4-11. Alcoholic beverage license and permit fees.**

A license fee and permit fee is levied in the amount of one-half of the state license and permit fees for each permit issued for premises located within the City, except for permits that are exempted from municipal fees. The city license and permit fees shall be paid to the City at the same time that the state license and permit fees are paid to the state. (Ref. V.T.C.A. Alcoholic Beverage Code § 11.38, § 61.36.

#### **Sec. 4-12. Display.**

It is an offense for any person licensed under this article to fail to display ~~such~~ the City license and keep the same displayed in a conspicuous place in the place of business licensed.

**Sections 4-13 through 4-20 reserved.**

### **ARTICLE IV. SALE OF ALCOHOLIC BEVERAGES ON CITY PROPERTY**

#### **Sec. 4-21. Sale of alcoholic beverages on city property prohibited except where specially permitted.**

(a) **City Property.** It shall be unlawful for any person to sell alcoholic beverages in any public park of the city, or on or in other publicly owned property, save and except that the city and concessionaires or caterers having a contract with the city to sell alcoholic beverages at the Frank W. Mayborn Civic and Convention Center, Santa Fe Depot, and at Sammons Park, if properly licensed, may sell alcoholic beverages upon the premises of the civic and convention center, depot, and within the Sammons Park Restaurant, Clubhouse, and deck exclusively. The city manager or his designee may authorize a special event permit for the sale of alcoholic beverages on city property other than a city park.

(b) **Criteria for Permits.** The City Council shall from time to time by resolution establish criteria for special event permit applications and approvals under this section.

(Ordinance No. 2009-4323, 11-05-09)



FINAL PLAT OF  
SHOPPES ON THE HILL PHASE II, BEING AN  
AMENDING PLAT OF LOTS 1 & 2, BLOCK 1,  
SHOPPES ON THE HILL  
WITHIN THE CITY OF TEMPLE, BELL COUNTY, TEXAS

BEING PART OF THE REDDING ROBERTS SURVEY, ABSTRACT 642, BELL COUNTY, TEXAS, AND BEING AN AMENDING PLAT OF THE LOTS 1 AND 2, BLOCK 1, SHOPPES ON THE HILL, AN ADDITION IN THE CITY OF TEMPLE, BELL COUNTY, TEXAS, ACCORDING TO THE PLAT OF RECORD IN YEAR 2014, PLAT # 141, PLAT RECORDS OF BELL COUNTY, TEXAS.

STATE OF TEXAS  
COUNTY OF BELL

MORRIS VENTURE PARTNERS VI, LLC, A TEXAS LIMITED LIABILITY COMPANY, OWNER OF THE LAND SHOWN ON THIS PLAT AND DESIGNATED HEREIN AS SHOPPES ON THE HILL PHASE II, BEING A REPLAT OF LOTS 1 & 2, BLOCK 1, SHOPPES ON THE HILL, WITHIN THE CITY OF TEMPLE, BELL COUNTY, TEXAS, AND WHOSE NAME IS SUBSCRIBED HERETO, HEREBY DEDICATE 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.

MORRIS VENTURE PARTNERS VI, LLC, A TEXAS LIMITED LIABILITY COMPANY  
P O BOX 676  
SALADO, TEXAS 76571

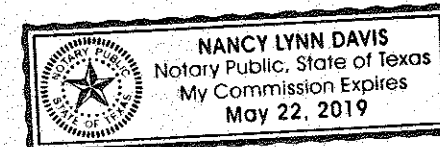
BY: William C. Morris IV  
Manager

STATE OF TEXAS  
COUNTY OF BELL

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED WILLIAM C. MORRIS IV, 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 STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 4<sup>th</sup> DAY OF March, 2016.

Nancy Lynn Davis  
NOTARY PUBLIC, STATE OF TEXAS



I, THE UNDERSIGNED, DIRECTOR OF PLANNING OF THE CITY OF TEMPLE, HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF THE CITY OF TEMPLE, IT QUALIFIES FOR ADMINISTRATIVE PLAT APPROVAL AS PROVIDED IN THIS ORDINANCE, AND IT IS HEREBY APPROVED.

3-7-16  
DIRECTOR OF PLANNING DATE

AFFIDAVIT:

The Tax Appraisal District of Bell County does hereby certify there are currently no delinquent taxes due to the Tax Appraisal District of Bell County on the property described by this plat.

Dated this the 10<sup>th</sup> day of March, 2016 A. D.

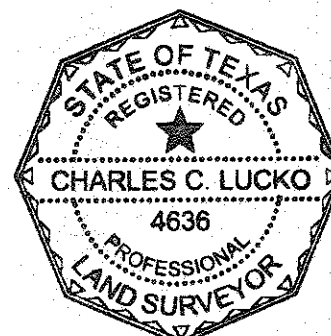
By: Melissa Rodriguez  
Bell County Tax Appraisal District

STATE OF TEXAS  
COUNTY OF BELL

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT THIS PLAT IS TRUE AND CORRECT, THAT IT WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND, AND THAT ALL NECESSARY SURVEY MONUMENTS ARE CORRECTLY SHOWN THEREON.

Charles C. Lucko  
CHARLES C. LUCKO, R.P.L.S.  
REGISTRATION NO. 4636

DATE SURVEYED: JANUARY 27, 2016



FILED FOR RECORD THIS 10 DAY OF March, 2016.

IN YEAR 2016, PLAT # 27, PLAT RECORDS OF BELL COUNTY, TEXAS.

DEDICATION INSTRUMENT # 2016-8779, OFFICIAL RECORDS OF BELL COUNTY, TEXAS.

MORRIS VENTURE PARTNERS VI, LLC.  
3000 S. 31ST STREET STE 500  
TEMPLE, TX 76502

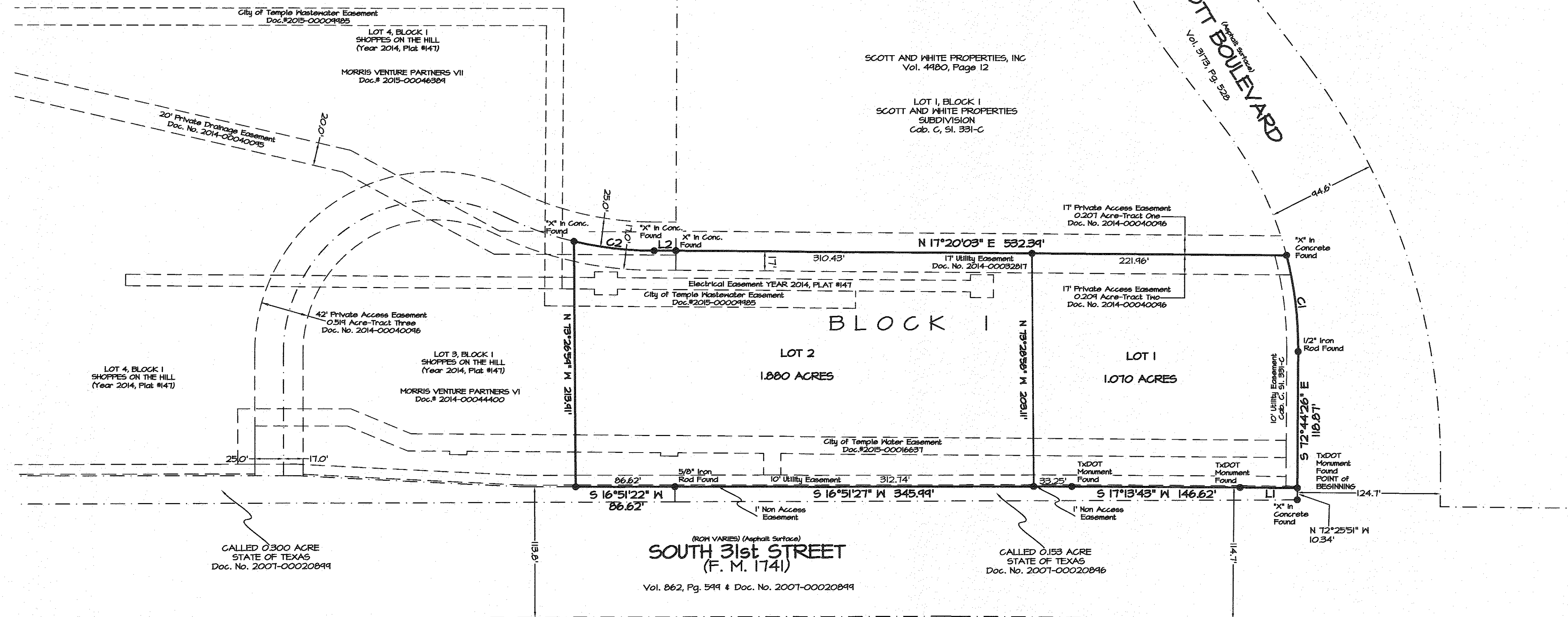
LOTS - 2  
BLOCKS - 1  
AREA - 2.950 ACRES

LINE	BEARING	DISTANCE
L1	S 17°34'16" W	50.04'
L2	N 16°44'31" E	18.45'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	321.40'	84.81'	84.56'	S 74°56'12" E	15°07'07"
C2	300.00'	10.51'	10.40'	N 23°33'50" E	13°28'38"



• Denotes 5/8" Iron Rod w/ "ACS" Cap  
Found, unless otherwise noted

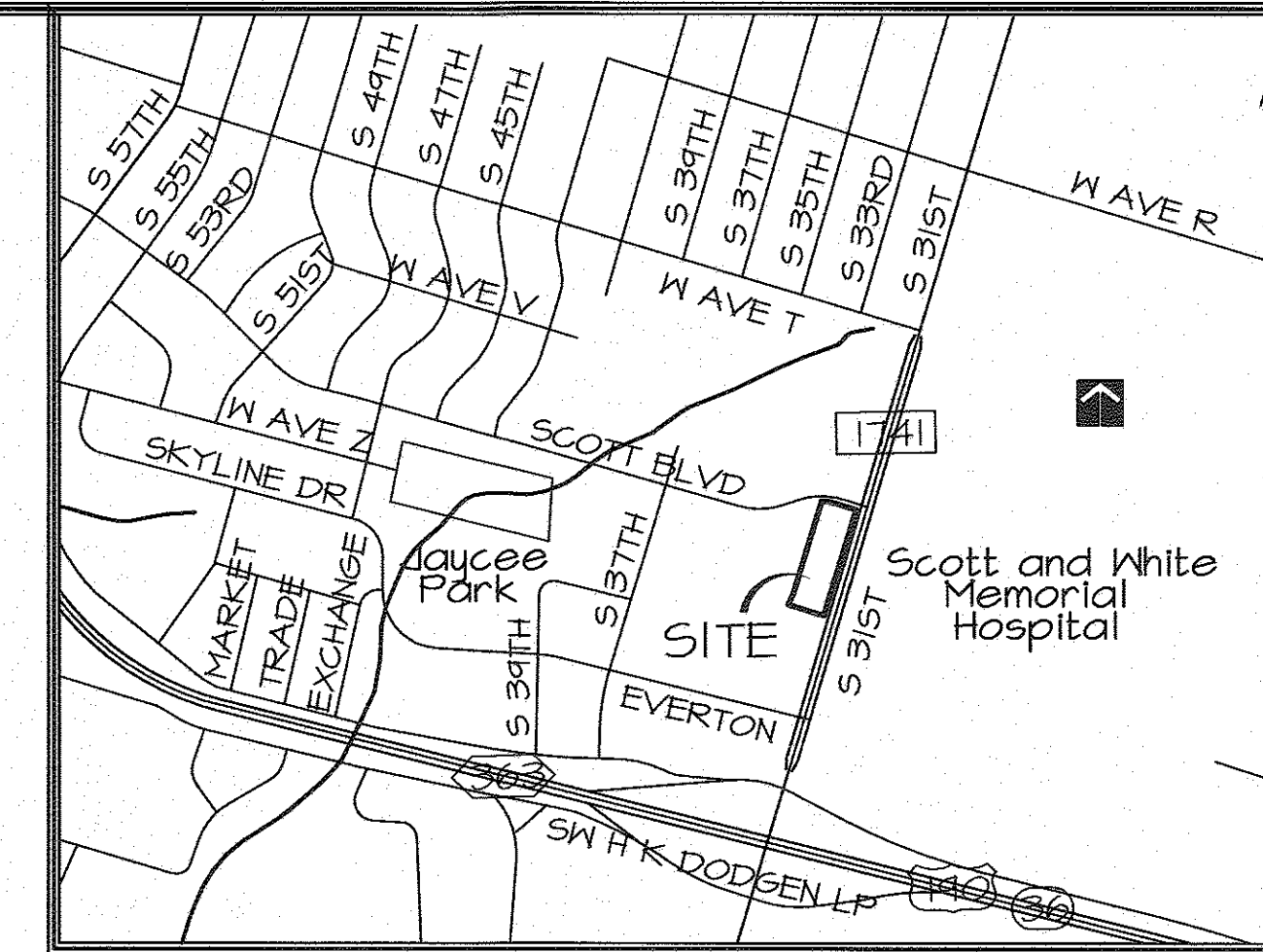


This project is referenced to the City of Temple Coordinate System, NAD 83, Texas Central Zone. All distances are horizontal surface distances unless noted and all bearings are grid bearings. All coordinates are referenced to City Monument No. 3. The theta angle at City Monument No. 3 is 01° 31' 42". The combined correction factor (CCF) is 0.944848. Grid distance = Surface distance x CCF. Geodetic north = Grid north + theta angle. Published City coordinates for City Monument No. 3 are N = 10366408.84 E = 3225333.17. Reference tie from City Monument No. 3 to the northeast corner of this 2.950 Acre tract is N 57°12'40" W 30.06 feet.

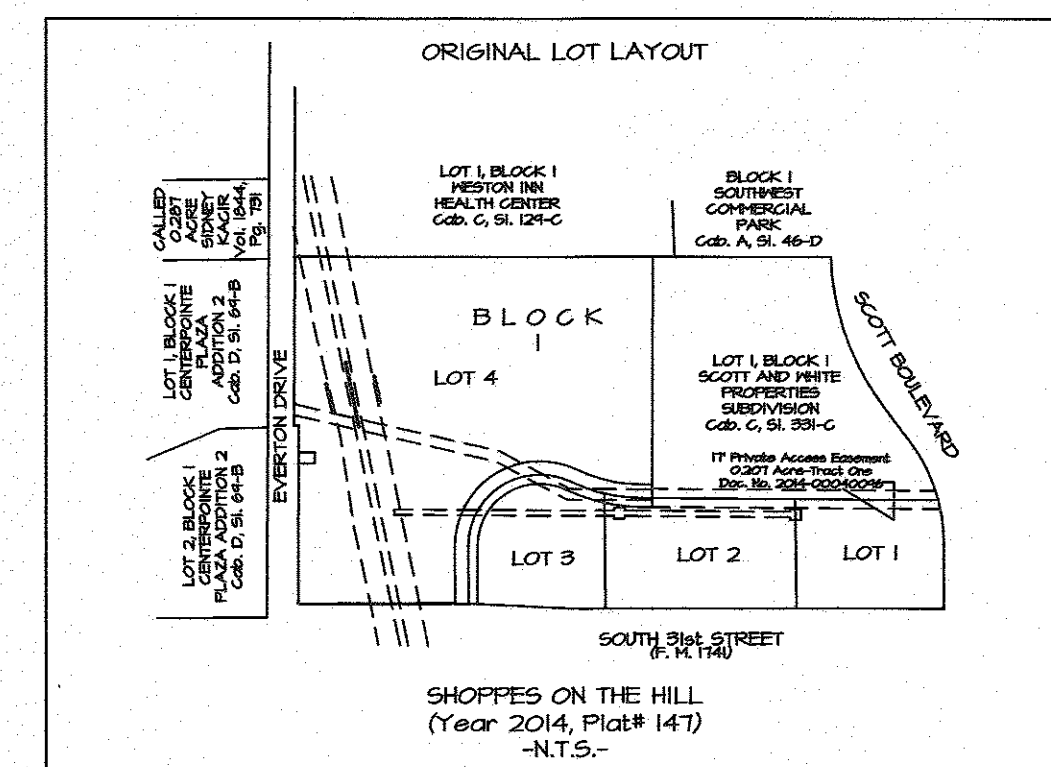
Based upon what can be scaled from the graphics shown on FEMA Flood Insurance Rate Map (FIRM), Map No. 48021C0385E, effective date September 26, 2008, the above shown property does not appear within the "Special Flood Hazard Area", and appears to be situated in Zone X. This Flood statement does not imply that this tract will never flood, nor does it create any liability in such event on the part of this surveyor or company.

Purpose Statement:  
The purpose of this Amending Plat is to adjust the property line between existing Lot 1 and Lot 2.

Note: There is an existing 8' wide sidewalk along South 31st Street and a 5' wide sidewalk along Scott Boulevard. Per UDC Section 6.3.11, a minimum 8' wide sidewalk is required along South 31st Street and a minimum 6' wide sidewalk is required along Scott Boulevard.



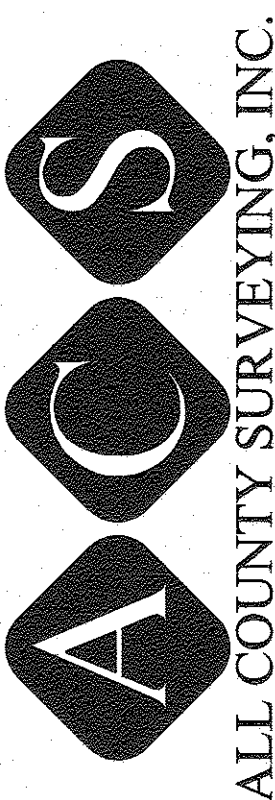
VICINITY MAP - N.T.S.



FINAL PLAT OF

SHOPPES ON THE HILL PHASE II,  
BEING AN AMENDING PLAT OF LOTS  
1 & 2, BLOCK 1, SHOPPES ON THE HILL  
WITHIN THE CITY OF TEMPLE, BELL COUNTY, TEXAS

1303 South 21st Street  
Temple, Texas 76504  
254-778-2272 Killeen 254-634-4636  
Fax 254-774-1608  
Tx. Firm Lic. No. 10023600



ALL COUNTY SURVEYING, INC.

Plot Date: 02-26-2016  
Survey completed: 07-23-2014  
Scale: 1" = 60'  
Job No. 140533  
Dwg No. 140533P2  
Drawn by SLW/MDH  
Surveyor CCL #4636  
Copyright 2016 All County Surveying, Inc.



**15 CONC. PAVING SECTION DETAIL**  
REV. 10/21/21

**ACCESSIBILITY GENERAL NOTES**

- ALL ACCESSIBLE ROUTES & ACCESSIBLE PARKING SPACES SHALL NOT EXCEED A 2% SLOPE IN EITHER A LONGITUDINAL OR CROSS SLOPE DIRECTION TYPICAL FROM PARKING SPACES AND PUBLIC SIDEWALK TO BUILDING ENTRANCES.
- ALL HANDICAP STREPPING, SIGNAGE AND ACCESSIBLE ROUTES FROM PARKING SPACES TO STORE ENTRANCES SHALL BE PROVIDED TO MEET THE TEXAS ACCESSIBILITY STANDARDS IN ALL RESPECTS. A COPY OF THE STANDARDS IS AVAILABLE FOR REFERENCE FROM THE ARCHITECT.
- ALL PORTIONS OF THE STREPPED ACCESSIBLE ROUTES SHALL NOT EXCEED A SLOPE OF 2% IN ANY DIRECTION LONGITUDINAL OR CROSS SLOPE, TYPICAL.
- THRESHOLDS AT STORE ENTRANCES SHALL NOT EXCEED A MAXIMUM HEIGHT OF 1/2" PROJECTION ABOVE THE SIDEWALK OR THE STORE FLOOR FLOOR. ALL CHANGES IN ELEVATION SHALL NOT EXCEED 1/4" ADJACENT OR 1/2" AT A 45 DEGREE TAPERED ANGLE.
- SEE DETAIL 8410 FOR CURB RAMP PLAN.

**10 SITE ACCESSIBILITY NOTES**  
REV. 10/21/21

**SITE GENERAL NOTES**

- REFER TO CIVIL DRAWINGS FOR THE CONCRETE PAVING JOINT PATTERNS AND CONSTRUCTION JOINT DETAILS.
- REFER TO THE LANDSCAPE DRAWINGS FOR THE LOCATION OF IRRIGATION CONTROLLERS AND FOR VALVES TO BE INSTALLED THE LANDSCAPE STRIP BETWEEN THE SIDEWALK AND THE PARKING LOT.
- CONTRACTOR SHALL FIELD VERIFY GRADE ELEVATION OF EXISTING ROADWAY PAVING RELATIVE TO SPECIFIED PARKING LOT PAVING ELEVATION TO CONFIRM THAT THE SPECIFIED PARKING LOT PAVING ELEVATION DOES NOT EXCEED ROADWAY ELEVATION BY MORE THAN 2". TYPICAL TO INSURE THAT DRIVEWAY APPROACH SHALL NOT BE TOO STEEP. SEE CIVIL DRAWINGS FOR DRIVEWAY CURB CUT APPROX DETAILS.
- REFER TO CIVIL SITE UTILITY PLAN FOR THE FIRE LINE RUMPT TO THE SHELL BUILDING IN THIS CONTRACT AND TO FUTURE BUILDINGS TO BE CONSTRUCTED WITHIN THIS CONTRACT AND TO FUTURE BUILDINGS TO BE CHECK VALVES CONNECTION VALVES, PETERS AND UTILITY LINE TAPS.

**5 SITE GENERAL NOTES**  
REV. 10/21/21

**1 SITE PLAN**  
REV. 10/21/21

**REVISIONS**

NO.	DATE	DESCRIPTION
01	10/21/21	ISSUED FOR PERMIT
02	10/21/21	ISSUED FOR BIDS
03	10/21/21	ISSUED FOR JUMPEN DENTAL CORPMENTS
04	10/21/21	ISSUED FOR PERMIT
05	10/21/21	ISSUED FOR PERMIT
06	10/21/21	ISSUED FOR PERMIT
07	10/21/21	ISSUED FOR PERMIT
08	10/21/21	ISSUED FOR PERMIT
09	10/21/21	ISSUED FOR PERMIT
10	10/21/21	ISSUED FOR PERMIT

**THE SHOPS ON THE HILL**  
2510 South 31st Street Temple, Texas 76702

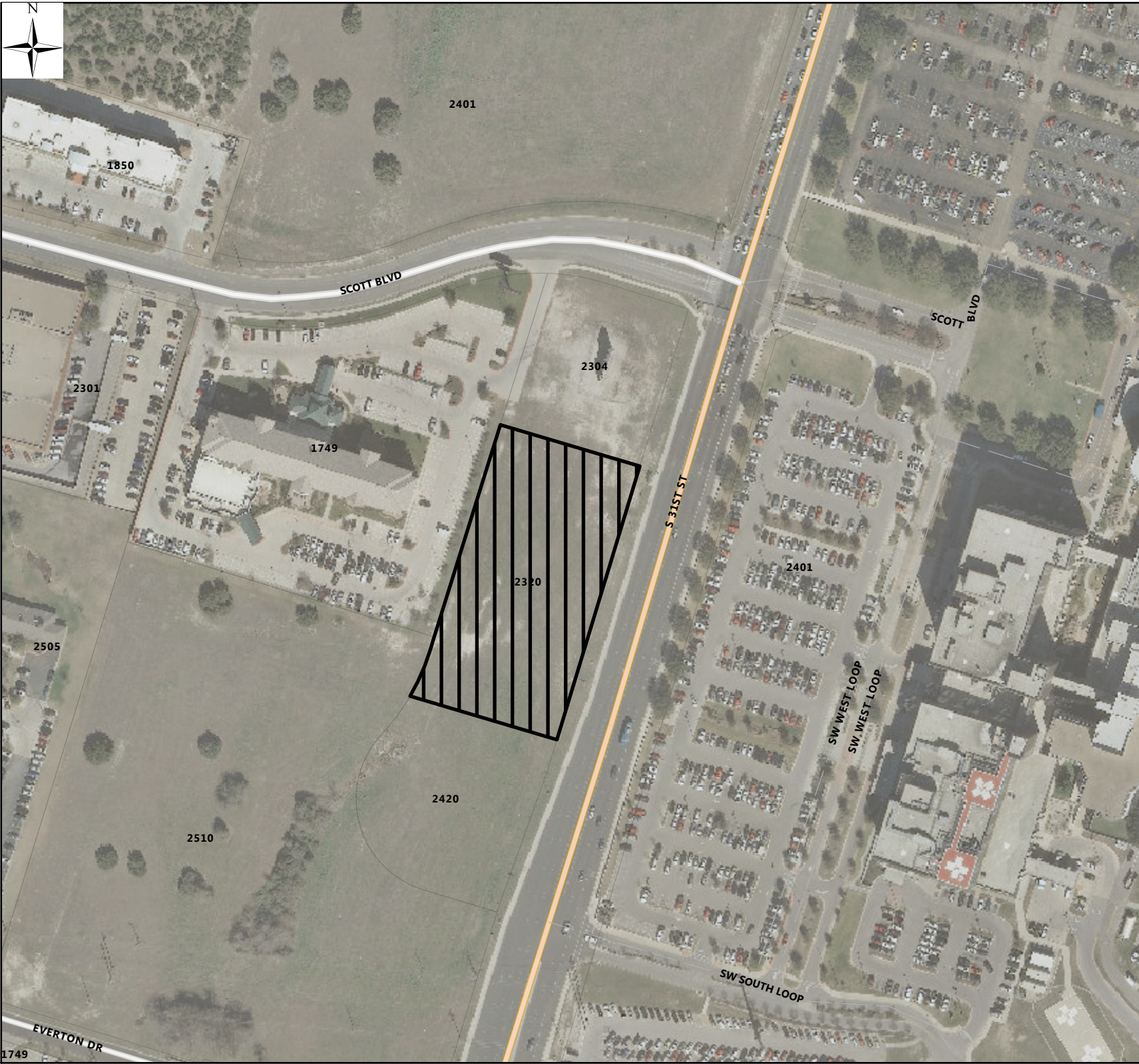
**MTA**  
MOORE TRUCKWAY ARCHITECTS, INC.  
11100 N. 111th Street  
Dallas, Texas 75243

**Site Plan**

**A1.01**  
OF 11

EXHIBIT A





Conditional Use Permit

## AERIAL MAP

Zoning Case :  
Z-FY-16-30

Address :  
2320 S. 31st Street

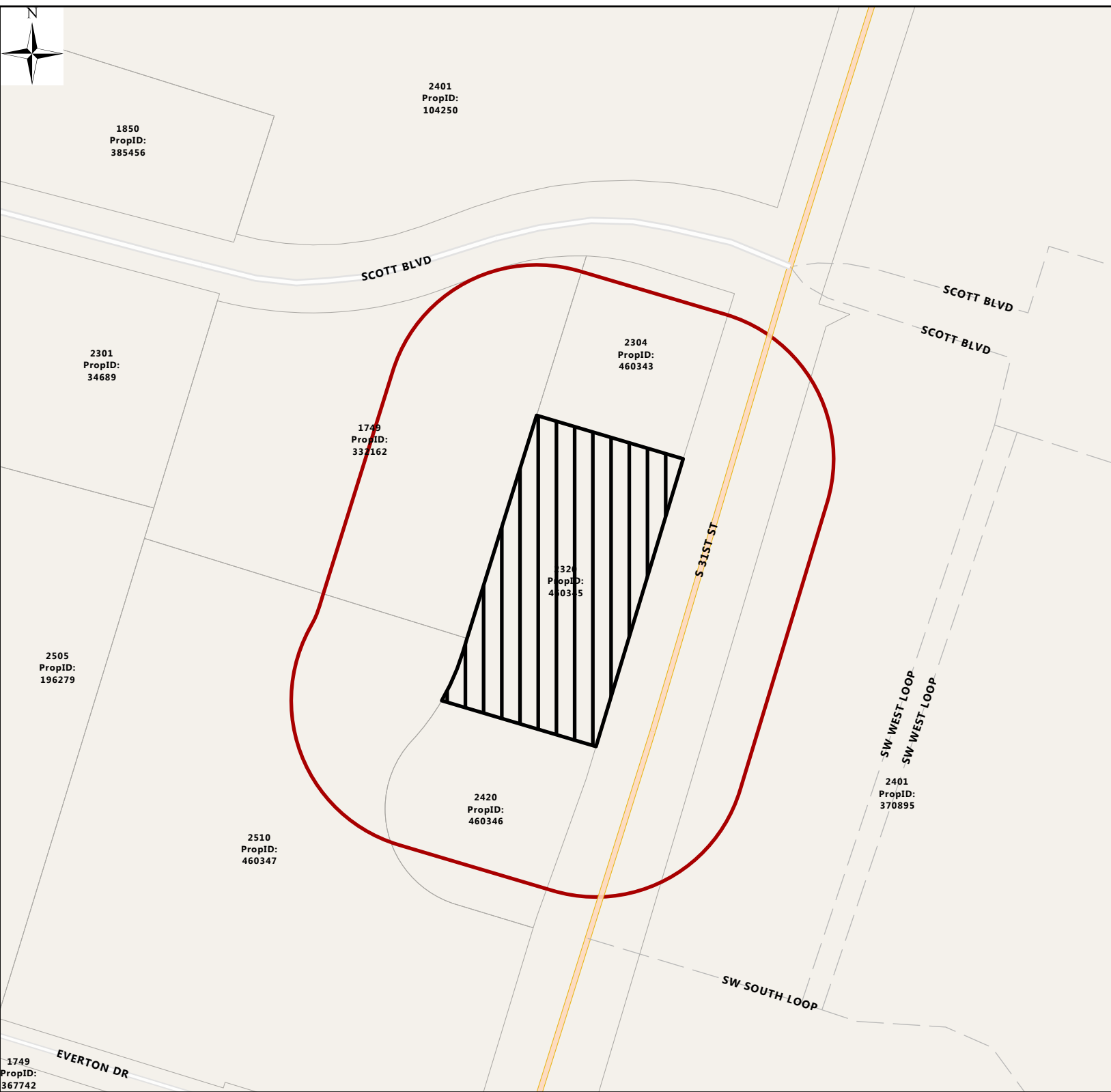
- Streets
- EXPRESSWAY
  - MAJOR ARTERIAL
  - COLLECTOR
  - LOCAL STREET
  - MINOR ARTERIAL
  - PRIVATE
  - RAMP
  - Railroad
- Temple Municipal Boundary
- Parcels
- ETJ Parcels
- CaseArea

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.

mbaker  
Date: 4/15/2016







Conditional Use Permit

## 200' NOTIFICATION MAP

Zoning Case :

Z-FY-16-30

Address :

2320 S. 31st Street

 CaseArea

 Buffer

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.

mbaker

Date: 4/15/2016





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

MORRIS VENTURE PARTNERS VII LLC  
3000 S 31ST ST STE 300  
TEMPLE, TX 76502-1819

**Zoning Application Number: Z-FY-16-30**

**Project Manager: MARK BAKER**

Location: 2320 South 31<sup>st</sup> Street, Ste. 100

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 ( ☒ ) agree

( ☐ ) disagree with this request

**Comments:**

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\_\_\_\_\_  
Signature

Will Morris  
\_\_\_\_\_  
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than **May 16, 2016**.

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

**RECEIVED**  
**MAY 12 2016**  
City of Temple  
Planning & Development

Number of Notices Mailed: 6

Mailed: May 5, 2016



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

MORRIS VENTURE PARTNERS VI LLC  
C/O CHARTER REAL ESTATE  
3000 S 31ST ST STE 500  
TEMPLE, TX 76502

**Zoning Application Number: Z-FY-16-30**

**Project Manager: MARK BAKER**

Location: 2320 South 31<sup>st</sup> Street, Ste. 100

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 ☒ agree

( ) disagree with this request

**Comments:**

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**Signature**

*Will Morris*

**Print Name**

Please mail or hand-deliver this comment form to the address shown below, no later than **May 16, 2016**.

**RECEIVED**

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

**MAY 12 2016**  
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Planning & Development

Number of Notices Mailed: 6

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

MORRIS VENTURE PARTNERS VI LLC  
C/O CHARTER REAL ESTATE  
3000 S 31ST ST STE 500  
TEMPLE, TX 76502

**Zoning Application Number: Z-FY-16-30**

**Project Manager: MARK BAKER**

Location: 2320 South 31<sup>st</sup> Street, Ste. 100

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 ☒ agree

( ) disagree with this request

**Comments:**

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**Signature**

Will Morris

**Print Name**

Please mail or hand-deliver this comment form to the address shown below, no later than **May 16, 2016**.

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

**RECEIVED**

**MAY 12 2016**

City of Temple  
Planning & Development

Number of Notices Mailed: 6

Mailed: May 5, 2016





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

MORRIS VENTURE PARTNERS <sup>VIII</sup>LLC  
C/O CHARTER REAL ESTATE  
3000 S 31ST ST STE 500  
TEMPLE, TX 76502

**Zoning Application Number: Z-FY-16-30**

**Project Manager: MARK BAKER**

Location: 2320 South 31<sup>st</sup> Street, Ste. 100

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 ☒ agree

( ) disagree with this request

**Comments:**

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**Signature**

Will Morris

**Print Name**

Please mail or hand-deliver this comment form to the address shown below, no later than **May 16, 2016**.

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

**RECEIVED**

**MAY 12 2016**

City of Temple  
Planning & Development

Number of Notices Mailed: 6

Mailed: May 5, 2016



ORDINANCE NO. \_\_\_\_\_  
(Z-FY-16-30)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A CONDITIONAL USE PERMIT FOR THE SALE OF ALCOHOLIC BEVERAGES FOR ON-PREMISE CONSUMPTION WHERE THE GROSS REVENUE FROM THE SALE OF ALCHOLIC BEVERAGES IS LESS THAN 50% OF THE TOTAL GROSS REVENUE OF THE ESTABLISHMENT FOR PROPERTY SITUATED ON LOT 2, BLOCK 1 OF THE SHOPPES ON THE HILL, PHASE II SUBDIVISION, LOCATED AT 2320 SOUTH 31<sup>ST</sup> STREET, SUITE 100; DECLARING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

**Whereas**, the Planning and Zoning Commission of the City of Temple, Texas, after due consideration of the conditions, operation and location of property on Lot 2, Block 1, of the Shoppes on the Hill, Phase II Subdivision, located at 2320 South 31<sup>st</sup> Street, Suite 100, recommends that the City Council approve the application for this Conditional Use Permit for the sale of alcoholic beverages for on-premise consumption where the gross revenue from the sale of alcoholic beverages is less than 50% of the total gross revenue of the establishment sales; and

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

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

**Part 1:** The City Council approves a Conditional Use Permit for the sale of alcoholic beverages for on-premise consumption where the gross revenue from the sale of alcoholic beverages is less than 50% of the total gross revenue of the establishment for property on Lot 2, Block 1, of the Shoppes on the Hill, Phase II Subdivision, located at 2320 South 31<sup>st</sup> Street, Suite 100, more fully described in Exhibit 'A', attached hereto and made a part hereof for all purposes.

**Part 2:** The owners/applicants, their employees, lessees, agents or representatives, hereinafter called "permittee" operating an establishment with alcoholic beverage sales for on-premise consumption shall comply with following standards:

- A. The sale of alcoholic beverages is restricted to on-premise consumption only, contained within the developed site of Lot 2, Block 1 of the Shoppes on the Hill, Phase II subdivision, located in Suite 100 at 2320 South 31<sup>st</sup> Street
- B. The use is subject to compliance to Chapter 4 of the City Code of Ordinances related to alcoholic beverages; and
- C. The Conditional Use must comply with UDC Section 5.3.15 related to all alcoholic beverage sales with on-premise consumption.

**Part 3:** The Director of Planning is hereby directed to make the necessary changes to the City Zoning Map accordingly.

**Part 4:** The declarations, determinations and findings declared, made and found in the preamble of this ordinance are hereby adopted, restated and made a part of the operative provisions hereof.

**Part 5:** 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 6:** 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 7:** 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 **16<sup>th</sup>** day of **June**, 2016.

PASSED AND APPROVED on Second Reading on the **7<sup>th</sup>** day of **July**, 2016.

THE CITY OF TEMPLE, TEXAS

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

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Lacy Borgeson

\_\_\_\_\_  
Kayla Landeros



## COUNCIL AGENDA ITEM MEMORANDUM

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07/07/16  
Item #5(X)  
Consent Agenda  
Page 1 of 4

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

Tammy Lyerly, Senior Planner

**ITEM DESCRIPTION:** SECOND READING – Z-FY-16-31: Consider an ordinance adopting a rezoning from Single Family-One District (SF-1) to Planned Development Single Family-One District (PD-SF-1) to allow continued use of existing secondary residential dwellings on Lot part of 4, 6, Block 4, Roselawn Addition, located at 1516 North 5th Street.



**PLANNING AND ZONING COMMISSION RECOMMENDATION:** At its May 16, 2016, meeting the Planning and Zoning Commission voted 6/0 to recommend approval of a permanent rezoning from Single Family-One District (SF-1) to Planned Development-Single Family-One District (PD-SF-1).

**STAFF RECOMMENDATION:** Staff recommends approval of a rezoning from Single Family One District (SF-1) to Planned Development-Single Family-One District (PD-SF-1) for the following reasons and with the following conditions:

1. Compliance with the Future Land Use Plan;
2. Compliance with surrounding zoning and land uses;
3. Compliance with the Thoroughfare Plan; and
4. Public facilities are available to serve the subject property.
5. Staff is only able to support the existing secondary residential uses on the property with the condition that the existing non-compliant carport and storage structure be removed.
6. The existing residential structure would be allowed to remain, per the property's survey which serves as the Planned Development site plan

**ITEM SUMMARY:** The applicant requests a rezoning from Single Family-One District (SF-1) to Planned Development-Single Family-One District (PD-SF-1) for continued use of the property's existing multiple family uses. The applicants have a buyer for the property and request this rezoning to bring this property into compliance with the Unified Development Code (UDC).

The property consists of a single-family home (1116 sq. ft.) with a rear expansion that includes an upstairs apartment (480 sq. ft.) and a downstairs apartment (480 sq. ft.). Both of these existing secondary dwelling units share a common wall with the existing house and have their own entrances from the driveway.

The existing detached carport and storage unit (in the rear yard observes zero side yard and rear yard setbacks and is in violation of residential accessory structure setbacks. Staff recommends the carport and storage unit be removed for potential safety issues and to allow increased maneuverability in the rear parking area. The property's survey is serving as the planned development site plat for this rezoning request.

The requested Planned Development's base zoning of Single Family-One District allows the following uses, but are not limited to:

Permitted & Conditional Use Table – Single Family One (SF-1)	
Agricultural Uses	* Farm, Ranch or Orchard
Residential Uses	* Single Family Residence (Detached Only) * Industrialized Housing * Family or Group Home
Retail & Service Uses	* None
Commercial Uses	* None
Industrial Uses	* Temporary Asphalt & Concrete Batching Plat (CUP)
Recreational Uses	* Park or Playground
Educational & Institutional Uses	* Cemetery, Crematorium or Mausoleum (CUP) * Place of Worship * Child Care: Group Day Care (CUP) * Social Service Center (CUP)
Restaurant Uses	* None
Overnight Accommodations	* None
Transportation Uses	* Railroad Track Right-of-Way

**Prohibited uses within the Single Family-One District (SF-1)** include townhouse, HUD-Code manufactured home land lease community or subdivision, duplex, apartment, recreational vehicle parks, and retail and commercial uses, among others.

**The proposed Planned Development-Single Family-One District (PD-SF-1) would allow the continued use of both existing apartment units, per the Planned Development Site Plat (survey) as a condition to the Planned Development-Single Family-One District (PD-SF-1).**

**DEVELOPMENT REGULATIONS:** Dimensional standards for development in the SF-1 District are as follows:

- Minimum lot size – 7,500 Sq. Ft.
- Minimum Lot Width – 60 feet (single-family detached dwelling)
- Minimum Lot Depth – 100 feet
- Front Yard Setback – 25 feet
- Side Yard Setback – 5 feet
- Side Yard Setback (corner) – 15 feet
- Rear Yard Setback – 10 feet

**PROPOSED PLANNED DEVELOPMENT:** Current dimensions based on the property's survey which will suffice as the property's PD Site Plan:

- **Minimum lot size – 6,000 Sq. Ft. (existing)**
- **Minimum Lot Width – 50 feet (existing)**
- Minimum Lot Depth – 100 feet
- Front Yard Setback – 25 feet
- **Side Yard Setback – 3.4 feet**
- Side Yard Setback (corner) – 15 feet
- Rear Yard Setback – 10 feet

The existing detached carport and storage unit currently observe zero lot line side yard and rear yard setbacks. The existing detached carport and storage unit does not meet the minimum residential accessory structure separation of 10 feet from the house (primary structure), per Unified Development Code (UDC) Section 5.5.2.B. And staff recommends the Planned Development condition that the existing detached carport and storage unit be removed for potential safety issues and to improve vehicle maneuverability.

**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	Neighborhood Conservation	SF-1	Multiple Family Residential
North	Neighborhood Conservation	SF-1	Single-Family Residential
South	Neighborhood Conservation	SF-1	Single-Family Residential
East	Auto-Urban Commercial	SF-1	Single-Family Residential
West	Neighborhood Conservation	SF-1	Single-Family Residential and Childcare

**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	Yes
CP	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities	Yes
STP	Temple Trails Master Plan Map and Sidewalks Ordinance	Yes

CP = Comprehensive Plan      STP = Sidewalk and Trails Plan

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

The property is within the Neighborhood Conservation character district of the *Choices '08* City of Temple Comprehensive Plan. The applicant's requested rezoning to Planned Development-Single Family-One District (PD-SF-1) complies with this character district.

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

The subject property fronts North 5<sup>th</sup> Street, a local street, which is appropriate for residential uses.



Availability of Public Facilities (CP Goal 4.1)

Water services are provided by existing water lines in the North 5<sup>th</sup> Street right-of-way. Sewer services are provided by a sewer line within the alley adjacent to the subject property.

**Planned Development:** UDC Section 3.4.1 defines a Planned Development as:

“A flexible overlay zoning district designed to respond to unique development proposals, special design considerations and land use transitions by allowing evaluation of land use relationships to surrounding areas through development plan approval.”

As a Planned Development, a Development Plan is subject to review and approval as part of the rezoning. As opposed to a standard rezoning, conditions of approval can be included into the rezoning Ordinance. The property’s existing survey is serving as the Development Plan in this rezoning request. **While enhancements are normally an expectation of a Planned Development to off-set the unique manner of the request, the nature and location of this request did not generate the extensive need for such enhancements, other than staff’s recommendation that the existing detached carport and storage unit be removed.**

**Per UDC Section 3.4.2C, the City Council may include additional conditions of approval into the rezoning ordinance.**

In approving a Planned Development, the City Council may require additional standards deemed necessary to create a reasonable transition to, and protection of, adjacent property and public areas, including but not limited to, access and circulations, signs, parking, building design, location and height, light and air, orientation, building coverage, outdoor lighting, landscaping, homeowners or property owners associations, open space, topography and screening.

**PUBLIC NOTICE:** Owners of 22 properties 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 June 7, 2016 at 11:00 AM, one notice was received in favor of the request and none were received in opposition.

The newspaper printed notice of the public hearing on May 5, 2016, in accordance with state law and local ordinance.




**FISCAL IMPACT:** Not Applicable

**ATTACHMENTS:**




[Site and Surrounding Property Photos](#)  
[Aerial Map](#)  
[Zoning Map](#)  
[Future Land Use and Character Map](#)  
[Utility Map](#)  
[Notification Map](#)  
[Planned Development Site Plan \(Survey\)](#)  
[Applicant’s Exhibits](#)  
[Notification Response Letter](#)  
[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	SF-1	Multiple-Family Residential Uses	 <p>N 5<sup>th</sup> St</p>
			
			



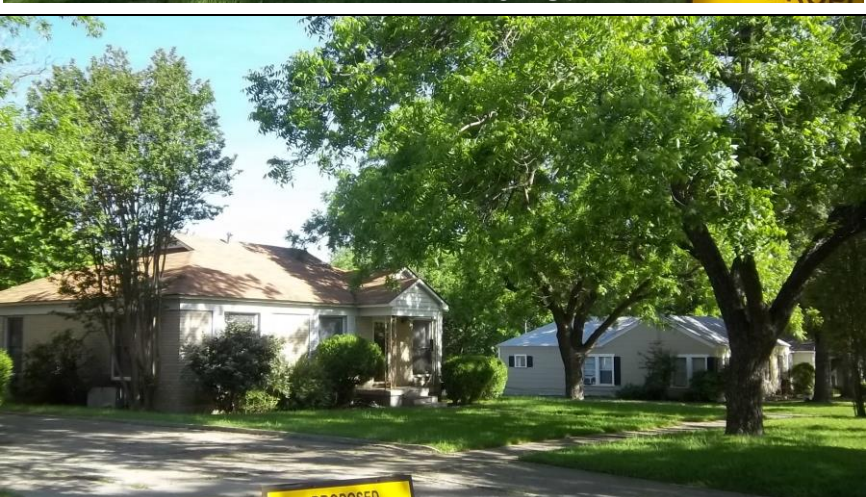


Direction	Zoning	Current Land Use	Photo
			
			
			



Direction	Zoning	Current Land Use	Photo
			
East	SF-1	Single-Family Residential Uses	



Direction	Zoning	Current Land Use	Photo
West	SF-1	Single-Family Residential Uses	
South	SF-1	Single-Family Residential Uses	
North	SF-1	Single-Family Residential Uses	





SF-1 to PD-SF1

## AERIAL MAP

Zoning Case :  
Z-FY-16-31

Address :  
1516 N 5th St

- 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: 5/3/2016







SF-1 to PD-SF-1

Zoning Case :  
Z-FY-16-31  
Address :  
1516 N 5th St

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	Buffer
MF-3 - PD	AG	

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tlyerly  
Date: 5/3/2016





SF-1 to PD-SF-1  
**FUTURE LAND  
USE MAP**

Zoning Case :  
Z-FY-16-31

Address :  
1516 N 5th St

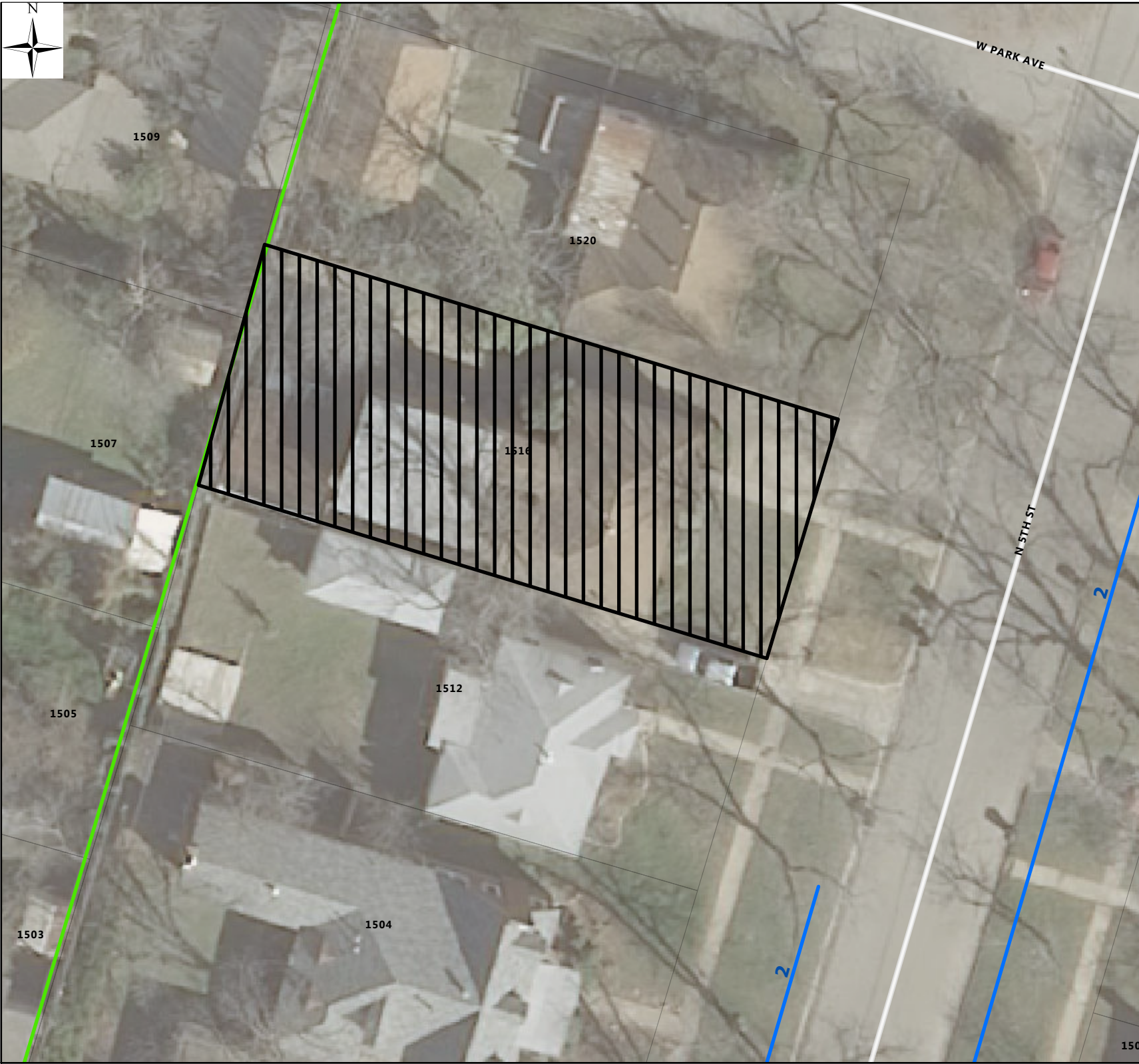
- EXPRESSWAY
- MAJOR ARTERIAL
- COLLECTOR
- LOCAL STREET
- MINOR ARTERIAL
- PRIVATE
- RAMP
- Parcels
- Future LUP
  - Agricultural/Rural
  - Auto-Urban Commercial
  - Auto-Urban Mixed Use
  - Auto-Urban Multi-Family
  - Auto-Urban Residential
  - Business Park
  - Estate Residential
  - Industrial
 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

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tlyerly  
Date: 5/3/2016







SF-1 to PD-SF1

## UTILITY MAP

Zoning Case :  
Z-FY-16-31

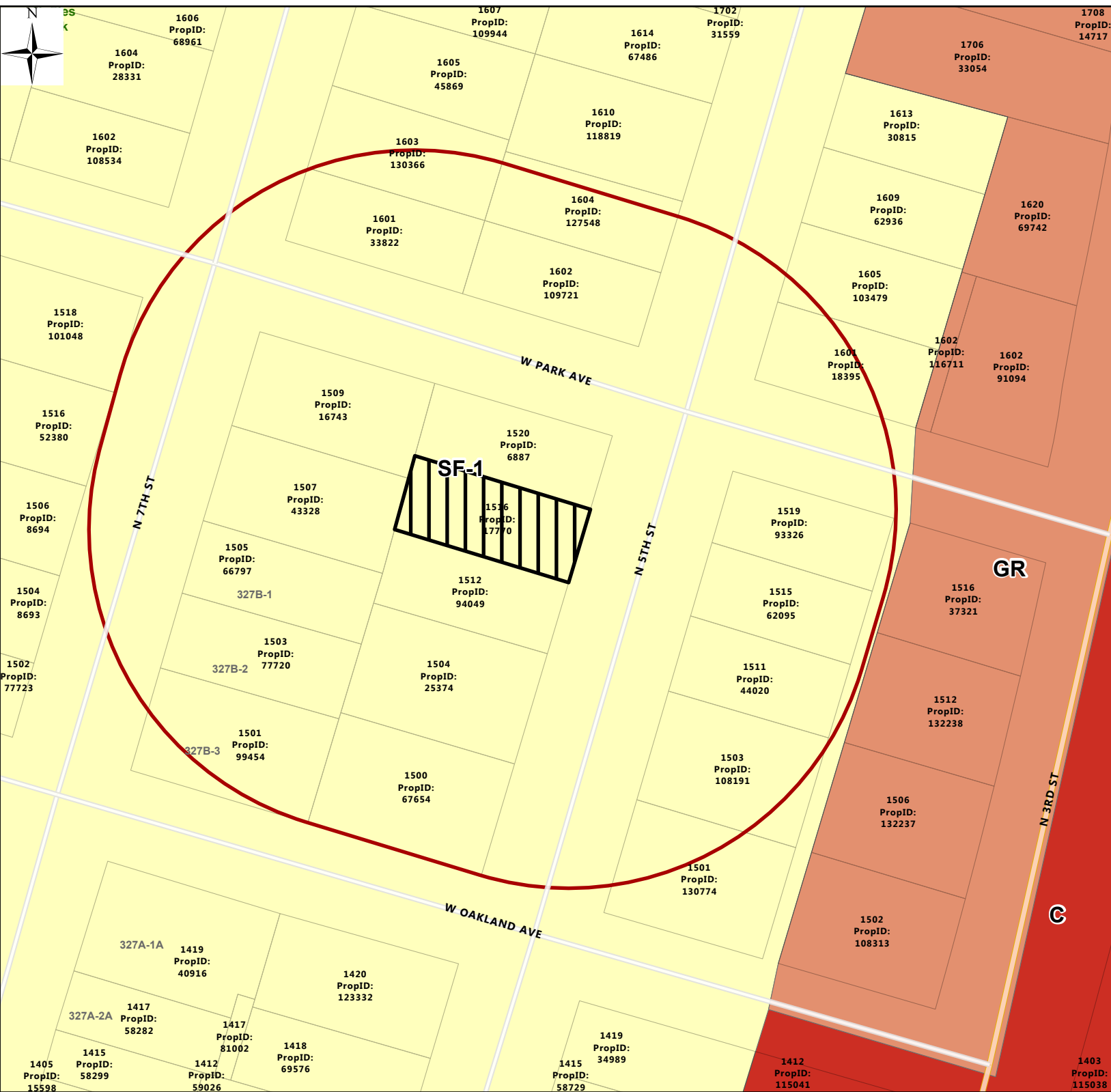
Address :  
1516 N 5th St

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

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tlyerly  
Date: 5/3/2016





SF-1 to PD-SF-1

200'

NOTIFICATION MAP

Zoning Case :  
Z-FY-16-31  
Address :  
1516 N 5th St

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

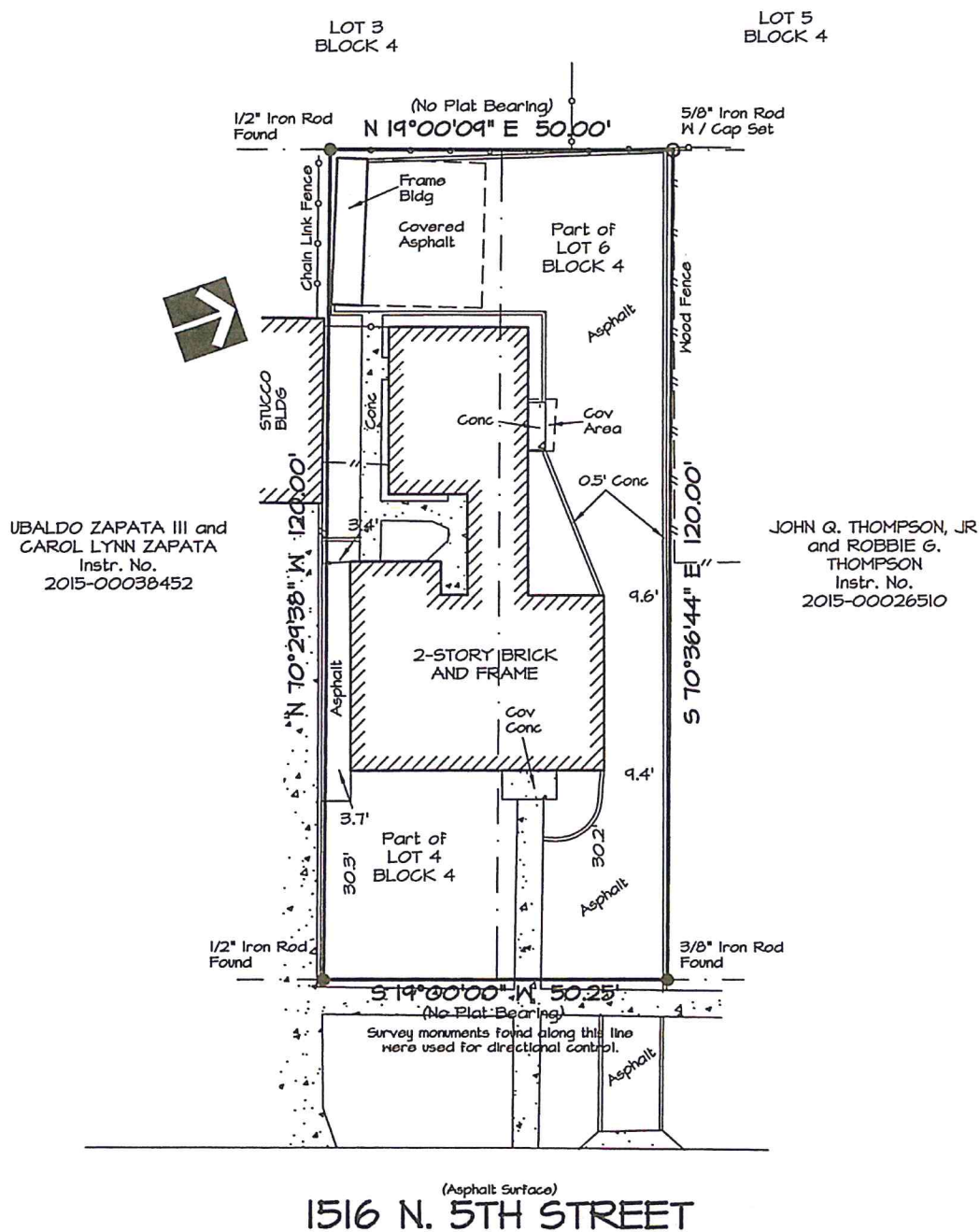
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tlyerly  
Date: 5/3/2016





Survey showing THE NORTH TWENTY-FIVE FEET (25') of LOT FOUR (4) and THE SOUTH TWENTY-FIVE FEET (25') of LOT SIX (6), BLOCK FOUR (4), of ROSELAWN ADDITION, an addition in the City of Temple, Bell County, Texas, according to the plat of record in Volume 387, Page 204, Deed Records of Bell County, Texas.



UBALDO ZAPATA III and  
CAROL LYNN ZAPATA  
Instr. No.  
2015-00038452

JOHN G. THOMPSON, JR  
and ROBBIE G.  
THOMPSON  
Instr. No.  
2015-00026510

Survey performed for: LAURA SULAK  
as per that title commitment provided by,  
CENTRALAND TITLE COMPANY, GF No. C1676423,  
EFFECTIVE DATE: February 15, 2016.

This sketch represents a survey made on the ground. During the performance of this survey, persons working under my supervision observed conditions within and along the boundaries and to the best of my knowledge they are as shown. The location of visual structural improvements with respect to the boundary lines are as shown. This document is not valid for any purpose unless signed and sealed by a Registered Professional Land Surveyor.

**ACS**  
ALL COUNTY SURVEYING, INC.  
1303 South 21st Street  
Temple, Texas 76504  
254-778-2272 Killeen 254-634-4636  
Fax 254-774-7608  
Tx. Firm Lic. No. 10023600



Survey  
completed: 03-12-2016  
Scale: 1" = 20'  
Job No.: 160161  
Dwg No.: 160161  
Drawn by: GWM  
Surveyor: GWM # 4482  
Copyright 2016 All County Surveying, Inc.

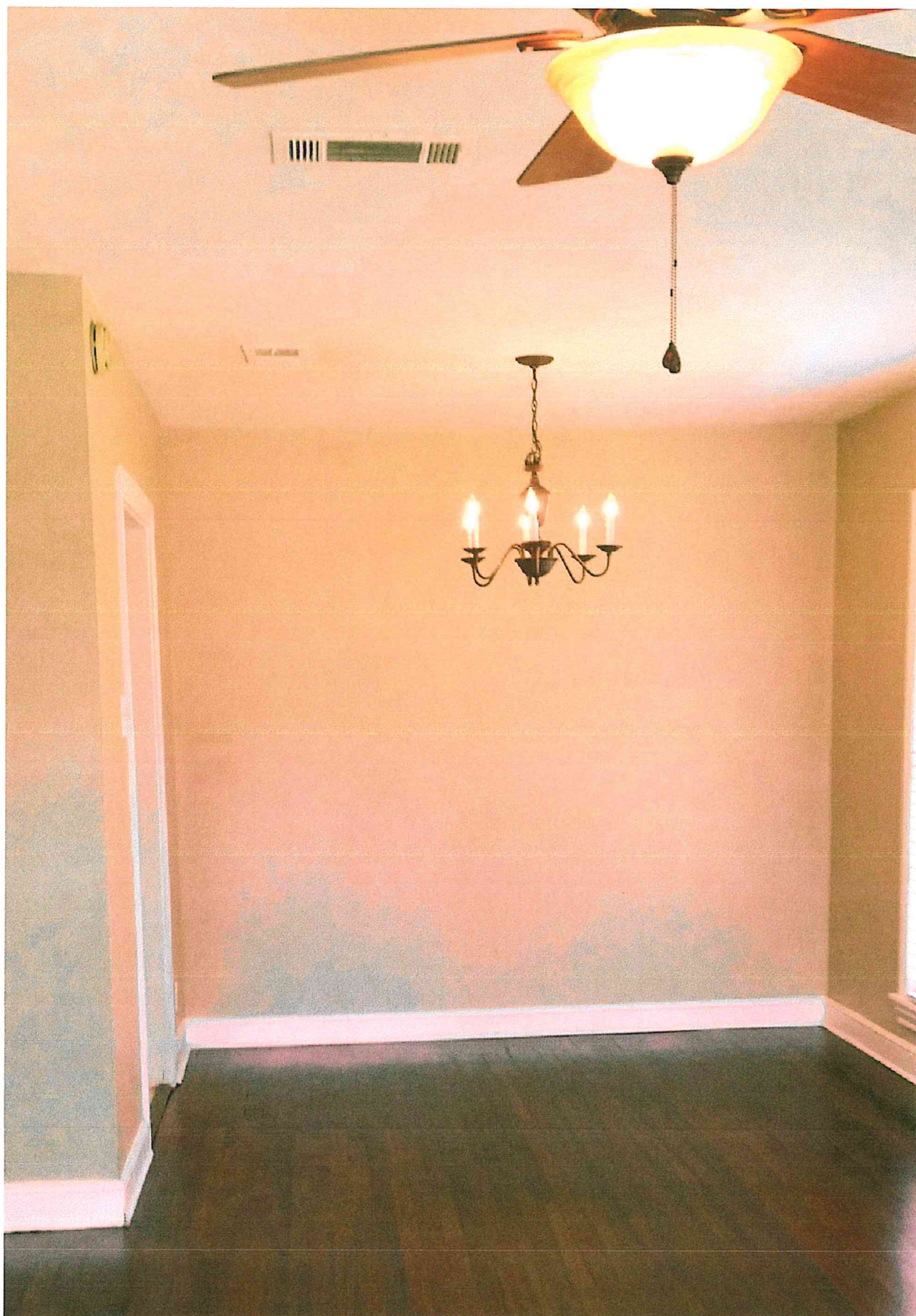
Plot Date: 03-15-2016

1516N5th house - refinished bath



1516N5th house - front elevation





1516N5th - house - LR and DR with floor redone



1516N5th - BR with new carpet

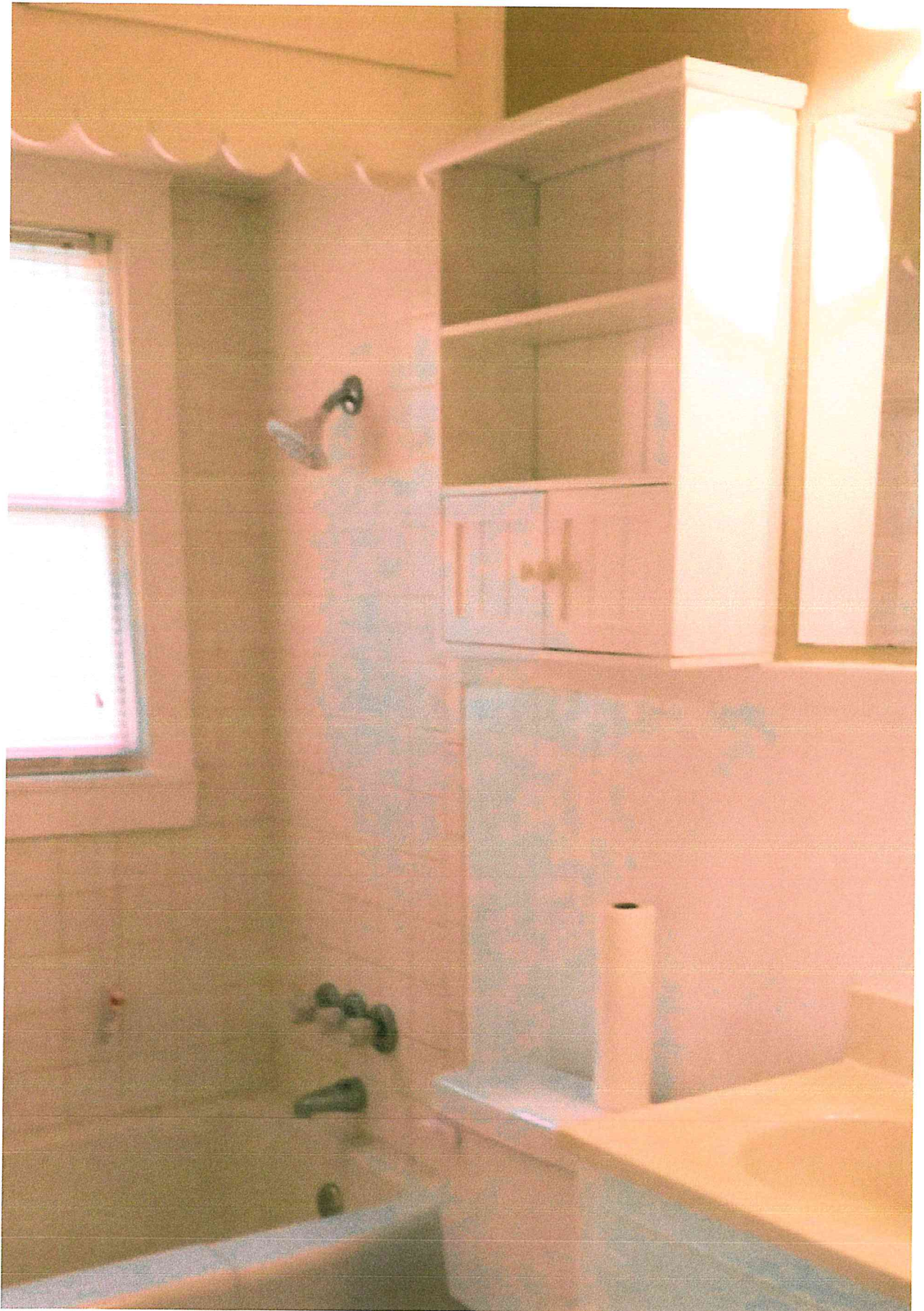
















**1516 North 5<sup>th</sup> Street**

**Apartment A downstairs (Apartment)**

RESIDENTIAL      A1      1116.0      \$41,351  
sqft

Type	Description	<u>Class</u> <u>CD</u>	Exterior Wall	Year Built	SQFT
RES	RESIDENCE	MSRV04	EXBR	0	1116.0
OP.	OPEN PORCH *			0	24.0

RESIDENTIAL      A1      sqft      \$529

Type	Description	<u>Class</u> <u>CD</u>	Exterior Wall	Year Built	SQFT
CP.	CARPORT	*		0	1.0
STGA	LOW QUAL STORAGE *	*		0	1.0

RESIDENTIAL      A1      960.0      \$2,694  
sqft

Type	Description	<u>Class</u> <u>CD</u>	Exterior Wall	Year Built	SQFT
APT	APARTMENT	APTK		0	480.0
2ND	2ND FLOOR *	*		0	480.0



## Zimbra

**bmassey@vvm.com**

Font Size

**Fwd: 1516N5th Apt A (down)**

**From :** Bmassey <bmassey@vvm.com>  
**Subject :** Fwd: 1516N5th Apt A (down)  
**To :** Barry M Massey <Barry.Massey@xerox.com>

Tue, Apr 12, 2016 03:09 PM

 1 attachment

Sent from my iPhone

Begin forwarded message:

**From:** Bmassey <[bmassey@vvm.com](mailto:bmassey@vvm.com)>  
**Date:** April 12, 2016 at 2:44:37 PM CDT  
**To:** "Barry Massey." <[bmassey@vvm.com](mailto:bmassey@vvm.com)>  
**Subject:** 1516N5th Apt A (down)





1516N5th Apt A (down) - main room with new carpet, repainted



1516N5th Apt A (down) - kitchen and bath, repainted



1516N5th Apt A (down) - main room with bedroom area, new carpet and repainted

Sent from my iPhone



Unknown <text/html>  
2 KB

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**1516 North 5<sup>th</sup> Street**

**Apartment B upstairs (2<sup>nd</sup> Floor)**

RESIDENTIAL      A1      1116.0      \$41,351  
sqft

Type	Description	<u>Class</u> <u>CD</u>	Exterior Wall	Year Built	SQFT
RES	RESIDENCE	MSRV04	EXBR	0	1116.0
OP.	OPEN PORCH *			0	24.0

RESIDENTIAL      A1      sqft      \$529

Type	Description	<u>Class</u> <u>CD</u>	Exterior Wall	Year Built	SQFT
CP.	CARPORT	*		0	1.0
STGA	LOW QUAL STORAGE *			0	1.0

RESIDENTIAL      A1      960.0      \$2,694  
sqft

Type	Description	<u>Class</u> <u>CD</u>	Exterior Wall	Year Built	SQFT
APT	APARTMENT	APTK		0	480.0
2ND	2ND FLOOR *			0	480.0



Zimbra

bmassey@vvm.com

Font Size -

**Fwd: 1516N5th Apt B (up)**

**From :** Bmassey <bmassey@vvm.com>  
**Subject :** Fwd: 1516N5th Apt B (up)  
**To :** Barry M Massey <Barry.Massey@xerox.com>

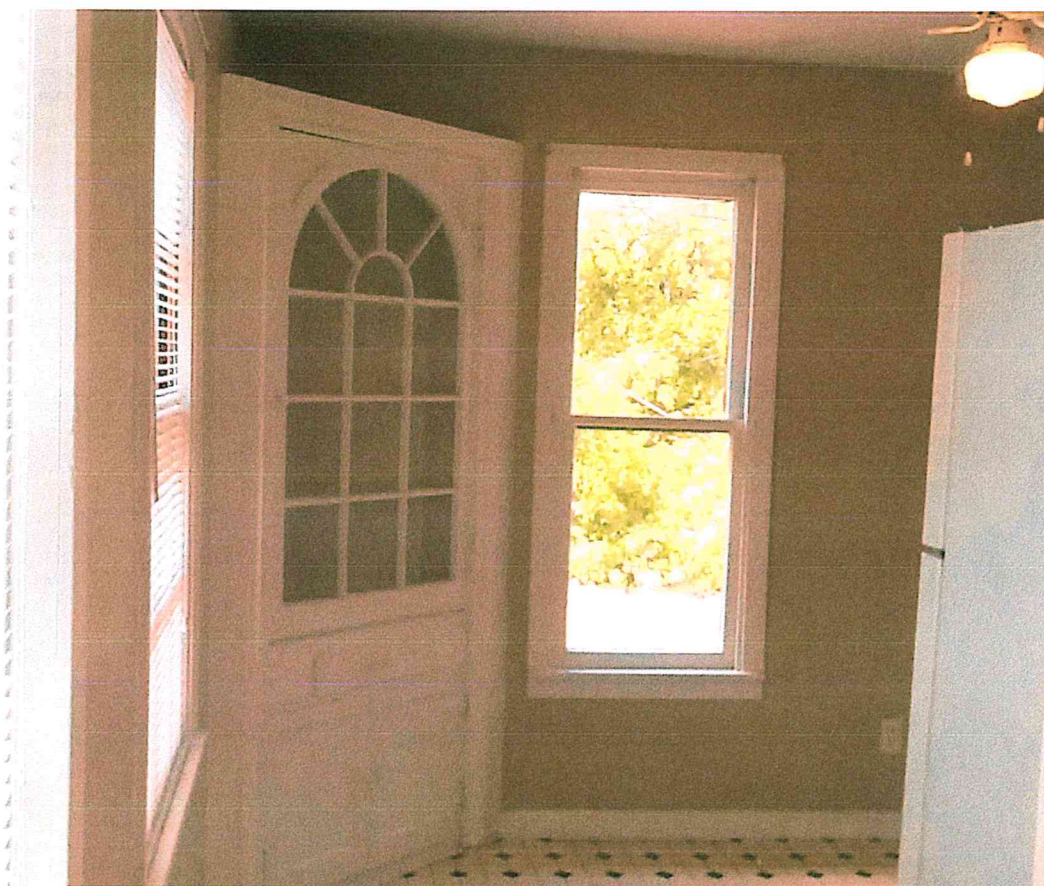
Tue, Apr 12, 2016 03:09 PM

1 attachment

Sent from my iPhone

Begin forwarded message:

**From:** Bmassey <bmassey@vvm.com>  
**Date:** April 12, 2016 at 2:51:22 PM CDT  
**To:** "Barry Massey." <bmassey@vvm.com>  
**Subject:** 1516N5th Apt B (up)



1516N5th Apt B (up) - kitchen area with cabinetry





1516N5th Apt B (up) - kitchen area with cabinetry



1516N5th Apt B (up) - main room looking into bedroom with refinished floors



1516N5th Apt B (up) - main room and hallway into kitchen






1516N5th Apt B (up) - bedroom looking into bathroom and closet

Sent from my iPad

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 **Unknown** <text/html>  
3 KB

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RESPONSE TO PROPOSED  
REZONING REQUEST  
CITY OF TEMPLE

MASSEY, BARRY ETAL  
1707 SCHIEFFER AVE  
AUSTIN. TX 78722-1227

Zoning Application Number: Z-FY-16-31

Project Manager: TAMMY LYERLY

Location: 1516 North 5<sup>th</sup> Street

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 ☒ agree

( ) disagree with this request

Comments:

RECEIVED

MAY 11 2016

City of Temple  
Planning & Development

*Barry Massey*  
Signature

*Barry Massey*  
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than **May 16, 2016**.

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

Number of Notices Mailed: 22

Date Mailed: May 5, 2016

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

(PLANNING NO. Z-FY-16-31)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A REZONING FROM SINGLE FAMILY-ONE DISTRICT TO PLANNED DEVELOPMENT SINGLE FAMILY-ONE DISTRICT TO ALLOW CONTINUED USE OF EXISTING SECONDARY RESIDENTIAL DWELLINGS ON PART OF LOTS 4 & 6, BLOCK 4, ROSELAWN ADDITION, LOCATED AT 1516 NORTH 5<sup>TH</sup> STREET; 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 Single Family-One District to Planned Development Single Family-One District to allow continued use of existing secondary residential dwellings on part of lots 4 & 6, block 4, Roselawn Addition, located at 1516 North 5th Street, 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 **16<sup>th</sup>** day of **June**, 2016.

PASSED AND APPROVED on Second Reading on the 7<sup>th</sup> day of **July**, 2016.

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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07/07/16  
Item #5(Y)  
Consent Agenda  
Page 1 of 2

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

Nicole Torralva, Public Works Director

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing adjustments to the Water/Wastewater Capital Improvement Program for FY 2016.

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

**ITEM SUMMARY:** As part of the of City's annual budgeting process, a Water/Wastewater Capital Improvement Program is adopted, outlining specific projects to meet identified needs. The capital improvement plan for FY 2016 has been modified, with additional project needs immediately needed. Available funding currently exists through unreserved retained earnings to update the existing capital improvement plan for FY 2016 to include these additional projects, as detailed on the attached budget adjustment form.

**FISCAL IMPACT:** Council is being presented a budget adjustment to allocate funding in the amount of \$6,470,000 from Contingency Funds and Water & Sewer Retained Earnings to fund multiple water and wastewater projects. Projects are identified below.

Project Description	Account #	Project #	Amount
Shallowford Force Main to T-B WWTP	520-5900-535-6352	101512	\$ 1,300,000
WL Replacement – Western Hills, Phase II	520-5900-535-6357	101503	2,700,000
Shallowford Lift Station	561-5400-535-6905	101475	920,000
Crossroads Park Utility Extension (WW Line)	561-5400-535-6971	101480	750,000
Jeff Hamilton Park Utility Improvements (W/WW Lines)	561-5200-535-6974	101575	300,000
Water Treatment Plant – Avenue H Tanks & Pump Station Improvements	561-5100-535-6975	101209	500,000
Total Projects			\$ 6,470,000



**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.**

+

1

ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE		DECREASE	
561-5400-535-69-05	101475	Capital - Shallowford Lift Station	\$ 920,000			
561-5400-535-69-71	101480	WWL-Crossroad Park Utility Extension	750,000			
561-5200-535-69-74	101575	Capital - Jeff Hamilton Pk Util Impr	300,000			
561-5100-535-69-75	101209	WTP - Ave H Tanks & Pump Stat Impr	500,000			
561-5000-535-65-32		Capital Special Projects/Contingency			2,470,000	
561-5400-535-69-73	101512	Capital - FM Shallowford FM to TBP	1,300,000			
561-5200-535-69-50	101503	Capital - Western Hills Util Reloc PH II	2,700,000			
561-0000-373-04-11		Unreserved - Retained Earnings			4,000,000	
		DO NOT POST				
TOTAL.....			\$6,470,000		\$6,470,000	

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

To allocate funds from contingency proceeds (\$2,470,000) and Water/Wastewater Unreserved Retained Earnings (\$4,000,000) for the revised Water/Wastewater Capital Improvement Program.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒ Yes

☐ No

DATE OF COUNCIL MEETING

7/7/2016

WITH AGENDA ITEM?

☒ Yes

☐ No

Department Head/Division Director

Date 6/28/16

<input checked="" type="checkbox"/>	Approved
<input type="checkbox"/>	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 ADJUSTMENTS TO THE WATER/WASTEWATER CAPITAL IMPROVEMENT PROGRAM FOR FISCAL YEAR 2016; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, as part of the City's annual budgeting process, a Water/Wastewater Capital Improvement Project is adopted which outlines specific projects to meet identified needs;

**Whereas**, the capital improvement plan for fiscal year 2016 has been modified with additional projects needed immediately as follows:

- Shallowford Force Main to Temple-Belton Wastewater Treatment Plant;
- Waterline Replacement – Western Hills, Phase II;
- Shallowford Lift Station;
- Crossroads Park Utility Extension (wastewater line);
- Jeff Hamilton Park Utility Improvements (water and wastewater lines);
- Water Treatment Plant – Avenue H Tanks & Pump Station Improvements;

**Whereas**, available funding currently exists through unreserved retained earnings to update the existing capital improvement plan for fiscal year 2016 to include these additional projects, as detailed on the attached budget adjustment form;

**Whereas**, Council is being presented a budget adjustment to allocate funding in the amount of \$6,470,000 from Contingency Funds and Water & Sewer Retained Earnings to fund multiple water and wastewater projects; 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 adjustments to the Water/Wastewater Capital Improvement Program for fiscal year 2016 for the following projects:

- Shallowford Force Main to Temple-Belton Wastewater Treatment Plant;
- Waterline Replacement – Western Hills, Phase II;
- Shallowford Lift Station;
- Crossroads Park Utility Extension (wastewater line);
- Jeff Hamilton Park Utility Improvements (water and wastewater lines);
- Water Treatment Plant – Avenue H Tanks & Pump Station Improvements;

**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 **7<sup>th</sup>** day of **July**, 2016.

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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07/07/16  
Item #5(Z)  
Consent Agenda  
Page 1 of 1

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

Ashley Williams, General Services Manager

**ITEM DESCRIPTION:** Consider adopting a resolution adopting program guidelines for the City of Temple Housing Improvement Program.

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

**ITEM SUMMARY:** In response to needs identified in the Community Development Block Grant (CDBG) Program 2015 Needs Assessment, City Council approved the 2015-2019 Consolidate Plan in August, 2015. The Plan outlined a Housing Improvement Program, focusing on owner-occupied housing rehabilitation and affirmatively furthering fair housing and reducing barriers to affordable housing.

The purpose of the program is to focus on accessibility, emergency home repair, pre-weatherization and maintenance classes to improve and encourage continued maintenance of homes needing attention and repair.

Eligible participants to the program will be selected on a first come, first served basis, however, the following household factors will receive priority in funding:

- A. Immediate threats to health or safety.
- B. Homes of elderly persons (age 62+).
- C. Projects that require alterations for accessibility due to ADA (American with Disabilities Act).

**FISCAL IMPACT:** The program will be funded with Community Development Block Grant (CDBG) funds as they are available.

### **ATTACHMENTS:**

[Housing Improvement Program Overview](#)  
[Resolution](#)

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS,  
ADOPTING PROGRAM GUIDELINES FOR THE CITY OF TEMPLE HOUSING  
IMPROVEMENT PROGRAM; AND PROVIDING AN OPEN MEETINGS  
CLAUSE.

---

**Whereas**, in response to needs identified in the Community Development Block Grant (“CDBG”) Program’s 2015 Need’s Assessment, City Council approved the 2015-2019 Consolidated Action Plan in August, 2015, which outlined a Housing Improvement Program focusing on owner-occupied housing rehabilitation and affirmatively furthering fair housing and reducing barriers to affordable housing;

**Whereas**, the purpose of the program is to focus on accessibility, emergency home repair, pre-weatherization and maintenance classes to improve and encourage continued maintenance of homes needing attention and repair;

**Whereas**, eligible participants will be selected on a first come, first served basis, however, the following household factors will receive priority in funding:

- a) immediate threats to health or safety;
- b) homes of elderly persons (age 62+);
- c) projects that require alterations for accessibility due to ADA (American with Disabilities Act);

**Whereas**, this program will be funded with Community Development Block Grant funds as they become available; 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 adopts the program guidelines for the City of Temple Housing Improvement Program which are attached to this ordinance as “Exhibit A”.

**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 the adoption of these guidelines.

**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 7<sup>th</sup> day of **July**, 2016.

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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07/07/16  
Item #5(AA)  
Consent Agenda  
Page 1 of 1

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

Traci L. Barnard, Director of Finance

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing certain City employees to conduct investment transactions, transfer funds, and represent the City in other financial transactions.

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

**ITEM SUMMARY:** This item is to remove the authority for Rhonda Scally, Senior Accountant, and to add the authority for Sherry Pogor, Financial Analyst, and Erica Glover, Senior Accountant, to conduct financial transactions for the City. This item also designates certain City employees as authorized signatories and certain City employees as Investment Officers.

A new resolution is required any time a change occurs in any of the positions authorized to conduct financial transactions. Approval of this item will remove authorization for Rhonda Scally, Senior Accountant and add authorization for Sherry Pogor, Financial Analyst and Erica Glover, Senior Accountant.

The following employees will have authorization to conduct cash management functions and be designated as authorized signatories for the City:

Jonathan Graham – City Manager  
Lacy Borgeson – City Secretary

The following employees will have authorization to conduct cash management and investment functions, and be designated as authorized signatories and Investment Officers for the City

Traci L. Barnard – Director of Finance  
Melissa Przybylski – Assistant Director of Finance  
Stacey Reisner – Treasury/Grants Manager  
Sherry Pogor – Financial Analyst  
Erica Glover – Senior Accountant

**FISCAL IMPACT:** No fiscal impact.

### **ATTACHMENTS:**

[Resolution](#)



RESOLUTION NO. 2016-8211-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING CERTAIN CITY EMPLOYEES THE AUTHORITY TO CONDUCT INVESTMENT TRANSACTIONS, TRANSFER FUNDS, AND REPRESENT THE CITY IN OTHER FINANCIAL TRANSACTIONS; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, the City Council desires to authorize certain employees to have authority to conduct investment transactions, transfer funds and represent the City in other financial transactions, as outlined below;

**Whereas**, the following employees will have authorization to conduct cash management functions and be designated as authorized signatories for the City:

Jonathan Graham – City Manager  
Lacy Borgeson – City Secretary

**Whereas**, the following employees will have authorization to conduct cash management and investment functions, and be designated as authorized signatories and Investment Officers for the City:

Traci L. Barnard – Director of Finance  
Melissa Przybylski – Assistant Director of Finance  
Stacey Reisner – Treasury/Grants Manager  
Sherry Pogor – Financial Analyst  
Erica Glover – Senior Accountant

**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 Traci L. Barnard, Director of Finance, Melissa Przybylski, Assistant Director of Finance, Stacey Reisner, Treasury/Grants Manager, Sherry Pogor, Financial Analyst and Erica Glover, Senior Accountant full authority and empowers them to take all actions and execute all documents necessary or incidental to such direct security repurchase agreements, reverse security repurchase agreements, U.S. Treasury Securities, and U.S. Government Agency Securities to the full extent they may exercise that authority consistent with the Texas Depository Act and other applicable state and federal laws and regulations and designates them as Investment Officers for the City of Temple.

**Part 2:** The City Council authorizes the named individuals in Part 1, Jonathan Graham, City Manager, and Lacy Borgeson, City Secretary, on behalf of the City of Temple and as its own act, to sign checks, drafts, notes, bills of exchange, acceptances, or other orders for the payment of money; to endorse any checks, notes, bills, or other instruments owned, held, or endorsed to the City of Temple; to issue instructions regarding deposits, withdrawals, orders for payment or transfer of funds whether oral, by telephone or electronic means; or to do any other convenient or necessary acts to the opening, maintenance, and closing of the accounts in accordance with the Charter and ordinances of the City of Temple. Their true signatures appear below:

---

Traci L. Barnard  
Director of Finance

---

Jonathan Graham  
City Manager

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Melissa Przybylski  
Assistant Director of Finance

---

Stacey Reisner  
Treasury/Grants Manager

---

Sherry Pogor  
Financial Analyst

---

Erica Glover  
Senior Accountant

---

Lacy Borgeson  
City Secretary

**Part 3:** Controls will remain in place to assure compliance with the City of Temple Fiscal and Budgetary Policies and Investment Policies to assure that assets are safeguarded against loss from unauthorized use or disposition; and that transactions are executed in accordance with management authorization and recorded properly to permit the preparation of general purpose financial statements in accordance with generally accepted accounting principles.

**Part 4:** This authority shall remain in full force and effect until written notice revoking or modifying same has been given by the City Council and received by all other parties to this transaction

**Part 5:** The authorized individuals shall have an official bond in the sum adequate to protect the City, but of not less than Five Hundred Thousand (\$500,000) Dollars, each which fully meets the bonding requirements of Article 4, Section 4.25 of the City Charter.

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

**Part 7:** 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 7<sup>th</sup> day of **July**, 2016.

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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07/07/16  
Item #5(BB)  
Consent Agenda  
Page 1 of 1

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

Jonathan Graham, City Manager  
Traci Barnard, Director of Finance

**ITEM DESCRIPTION:** Consider adopting a resolution setting the date, time and place of public hearings on the proposed FY 2016-2017 Budget for August 4, 2016, at 5:00 p.m. and August 26, 2016, at 8:30 a.m. in the City Council Chambers.

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

**ITEM SUMMARY:** This proposed resolution will comply with the City Charter requirement that the date, time and place of the public hearing on the proposed budget be set at the first regular Council meeting after the budget is filed. The public hearing is scheduled for the August 4, 2016, Regular Council meeting, to be held at 5:00 p.m. in the Council Chambers, to receive citizen comments on the operating budget. The resolution will also indicate that a supplemental public hearing on the proposed budget will be conducted at the August 26, 2016, Special Council meeting, just prior to the scheduled adoption of the budget.

Additional public hearings for the FY 2016-2017 Proposed Budget may be scheduled relating to statutory requirements for adoption of a tax rate.

**FISCAL IMPACT:** The proposed Fiscal Year 2016-2017 Budget for the City totals \$143,359,681 for all funds.

**ATTACHMENTS:**

[Resolution](#)



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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, SETTING THE DATE, TIME AND PLACE OF PUBLIC HEARINGS ON THE PROPOSED FISCAL YEAR 2016-2017 BUDGET FOR AUGUST 4, 2016 AT 5:00 P.M. AND AUGUST 26, 2016, AT 8:30 A.M. IN THE CITY COUNCIL CHAMBERS; DIRECTING THE CITY SECRETARY TO PUBLISH NOTICE SETTING FORTH THE TIME AND PLACE THEREOF; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, the City Charter directs that the date, time and place of public hearings on the proposed budget be set at the first regular City Council meeting after the annual budget is filed;

**Whereas**, the public hearings must be scheduled for August 4, 2016 at 5:00 p.m. and August 26, 2016 at 8:30 a.m. in the City Council Chambers located in the Municipal Building at 2 North Main Street, Temple, Bell County, Texas;

**Whereas**, a supplemental public hearing on the proposed budget will be conducted at the August 26, 2016 Special Council meeting at 8:30 a.m., just prior to the scheduled adoption of the budget; 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 directs that public hearings on the City of Temple's Fiscal Year 2016-2017 budget be held at meetings of the City Council at 5:00 p.m. on August 4, 2016, and at 8:30 a.m. on August 26, 2016, in the City Council Chambers located in the Municipal Building at 2 North Main Street, Temple, Bell County, Texas.

**Part 2:** The City Council directs the City Secretary to cause the publication of notice of said hearings setting forth the time and place thereof in a newspaper of general circulation within the City.

**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 7<sup>th</sup> day of **July**, 2016.

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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07/07/16  
Item #5(CC)  
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 \$54,029.

**ATTACHMENTS:**

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

**CITY OF TEMPLE**  
**BUDGET AMENDMENTS FOR FY 2016 BUDGET**  
**July 7, 2016**

			APPROPRIATIONS	
ACCOUNT #	PROJECT #	DESCRIPTION	Debit	Credit
110-1900-519-2228		Capital < \$5,000 / Public Education Government Expense	\$ 9,000	
110-0000-315-1900		Reserved for Public Education Channel		\$ 9,000
To fund the replacement of PCs in Council Chambers, CM-2 Conference Room and Training Room.				
110-1800-525-2221		Capital < \$5,000 / Computer Equipment	\$ 3,430	
110-0000-452-0455		Administrative Fees / Technology Fee		\$ 3,430
To appropriate Municipal Court Technology Fees for the replacement of four scanners.				
110-2800-532-2516		Other Services / Judgement & Damages	\$ 11,445	
110-0000-461-0554		Insurance Claims / Insurance Claims		\$ 11,445
To appropriate insurance proceeds from Allstate for damages sustained to a traffic signal cabinet located at Central and 31st Street on 04/25/2016.				
520-5200-535-2516		Other Services / Judgement & Damages	\$ 1,005	
520-0000-443-3054		Insurance Claims / Insurance Claims		\$ 1,005
To appropriate insurance proceeds from Government Employees Insurance Company for damages to a fire hydrant located on Lowes Boulevard on 05/12/2016.				
110-1100-513-2122		Supplies / Other	\$ 7,753	
110-2700-515-2112		Supplies / Food Items/Supplies		\$ 7,753
The employee appreciation program moved to City Manager's Office in FY 2016. This budget adjustment will move funding that was carried over from FY 2015 into the correct account.				
110-2400-519-6310	101506	Capital Building & Grounds / HVAC Replacement at Historic Post Office	\$ 12,292	
110-3240-551-2516		Other Services / Judgement & Damages	\$ 9,104	
110-0000-461-0554		Insurance Claims / Insurance Claims		\$ 21,396
To appropriate insurance proceeds from TML for damages which occurred during the weather event on 04/17/2016. Damages included control board at 1516 West Avenue H and two A/C compressors at 101 North Main.				
TOTAL AMENDMENTS			\$ 54,029	\$ 54,029

GENERAL FUND		
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		(34,318)
Net Balance of Judgments & Damages Contingency Account	\$	9,912
Beginning <b>Compensation</b> Contingency	\$	375,000
Added to Compensation Contingency		-
Taken From Compensation Contingency		(375,000)
Net Balance of Compensation Contingency Account	\$	-
<b>Net Balance Council Contingency</b>	<b>\$</b>	<b>9,912</b>
Beginning Balance <b>Budget Sweep</b> Contingency	\$	-
Added to Budget Sweep Contingency		-
Taken From Budget Sweep		-
Net Balance of Budget Sweep Contingency Account	\$	-

**CITY OF TEMPLE**  
**BUDGET AMENDMENTS FOR FY 2016 BUDGET**  
**July 7, 2016**

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
		<b>WATER &amp; SEWER FUND</b>		
		Beginning <b>Contingency</b> Balance	\$	50,000
		Added to Contingency Sweep Account		-
		Taken From Contingency		(23,198)
		Net Balance of Contingency Account	\$	26,802
		Beginning <b>Compensation</b> Contingency	\$	64,000
		Added to Compensation Contingency		-
		Taken From Compensation Contingency		(64,000)
		Net Balance of Compensation Contingency Account	\$	-
		<b>Net Balance Water &amp; Sewer Fund Contingency</b>	\$	<b>26,802</b>
		<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		(13,300)
		Net Balance of Compensation Contingency Account	\$	-
		<b>Net Balance Hotel/Motel Tax Fund Contingency</b>	\$	-
		<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		(10,300)
		Taken From Compensation Contingency		-
		Net Balance of Compensation Contingency Account	\$	-
		<b>Net Balance Drainage Fund Contingency</b>	\$	-
		<b>FED/STATE GRANT FUND</b>		
		Beginning <b>Contingency</b> Balance	\$	-
		Carry forward from Prior Year		69,089
		Added to Contingency Sweep Account		-
		Taken From Contingency		(54,142)
		Net Balance of Contingency Account	\$	<b>14,947</b>

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 7<sup>th</sup> day of **July**, 2016.

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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07/07/16  
Item #6  
Regular Agenda  
Page 1 of 3

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

Traci L. Barnard, Director of Finance

**ITEM DESCRIPTION:** FIRST READING – PUBLIC HEARING: Consider adopting an ordinance authorizing an amendment to the Tax Increment Financing Reinvestment Zone No. 1 Financing and Project Plans to align with the 2022 Master Plan which includes appropriating bond proceeds, adjusting tax revenues and allocating expenditures for public improvements for years FY 2016-2062.

**STAFF RECOMMENDATION:** Conduct a public hearing and adopt ordinance as presented; and set second and final reading for July 21, 2016.

**ITEM SUMMARY:** The Reinvestment Zone No. 1 Finance and Project Committees have met and discussed the revenue estimates and 2022 Master Plan Projects. The result of the meetings is recommended changes to the Financing and Project Plans to continue with the execution of the 2022 Master Plan. The planning process involved the allocation of available resources over the next four years. The resources available for allocation are from the combination of revised tax increment revenues estimates, reallocation of funding from existing projects, and the issuance of TIRZ Revenue Bonds. The focus of the proposed amendment is for the fiscal years 2016-2020, however, state law requires a financing and project plan to span the life of the Zone.

At their June 22, 2016, regular meeting, the Reinvestment Zone No. 1 Board approved the recommendation of this amendment.

Below is a summary of the proposed amendment:

**Tax Increment Revenues:** FY 2017 - Taxable values were revised to reflect the preliminary tax roll received from the Bell County Appraisal District. The preliminary tax roll reflects total anticipated revenues of \$19,371,450 from all participating taxing entities which is a decrease of \$3,091,897 from the current Financing Plan. Revenue estimates were revised to reflect the FY 2017 decrease in preliminary values of a major tax payer plus an additional decrease was applied in future years to reflect anticipated declines in projected values. These amounts will be reviewed annually upon receipt of certified tax rolls and will be adjusted as necessary. In addition, adjustments were made for expiring tax abatements and future real property expansions, a growth factor was applied to the adjusted projected values and adjustments were made for changes to existing future real property improvements/expansions to the applicable years.

**Bond Issue Revenue:** In FY 2017, \$19,000,000 of bond proceeds was added to the Financing Plan to fund projects shown in the 2022 Master Plan Project Funding Schedule. The average annual debt service on the proposed issue is approximately \$1,455,000.

**Debt Service:** Beginning in FY 2017 through FY 2037, debt service payments totaling \$29,424,483 were added to Plan to service debt proposed to be issued in March 2017.

**Projects:** The following is a summary of funding for the 2022 Master Plan projects:

Project Description	2016	2017	Bond Issue	2018	2019	2020	TOTAL
			2017				
Temple Industrial Park	\$ 622,482	\$ -	\$ -	\$ 400,000	\$ -	\$ -	\$ 1,022,482
Corporate Campus Park	1,700,000	-	-	-	-	-	1,700,000
Bioscience Park	2,125,000	-	-	-	-	-	2,125,000
Research Parkway/Outer Loop	2,925,000	-	16,000,000	-	-	10,750,000	29,675,000
Downtown	4,305,400	14,950,000	3,000,000	2,700,000	450,000	450,000	25,855,400
TMED	4,005,000	-	-	-	6,460,000	-	10,465,000
Airport Park	450,000	100,000	-	1,310,000	-	-	1,860,000
MASTER PLAN PROJECT FUNDING	\$ 16,132,882	\$ 15,050,000	\$ 19,000,000	\$ 4,410,000	\$ 6,910,000	\$ 11,200,000	\$ 72,702,882

See the attached "TRZ Master Plan Project Funding (2016-2020)" schedule for more detail on the projects. Any changes to a project have been highlighted in yellow.

**Public Improvements:** Beginning in FY 2021 through 2062, the balance of funding for general "non-project specific" improvements is allocated to this line item. The amount was determined based on the remaining funds available after amounts were allocated for operating expenditures, debt service, projects and maintaining an amount of fund balance of no less than \$2,000,000.

**FISCAL IMPACT:** Below is a table summarizing the Source and Use of funds included in the Financing and Project Plans.

Description	2016	2017	2018	2019	2020	Future Years
Available FB @ B-O-Y <sup>(1)</sup>	\$ 21,507,581	\$ 3,746,641	\$ 936,447	\$ 4,555,177	\$ 4,865,619	\$ 991,148
Total Source of Funds	25,102,382	38,216,879	16,107,144	15,303,122	15,500,830	894,608,238
Total Debt & Operating Exp.	6,136,906	6,977,073	8,078,414	8,082,680	8,175,301	94,104,867
Total Planned Project Exp.	36,726,416	34,050,000	4,410,000	6,910,000	11,200,000	801,494,519
Available FB @ E-O-Y <sup>(2)</sup>	\$ 3,746,641	\$ 936,447	\$ 4,555,177	\$ 4,865,619	\$ 991,148	\$ -

<sup>(1)</sup> - Beginning of Year

<sup>(2)</sup> - End of Year

**ATTACHMENTS:**

Financing Plan

Summary Financing Plan with Detailed Project Plan

Summary - TRZ Master Plan Project Funding (2016 - 2020)

TRZ Master Plan Project Funding (2016 - 2020)

TRZ Schedule of Outstanding Bonds with Proposed Issue  
Ordinance

FINANCING PLAN  
Page 1 of 5

DESCRIPTION		Y/E 9/30/16 Year 34	Y/E 9/30/17 Year 35	Y/E 9/30/18 Year 36	Y/E 9/30/19 Year 37	Y/E 9/30/20 Year 38	Y/E 9/30/21 Year 39	Y/E 9/30/22 Year 40
1	"Taxable Increment"	\$ 670,071,846	\$ 435,432,974	\$ 382,863,680	\$ 370,649,604	\$ 377,916,559	\$ 382,213,195	\$ 427,532,778
1	FUND BALANCE, Begin	\$ 21,507,581	\$ 3,746,641	\$ 936,447	\$ 4,555,177	\$ 4,865,619	\$ 991,148	\$ 2,016,214
2	Adjustments to Debt Service Reserve	-	-	-	-	-	-	-
3	Fund Balance Available for Appropriation	\$ 21,507,581	\$ 3,746,641	\$ 936,447	\$ 4,555,177	\$ 4,865,619	\$ 991,148	\$ 2,016,214
SOURCES OF FUNDS:								
4	Tax Revenues	23,553,306	19,371,450	16,265,121	15,459,007	15,659,726	15,823,016	16,519,039
6	Allowance for Uncollected Taxes [1.5% of Tax Revenues]	(353,300)	(290,572)	(243,977)	(231,885)	(234,896)	(237,345)	(247,786)
8	Interest Income-Other	50,000	50,000	50,000	40,000	40,000	30,000	10,000
10	Grant Funds	970,000	50,000	-	-	-	-	-
12	License Fee - Central Texas Railway	36,000	36,000	36,000	36,000	36,000	36,000	36,000
14	Other Revenues	846,376	-	-	-	-	-	-
17	Bond Proceeds	-	19,000,000	-	-	-	-	-
20	Total Sources of Funds	\$ 25,102,382	\$ 38,216,878	\$ 16,107,144	\$ 15,303,122	\$ 15,500,830	\$ 15,651,671	\$ 16,317,253
25	TOTAL AVAILABLE FOR APPROPRIATION	\$ 46,609,963	\$ 41,963,520	\$ 17,043,591	\$ 19,858,299	\$ 20,366,449	\$ 16,642,819	\$ 18,333,467
USE OF FUNDS:								
DEBT SERVICE								
27	2009 Bond Refunding	1,508,775	1,510,150	1,488,750	1,485,000	-	-	-
28	2008 Bond Issue-Taxable {\$10.365 mil}	1,240,854	1,240,096	1,241,957	1,241,173	1,237,744	1,241,670	1,242,422
29	Debt Service - 2011A Issue {Refunding}	913,550	912,200	908,350	915,950	2,497,800	2,497,550	2,494,950
30	Debt Service - 2012 Issue {Refunding}	82,700	76,400	79,600	77,650	80,050	77,250	78,750
31	Debt Service - 2013 Issue {\$25.260 mil}	924,894	2,034,894	2,047,694	2,048,344	2,047,944	2,046,494	2,031,494
32	Debt Service - 2017 Issue {\$19 mil}	-	344,583	1,452,000	1,454,500	1,451,700	1,452,200	1,452,100
35	Paying Agent Services	1,200	1,200	1,200	1,200	1,200	1,200	1,200
40	Subtotal-Debt Service	4,671,973	6,119,523	7,219,551	7,223,817	7,316,438	7,316,364	7,300,916
OPERATING EXPENDITURES								
50	Prof Svcs/Proj Mgmt	186,925	175,000	175,000	175,000	175,000	175,000	175,000
52	Legal/Audit	1,200	1,300	1,300	1,300	1,300	1,300	1,400
54	Zone Park Maintenance [mowing, utilities, botanical supplies]	255,000	255,000	255,000	255,000	255,000	255,000	255,000
56	Rail Maintenance	381,645	100,000	100,000	100,000	100,000	100,000	100,000
58	Road/Signage Maintenance	413,913	100,000	100,000	100,000	100,000	100,000	100,000
60	Contractual Payments [TEDC - Marketing]	200,000	200,000	200,000	200,000	200,000	200,000	200,000
62	TISD-Reimbursement [per contract]	26,250	26,250	27,563	27,563	27,563	28,941	28,941
65	Subtotal-Operating Expenditures	1,464,933	857,550	858,863	858,863	858,863	860,241	860,341
70	TOTAL DEBT & OPERATING EXPENDITURES	\$ 6,136,906	\$ 6,977,073	\$ 8,078,414	\$ 8,082,680	\$ 8,175,301	\$ 8,176,605	\$ 8,161,257
80	Funds Available for Projects	\$ 40,473,057	\$ 34,986,447	\$ 8,965,177	\$ 11,775,619	\$ 12,191,148	\$ 8,466,214	\$ 10,172,210
PROJECTS								
150	Temple Industrial Park	2,703,471	-	400,000	-	-	-	-
200	Corporate Campus Park	4,347,341	-	-	-	-	-	-
250	Bioscience Park	3,667,971	-	-	-	-	-	-
350	Research Parkway	7,258,929	16,000,000	-	-	10,750,000	-	-
400	Synergy Park	635,497	-	-	-	-	-	-
450	Downtown	6,818,162	17,950,000	2,700,000	450,000	450,000	450,000	450,000
500	TMED	8,674,261	-	-	6,460,000	-	-	-
550	Airport Park	2,620,784	100,000	1,310,000	-	-	-	-
610	Public Improvements	-	-	-	-	-	6,000,000	7,000,000
	Subtotal-Projects	36,726,416	34,050,000	4,410,000	6,910,000	11,200,000	6,450,000	7,450,000
TOTAL USE OF FUNDS		\$ 42,863,322	\$ 41,027,073	\$ 12,488,414	\$ 14,992,680	\$ 19,375,301	\$ 14,626,605	\$ 15,611,257
700	FUND BALANCE, End	\$ 3,746,641	\$ 936,447	\$ 4,555,177	\$ 4,865,619	\$ 991,148	\$ 2,016,214	\$ 2,722,210

DESCRIPTION		2023 41	2024 42	2025 43	2026 44	2027 45	2028 46	2029 47	2030 48	2031 49	2032 50
1	"Taxable Increment"	\$ 450,142,634	\$ 496,141,511	\$ 537,771,984	\$ 660,938,023	\$ 689,548,837	\$ 696,444,325	\$ 703,408,769	\$ 710,442,856	\$ 717,547,285	\$ 724,722,758
1	FUND BALANCE, Begin	\$ 2,722,210	\$ 2,641,278	\$ 2,257,504	\$ 2,503,744	\$ 2,421,670	\$ 2,308,822	\$ 2,392,537	\$ 2,184,680	\$ 2,170,293	\$ 2,358,528
2	Adjustments to Debt Service Reserve	-	-	-	-	-	-	-	-	-	-
3	Fund Balance Available for Appropriation	\$ 2,722,210	\$ 2,641,278	\$ 2,257,504	\$ 2,503,744	\$ 2,421,670	\$ 2,308,822	\$ 2,392,537	\$ 2,184,680	\$ 2,170,293	\$ 2,358,528
SOURCES OF FUNDS:											
4	Tax Revenues	16,921,830	17,628,841	18,280,346	19,989,672	20,474,693	20,679,426	20,886,206	21,095,054	21,305,990	21,519,035
6	Allowance for Uncollected Taxes [1.5% of Tax Revenues]	(253,827)	(264,433)	(274,205)	(299,845)	(307,120)	(310,191)	(313,293)	(316,426)	(319,590)	(322,786)
8	Interest Income-Other	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000
10	Grant Funds	-	-	-	-	-	-	-	-	-	-
12	License Fee - Central Texas Railway	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000
14	Other Revenues	-	-	-	-	-	-	-	-	-	-
17	Bond Proceeds	-	-	-	-	-	-	-	-	-	-
20	Total Sources of Funds	\$ 16,714,003	\$ 17,410,408	\$ 18,052,141	\$ 19,735,827	\$ 20,213,573	\$ 20,415,235	\$ 20,618,913	\$ 20,824,628	\$ 21,032,400	\$ 21,242,249
25	TOTAL AVAILABLE FOR APPROPRIATION	\$ 19,436,213	\$ 20,051,686	\$ 20,309,645	\$ 22,239,571	\$ 22,635,243	\$ 22,724,057	\$ 23,011,450	\$ 23,009,308	\$ 23,202,693	\$ 23,600,777
USE OF FUNDS:											
DEBT SERVICE											
27	2009 Bond Refunding	-	-	-	-	-	-	-	-	-	-
28	2008 Bond Issue-Taxable {\$10.365 mil}	-	-	-	-	-	-	-	-	-	-
29	Debt Service - 2011A Issue {Refunding}	-	-	-	-	-	-	-	-	-	-
30	Debt Service - 2012 Issue {Refunding}	-	-	-	-	-	-	-	-	-	-
31	Debt Service - 2013 Issue {\$25.260 mil}	2,030,094	2,026,694	2,038,413	2,051,613	2,059,113	2,061,713	2,061,713	2,069,113	2,073,513	2,084,913
32	Debt Service - 2017 Issue {\$19 mil}	1,454,500	1,455,700	1,455,700	1,454,500	1,454,000	1,456,500	1,451,750	1,455,000	1,455,750	1,454,000
35	Paying Agent Services	-	-	-	-	-	-	-	-	-	-
40	Subtotal-Debt Service	3,484,594	3,482,394	3,494,113	3,506,113	3,513,113	3,518,213	3,513,463	3,524,113	3,529,263	3,538,913
OPERATING EXPENDITURES											
50	Prof Svcs/Proj Mgmt	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000
52	Legal/Audit	1,400	1,400	1,400	1,400	1,400	1,400	1,400	1,400	1,400	1,400
54	Zone Park Maintenance [mowing, utilities, botanical supplies]	255,000	255,000	255,000	255,000	255,000	255,000	255,000	255,000	255,000	255,000
56	Rail Maintenance	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000
58	Road/Signage Maintenance	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000
60	Contractual Payments [TEDC - Marketing]	200,000	200,000	200,000	200,000	200,000	200,000	200,000	200,000	200,000	200,000
62	TISD-Reimbursement [per contract]	28,941	30,388	30,388	30,388	31,907	31,907	31,907	33,502	33,502	33,502
65	Subtotal-Operating Expenditures	860,341	861,788	861,788	861,788	863,307	863,307	863,307	864,902	864,902	864,902
70	TOTAL DEBT & OPERATING EXPENDITURES	\$ 4,344,935	\$ 4,344,182	\$ 4,355,901	\$ 4,367,901	\$ 4,376,420	\$ 4,381,520	\$ 4,376,770	\$ 4,389,015	\$ 4,394,165	\$ 4,403,815
80	Funds Available for Projects	\$ 15,091,278	\$ 15,707,504	\$ 15,953,744	\$ 17,871,670	\$ 18,258,822	\$ 18,342,537	\$ 18,634,680	\$ 18,620,293	\$ 18,808,528	\$ 19,196,962
PROJECTS											
150	Temple Industrial Park	-	-	-	-	-	-	-	-	-	-
200	Corporate Campus Park	-	-	-	-	-	-	-	-	-	-
250	Bioscience Park	-	-	-	-	-	-	-	-	-	-
350	Research Parkway	-	-	-	-	-	-	-	-	-	-
400	Synergy Park	-	-	-	-	-	-	-	-	-	-
450	Downtown	450,000	450,000	450,000	450,000	450,000	450,000	450,000	450,000	450,000	450,000
500	TMED	-	-	-	-	-	-	-	-	-	-
550	Airport Park	-	-	-	-	-	-	-	-	-	-
610	Public Improvements	12,000,000	13,000,000	13,000,000	15,000,000	15,500,000	15,500,000	16,000,000	16,000,000	16,000,000	16,500,000
	Subtotal-Projects	12,450,000	13,450,000	13,450,000	15,450,000	15,950,000	15,950,000	16,450,000	16,450,000	16,450,000	16,950,000
TOTAL USE OF FUNDS		\$ 16,794,935	\$ 17,794,182	\$ 17,805,901	\$ 19,817,901	\$ 20,326,420	\$ 20,331,520	\$ 20,826,770	\$ 20,839,015	\$ 20,844,165	\$ 21,353,815
700	FUND BALANCE, End	\$ 2,641,278	\$ 2,257,504	\$ 2,503,744	\$ 2,421,670	\$ 2,308,822	\$ 2,392,537	\$ 2,184,680	\$ 2,170,293	\$ 2,358,528	\$ 2,246,962



DESCRIPTION		2033 51	2034 52	2035 53	2036 54	2037 55	2038 56	2039 57	2040 58	2041 59	2042 60
1	"Taxable Increment"	\$ 731,969,985	\$ 739,289,685	\$ 746,682,582	\$ 754,149,408	\$ 761,690,902	\$ 769,307,811	\$ 777,000,889	\$ 784,770,898	\$ 792,618,607	\$ 800,544,793
1	FUND BALANCE, Begin	\$ 2,246,962	\$ 2,336,920	\$ 2,235,859	\$ 2,350,756	\$ 2,180,015	\$ 2,230,830	\$ 2,458,654	\$ 2,409,618	\$ 2,587,819	\$ 2,495,530
2	Adjustments to Debt Service Reserve	-	-	-	-	-	-	-	-	-	-
3	Fund Balance Available for Appropriation	\$ 2,246,962	\$ 2,336,920	\$ 2,235,859	\$ 2,350,756	\$ 2,180,015	\$ 2,230,830	\$ 2,458,654	\$ 2,409,618	\$ 2,587,819	\$ 2,495,530
SOURCES OF FUNDS:											
4	Tax Revenues	21,734,211	21,951,539	22,171,040	22,392,736	22,616,650	22,842,802	23,071,215	23,301,913	23,534,918	23,770,253
6	Allowance for Uncollected Taxes [1.5% of Tax Revenues]	(326,013)	(329,273)	(332,566)	(335,891)	(339,250)	(342,642)	(346,068)	(349,529)	(353,024)	(356,554)
8	Interest Income-Other	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000
10	Grant Funds	-	-	-	-	-	-	-	-	-	-
12	License Fee - Central Texas Railway	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000
14	Other Revenues	-	-	-	-	-	-	-	-	-	-
17	Bond Proceeds	-	-	-	-	-	-	-	-	-	-
20	Total Sources of Funds	\$ 21,454,198	\$ 21,668,266	\$ 21,884,474	\$ 22,102,845	\$ 22,323,400	\$ 22,546,160	\$ 22,771,147	\$ 22,998,384	\$ 23,227,894	\$ 23,459,699
25	TOTAL AVAILABLE FOR APPROPRIATION	\$ 23,701,160	\$ 24,005,186	\$ 24,120,333	\$ 24,453,601	\$ 24,503,416	\$ 24,776,990	\$ 25,229,800	\$ 25,408,002	\$ 25,815,713	\$ 25,955,229
USE OF FUNDS:											
DEBT SERVICE											
27	2009 Bond Refunding	-	-	-	-	-	-	-	-	-	-
28	2008 Bond Issue-Taxable {\$10.365 mil}	-	-	-	-	-	-	-	-	-	-
29	Debt Service - 2011A Issue {Refunding}	-	-	-	-	-	-	-	-	-	-
30	Debt Service - 2012 Issue {Refunding}	-	-	-	-	-	-	-	-	-	-
31	Debt Service - 2013 Issue {\$25.260 mil}	2,092,913	-	-	-	-	-	-	-	-	-
32	Debt Service - 2017 Issue {\$19 mil}	1,454,750	1,452,750	1,453,000	1,455,250	1,454,250	-	-	-	-	-
35	Paying Agent Services	-	-	-	-	-	-	-	-	-	-
40	Subtotal-Debt Service	3,547,663	1,452,750	1,453,000	1,455,250	1,454,250	-	-	-	-	-
OPERATING EXPENDITURES											
50	Prof Svcs/Proj Mgmt	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000
52	Legal/Audit	1,400	1,400	1,400	1,400	1,400	1,400	1,400	1,400	1,400	1,400
54	Zone Park Maintenance [mowing, utilities, botanical supplies]	255,000	255,000	255,000	255,000	255,000	255,000	255,000	255,000	255,000	255,000
56	Rail Maintenance	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000
58	Road/Signage Maintenance	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000
60	Contractual Payments [TEDC - Marketing]	200,000	200,000	200,000	200,000	200,000	200,000	200,000	200,000	200,000	200,000
62	TISD-Reimbursement [per contract]	35,177	35,177	35,177	36,936	36,936	36,936	38,783	38,783	38,783	40,722
65	Subtotal-Operating Expenditures	866,577	866,577	866,577	868,336	868,336	868,336	870,183	870,183	870,183	872,122
70	TOTAL DEBT & OPERATING EXPENDITURES	\$ 4,414,240	\$ 2,319,327	\$ 2,319,577	\$ 2,323,586	\$ 2,322,586	\$ 868,336	\$ 870,183	\$ 870,183	\$ 870,183	\$ 872,122
80	Funds Available for Projects	\$ 19,286,920	\$ 21,685,859	\$ 21,800,756	\$ 22,130,015	\$ 22,180,830	\$ 23,908,654	\$ 24,359,618	\$ 24,537,819	\$ 24,945,530	\$ 25,083,107
PROJECTS											
150	Temple Industrial Park	-	-	-	-	-	-	-	-	-	-
200	Corporate Campus Park	-	-	-	-	-	-	-	-	-	-
250	Bioscience Park	-	-	-	-	-	-	-	-	-	-
350	Research Parkway	-	-	-	-	-	-	-	-	-	-
400	Synergy Park	-	-	-	-	-	-	-	-	-	-
450	Downtown	450,000	450,000	450,000	450,000	450,000	450,000	450,000	450,000	450,000	450,000
500	TMED	-	-	-	-	-	-	-	-	-	-
550	Airport Park	-	-	-	-	-	-	-	-	-	-
610	Public Improvements	16,500,000	19,000,000	19,000,000	19,500,000	19,500,000	21,000,000	21,500,000	21,500,000	22,000,000	22,000,000
	Subtotal-Projects	16,950,000	19,450,000	19,450,000	19,950,000	19,950,000	21,450,000	21,950,000	21,950,000	22,450,000	22,450,000
TOTAL USE OF FUNDS		\$ 21,364,240	\$ 21,769,327	\$ 21,769,577	\$ 22,273,586	\$ 22,272,586	\$ 22,318,336	\$ 22,820,183	\$ 22,820,183	\$ 23,320,183	\$ 23,322,122
700	FUND BALANCE, End	\$ 2,336,920	\$ 2,235,859	\$ 2,350,756	\$ 2,180,015	\$ 2,230,830	\$ 2,458,654	\$ 2,409,618	\$ 2,587,819	\$ 2,495,530	\$ 2,633,107

DESCRIPTION		2043 61	2044 62	2045 63	2046 64	2047 65	2048 66	2049 67	2050 68	2051 69	2052 70
1	"Taxable Increment"	\$ 808,550,241	\$ 816,635,743	\$ 824,802,101	\$ 833,050,122	\$ 841,380,623	\$ 849,794,429	\$ 858,292,373	\$ 866,875,297	\$ 875,544,050	\$ 884,299,491
1	FUND BALANCE, Begin	\$ 2,633,107	\$ 2,416,234	\$ 2,399,740	\$ 2,083,492	\$ 2,471,550	\$ 2,565,956	\$ 2,366,635	\$ 2,377,810	\$ 2,101,586	\$ 2,037,843
2	Adjustments to Debt Service Reserve	-	-	-	-	-	-	-	-	-	-
3	Fund Balance Available for Appropriation	\$ 2,633,107	\$ 2,416,234	\$ 2,399,740	\$ 2,083,492	\$ 2,471,550	\$ 2,565,956	\$ 2,366,635	\$ 2,377,810	\$ 2,101,586	\$ 2,037,843
SOURCES OF FUNDS:											
4	Tax Revenues	20,334,364	20,537,694	20,743,056	20,950,473	21,159,963	21,371,548	21,585,250	21,801,088	22,019,084	22,239,261
6	Allowance for Uncollected Taxes [1.5% of Tax Revenues]	(305,015)	(308,065)	(311,146)	(314,257)	(317,399)	(320,573)	(323,779)	(327,016)	(330,286)	(333,589)
8	Interest Income-Other	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000
10	Grant Funds	-	-	-	-	-	-	-	-	-	-
12	License Fee - Central Texas Railway	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000
14	Other Revenues	-	-	-	-	-	-	-	-	-	-
17	Bond Proceeds	-	-	-	-	-	-	-	-	-	-
20	Total Sources of Funds	\$ 20,075,349	\$ 20,275,629	\$ 20,477,910	\$ 20,682,216	\$ 20,888,564	\$ 21,096,975	\$ 21,307,471	\$ 21,520,072	\$ 21,734,798	\$ 21,951,672
25	TOTAL AVAILABLE FOR APPROPRIATION	\$ 22,708,456	\$ 22,691,862	\$ 22,877,650	\$ 22,765,708	\$ 23,360,114	\$ 23,662,931	\$ 23,674,106	\$ 23,897,882	\$ 23,836,383	\$ 23,989,515
USE OF FUNDS:											
DEBT SERVICE											
27	2009 Bond Refunding	-	-	-	-	-	-	-	-	-	-
28	2008 Bond Issue-Taxable {\$10.365 mil}	-	-	-	-	-	-	-	-	-	-
29	Debt Service - 2011A Issue {Refunding}	-	-	-	-	-	-	-	-	-	-
30	Debt Service - 2012 Issue {Refunding}	-	-	-	-	-	-	-	-	-	-
31	Debt Service - 2013 Issue {\$25.260 mil}	-	-	-	-	-	-	-	-	-	-
32	Debt Service - 2017 Issue {\$19 mil}	-	-	-	-	-	-	-	-	-	-
35	Paying Agent Services	-	-	-	-	-	-	-	-	-	-
40	Subtotal-Debt Service	-	-	-	-	-	-	-	-	-	-
OPERATING EXPENDITURES											
50	Prof Svcs/Proj Mgmt	175,100	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000
52	Legal/Audit	1,400	1,400	1,400	1,400	1,400	1,400	1,400	1,400	1,400	1,400
54	Zone Park Maintenance [mowing, utilities, botanical supplies]	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000
56	Rail Maintenance	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000
58	Road/Signage Maintenance	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000
60	Contractual Payments [TEDC - Marketing]	200,000	200,000	200,000	200,000	200,000	200,000	200,000	200,000	200,000	200,000
62	TISD-Reimbursement [per contract]	40,722	40,722	42,758	42,758	42,758	44,896	44,896	44,896	47,141	47,141
65	Subtotal-Operating Expenditures	792,222	792,122	794,158	794,158	794,158	796,296	796,296	796,296	798,541	798,541
70	TOTAL DEBT & OPERATING EXPENDITURES	\$ 792,222	\$ 792,122	\$ 794,158	\$ 794,158	\$ 794,158	\$ 796,296	\$ 796,296	\$ 796,296	\$ 798,541	\$ 798,541
80	Funds Available for Projects	\$ 21,916,234	\$ 21,899,740	\$ 22,083,492	\$ 21,971,550	\$ 22,565,956	\$ 22,866,635	\$ 22,877,810	\$ 23,101,586	\$ 23,037,843	\$ 23,190,974
PROJECTS											
150	Temple Industrial Park	-	-	-	-	-	-	-	-	-	-
200	Corporate Campus Park	-	-	-	-	-	-	-	-	-	-
250	Bioscience Park	-	-	-	-	-	-	-	-	-	-
350	Research Parkway	-	-	-	-	-	-	-	-	-	-
400	Synergy Park	-	-	-	-	-	-	-	-	-	-
450	Downtown	450,000	450,000	450,000	450,000	450,000	450,000	450,000	450,000	450,000	450,000
500	TMED	-	-	-	-	-	-	-	-	-	-
550	Airport Park	-	-	-	-	-	-	-	-	-	-
610	Public Improvements	19,050,000	19,050,000	19,550,000	19,050,000	19,550,000	20,050,000	20,050,000	20,550,000	20,550,000	20,550,000
	Subtotal-Projects	19,500,000	19,500,000	20,000,000	19,500,000	20,000,000	20,500,000	20,500,000	21,000,000	21,000,000	21,000,000
TOTAL USE OF FUNDS		\$ 20,292,222	\$ 20,292,122	\$ 20,794,158	\$ 20,294,158	\$ 20,794,158	\$ 21,296,296	\$ 21,296,296	\$ 21,796,296	\$ 21,798,541	\$ 21,798,541
700	FUND BALANCE, End	\$ 2,416,234	\$ 2,399,740	\$ 2,083,492	\$ 2,471,550	\$ 2,565,956	\$ 2,366,635	\$ 2,377,810	\$ 2,101,586	\$ 2,037,843	\$ 2,190,974

DESCRIPTION		2053 71	2054 72	2055 73	2056 74	2057 75	2058 76	2059 77	2060 78	2061 79	2062 80
1	"Taxable Increment"	\$ 893,142,486	\$ 902,073,910	\$ 911,094,650	\$ 920,205,596	\$ 929,407,652	\$ 938,701,729	\$ 948,088,746	\$ 957,569,633	\$ 967,145,330	\$ 976,816,783
1	FUND BALANCE, Begin	\$ 2,190,974	\$ 2,563,147	\$ 2,654,196	\$ 2,468,691	\$ 2,508,866	\$ 2,274,503	\$ 2,270,356	\$ 2,498,727	\$ 2,459,342	\$ 2,157,149
2	Adjustments to Debt Service Reserve	-	-	-	-	-	-	-	-	-	-
3	Fund Balance Available for Appropriation	\$ 2,190,974	\$ 2,563,147	\$ 2,654,196	\$ 2,468,691	\$ 2,508,866	\$ 2,274,503	\$ 2,270,356	\$ 2,498,727	\$ 2,459,342	\$ 2,157,149
SOURCES OF FUNDS:											
4	Tax Revenues	22,461,639	22,686,241	22,913,089	23,142,206	23,373,614	23,607,336	23,843,395	24,081,814	24,322,618	24,565,830
6	Allowance for Uncollected Taxes [1.5% of Tax Revenues]	(336,925)	(340,294)	(343,696)	(347,133)	(350,604)	(354,110)	(357,651)	(361,227)	(364,839)	(368,487)
8	Interest Income-Other	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000
10	Grant Funds	-	-	-	-	-	-	-	-	-	-
12	License Fee - Central Texas Railway	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000
14	Other Revenues	-	-	-	-	-	-	-	-	-	-
17	Bond Proceeds	-	-	-	-	-	-	-	-	-	-
20	Total Sources of Funds	\$ 22,170,714	\$ 22,391,947	\$ 22,615,393	\$ 22,841,073	\$ 23,069,010	\$ 23,299,226	\$ 23,531,744	\$ 23,766,587	\$ 24,003,779	\$ 24,243,343
25	TOTAL AVAILABLE FOR APPROPRIATION	\$ 24,361,688	\$ 24,955,094	\$ 25,269,589	\$ 25,309,764	\$ 25,577,876	\$ 25,573,729	\$ 25,802,100	\$ 26,265,314	\$ 26,463,121	\$ 26,400,491
USE OF FUNDS:											
DEBT SERVICE											
27	2009 Bond Refunding	-	-	-	-	-	-	-	-	-	-
28	2008 Bond Issue-Taxable {\$10.365 mil}	-	-	-	-	-	-	-	-	-	-
29	Debt Service - 2011A Issue {Refunding}	-	-	-	-	-	-	-	-	-	-
30	Debt Service - 2012 Issue {Refunding}	-	-	-	-	-	-	-	-	-	-
31	Debt Service - 2013 Issue {\$25.260 mil}	-	-	-	-	-	-	-	-	-	-
32	Debt Service - 2017 Issue {\$19 mil}	-	-	-	-	-	-	-	-	-	-
35	Paying Agent Services	-	-	-	-	-	-	-	-	-	-
40	Subtotal-Debt Service	-	-	-	-	-	-	-	-	-	-
OPERATING EXPENDITURES											
50	Prof Svcs/Proj Mgmt	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000
52	Legal/Audit	1,400	1,400	1,400	1,400	1,400	1,400	1,400	1,400	1,400	1,400
54	Zone Park Maintenance [mowing, utilities, botanical supplies]	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000
56	Rail Maintenance	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000
58	Road/Signage Maintenance	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000
60	Contractual Payments [TEDC - Marketing]	200,000	200,000	200,000	200,000	200,000	200,000	200,000	200,000	200,000	200,000
62	TISD-Reimbursement [per contract]	47,141	49,498	49,498	49,498	51,973	51,973	51,973	54,572	54,572	54,572
65	Subtotal-Operating Expenditures	798,541	800,898	800,898	800,898	803,373	803,373	803,373	805,972	805,972	805,972
70	TOTAL DEBT & OPERATING EXPENDITURES	\$ 798,541	\$ 800,898	\$ 800,898	\$ 800,898	\$ 803,373	\$ 803,373	\$ 803,373	\$ 805,972	\$ 805,972	\$ 805,972
80	Funds Available for Projects	\$ 23,563,147	\$ 24,154,196	\$ 24,468,691	\$ 24,508,866	\$ 24,774,503	\$ 24,770,356	\$ 24,998,727	\$ 25,459,342	\$ 25,657,149	\$ 25,594,519
PROJECTS											
150	Temple Industrial Park	-	-	-	-	-	-	-	-	-	-
200	Corporate Campus Park	-	-	-	-	-	-	-	-	-	-
250	Bioscience Park	-	-	-	-	-	-	-	-	-	-
350	Research Parkway	-	-	-	-	-	-	-	-	-	-
400	Synergy Park	-	-	-	-	-	-	-	-	-	-
450	Downtown	450,000	450,000	450,000	450,000	450,000	450,000	450,000	450,000	450,000	450,000
500	TMED	-	-	-	-	-	-	-	-	-	-
550	Airport Park	-	-	-	-	-	-	-	-	-	-
610	Public Improvements	20,550,000	21,050,000	21,550,000	21,550,000	22,050,000	22,050,000	22,050,000	22,550,000	23,050,000	25,144,519
	Subtotal-Projects	21,000,000	21,500,000	22,000,000	22,000,000	22,500,000	22,500,000	22,500,000	23,000,000	23,500,000	25,594,519
TOTAL USE OF FUNDS		\$ 21,798,541	\$ 22,300,898	\$ 22,800,898	\$ 22,800,898	\$ 23,303,373	\$ 23,303,373	\$ 23,303,373	\$ 23,805,972	\$ 24,305,972	\$ 26,400,491
700	FUND BALANCE, End	\$ 2,563,147	\$ 2,654,196	\$ 2,468,691	\$ 2,508,866	\$ 2,274,503	\$ 2,270,356	\$ 2,498,727	\$ 2,459,342	\$ 2,157,149	\$ 0

TIF Reinvestment Zone #1  
Summary Financing Plan with Detailed Project Plan

Project Plan - 06/22/16 - to Zone Board

SUMMARY FINANCING PLAN						
		2016	2017	2018	2019	2020
1	Beginning Available Fund Balance, Oct 1	\$ 21,507,581	\$ 3,746,641	\$ 936,447	\$ 4,555,177	\$ 4,865,619
20	Total Sources of Funds	25,102,382	38,216,878	16,107,144	15,303,122	15,500,830
2	Adjustments to Debt Service Reserve	-	-	-	-	-
25	Net Available for Appropriation	46,609,963	41,963,520	17,043,591	19,858,299	20,366,449
50/52	General Administrative Expenditures	188,125	176,300	176,300	176,300	176,300
54	Zone Park Maintenance [mowing, utilities, botanical supplies]	255,000	255,000	255,000	255,000	255,000
56	Rail Maintenance	381,645	100,000	100,000	100,000	100,000
58	Road/Signage Maintenance	413,913	100,000	100,000	100,000	100,000
60	Contractual Payments (TEDC - Marketing)	200,000	200,000	200,000	200,000	200,000
62	TISD-Reimbursement [per contract]	26,250	26,250	27,563	27,563	27,563
27	Debt Service - 2009 Issue {Refunding}	1,508,775	1,510,150	1,488,750	1,485,000	-
28	Debt Service - 2008 Taxable Issue {\$10.365 mil}	1,240,854	1,240,096	1,241,957	1,241,173	1,237,744
29	Debt Service - 2011A Issue {Refunding}	913,550	912,200	908,350	915,950	2,497,800
30	Debt Service - 2012 Issue {Refunding}	82,700	76,400	79,600	77,650	80,050
31	Debt Service - 2013 Issue {\$25.260 mil}	924,894	2,034,894	2,047,694	2,048,344	2,047,944
32	Debt Service - 2017 Issue {\$19 mil}	-	344,583	1,452,000	1,454,500	1,451,700
33	Paying Agent Services	1,200	1,200	1,200	1,200	1,200
70	Total Debt & Operating Expenditures	6,136,906	6,977,073	8,078,414	8,082,680	8,175,301
80	Funds Available for Projects	\$ 40,473,057	\$ 34,986,447	\$ 8,965,177	\$ 11,775,619	\$ 12,191,148
PROJECT PLAN						
		2016	2017	2018	2019	2020
TEMPLE INDUSTRIAL PARK:						
100	Northern "Y" Phase I	78,400	-	-	-	-
101	Receiving & Delivery (R&D) Tracks	150,000	-	400,000	-	-
102	North Lucius McCelvey Extension	1,289,983	-	-	-	-
103	Pepper Creek Main Stem Regional Detention Pond	760,231	-	-	-	-
107	Property Acquisition - North Industrial Park	-	-	-	-	-
108	31st Street Sidewalks Grant Match	74,857	-	-	-	-
109	31st Street Sidewalks	350,000	-	-	-	-
150	Total North Zone/Rail Park (including Enterprise Park)	2,703,471	-	400,000	-	-
CORPORATE CAMPUS PARK:						
155	Pepper Creek Trail Hwy 36 to McLane Parkway	1,926,800	-	-	-	-
156	McLane Pkwy/Research Pkwy Connection	2,420,541	-	-	-	-
200	Total Corporate Campus Park	4,347,341	-	-	-	-
BIOSCIENCE PARK:						
204	Pepper Creek Trail Connection to S&W	-	-	-	-	-
205	Bioscience Park Service Road & Utility Extensions	-	-	-	-	-
207	Cross Roads Park @ Pepper Creek Trail	3,667,971	-	-	-	-
250	Total Bio-Science Park	3,667,971	-	-	-	-
RESEARCH PARKWAY						
305	Research Pkwy (IH 35 to Wendland Ultimate) STAG grant	1,925,000	13,500,000	-	-	-
305	Research Pkwy (IH 35 to Wendland Ultimate)	2,434,039	-	-	-	-
310	Research Pkwy (Wendland to McLane Pkwy)	1,760,764	-	-	-	-
315	Research Pkwy (McLane Pkwy to Central Point Pkwy)	1,139,126	-	-	-	-
320	Outer Loop (I35 South)	-	2,500,000	-	-	10,750,000
350	Total Research Parkway	7,258,929	16,000,000	-	-	10,750,000
SYNERGY PARK:						
351	Lorraine Drive (Southeast Industrial Park) - [\$1.5M total project cost]	102,675	-	-	-	-
352	Entry Enhancement	500,000	-	-	-	-
353	Lorraine Drive/Panda Drive Asphalt	32,822	-	-	-	-
354	Lorraine Drive - Commitment to Panda	-	-	-	-	-
400	Total Synergy Park	635,497	-	-	-	-
DOWNTOWN:						
401	Downtown Improvements (Transformation Team)	375,500	450,000	450,000	450,000	450,000
402	Rail Safety Zone Study	68,210	-	-	-	-
403	Lot Identification & Signage	-	-	-	-	-
404	Santa Fe Plaza	4,964,952	6,000,000	1,500,000	-	-
405	Downtown Master Plan	19,500	-	-	-	-
406	Intersection Improvements at Central & North 4th Street	-	-	750,000	-	-
407	Santa Fe Market Trail	1,390,000	1,500,000	-	-	-
408	TISD-Obligation per Contract	-	10,000,000	-	-	-
450	Total Downtown	6,818,162	17,950,000	2,700,000	450,000	450,000
TMED:						
451	TMED - 1st Street @ Temple College - STEP Grant Match	1,262	-	-	-	-
452	Master Plan Integration 2010	1,550	-	-	-	-
453	TMED - 1st Street @ Loop 363 Design/Construction - Design only	-	-	-	-	-
454	TMED - Friars Creek Trail 5th Street to S&W Blvd. - [\$1.9M total project cost - DOE Grant of \$400K]	-	-	-	-	-
455	Avenue R - S&W Blvd, Ave R - 19th Intersections	1,165,773	-	-	-	-
456	Ave U from S&W Blvd to 1st St & 13th to 17th connector from Ave R to Loop 363	5,270	-	-	-	-
457	South 1st Street Improvements from the Temple College Apartments to Ave O	-	-	-	-	-
458	Loop 363 Frontage Rd (UPRR to 5th TIRZ portion)	590,657	-	-	-	-
459	31st Street/Loop 363 Improvements/Monumentation	2,081,573	-	-	-	-
460	Ave U TMED Ave. to 1st Street	3,566,419	-	-	-	-
461	TMED Master Plan (Health Care Campus)	33,209	-	-	-	-
462	TMED Master Plan & Thoroughfare Plan	55,000	-	-	-	-
463	Friars Creek Trail to Ave. R Trail	248,548	-	-	-	-
464	Veteran's Memorial Blvd. Phase II	925,000	-	-	-	-
465	Avenue R - 25th to 31st Street	-	-	-	2,300,000	-
466	Avenue R - 25th to 1st Street	-	-	-	4,160,000	-
500	Total TMED	8,674,261	-	-	6,460,000	-
AIRPORT PARK:						
Airport Improvements (roadway, drainage, parking, lighting, fencing, landscaping, fuel farm impr, entrance impr, guard facility)						
506		2,170,784	-	-	-	-
507	Taxiway for Airport	90,000	-	1,310,000	-	-
508	Corporate Hangar Phase II	360,000	-	-	-	-
509	Aiport RAMP Grant	-	100,000	-	-	-
550	Total Airport Park	2,620,784	100,000	1,310,000	-	-
610	Public Improvements	-	-	-	-	-
Total Planned Project Expenditures		36,726,416	34,050,000	4,410,000	6,910,000	11,200,000
700	Available Fund Balance at Year End	\$ 3,746,641	\$ 936,447	\$ 4,555,177	\$ 4,865,619	\$ 991,148

TIF Reinvestment Zone #1  
Summary Financing Plan with Detailed Project Plan

Project Plan - 06/22/16 - to Zone Board

SUMMARY FINANCING PLAN		
	2021	2022
1 Beginning Available Fund Balance, Oct 1	\$ 991,148	\$ 2,016,214
20 Total Sources of Funds	15,651,671	16,317,253
2 Adjustments to Debt Service Reserve	-	-
25 Net Available for Appropriation	16,642,819	18,333,467
50/52 General Administrative Expenditures	176,300	176,400
54 Zone Park Maintenance [mowing, utilities, botanical supplies]	255,000	255,000
56 Rail Maintenance	100,000	100,000
58 Road/Signage Maintenance	100,000	100,000
60 Contractual Payments (TEDC - Marketing)	200,000	200,000
62 TISD-Reimbursement [per contract]	28,941	28,941
27 Debt Service - 2009 Issue {Refunding}	-	-
28 Debt Service - 2008 Taxable Issue {\$10.365 mil}	1,241,670	1,242,422
29 Debt Service - 2011A Issue {Refunding}	2,497,550	2,494,950
30 Debt Service - 2012 Issue {Refunding}	77,250	78,750
31 Debt Service - 2013 Issue {\$25.260 mil}	2,046,494	2,031,494
32 Debt Service - 2017 Issue {\$19 mil}	1,452,200	1,452,100
33 Paying Agent Services	1,200	1,200
70 Total Debt & Operating Expenditures	8,176,605	8,161,257
80 Funds Available for Projects	\$ 8,466,214	\$ 10,172,210
PROJECT PLAN		
	2021	2022
TEMPLE INDUSTRIAL PARK:		
100 Northern "Y" Phase I	-	-
101 Receiving & Delivery (R&D) Tracks	-	-
102 North Lucius McCelvey Extention		
103 Pepper Creek Main Stem Regional Detention Pond	-	-
107 Property Acquisition - North Industrial Park	-	-
108 31st Street Sidewalks Grant Match		
109 31st Street Sidewalks	-	-
150 Total North Zone/Rail Park (including Enterprise Park)	-	-
CORPORATE CAMPUS PARK:		
155 Pepper Creek Trail Hwy 36 to McLane Parkway	-	-
156 McLane Pkwy/Research Pkwy Connection	-	-
200 Total Corporate Campus Park	-	-
BIOSCIENCE PARK:		
204 Pepper Creek Trail Connection to S&W	-	-
205 Bioscience Park Service Road & Utility Extensions	-	-
207 Cross Roads Park @ Pepper Creek Trail	-	-
250 Total Bio-Science Park	-	-
RESEARCH PARKWAY		
305 Research Pkwy (IH 35 to Wendland Ultimate) STAG grant	-	-
305 Research Pkwy (IH 35 to Wendland Ultimate)	-	-
310 Research Pkwy (Wendland to McLane Pkwy)	-	-
315 Research Pkwy (McLane Pkwy to Central Point Pkwy)	-	-
320 Outer Loop (I35 South)	-	-
350 Total Research Parkway	-	-
SYNERGY PARK:		
351 Lorraine Drive (Southeast Industrial Park) - [\$1.5M total project cost]	-	-
352 Entry Enhancement	-	-
353 Lorraine Drive/Panda Drive Asphalt	-	-
354 Lorraine Drive - Commitment to Panda	-	-
400 Total Synergy Park	-	-
DOWNTOWN:		
401 Downtown Improvements {Transformation Team}	450,000	450,000
402 Rail Safety Zone Study	-	-
403 Lot Identification & Signage	-	-
404 Santa Fe Plaza	-	-
405 Downtown Master Plan	-	-
406 Intersection Improvements at Central & North 4th Street	-	-
407 Santa Fe Market Trail	-	-
408 TISD-Obligation per Contract	-	-
450 Total Downtown	450,000	450,000
TMED:		
451 TMED - 1st Street @ Temple College - STEP Grant Match	-	-
452 Master Plan Integration 2010	-	-
453 TMED - 1st Street @ Loop 363 Design/Construction - Design only	-	-
454 TMED - Friars Creek Trail 5th Street to S&W Blvd. - [\$1.9M total project cost - DOE Grant of \$400K]	-	-
455 Avenue R - S&W Blvd, Ave R - 19th Intersections	-	-
456 Ave U from S&W Blvd to 1st St & 13th to 17th connector from Ave R to Loop 363	-	-
457 South 1st Street Improvements from the Temple College Apartments to Ave O	-	-
458 Loop 363 Frontage Rd (UPRR to 5th TIRZ portion)	-	-
459 31st Street/Loop 363 Improvements/Monumentation	-	-
460 Ave U TMED Ave. to 1st Street	-	-
461 TMED Master Plan (Health Care Campus)	-	-
462 TMED Master Plan & Thoroughfare Plan	-	-
463 Friars Creek Trail to Ave. R Trail	-	-
464 Veteran's Memorial Blvd. Phase II	-	-
465 Avenue R - 25th to 31st Street	-	-
466 Avenue R - 25th to 1st Street	-	-
500 Total TMED	-	-
AIRPORT PARK:		
Airport Improvements {roadway, drainage, parking, lighting, fencing, landscaping, fuel farm impr, entrance impr, guard facility}	-	-
507 Taxiway for Airport	-	-
508 Corporate Hangar Phase II	-	-
509 Aiport RAMP Grant	-	-
550 Total Airport Park	-	-
610 Public Improvements	6,000,000	7,000,000
Total Planned Project Expenditures	6,450,000	7,450,000
700 Available Fund Balance at Year End	\$ 2,016,214	\$ 2,722,210



SUMMARY TRZ MASTER PLAN PROJECT FUNDING (2016 - 2020)

		2013-2015							\$ 44,736,460			FY2016-2020
Available for allocation		\$ 25,361,960	\$ 19,374,500	\$ 18,213,095	\$ 12,239,806	\$ 19,000,000	\$ 8,028,730	\$ 7,220,442	\$ 7,325,529		\$ 72,027,602	

	**2013 Bond Issue**		**See note**			Bond Issue					
	2013	2014	2015	2016	2017	2017	2018	2019	2020	TOTAL	
Temple Industrial Park	\$ -	\$ 114,275	\$ 7,350,277	\$ 622,482	\$ -	\$ -	\$ 400,000	\$ -	\$ -	\$ 8,487,034	
Corporate Campus Park	127,600	1,037,300	3,175,108	1,700,000	-	-	-	-	-	6,040,008	
Bioscience Park	245,000	1,505,000	-	2,125,000	-	-	-	-	-	3,875,000	
Research Parkway	5,665,000	800,000	-	2,925,000	-	16,000,000	-	-	10,750,000	36,140,000	
Synergy Park	-	871,400	653,280	-	-	-	-	-	-	1,524,680	
Downtown	663,600	-	2,389,450	4,305,400	14,950,000	3,000,000	2,700,000	450,000	450,000	28,908,450	
TMED	950,000	7,975,000	6,026,245	4,005,000	-	-	-	6,460,000	-	25,416,245	
Airport Park	170,000	1,150,000	2,201,497	450,000	100,000	-	1,310,000	-	-	5,381,497	
MASTER PLAN PROJECT FUNDING	\$ 7,821,200	\$ 13,452,975	\$ 21,795,857	\$ 16,132,882	\$ 15,050,000	\$ 19,000,000	\$ 4,410,000	\$ 6,910,000	\$ 11,200,000	\$ 115,772,914	

	2013	2014	2015	2016	2017	2017	2018	2018	2020	TOTAL	
Favorable (Unfavorable) Balance		\$ 4,087,785	\$ (2,421,357)	\$ 2,080,213	\$ (2,810,194)	\$ -	\$ 3,618,730	\$ 310,442	\$ (3,874,471)	\$ 991,148	
Cumulative Favorable (Unfavorable)		\$ 4,087,785	\$ 1,666,428	\$ 3,746,641	\$ 936,447	\$ 936,447	\$ 4,555,177	\$ 4,865,619	\$ 991,148		

**\*\*Note\*\*:** The amounts shown in FY 2016 for projects will not be the same as in the Financing Plan. The Financing Plan is a cumulative amount that includes previous years allocations. The cumulative balance available at the end of FY 2016 of \$3,746,641 balances to Line 700 of the Financing Plan.

## TRZ MASTER PLAN PROJECT FUNDING (2016 - 2020)

				2013-2015 					\$ 44,736,460			FY 2016-2020
Available for allocation		\$ 25,361,960	\$ 19,374,500	\$ 18,213,095	\$ 12,239,806	\$ 19,000,000	\$ 8,028,730	\$ 7,220,442	\$ 7,325,529	\$ 72,027,602		

Temple Industrial Park		**2013 Bond Issue**		Bond Issue							
Line #	Project Description	2013	2014	2015	2016	2017	2017	2018	2019	2020	TOTAL
1	North Lucius McCelvey Ext. (1/2) Design	-	114,275	-	-	-	-	-	-	-	114,275
2	North Lucius McCelvey Ext. (1/2) Constr	-	-	2,180,301	-	-	-	-	-	-	2,180,301
3	Northern Y Design				78,400	-	-	-	-	-	78,400
4	Northern Y Construction				-	-	-	-	-	-	-
5	Receivng & Delivery Tracks Preliminary Design				150,000	-	-	-	-	-	150,000
6	Receivng & Delivery Tracks ROW				-	-	-	400,000	-	-	400,000
7	Pepper Creek Main Stem Regional Detention Pond Constr	-	-	1,139,201	-	-	-	-	-	-	1,139,201
8	Property Acquisition	-	-	4,000,000	-	-	-	-	-	-	4,000,000
9	N 31st Street Sidewalks Grant Match	-	-	30,775	44,082	-	-	-	-	-	74,857
10	N 31st Street Sidewalks Construction	-	-	-	350,000	-	-	-	-	-	350,000
SUBTOTAL		-	114,275	7,350,277	622,482	-	-	400,000	-	-	8,487,034

Corporate Campus Park		Bond Issue									
Line #	Project Description	2013	2014	2015	2016	2017	2017	2018	2019	2020	TOTAL
11	Pepper Creek Trail Hwy 36 to McLane Prkwy Design	93,700	256,300	-	-	-	-	-	-	-	350,000
12	Pepper Creek Trail Hwy 36 to McLane Prkwy ROW	33,900	-	-	-	-	-	-	-	-	33,900
13	Pepper Creek Trail Hwy 36 to McLane Prkwy Constr	-	71,000	-	1,700,000	-	-	-	-	-	1,771,000
14	McLane Prkwy/Research Pkwy Connection Design	-	710,000	-	-	-	-	-	-	-	710,000
15	McLane Prkwy/Research Pkwy Connection Constr	-	-	3,175,108	-	-	-	-	-	-	3,175,108
SUBTOTAL		127,600	1,037,300	3,175,108	1,700,000	-	-	-	-	-	6,040,008

Bioscience Park		Bond Issue									
Line #	Project Description	2013	2014	2015	2016	2017	2017	2018	2019	2020	TOTAL
16	Cross Roads Park @ Pepper Creek Trail	245,000	-	-	-	-	-	-	-	-	245,000
17	Cross Roads Park @ Pepper Creek Trail	-	1,505,000	-	2,125,000	-	-	-	-	-	3,630,000
SUBTOTAL		245,000	1,505,000	-	2,125,000	-	-	-	-	-	3,875,000

Research Parkway		Bond Issue									
Line #	Project Description	2013	2014	2015	2016	2017	2017	2018	2019	2020	TOTAL
18	Research Pkwy (IH35 to Wendland At Grade) Design	1,610,000	-	-	-	-	-	-	-	-	1,610,000
19	Research Pkwy (IH35 to Wendland Ultimate) ROW	301,364	-	-	1,000,000	-	-	-	-	-	1,301,364
20	Research Pkwy (IH35 to Wendland At Grade) Grant {Little Elm Sewer}	793,636	-	-	1,925,000	-	-	-	-	-	2,718,636
21	Research Pkwy (IH35 to Wendland At Grade) Constr	-	-	-	-	-	13,500,000	-	-	-	13,500,000
22	Research Pkwy (Wendland to McLane Prkwy) Design	960,000	-	-	-	-	-	-	-	-	960,000
23	Research Pkwy (Wendland to McLane Prkwy) ROW	1,300,000	-	-	-	-	-	-	-	-	1,300,000
24	Research Pkwy (Wendland to McLane Prkwy) Constr	-	-	-	-	-	-	-	-	-	-
25	Research Pkwy (McLane Pkwy to Cen Pt Pkwy) Design	700,000	-	-	-	-	-	-	-	-	700,000
26	Research Pkwy (McLane Pkwy to Cen Pt Pkwy) ROW	-	800,000	-	-	-	-	-	-	-	800,000
27	Research Pkwy (McLane Pkwy to Cen Pt Pkwy) Constr	-	-	-	-	-	-	-	-	-	-
28	Outer Loop (I35 South) Design	-	-	-	-	-	1,200,000	-	-	750,000	1,950,000
29	Outer Loop (I35 South) ROW	-	-	-	-	-	1,300,000	-	-	-	1,300,000
30	Outer Loop (I35 South) Construction	-	-	-	-	-	-	-	-	10,000,000	10,000,000
SUBTOTAL		5,665,000	800,000	-	2,925,000	-	16,000,000	-	-	10,750,000	36,140,000

## TRZ MASTER PLAN PROJECT FUNDING (2016 - 2020)

**Synergy Park**

							Bond Issue				
Line #	Project Description	2013	2014	2015	2016	2017	2017	2018	2019	2020	TOTAL
31	Entry Enhancement Design	-	75,000	-	-	-	-	-	-	-	75,000
32	Entry Enhancement Constr	-	425,000	-	-	-	-	-	-	-	425,000
33	Lorraine Drive/Panda Drive Service Road Design	-	-	8,700	-	-	-	-	-	-	8,700
34	Lorraine Drive/Panda Drive Service Road Constr	-	371,400	80,000	-	-	-	-	-	-	451,400
35	Lorraine Drive/Panda Drive {Panda Commitment}	-	-	564,580	-	-	-	-	-	-	564,580
<b>SUBTOTAL</b>		-	871,400	653,280	-	-	-	-	-	-	1,524,680

**Downtown**

		**2013 Bond Issue**				Bond Issue					
Line #	Project Description	2013	2014	2015	2016	2017	2017	2018	2019	2020	TOTAL
36	Santa Fe Plaza Design	538,600	-	76,400	261,400	-	-	-	-	-	876,400
37	Santa Fe Plaza ROW	-	-	1,750,000	1,600,000	500,000	-	-	-	-	3,850,000
38	Santa Fe Plaza Constr	-	-	-	1,100,000	4,000,000	1,500,000	1,500,000	-	-	8,100,000
39	Downtown Master Plan ROW	-	-	-	-	-	-	-	-	-	-
40	Downtown Master Plan	125,000	-	-	-	-	-	-	-	-	125,000
41	TISD-Obligation per Contract	-	-	-	-	10,000,000	-	-	-	-	10,000,000
42	Intersection improvements at Central and N. 4th Street	-	-	-	-	-	-	750,000	-	-	750,000
43	Santa Fe Market Design	-	-	190,000	-	-	-	-	-	-	190,000
44	Santa Fe Market ROW	-	-	-	1,200,000	-	-	-	-	-	1,200,000
45	Santa Fe Market Constr	-	-	-	-	-	1,500,000	-	-	-	1,500,000
46	Downtown Transformation Team	-	-	373,050	144,000	450,000	-	450,000	450,000	450,000	2,317,050
47	North General Bruce Drive Enhancements	-	-	-	-	-	-	-	-	-	-
<b>SUBTOTAL</b>		663,600	-	2,389,450	4,305,400	14,950,000	3,000,000	2,700,000	450,000	450,000	28,908,450

**TMED**

							Bond Issue				
Line #	Project Description	2013	2014	2015	2016	2017	2017	2018	2019	2020	TOTAL
48	Loop 363 FR (UPRR to 5th TRZ Portion) Design	330,000	-	-	-	-	-	-	-	-	330,000
49	Loop 363 FR (UPRR to 5th TRZ Portion) ROW	120,000	-	-	-	-	-	-	-	-	120,000
50	Loop 363 FR (UPRR to 5th TRZ Portion) Constr	-	6,000,000	-	300,000	-	-	-	-	-	6,300,000
51	31st Street/Loop 363 Improvements/Monumentation Design	70,000	-	-	-	-	-	-	-	-	70,000
52	31 Street/Loop 363 Improvements/Monumentation Constr	-	450,000	1,650,000	-	-	-	-	-	-	2,100,000
53	Ave U TMED Ave. to 1st Design	175,000	-	-	-	-	-	-	-	-	175,000
54	Ave U TMED Ave. to 1st ROW	-	1,100,000	1,125,000	180,000	-	-	-	-	-	2,405,000
55	Ave U TMED Ave. to 1st Constr	-	-	250,000	2,600,000	-	-	-	-	-	2,850,000
56	TMED Master Plan (Health Care Campus) Design	125,000	-	-	-	-	-	-	-	-	125,000
57	TMED Master Plan &Thoroughfare Plan * Design	55,000	-	-	-	-	-	-	-	-	55,000
58	Friars Creek Trail to Ave. R Trail Design	75,000	-	-	-	-	-	-	-	-	75,000
59	Friars Creek Trail to Ave. R Trail Constr	-	425,000	72,759	-	-	-	-	-	-	497,759
60	1st Street @ Loop 363 Design	-	-	-	-	-	-	-	-	-	-
61	Friars Creek Trail to S&W	-	-	-	-	-	-	-	-	-	-
62	Ave R Intersections Constr	-	-	2,928,486	-	-	-	-	-	-	2,928,486
63	Veteran's Memorial Blvd. Phase II Design	-	-	-	675,000	-	-	-	-	-	675,000
64	Veteran's Memorial Blvd. Phase II ROW	-	-	-	250,000	-	-	-	-	-	250,000
65	Veteran's Memorial Blvd. Phase II Constr	-	-	-	-	-	-	-	-	-	-
66	Ave R - 25th to 31st Street Design	-	-	-	-	-	-	-	300,000	-	300,000
67	Ave R - 25th to 31st Street Construction	-	-	-	-	-	-	-	2,000,000	-	2,000,000
68	Ave R - 25th to 1st Street Design	-	-	-	-	-	-	-	760,000	-	760,000
69	Ave R - 25th to 1st Street ROW	-	-	-	-	-	-	-	3,400,000	-	3,400,000
70	Ave R - 25th to 1st Street Construction	-	-	-	-	-	-	-	-	-	-
<b>SUBTOTAL</b>		950,000	7,975,000	6,026,245	4,005,000	-	-	-	6,460,000	-	25,416,245

TRZ MASTER PLAN PROJECT FUNDING (2016 - 2020)

							Bond Issue				
Line #	Project Description	2013	2014	2015	2016	2017	2017	2018	2019	2020	TOTAL
71	Airport Enhancement Projects Design	170,000	-	-	-	-	-	-	-	-	170,000
72	Airport Enhancement Projects Constr	-	1,150,000	2,201,497	-	-	-	-	-	-	3,351,497
73	Taxiway for Airport {60 ft width}	-	-	-	90,000	-	-	1,310,000	-	-	1,400,000
74	Corporate Hangar Phase II	-	-	-	360,000	-	-	-	-	-	360,000
75	Airport RAMP Grant	-	-	-	-	100,000	-	-	-	-	100,000
SUBTOTAL		170,000	1,150,000	2,201,497	450,000	100,000	-	1,310,000	-	-	5,381,497

MASTER PLAN PROJECT FUNDING	\$ 7,821,200	\$ 13,452,975	\$ 21,795,857	\$ 16,132,882	\$ 15,050,000	\$ 19,000,000	\$ 4,410,000	\$ 6,910,000	\$ 11,200,000	\$ 115,772,914
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						Bond Issue				
	2013	2014	2015	2016	2017	2017	2018	2019	2020	TOTAL
Favorable (Unfavorable) Balance		4,087,785	(2,421,357)	2,080,213	(2,810,194)	-	3,618,730	310,442	(3,874,471)	991,148
Cumulative Favorable (Unfavorable)		4,087,785	1,666,428	3,746,641	936,447	936,447	4,555,177	4,865,619	991,148	

## CITY OF TEMPLE, TEXAS

## REINVESTMENT ZONE NO. 1

## SCHEDULE OF OUTSTANDING BONDS (PRINCIPAL &amp; INTEREST) - AS OF OCTOBER 1, 2015 WITH PROPOSED ISSUE

Fiscal Year	Percent of Debt Retired		TIRZ Revenue Bonds, Taxable Series 2008	General Obligation Bonds Series 2009 {2003 CO}	General Obligation Bonds Series 2011A {2008 CO}	General Obligation Bonds Series 2012 {2003 CO}	Combo Tax & Revenue Bonds Series 2013	TIRZ Revenue Bonds Series 2017	Total
	Annual %	Cumulative %							
2016	5.10%	5.10%	\$ 1,240,855	\$ 1,508,775	\$ 913,550	\$ 82,700	\$ 924,894	\$ -	\$ 4,670,774
2017	6.68%	11.77%	1,240,096	1,510,150	912,200	76,400	2,034,894	344,583	6,118,323
2018	7.88%	19.65%	1,241,957	1,488,750	908,350	79,600	2,047,694	1,452,000	7,218,351
2019	7.88%	27.54%	1,241,173	1,485,000	915,950	77,650	2,048,344	1,454,500	7,222,617
2020	7.98%	35.52%	1,237,744	-	2,497,800	80,050	2,047,944	1,451,700	7,315,238
2021	7.98%	43.50%	1,241,670	-	2,497,550	77,250	2,046,494	1,452,200	7,315,164
2022	7.97%	51.47%	1,242,422	-	2,494,950	78,750	2,031,494	1,452,100	7,299,716
2023	3.80%	55.27%	-	-	-	-	2,030,094	1,454,500	3,484,594
2024	3.80%	59.07%	-	-	-	-	2,026,694	1,455,700	3,482,394
2025	3.81%	62.89%	-	-	-	-	2,038,412	1,455,700	3,494,112
2026	3.83%	66.71%	-	-	-	-	2,051,612	1,454,500	3,506,112
2027	3.83%	70.55%	-	-	-	-	2,059,112	1,454,000	3,513,112
2028	3.84%	74.39%	-	-	-	-	2,061,712	1,456,500	3,518,212
2029	3.83%	78.22%	-	-	-	-	2,061,712	1,451,750	3,513,462
2030	3.85%	82.07%	-	-	-	-	2,069,112	1,455,000	3,524,112
2031	3.85%	85.92%	-	-	-	-	2,073,512	1,455,750	3,529,262
2032	3.86%	89.78%	-	-	-	-	2,084,912	1,454,000	3,538,912
2033	3.87%	93.65%	-	-	-	-	2,092,913	1,454,750	3,547,663
2034	1.59%	95.24%	-	-	-	-	-	1,452,750	1,452,750
2035	1.59%	96.82%	-	-	-	-	-	1,453,000	1,453,000
2036	1.59%	98.41%	-	-	-	-	-	1,455,250	1,455,250
2037	1.59%	100.00%	-	-	-	-	-	1,454,250	1,454,250
<b>Total:</b>			<b>\$ 8,685,917</b>	<b>\$ 5,992,675</b>	<b>\$ 11,140,350</b>	<b>\$ 552,400</b>	<b>\$ 35,831,555</b>	<b>\$ 29,424,483</b>	<b>\$ 91,627,380</b>

Principal Outstanding      \$ 7,105,000    \$ 5,565,000    \$ 9,215,000    \$ 470,000    \$ 25,260,000    \$ 18,415,000    \$ 66,030,000



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

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN AMENDMENT TO THE TAX INCREMENT FINANCING REINVESTMENT ZONE NO. 1 FINANCING AND PROJECT PLANS TO ALIGN WITH THE 2022 MASTER PLAN WHICH INCLUDES APPROPRIATING BOND PROCEEDS, ADJUSTING TAX REVENUES AND ALLOCATING EXPENDITURES FOR PUBLIC IMPROVEMENTS FOR FISCAL YEARS 2016-2062; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; DECLARING FINDINGS OF FACT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the City Council (the "Council") of the City of Temple, Texas, (the "City") created Reinvestment Zone Number One, City of Temple, Texas (the "Zone") by Ordinance No. 1457 adopted on September 16, 1982;

**Whereas**, the Council adopted a Project Plan and Reinvestment Zone Financing Plan for the Zone by Ordinance No. 1525 adopted on December 22, 1983, and thereafter amended such plans by Ordinance No. 1664 adopted on June 20, 1985, Ordinance No. 1719 adopted on November 21, 1985, Ordinance No. 1888 adopted on December 21, 1987, Ordinance No. 1945 adopted on October 20, 1988; Ordinance No. 1961 adopted on December 1, 1988; Ordinance No. 2039 adopted on April 19, 1990; Ordinance No. 91-2119 adopted on December 5, 1991; Ordinance No. 92-2138 adopted on April 7, 1992; Ordinance No. 94-2260 adopted on March 3, 1994; Ordinance No. 95-2351 adopted on June 15, 1995; Ordinance No. 98-2542 adopted on February 5, 1998; Ordinance No. 98-2582 adopted on November 19, 1998; Ordinance No. 99-2619 adopted on March 18, 1999; Ordinance No. 99-2629 adopted on May 6, 1999; Ordinance No. 99-2631 adopted on May 20, 1999; Ordinance No. 99-2647 adopted on August 19, 1999; Ordinance No. 99-2678 adopted on December 16, 1999; Ordinance No. 2000-2682 adopted on January 6, 2000; Ordinance No. 2000-2729 adopted on October 19, 2000; Ordinance No. 2001-2772 adopted on June 7, 2001; Ordinance No. 2001-2782 adopted on July 19, 2001; Ordinance No. 2001-2793 adopted on September 20, 2001; Ordinance No. 2001-2807 on November 15, 2001; Ordinance No. 2001-2813 on December 20, 2001; Ordinance No. 2002-2833 on March 21, 2002; Ordinance No. 2002-2838 on April 18, 2002; Ordinance No. 2002-3847 on June 20, 2002; Ordinance No. 2002-3848 on June 20, 2002; Ordinance No. 2002-3868 on October 17, 2002; Ordinance No. 2003- 3888 on February 20, 2003; Ordinance No. 2003-3894 on April 17, 2003; Ordinance No 2003-3926 on September 18, 2003; Ordinance No. 2004-3695 on July 1, 2004; Ordinance No. 2004-3975 on August 19, 2004; Ordinance No. 2004-3981 on September 16, 2004; Ordinance No. 2005-4001 on May 5, 2005; Ordinance No. 2005-4038 on September 15, 2005; Ordinance No. 2006-4051 on January 5, 2006; Ordinance No. 2006-4076 on the 18<sup>th</sup> day of May, 2006; Ordinance No. 2006-4118; Ordinance No. 2007-4141 on the 19<sup>th</sup> day of April, 2007; Ordinance No. 2007-4155 on July 19, 2007; Ordinance No. 2007-4172 on the 20<sup>th</sup> day of September, 2007; Ordinance No. 2007-4173 on October 25, 2007; Ordinance No. 2008-4201 on the 21<sup>st</sup> day of February, 2008; and Ordinance No. 2008-4217 the 15<sup>th</sup> day of May, 2008; Ordinance No. 2008-4242 the 21<sup>st</sup> day of August, 2009; Ordinance No. 2009-4290 on the 16<sup>th</sup> day of April, 2009; Ordinance No. 2009-4294 on the 21<sup>st</sup> day of May, 2009; Ordinance No. 2009-4316 on the 17<sup>th</sup> day of September, 2009; Ordinance No. 2009-4320 on the 15<sup>th</sup> day of October, 2009; Ordinance No. 2010-4338 on the 18<sup>th</sup> day of February, 2010; Ordinance No. 2010-4371 on the 19<sup>th</sup> day of August, 2010; Ordinance No. 2010-4405 on November 4, 2010; Ordinance No. 2011-4429 on

March 17, 2011; Ordinance No. 2011-4455 on July 21, 2011; Ordinance No. 2011-4477 on October 20, 2011; Ordinance No. 2012-4540 on June 21, 2012; and Ordinance No. 2012-4546 on July 19, 2012; Ordinance No. 2012-4554 on September 20, 2012; Ordinance No. 2012-4566 on November 15, 2012; Ordinance No. 2013-4595 on June 20, 2013; Ordinance No. 2014-4665 on May 15, 2014; Ordinance No. 2014-4676 on July 17, 2014; Ordinance No. 2014-4683 on September 18, 2014; Ordinance No. 2014-4695 on December 18, 2014; **Ordinance No. 2016-xxxx on July 21, 2016;**

**Whereas**, the Board of Directors of the Zone has adopted an additional amendment to the Reinvestment Zone Financing and Project Plans for the Zone and forwarded such amendment to the Council for appropriate action;

**Whereas**, the Council finds it necessary to amend the Reinvestment Zone Financing and Project Plans for the Zone to include financial information as hereinafter set forth;

**Whereas**, the Council finds that such amendment to the Reinvestment Zone Financing and Project Plans is feasible and conforms to the Comprehensive Plan of the City, and that this action will promote economic development within the City of Temple; and

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

**Part 1: Findings.** The statements contained in the preamble of this ordinance are true and correct and are adopted as findings of fact hereby.

**Part 2: Reinvestment Zone Financing and Project Plans.** The amendment to the Tax Increment Financing Reinvestment Zone No. 1 Financing and Project Plans, heretofore adopted by the Board of Directors of the Zone and referred to in the preamble of this ordinance, is hereby approved and adopted, as set forth in the Amendments to Reinvestment Zone Number 1, City of Temple, Texas, attached hereto as Exhibits A and B.

**Part 3: Plans Effective.** The Financing Plan and Project Plans for the Zone heretofore in effect shall remain in full force and effect according to the terms and provisions thereof, except as specifically amended hereby.

**Part 4: Copies to Taxing Units.** The City Secretary shall provide a copy of the amendment to the Reinvestment Zone Financing and Project Plans to each taxing unit that taxes real property located in the Zone.

**Part 5: Severability.** 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 6: Effective Date.** This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

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

PASSED AND APPROVED on First Reading and Public Hearing on the **7<sup>th</sup>** day of **July**, 2016.

PASSED AND APPROVED on Second Reading on the **21<sup>st</sup>** day of **July**, 2016.

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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07/07/16  
Item #7  
Regular Agenda  
Page 1 of 3

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

Dessie Redmond, Planner

**ITEM DESCRIPTION:** FIRST READING – PUBLIC HEARING - Z-FY-16-33: Consider adopting an ordinance authorizing a rezoning from Neighborhood Services (NS) to General Retail (GR) on Lot 1, Block 1, D'Antoni's Crossing Phase V, located at 6365 South 31st Street, Bell County, Temple, Texas.



Location Aerial

**PLANNING & ZONING COMMISSION RECOMMENDATION:** At their June 6, 2016 meeting, the Planning & Zoning (P&Z) Commission voted four (in favor) to two (against) to recommend approval of the proposed rezoning, as presented by Planning staff.

During the meeting, the P&Z Commission discussed the high probability of the area being developed. The northern section of South 31st Street is currently being developed and the probability of the southern section of South 31st Street is likely.

There was also discussion on recommending a Planned Development (PD) District with a GR base zoning to allow those uses in the GR zoning. Additionally, a future site plan would be required to be submitted prior to the development of the property. This would allow staff, the P&Z Commission and City Council to review the site plan and work with the developer once more before development. It was then stated by a P&Z Commissioner that the purpose of a PD District is for parcels of land with complexities and that a PD is required in those scenarios to encourage safe and proper development. It was stated by a Commissioner, that they did not feel a PD would apply in this case.

Staff stated the request did not comply with the Future Land Use Map designation of Suburban Residential but staff supports the request because the property is located on a major arterial frontage and all non-residential uses are subject to buffering and screening requirements. Additionally, the request is in compliance with other city plans.

There were some property owner letters returned to staff that stated concerns about increased traffic. The P&Z Commission did not feel there would be enough traffic increase to create issues due to the three acre size of the property.

**STAFF RECOMMENDATION:** Based on the following, staff recommends approval for a rezoning from Neighborhood Services (NS) zoning district to GR zoning district due to the compliance with:

1. The Thoroughfare Plan
2. Public facilities availability
3. The Trails Master Plan

**ITEM SUMMARY:** The subject property is three acres and is being proposed for rezoning from NS zoning district to GR zoning district. The property is currently undeveloped, vacant and vegetated. It was platted in 2012 which included drainage and utilities easements around the entire perimeter of the property.

While it is anticipated the property will be developed with retail, commercial and/or service uses, there are a number of residential and non-residential uses that are permitted in the GR zoning district. The Unified Development Code (UDC), Section 5.1 Use Tables lists all uses permitted by right, permitted by right subject to limitations, prohibited and subject to obtaining a conditional use permit. A summary table of uses is located in the attachments (Summary of Uses Table).

**COMPREHENSIVE PLAN COMPLIANCE:** The proposed rezoning relates to the following goals, objectives or maps of the Comprehensive Plan (CP) and Sidewalk and Trails Plan. A summary table of CP compliance is located the attachments (Comprehensive Plan Compliance Table)

**Future Land Use Map (CP Map 3.1)**

The subject property is designated as Suburban Residential. The Suburban Residential district is intended for mid-size single family lots, allowing for greater separation between dwellings and more emphasis on green spaces versus the streets and driveways that predominate in an auto-urban setting. It is anticipated the subject property will be developed with retail, commercial and/or service uses. Therefore, the request does not comply with the Suburban Residential designation. However, the subject property is the remainder of a neighborhood which fronts South 31st Street; therefore, staff does not believe the subject property would be ideal for residential uses.

**Thoroughfare Plan (CP Map 5.2)**

The subject property is accessed from South 31st Street which is designated as a major arterial in the Thoroughfare Plan. On South 31st Street, there is existing and sufficient right-of-way dedicated to meet the standards of a major arterial roadway designation. Therefore, the request is in compliance with the Thoroughfare Plan.

**Availability of Public Facilities (CP Goal 4.1)**

Sewer and water are available for the development of the subject property.



Temple Trails Master Plan Map and Sidewalks Ordinance

The Trails Master Plan identifies a proposed Local Connector Trail along South 31<sup>st</sup> Street. A 6 foot wide sidewalk will be built as noted on the plat.

**DEVELOPMENT REGULATIONS:** A summary table of non-residential setbacks in the NS & GR zoning districts is located in the attachments (Development Regulations Table).

**SCREENING & BUFFERING:** UDC, Section 7.7 Screening & Buffering details that a continuous buffering is required along the common boundary between nonresidential uses and residential zoning districts or uses. The design of this required buffer must either consist of evergreen hedges with a minimum of 6 feet high and placed on 36 inches center or consist of fences or walls constructed of wood, masonry, stone or pre-cast concrete, with integrated color, texture and pattern. A summary table of the subject property and the surrounding properties is located in the attachments (Surrounding Properties & Uses Table)

**PUBLIC NOTICE:** 24 notices to property owners within 200 feet of the subject property were sent notice of the public hearing as required by state law and local ordinance. As of Tuesday June 28, 2016, eight letters had been returned for denial and one letter returned for approval (one letter was undeliverable).

The newspaper printed notice of the public hearing on May 26, 2016, in accordance with state law and local ordinance.

**PROPOSED CITY COUNCIL MEETING SCHEDULE:** This rezoning is tentatively scheduled for the first reading on July 7, 2016 and a second reading on July 21, 2016.

**FISCAL IMPACT:** Not Applicable

**ATTACHMENTS:**

[Site Photos](#)

[Plat: Residences at D'Antoni's Crossing Phase V/Location Map](#)

[Zoning/Future Land Use Maps](#)

[Thoroughfare & Trails/Utility Maps](#)

[Notification Map](#)

[Summary of Uses Table](#)

[Comprehensive Plan Compliance/Development Regulations/Surrounding Properties & Uses Tables](#)

[Returned Property Owner Letters](#)

[Ordinance](#)



Looking north down S. 31st Street.



Looking south down S. 31st Street



Looking east into the property.



Undeveloped, vacant land to the west.

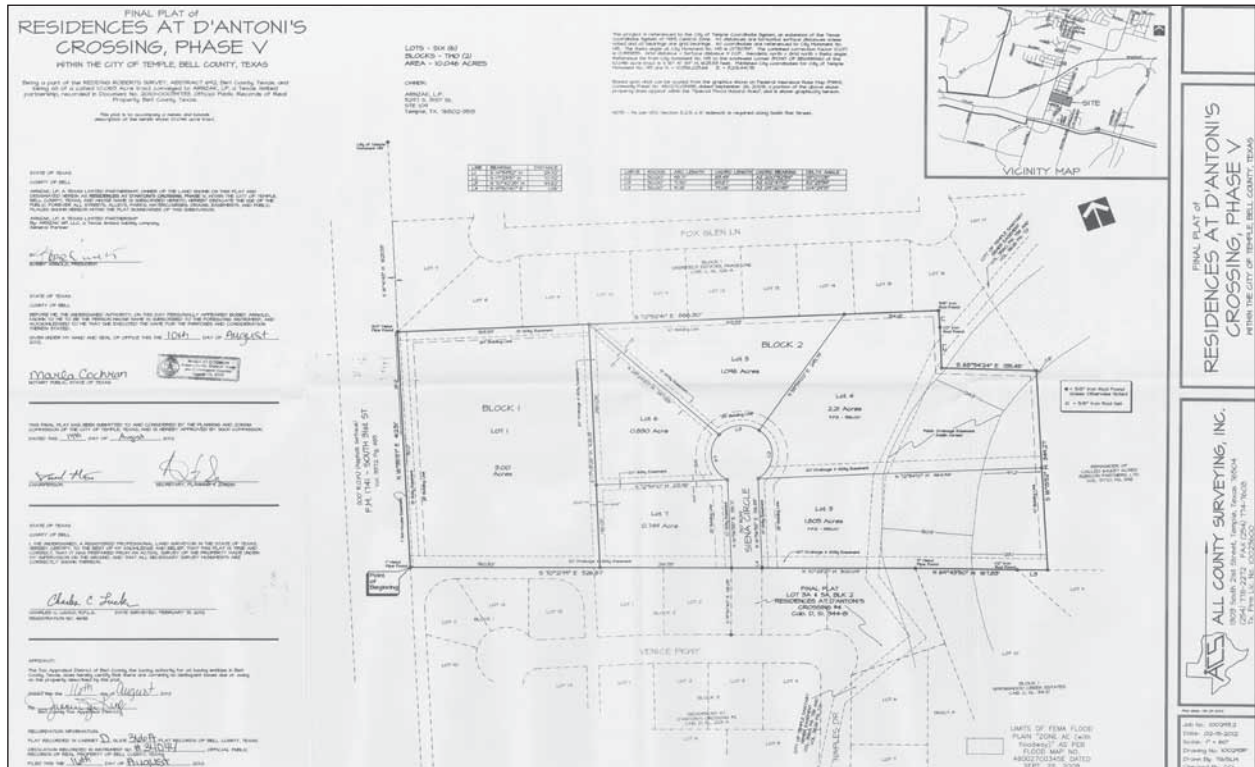




Neighboring residential to the south (D'Antoni's Crossing)



Neighboring residential to the north (Deerfield).



Plat: Residences at D'Antoni's Crossing Phase V



Location Map





## Zoning Map



## Future Land Use Map



Thoroughfare & Trails Map



Utility Map



Notification Map

Summary of Uses Table

Specific Use	Existing NS	Proposed GR
Boarding or rooming house		P
Family or group home	C	C
Home for the aged		P
Multi-family dwelling (apartment)		
Recreational vehicle park		C
Duplex		P
Farm, ranch, orchard or garden	P	P
Indoor flea market		P
Plumbing shop		P
Place of worship	P	P
School, business	P	P
Substance abuse treatment facility		C
Laboratory medical, dental, scientific or research	C	P
Office	P	P
Warehouse office		C
Hotel or motel		P
Beer & wine (on premise consumption) <75%	C	P
Dance hall		C
Day camp for children		C
Theater or playhouse (indoor)	P	P
Restaurant (not drive-in)	P	P
Restaurant (drive-in)		P
Alcohol beverage sales, off-premise	C	P
Discount or department store		P
Florist or garden shop	P	P
Hardware store or hobby store		P
Mortuary or funeral home		P
Retail shop, gift, apparel, accessory and similar	P	P
Helistop	C	C
Veterinary hospital (no kennels)	P	P
Veterinary hospital (kennels)		P
Fire station	P	P
Shop yard of local, state or federal government	C	P
Auto leasing, rental		P
Fuel sales	C	L

P = permitted by right; L = permitted by right subject to limitations, [blank cell] = prohibited; C = conditional use permit

Prohibited uses include HUD-Code manufactured homes and land lease communities, most commercial uses and industrial uses.



Comprehensive Plan ComplianceTable

Document	Policy, Goal, Objective or Map	Compliance?
CP	Map 3.1 - Future Land Use Map	No
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

Development RegulationsTable

	Current (NS)	Proposed (GR)
Minimum Lot Size	N/A	N/A
Minimum Lot Width	N/A	N/A
Minimum Lot Depth	N/A	N/A
Front Setback	15 Feet	15 Feet
Side Setback	10 Feet	10 Feet
Rear Setback	0 Feet	0 Feet
Max Building Height	2.5 Stories	3 Stories

Surrounding Properties & Uses Table

<u>Direction</u>	<u>Future Land Use Map</u>	<u>Zoning</u>	<u>Current Land Use</u>
Site	Suburban Residential	NS	Vacant
North	Estate Residential	SF-1	Existing SF Residence
South	Suburban Residential	SF-3	Existing SF Residence
East	Suburban Residential	UE	Existing SF Residence
West	Suburban Commercial	GR	Undeveloped



Returned Property Owner Letter: Bigham



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

BINGHAM, GENE H & JANETTA L  
2408 VENICE PKWY  
TEMPLE, TX 76502-3590

**Zoning Application Number: Z-FY-16-33**

**Project Manager: Dessie Redmond**

**Location:** 6365 South 31<sup>st</sup> Street

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 ☐ agree

☒ disagree with this request

**Comments:**

**RECEIVED**

JUN - 3 2016

City of Temple  
Planning & Development

*Janetta L. Bingham*

*Gene H. Bingham*

JANETTA L. BINGHAM  
GENE H. BINGHAM

**Signature**

**Print Name**

Please mail or hand-deliver this comment form to the address shown below, no later than **June 6, 2016**.

**City of Temple  
Planning Department  
2 North Main Street, Suite 102  
Temple, Texas 76501**

**Number of Notices Mailed: 24**

**Date Mailed: May 26, 2016**

**OPTIONAL:** If you would like to be contacted by Staff for additional information, please include your contact information: Telephone No.: 254-613-4184 and/or Email: G.HARLAN1971@YAHOO.COM

Returned Property Owner Letter: Elmore



RESPONSE TO PROPOSED  
REZONING REQUEST  
CITY OF TEMPLE

ELMORE, BEVERLY G  
6454 SIENA CIR  
TEMPLE, TX 76502

Zoning Application Number: Z-FY-16-33

Project Manager: Dessie Redmond

Location: 6365 South 31<sup>st</sup> Street

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 ☒ agree

( ) disagree with this request

Comments:

I have no problem with Rezoning this property  
from neighborhood to General retail.

Beverly G. Elmore  
Signature

Beverly G. Elmore  
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than **June 6, 2016**.

City of Temple  
Planning Department  
2 North Main Street, Suite 102  
Temple, Texas 76501

**RECEIVED**

JUN - 3 2016

City of Temple  
Planning & Development

Number of Notices Mailed: 24

Date Mailed: May 26, 2016

**OPTIONAL:** If you would like to be contacted by Staff for additional information, please include your contact information: Telephone No.: \_\_\_\_\_ and/or Email: \_\_\_\_\_

Returned Property Owner Letter: Fung



RESPONSE TO PROPOSED  
REZONING REQUEST  
CITY OF TEMPLE

FUNG, DERRICK S & JESSICA H  
2312 VENICE PKWY  
TEMPLE, TX 76502

Zoning Application Number: Z-FY-16-33

Project Manager: Dessie Redmond

Location: 6365 South 31<sup>st</sup> Street

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 ( ) agree

☒ disagree with this request

Comments:

There's no reason to have an isolated retail location here between two subdivisions. Having a retail space would ↓ neighborhood appeal & hence, property tax revenue for Temple. There are plenty of retail spaces across 31st St. It is ludicrous to place a retail space backed up to QLM homes. We chose this area for the peacefulness, quietness, & safety, which will all be affected by a retail site. And, it will be an eyesore.

Signature

Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than **June 6, 2016**.

City of Temple  
Planning Department  
2 North Main Street, Suite 102  
Temple, Texas 76501

RECEIVED

JUN - 8 2016

City of Temple  
Planning & Development

Number of Notices Mailed: 24

Date Mailed: May 26, 2016

**OPTIONAL:** If you would like to be contacted by Staff for additional information, please include your contact information: Telephone No.: \_\_\_\_\_ and/or Email: \_\_\_\_\_



Returned Property Owner Letter: Hoeft



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

HOEFT, STEVEN & EUGENA REVOCABLE TRUST  
C/O HOEFT, STEVEN E & EUGENA D TRUSTEES  
2412 VENICE PARKWAY  
TEMPLE, TX 76502

**Zoning Application Number: Z-FY-16-33**

**Project Manager: Dessie Redmond**

Location: 6365 South 31<sup>st</sup> Street

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 ☐ agree

☒ disagree with this request

**Comments:**

**RECEIVED**

JUN - 3 2016

City of Temple  
Planning & Development

  
Signature

Steven E. Hoeft  
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than **June 6, 2016**.

City of Temple  
Planning Department  
2 North Main Street, Suite 102  
Temple, Texas 76501

Number of Notices Mailed: 24

Date Mailed: May 26, 2016

**OPTIONAL:** If you would like to be contacted by Staff for additional information, please include your contact information: Telephone No.: 254-721-2450 and/or Email: \_\_\_\_\_

Returned Property Owner Letter: Murray



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

MURRAY, JOSEPH P & WILLIE MAE REVOCABLE TRUST  
C/O MURRAY, JOSEPH P & WILLIE MAE AS CO TRUSTEES  
2311 FOX GLEN LN  
TEMPLE, TX 76502

**Zoning Application Number: Z-FY-16-33**

**Project Manager: Dessie Redmond**

Location: 6365 South 31<sup>st</sup> Street

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 ☐ agree

☒ disagree with this request

**Comments:**

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*Joseph P. Murray*  
Signature *Willie Mae Murray*

*JOSEPH P. MURRAY Willie Mae Murray*  
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than **June 6, 2016**.

**City of Temple  
Planning Department  
2 North Main Street, Suite 102  
Temple, Texas 76501**

**RECEIVED**

**JUN - 3 2016**

City of Temple  
Planning & Development

Number of Notices Mailed: 24

Date Mailed: May 26, 2016

**OPTIONAL:** If you would like to be contacted by Staff for additional information, please include your contact information: Telephone No.: \_\_\_\_\_ and/or Email: \_\_\_\_\_



Returned Property Owner Letter: Naul



RESPONSE TO PROPOSED  
REZONING REQUEST  
CITY OF TEMPLE

NAUL, L GILL & TAMMY P  
6505 MILAN CT  
TEMPLE, TX 76502-3592

Zoning Application Number: Z-FY-16-33

Project Manager: Dessie Redmond

Location: 6365 South 31<sup>st</sup> Street

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 ☐ agree

☒ disagree with this request

Comments:

*Traffic in this area is already a problem.  
This will make it more of a problem!*

*L. Naul*  
Signature

*Tammy Naul*  
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than **June 6, 2016**.

City of Temple  
Planning Department  
2 North Main Street, Suite 102  
Temple, Texas 76501

RECEIVED  
JUN - 6 2016  
City of Temple  
Planning & Development

Number of Notices Mailed: 24

Date Mailed: May 26, 2016

**OPTIONAL:** If you would like to be contacted by Staff for additional information, please include your contact information: Telephone No.: \_\_\_\_\_ and/or Email: \_\_\_\_\_

Returned Property Owner Letter: Pany



RESPONSE TO PROPOSED  
REZONING REQUEST  
CITY OF TEMPLE

PANY, DAVID J ETUX CHERYL  
2316 VENICE PKWY  
TEMPLE, TX 76502-3609

Zoning Application Number: Z-FY-16-33

Project Manager: Dessie Redmond

Location: 6365 South 31<sup>st</sup> Street

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 ☐ agree

☒ disagree with this request

Comments:

SEE ATTACHED

Signature

David Pany 6/6/16

Print Name

DAVID PANY

Please mail or hand-deliver this comment form to the address shown below, no later than **June 6, 2016**.

City of Temple  
Planning Department  
2 North Main Street, Suite 102  
Temple, Texas 76501

RECEIVED

JUN - 6 2016

City of Temple  
Planning & Development

Number of Notices Mailed: 24

Date Mailed: May 26, 2016

**OPTIONAL:** If you would like to be contacted by Staff for additional information, please include your contact information: Telephone No.: \_\_\_\_\_ and/or Email: \_\_\_\_\_

Returned Property Owner Letter: Pany Continued

PANY, DAVID J ET UX CHERYL

Attachment: Zoning Application Number Z-FY-16-33

June 6, 2016

Comments:

By rezoning this area, duplexes and other non-desirable businesses will be allowed. I feel this rezoning would be detrimental to my property value if it rezoned to General Retail. Instead, I would prefer a Conditional Use Permit application so I would know exactly what type of business would be built there. There is only one other family in D'Antoni's Crossing that has been living there longer than my wife and I. We purchased our home February 23, 2011. Prior to that, we had lived in Salado for 15 years without any neighbors behind our properties. We were very interested in knowing what the plans for the 10 acres directly behind our home. Bobby Arnold informed us that he had just purchased that property and his plans were for 5 home lots of 2 acres each. He said there would be no homes located near our backyard fence. Approximately 2 ½ years later, we received a replat notice for the 10 acres that divided the 10 acres into 5 lots on 7 acres but reserved the 3 acres for Neighborhood Services. I met with one of your employees at the planning office to determine if a home could be situated in a manner that would be nearer to our home than we desired. That meeting resulted favorably determining that a home would not invade our privacy that we desired. However, when a home was built we have to look at a 3 car garage and the associated traffic. My concern is not only property devaluation; but also, the noise associated with retail operations such as sanitation trucks, delivery trucks, etc that would occur in the back near my property. I am not opposed to someone trying to make the best use of his property, but I feel I need to disagree with this request as recited above.



Returned Property Owner Letter: Perkins



RESPONSE TO PROPOSED  
REZONING REQUEST  
CITY OF TEMPLE

PERKINS, DENNIS E ETUX SHARMAN E  
2307 FOX GLEN LN  
TEMPLE, TX 76502

Zoning Application Number: Z-FY-16-33

Project Manager: Dessie Redmond

Location: 6365 South 31<sup>st</sup> Street

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 ( ) agree

☒ disagree with this request

Comments:

Please see attached.

RECEIVED

JUN - 3 2016

City of Temple  
Planning & Development

Dennis E. Perkins  
Signature

Dennis E. Perkins  
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than **June 6, 2016**.

City of Temple  
Planning Department  
2 North Main Street, Suite 102  
Temple, Texas 76501

Number of Notices Mailed: 24

Date Mailed: May 26, 2016

**OPTIONAL:** If you would like to be contacted by Staff for additional information, please include your contact information: Telephone No.: 210 527-7364 and/or Email: perkid@sbcglobal.net

Note: Thanks, Dessie, for your insight when we talked.

Returned Property Owner Letter: Perkins Continued

Zoning App No.: Z-FY-16-33

05/31/2016

I do not agree or concur with this zoning request for the following reasons:

1. The current zone of Neighborhood Services (NS) is more restrictive and suitable for this parcel of land, which is surrounded by established neighborhoods of Deerfield and D'Antoni.
2. The Valero that was built last year across from D'Antoni (31<sup>st</sup> and Hwy 93) is inconsistent with the surrounding area and neighborhoods. The bright, neon signage cheapens and lights up the entire area. A serene view of a church steeple has been replaced by intrusive, tall, and over-commercialized signage. This request to re-zone to General Retail (GS) will allow similar, unwelcome signage and development between Deerfield and D'Antoni.
3. A GS zoning will not be in the best interest of the homeowners in the immediate area. GS is the zoning originally assigned when this area was conceived for development. This zoning request is not consistent with the original vision of the developer and the city.
4. This parcel of land would be a perfect place for a small city park or green space. We just passed a bond for all of that. Why not use some of it on this?
5. We do not want far S. 31<sup>st</sup> transformed to another West Adams, dominated by fast food joints, box stores, gas stations, and others... all in competition for the biggest, brightest, and most intrusive signage possible. This rezoning request will clear the path for that very thing at the extreme end of S. 31<sup>st</sup>.
6. This decision will not be undone. The P&Z Committee needs to be thoughtful and respectful of the homeowners and the original vision for this area by rejecting this request.

Thank you,



Dennis Perkins  
2307 Fox Glen Ln  
Temple, TX 76502  
[perkid@sbcglobal.net](mailto:perkid@sbcglobal.net)  
210 527-7364

**RECEIVED**

JUN - 3 2016

City of Temple  
Planning & Development



Returned Property Owner Letter: Wann



RESPONSE TO PROPOSED  
REZONING REQUEST  
CITY OF TEMPLE

WANN, JAMS B & MELODY I  
2316 FOX GLEN LN  
TEMPLE, TX 76502-7906

Zoning Application Number: Z-FY-16-33

Project Manager: Dessie Redmond

Location: 6365 South 31<sup>st</sup> Street

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 ☐ agree

☒ disagree with this request

Comments:

I did not buy a house in this  
neighborhood to be near General Retail.  
You should protect us from this change.

Melody Wann  
Signature

Melody Wann  
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than **June 6, 2016**.

City of Temple  
Planning Department  
2 North Main Street, Suite 102  
Temple, Texas 76501

**RECEIVED**

JUN - 6 2016

City of Temple  
Planning & Development

Number of Notices Mailed: 24

Date Mailed: May 26, 2016

**OPTIONAL:** If you would like to be contacted by Staff for additional information, please include your contact information: Telephone No.: \_\_\_\_\_ and/or Email: \_\_\_\_\_

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

(PLANNING NO. Z-FY-16-33)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A REZONING FROM NEIGHBORHOOD SERVICES TO GENERAL RETAIL ON LOT 1, BLOCK 1, D'ANTONI'S CROSSING PHASE V, LOCATED AT 6365 SOUTH 31<sup>ST</sup> STREET, BELL COUNTY, TEMPLE, TEXAS; 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 Neighborhood Services to General Retail on lot 1, block 1, D'Antoni's Crossing Phase V, located at 6365 South 31<sup>st</sup> Street, Bell County, Temple, Texas, 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 7<sup>th</sup> day of **July**, 2016.

PASSED AND APPROVED on Second Reading on the 21<sup>st</sup> day of **July**, 2016.

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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07/07/16  
Item #8  
Regular Agenda  
Page 1 of 3

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

Tammy Lyerly, Senior Planner

**ITEM DESCRIPTION:** FIRST READING - PUBLIC HEARING - Z-FY-16-34: Consider adopting an ordinance authorizing a Conditional Use Permit (CUP) to allow a substance abuse outpatient counseling service on Lot PT 2, 75' of 2, Block 2, LR Taylor Addition, located at 416 North 3<sup>rd</sup> Street, Suite A.



Figure 3: Aerial Location Map

**PLANNING & ZONING COMMISSION RECOMMENDATION:** At their June 6, 2016 meeting, the Planning & Zoning Commission voted 7 to 0 to recommend approval of the proposed Conditional Use Permit as presented by staff.

**STAFF RECOMMENDATION:** Staff recommends approval of the requested Conditional Use Permit (CUP) for the following reasons: and with the following conditions:

1. Compliance with the Future Land Use Plan;
2. Compliance with surrounding zoning and land uses;
3. Compliance with the Thoroughfare Plan; and
4. Public facilities are available to serve the subject property.
5. Striped parking spaces

With the following conditions:

- Stripe the existing parking space; and
- No overnight stay is allowed for this substance abuse outpatient treatment center

**ITEM SUMMARY:** The applicant requests this Conditional Use Permit to allow a substance abuse outpatient counseling service. The property is zoned Central Area District (CA) and is also located within the 1<sup>st</sup> & 3<sup>rd</sup> Overlay District. Substance abuse treatment facilities are allowed in CA districts with a Conditional Use Permit (C.U.P.), per Unified Development Code (UDC), Section 5.1.3.-Use Standards.

The applicant's requested substance abuse outpatient counseling service will require a license from the Texas Department of State Health Services (DSHS) and be subject to all DSHS regulatory laws associated with substance abuse services.

Since this is an existing business site, landscaping requirements would only be triggered in conjunction with the following, **per UDC Section 6.8.2: 1<sup>st</sup> and 3<sup>rd</sup> Overlay District – Applicability:** New construction; site modifications and improvements including installation and /or expansion of parking lot or irrigation system or sidewalks; increase in gross floor area of 50% or more or modifications with a cost equal to or greater than 50% of the assessed value of improvements per the

current tax roll; or increase in gross floor area of 25%-49% or modifications with a cost equal to 255-29% of the assessed value of improvements per the current tax roll.

Although the property's parking lot has wheel stops along the south and rear edges of the parking lot, staff recommends parking spaces be striped to make parking areas more visible and maintain organized traffic flow throughout around the building.

Since this property is located within the First and Third Overlay District, any exterior improvements would be subject to UDC Section 6.8: 1<sup>st</sup> & 3<sup>rd</sup> Street Overlay District requirements.

**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 Commercial	CA	Office/Retail/Personal Services
North	Auto-Urban Commercial	CA	Vacant Building
South	Auto-Urban Commercial	CA	Minor Automotive
East	Auto-Urban Commercial	CA	City Offices / Municipal Court
West	Neighborhood Conservation	CA	Residential

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

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

The subject property is within the Auto-Urban Commercial character district of the *Choices '08* City of Temple Comprehensive Plan. The applicant's requested substance abuse outpatient counseling service complies with this character district with approval of a C.U.P.

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

The subject property fronts North 3<sup>rd</sup> Street, a major arterial, which is appropriate for retail, offices, and personal service uses.

Availability of Public Facilities (CP Goal 4.1)

An existing water line and sewer line are located within the alley.

**PUBLIC NOTICE:** Eleven (11) 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, June 27, 2016, two notices have been received in favor of the proposed rezoning and no notices have been returned in opposition to the proposed rezoning.

The newspaper printed notice of the public hearing on May 26, 2016, in accordance with state law and local ordinance.

**FISCAL IMPACT:** Not Applicable

**ATTACHMENTS:**




Site and Surrounding Property Photos  
Aerial Map / Location Map  
Zoning Map / Future Land Use and Character Map  
Thoroughfare & Trails Map / Utility Map  
Notification Map  
Site Plan  
Applicant's Letter  
Returned Property Notices  
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	CA	Office / Retail / Personal Services	
			
East	CA	City Offices / Municipal Court	

Direction	Zoning	Current Land Use	Photo
West	SF-1	Residential	
			
South	CA	Minor Automotive	

Direction	Zoning	Current Land Use	Photo
North	CA	Vacant Building	
			





CA to CA with C.U.P.  
Substance Abuse Counseling

## AERIAL MAP

Zoning Case :  
Z-FY-16-34

Address :  
416 N 3rd St., Ste A

Streets

- EXPRESSWAY
- MAJOR ARTERIAL
- COLLECTOR
- LOCAL STREET
- MINOR ARTERIAL
- PRIVATE
- RAMP
- Railroad
- Temple Municipal Boundary
- Parcels
- ETJ 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: 5/19/2016



CA to CA with C.U.P.  
Substance Abuse Counseling

Zoning Case :  
Z-FY-16-34

Address :  
416 N 3rd St., Ste A

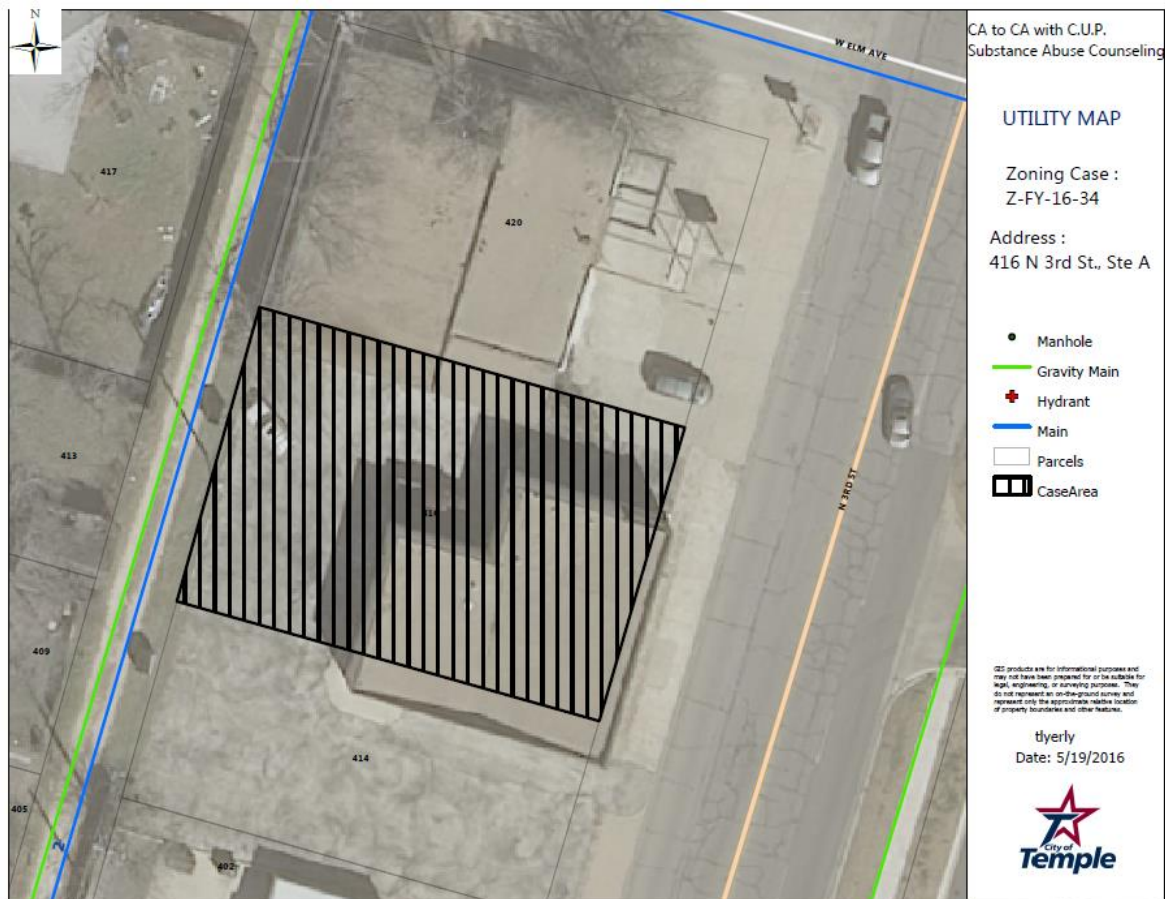
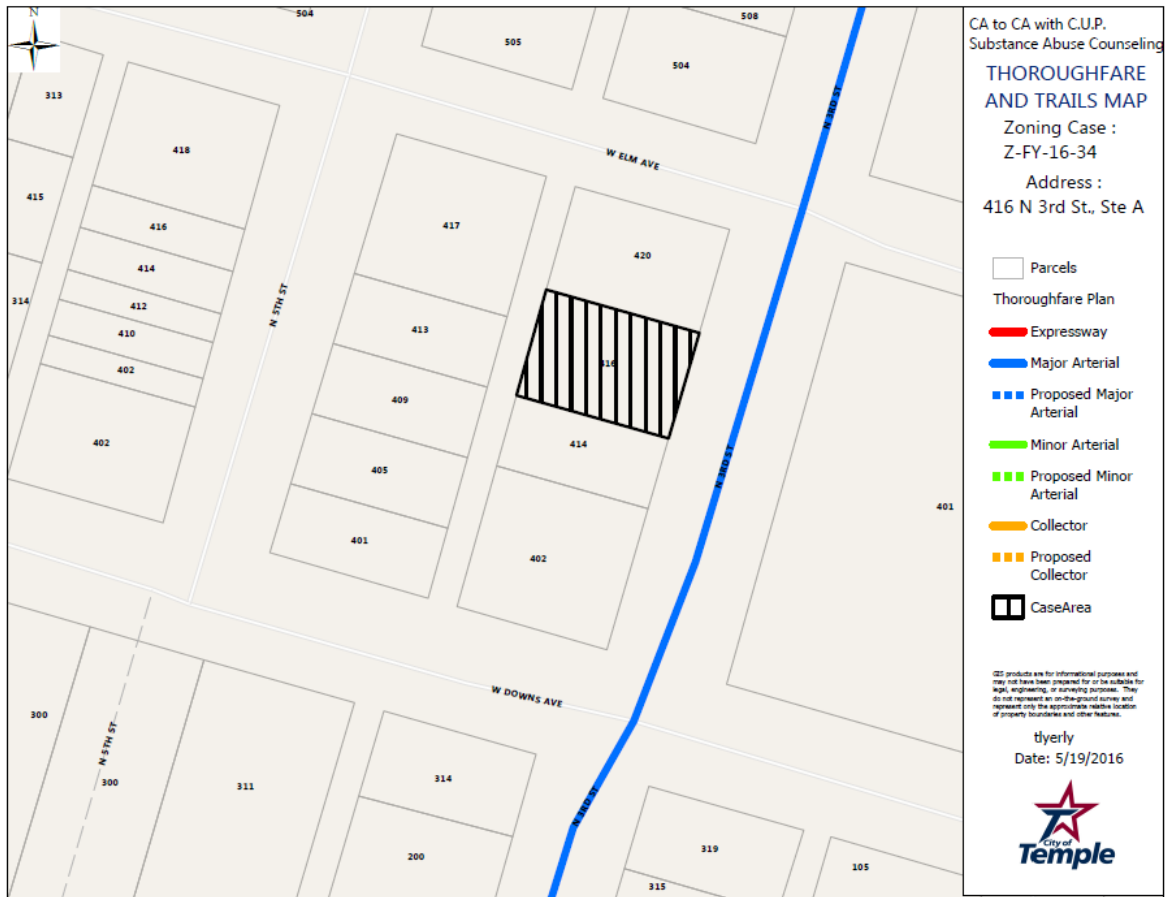
GIS products are for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries and other features.

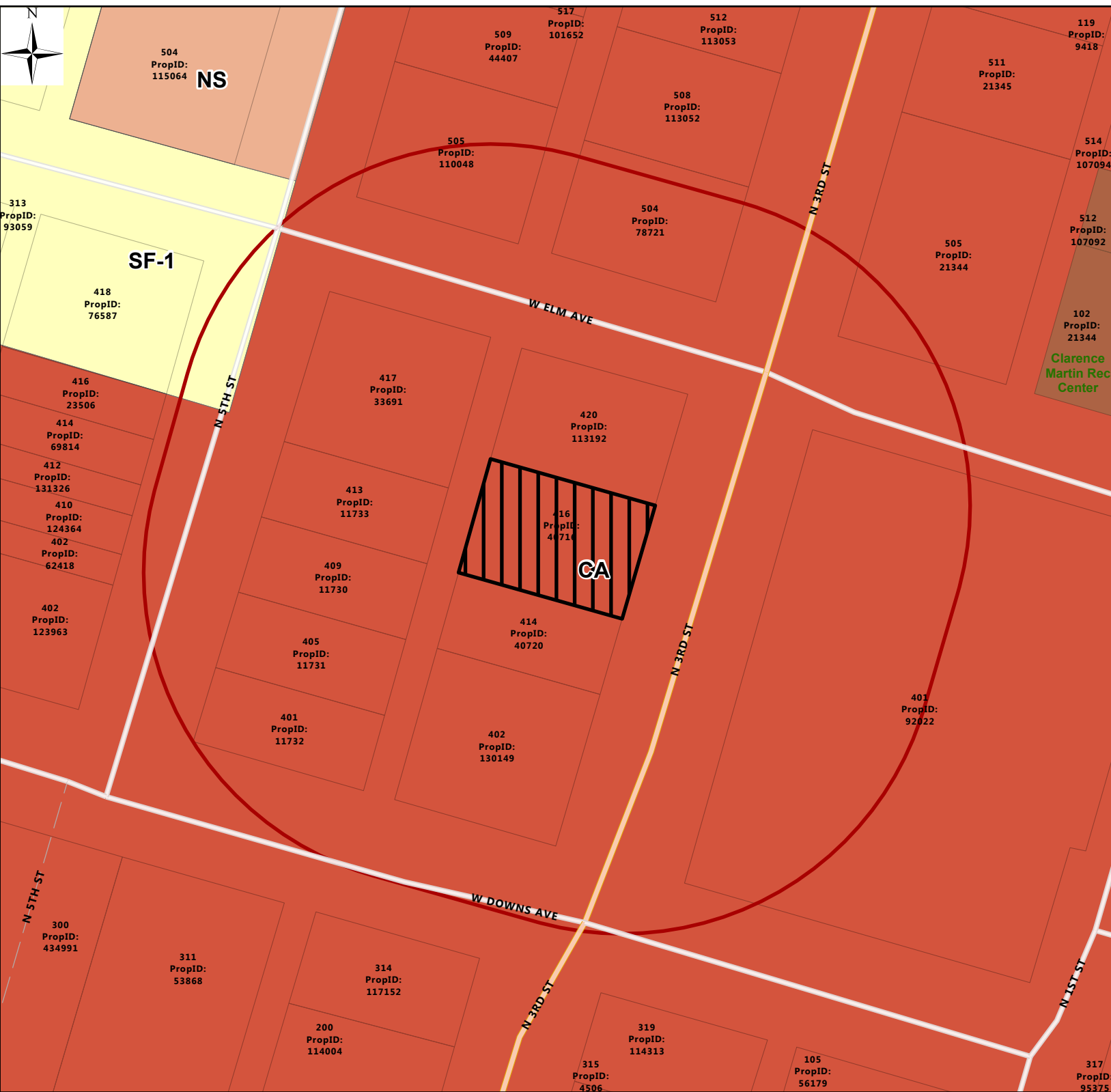
tlyerly  
Date: 5/19/2016











CA to CA with C.U.P.  
Substance Abuse Counseling  
200'  
NOTIFICATION MAP

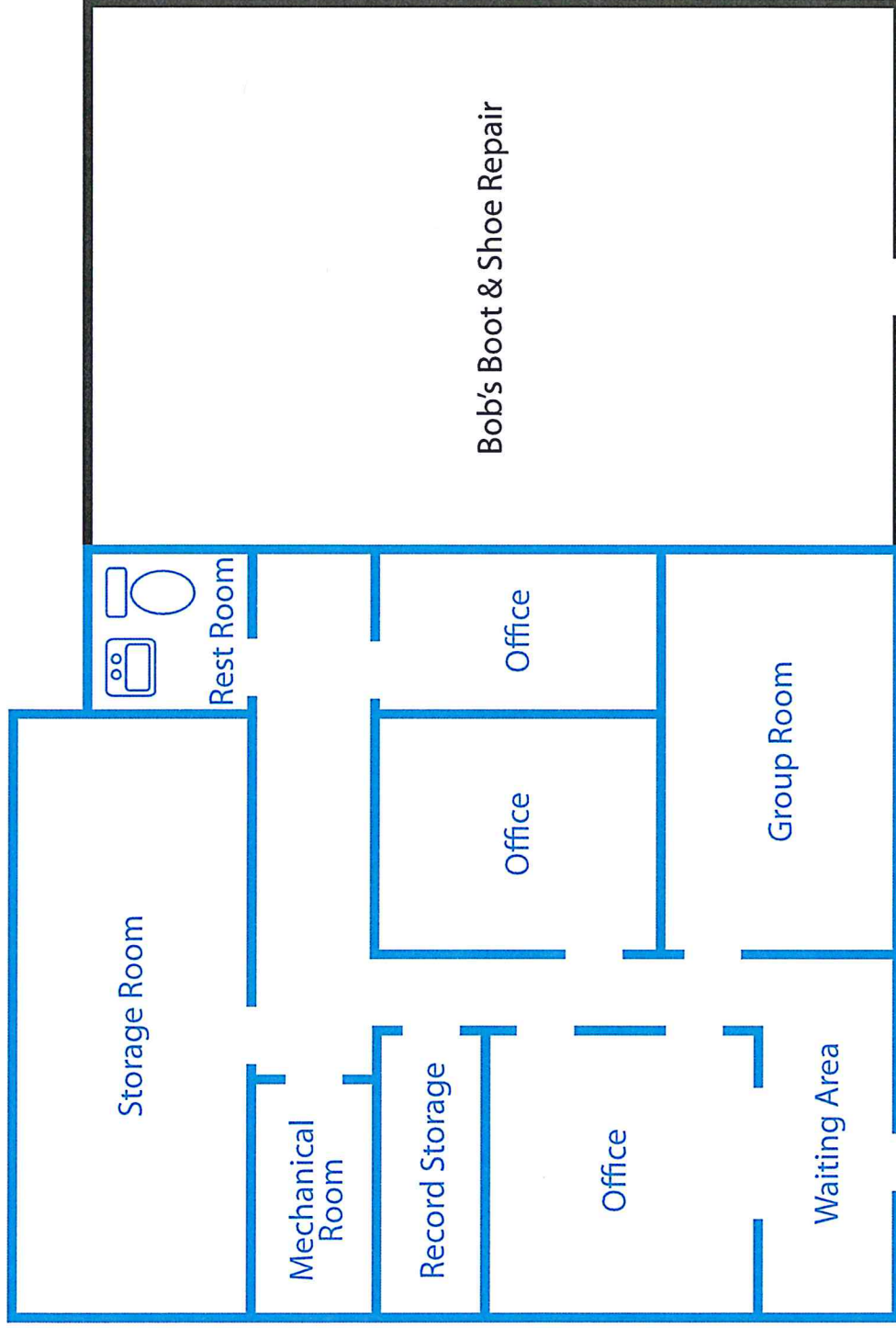
Zoning Case :  
Z-FY-16-34  
Address :  
416 N 3rd St, Ste A

CurrentZoning		
HI - CUP	O-1	AG - CUP
UE	O-1 - CUP	MH
UE - PD	O-1 - PD	MH - CUP
SF-1	O-2	MU
SF-1 - CUP	O-2 - CUP	MU - CUP
SF-1 - PD	O-2 - PD	SD-C
SF-2	NS	SD-C - CUP
SF-2 - PD	NS - CUP	SD-H
SF-3	NS - PD	SD-H - CUP
SF-3 - PD	GR	SD-T
SF-3 - CUP, PD	GR - CUP	SD-V
SFA	GR - PD	T4
SFA-2	GR - CUP, PD	T4 - PD
SFA-2 - PD	CA	T4 - CUP
SFA-3	CA - CUP	T5-C
SFA-3 - PD	CA - PD	T5-C - CUP
2F	C	T5-C - PD
2F - CUP	C - CUP	T5-E
2F - PD	C - PD	T5-E - CUP
MF-1	C - CUP, PD	T5-E - PD
MF-1 - CUP	LI	NO BASE
MF-1 - PD	LI - CUP	CUP
MF-2	LI - PD	PD
MF-2 - CUP	LI - CUP, PD	CaseArea
MF-2 - PD	HI	Buffer
MF-3 - PD	HI - 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: 5/19/2016





**CENIKOR FOUNDATION**  
Suite A  
1,250 sq. ft.

*\*Drawing is approximate*

# CARE COUNSELING SERVICES

*A program of CENIKOR Foundation*

To whom it may concern,

Cenikor Foundation signed a lease at 416A N 3<sup>rd</sup> St. Temple, TX 76501 on 4/11/16 and plan to provide a service to the community by offering outpatient counseling to adults and adolescents who are needing help with a substance abuse problem. The services provided at this location will include individual counseling and group counseling sessions. Clients will come 2-3 times per week and meet with a licensed counselor who will be facilitating all group and individual counseling sessions.

Before Cenikor is able to start seeing clients, Cenikor must have a license from the Texas Department of State Health Services (DSHS). DSHS is the agency in charge of enforcing regulatory laws that organizations like Cenikor are to follow when providing substance abuse services.

The Regulatory Department at DSHS is needing certain pieces of documentation so that they can issue a license to Cenikor for the purpose mentioned earlier in this letter. The regulation comes from 25 Texas Administrative Code §448.505(b). One of the documents we need is a Certificate of Occupancy issued by the appropriate authority at the City of Temple. The initial document I obtained from Deb in the permits department explaining that a COO would not be issued for this location because the city will not issue a new COO unless renovations are taking place or it is a new building. We are not renovating the building and DSHS did not accept the documentation I obtained from Deb on 4/11/16 stating a COO would not be issued.

After multiple discussions with DSHS, my understanding is that they will accept a letter from the appropriate authority at the City of Temple that explains the fact that a COO is not issued for the purpose of granting a business permission for a specific type of use, but that this address is zoned for general office purposes and that Cenikor can provide outpatient substance abuse counseling at 416A N 3<sup>rd</sup> St. Temple, TX 76501 within the rules of this zoning type.

If any further explanation is needed for this request or if you have any questions please feel free to contact me at 940-206-4518 or [nvache@cenikor.org](mailto:nvache@cenikor.org). I thank you sincerely for considering this request and I also want to thank the employees that work within the Planning and Permits Department who have been helpful up to this point.

Regards,

Nick Vaché  
Senior Outpatient Manager  
Cenikor Foundation





RESPONSE TO PROPOSED  
REZONING REQUEST  
CITY OF TEMPLE

ADAMS, JAMES HARRY FAMILY LTD  
PO BOX 887  
TEMPLE, TX 76503-0887

Zoning Application Number: Z-FY-16-34

Project Manager: Tammy Lyerly

Location: 416 N. 3rd Street, Suite A

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 ☒ agree

( ) disagree with this request

Comments:

RECEIVED

JUN - 3 2016

City of Temple  
Planning & Development

Signature

James Harry Adams

Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than **June 6, 2016**.

City of Temple  
Planning Department  
2 North Main Street, Ste. 102  
Temple, Texas 76501

Number of Notices Mailed: 11

Date Mailed: May 26, 2016

**OPTIONAL:** If you would like to be contacted by Staff for additional information, please include your contact information: Telephone No.: \_\_\_\_\_ and/or Email: \_\_\_\_\_





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

ADAMS, JAMES HARRY FAMILY LTD  
PO BOX 887  
TEMPLE, TX 76503-0887

**Zoning Application Number:** Z-FY-16-34

**Project Manager:** Tammy Lyerly

**Location:** 416 N. 3rd Street, Suite A

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 ☒ agree

( ) disagree with this request

**Comments:**

**RECEIVED**

**JUN - 3 2016**

City of Temple  
Planning & Development

  
**Signature**

J Harry Adams  
**Print Name**

Please mail or hand-deliver this comment form to the address shown below, no later than **June 6, 2016**.

**City of Temple  
Planning Department  
2 North Main Street, Ste. 102  
Temple, Texas 76501**

Number of Notices Mailed: 11

Date Mailed: May 26, 2016

***OPTIONAL:*** If you would like to be contacted by Staff for additional information, please include your contact information: Telephone No.: \_\_\_\_\_ and/or Email: \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_  
(Z-FY-16-34)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A CONDITIONAL USE PERMIT TO ALLOW FOR A SUBSTANCE ABUSE OUTPATIENT COUNSELING SERVICE ON LOT PT 2, 75-FOOT OF 2, BLOCK 2, LR TAYLOR ADDITION, LOCATED AT 416 NORTH 3<sup>RD</sup> STREET, SUITE A, TEMPLE, TEXAS; DECLARING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the applicant has requested a Conditional Use Permit (CUP) to allow for a substance abuse outpatient counseling service located at 416 North 3<sup>rd</sup> Street;

**Whereas**, this property is zoned Central Area District and is also located within the 1<sup>st</sup> and 3<sup>rd</sup> Overlay District – substance abuse treatment facilities are allowed in Central Area Districts with a CUP, per Unified Development Code, Section 5.1.3;

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

**Whereas**, the Planning and Zoning Commission of the City of Temple, Texas, after due consideration of the conditions and operation of said property located on Lot PT 2, 75-foot of 2, Block 2, LR Taylor Addition, and located at 416 North 3rd Street, Suite A, Temple, Texas, recommends that the City Council approve the application for this Conditional Use Permit to allow a substance abuse outpatient counseling service; and

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

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

**Part 1:** The City Council approves a Conditional Use Permit (CUP) to allow for a substance abuse outpatient counseling service on Lot PT 2, 75-foot of 2, Block 2, LR Taylor Addition, located at 416 North 3<sup>rd</sup> Street, Suite A, Temple, Texas.

**Part 2:** The owners/applicants, shall comply with following standards:

- A. Parking spaces must be striped to make parking areas more visible and maintain organized traffic flow throughout around the building.
- B. No overnight stay is allowed at the substance abuse outpatient treatment center.

**Part 3:** The Director of Planning is hereby directed to make the necessary changes to the City Zoning Map accordingly.

**Part 4:** The declarations, determinations and findings declared, made and found in the preamble of this ordinance are hereby adopted, restated and made a part of the operative provisions hereof.

**Part 5:** 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 6:** 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 7:** 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 7<sup>th</sup> day of **July**, 2016.

PASSED AND APPROVED on Second Reading on the 21<sup>st</sup> day of **July**, 2016.

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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07/07/16  
Item #9  
Regular Agenda  
Page 1 of 1

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

Lacy Borgeson, City Secretary

**ITEM DESCRIPTION:** Consider adopting a resolution appointing members to the following City boards and commissions:

- (A) Temple Economic Development Corporation – one member to fill a standing Councilmember position.
- (B) Development Standards Advisory Board –two members to fill unexpired terms through March 1, 2018;
- (C) Parks and Leisure Services Advisory Board – one member to fill an unexpired term through March 1, 2019;
- (D) Planning & Zoning Commission – one member to fill an unexpired term through September 1, 2017;
- (E) Zoning Board of Adjustment – one alternate member to fill an unexpired term through March 1, 2018

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

**ITEM SUMMARY:** In accordance with the City Council adopted policies governing the appointment and training of citizens to City boards, appointments to the above stated boards are to be made with an effective date of March 1, 2014.

Temple Economic Development Corporation – Former Mayor Pro-Tem/Councilmember Russell T. Schneider was serving in the City Councilmember standing position on that board. His council term ended in May 2016, and it is requested that another Councilmember be appointed to fill that vacated position.

Please see the attached board summary forms, which list current board members, purpose, membership requirements, term and meeting time/place for the boards. Also attached is a summary listing of all applications received for board appointments. Individual board application forms on file for these boards have already been provided. New application forms received will be forwarded to the Council as received by the City Secretary.

**FISCAL IMPACT:** N/A

### **ATTACHMENTS:**

Board Summary Forms- to be provided  
Board Applications – to be provided