

MEETING OF THE

TEMPLE CITY COUNCIL

MUNICIPAL BUILDING

2 NORTH MAIN STREET

3rd FLOOR – CONFERENCE ROOM

THURSDAY, OCTOBER 20, 2016

3:30 P.M.

AGENDA

- 1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, October 20, 2016.
- 2. Discuss Meet and Confer Agreement between the City of Temple and the Temple Police Association."
- 3. Discuss contemplated litigation regarding Temple City Code Chapter 16, Article VIII, "Tattoo Shops."

Executive Session – Texas Government Code Section 551.071, Consultations with Attorney – The City Council may meet in executive session to consult with the City Attorney when the City Council is seeking the advice of its attorney about pending or contemplated litigation.

5:00 P.M.

MUNICIPAL BUILDING

2 NORTH MAIN STREET CITY COUNCIL CHAMBERS – 2^{ND} 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 <u>discussion</u> or final action will be taken by the City Council.

III. PROCLAMATIONS & SPECIAL RECOGNITIONS

3. Czech Heritage Month October 2016

IV. CONSENT AGENDA

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

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

<u>Minutes</u>

(A) October 6, 2016 Special and Regular Meeting

Contracts, Leases, & Bids

- (B) 2016-8391-R: Consider adopting a resolution authorizing the purchase of portions of two properties necessary for the expansion of Old Howard Road and Moores Mill Road and authorizing closing costs associated with the purchases, in an amount not to exceed \$36,500.
- (C) 2016-8392-R: Consider adopting a resolution authorizing the purchase of 1,272 plastic 96-gallon garbage and recycling containers from Toter, Inc., of Statesville, NC, in the amount of \$57,267.52.

- (D) 2016-8393-R: Consider adopting a resolution authorizing the purchase of two Toro Groundsmaster 5900 mowers from Professional Turf Products, L.P. of Euless, in the amount of \$183,534.35.
- (E) 2016-8394-R: Consider adopting a resolution authorizing change order #3 to the contract with Nelson Lewis, Inc. of Marble Falls, to deduct \$27,700 from the construction contract for the North 3rd Street and East Adams Avenue Water Line Improvements.
- (F) 2016-8395-R: Consider adopting a resolution authorizing a contract with TMI Coatings, Inc. of St. Paul, MN, for a lump sum price of \$344,400, for construction services required to rehabilitate Water Treatment Plant Clarifiers #1 and #2.
- (G) 2016-8396-R: Consider adopting a resolution authorizing high-speed data service during FY2017 through Grande Communications Networks LLC, of Dallas, in the estimated annual amount of \$75,000.
- (H) 2016-8397-R: Consider adopting a resolution authorizing the fourth year funding of a five year dedicated access services (Telephone and Data Service) agreement with Time Warner Cable Enterprises, LLC in the estimated annual amount of \$51,000.
- (I) 2016-8398-R: Consider adopting a resolution authorizing a Chapter 380 Economic Development Agreement between the City of Temple and Temple Economic Development Corporation for the conveyance of 14.868 acres of City-owned property located at 2575 Lucius McCelvey Drive, Temple.
- (J) 2016-8399-R: Consider adopting a resolution authorizing a Chapter 380 Development Agreement with Central Texas Castles, Ltd., in an amount not to exceed \$57,218, for improvements to property located at 19 South Main Street within the Downtown Strategic Investment Zone corridor.
- (K) 2016-8400-R: Consider adopting a resolution authorizing a five-year lease agreement with United Way of Central Texas, for lease of space in the Public Services Building located at 102 East Central Avenue.
- (L) 2016-8401-R: Consider adopting a resolution authorizing the renewal of an Interlocal Agreement with Bell County for the Bell County Crime Coalition project that is administered by the Bell County Juvenile Probation Department.
- (M) 2016-8402-R: Consider adopting a resolution ratifying a meet and confer agreement with the Temple Police Association.

Ordinances – Second & Final Reading

- (N) 1. 2016-4809: SECOND READING: 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 for years FY 2016-2062.
 - 2. 2016-8403-R: Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick & Associates, LP, for a lump sum amount of \$35,600, to provide design and construction documents for the Martin Luther King Festival Fields in downtown Temple.

<u>Misc.</u>

(O) 2016-8404-R: Consider adopting a resolution authorizing budget amendments for fiscal year 2016-2017.

V. REGULAR AGENDA

ORDINANCES – FIRST READING/PUBLIC HEARING

- 5. 2016-4811: FIRST READING PUBLIC HEARING Z-FY-16-45: Consider adopting an ordinance authorizing a Conditional Use Permit to allow the sales of all alcoholic beverages with on-premise consumption, where the gross revenue from such sales is less than 50% of the total gross revenue of the establishment, on Lots 2 through 7, 10 & 11, Block 1 of the Highline Addition, subdivision, located generally at the northwest corner of Scott Boulevard and South 31st Street.
- 2016-4812: FIRST READING PUBLIC HEARING Z-FY-16-46: Consider adopting an ordinance authorizing a rezoning from Commercial to Planned Development Commercial on Lot 2, Block 1, Tranum Subdivision Phase VIII, located at 5806 South General Bruce Drive, to allow for a Recreational Vehicle rental business in the I-35 Corridor Overlay District.

ORDINANCES – SECOND READING

- 2016-4810: SECOND READING Z-FY-16-43: Consider adopting an ordinance authorizing a rezoning from Agricultural District to Single Family Attached-Three, Multi-Family-Two, Neighborhood Service and General Retail Districts on 42.066 +/- acres, Lot 1, Block 1, First Baptist-Temple West Campus, located at 8015 West Adams Avenue.
- 8. 2016-4768: SECOND READING: Consider adopting an ordinance amending Chapter 16 of the Code of Ordinances to delete Article VIII, "Tattoo Shops."
- 9. 2016-4769: SECOND READING Z-FY-16-23: Consider adopting an ordinance amending the Temple Unified Development Code (UDC): Article 5 Use Standards, deleting "tattoo parlor" as a prohibited use; allowing Body Piercing Studios and Tattoo Studios by right in Light Industrial, Heavy Industrial, General Retail, and Commercial zoning districts; providing certain limitations; Article 6 Special Purpose and Overlay Zoning Districts, prohibiting body Piercing Studios and Tattoo Studios in the Interstate 35 Corridor Overlay; and Article 11 Definitions, providing definitions for Body Piercing, Body Piercing Studio, Tattoo, and Tattoo Studio.

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

I hereby certify that a true and correct copy of this Notice of Meeting was posted in a public place at 2:00 PM, on Friday, October 14, 2016.

City Secretary, TRMC



10/20/16 Item #4(A) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Lacy Borgeson, City Secretary

ITEM DESCRIPTION: Approve Minutes:

(A) October 6, 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: October 6, 2016 Special and Regular Meeting

TEMPLE CITY COUNCIL

OCTOBER 6, 2016

The City Council of the City of Temple, Texas conducted a Meeting on Thursday, October 6, 2016 at 4:00 PM, at the Municipal Building, 2 North Main Street, in the 3rd Floor Conference Room.

PRESENT:

Mayor Pro Tem Perry Cloud Councilmember Timothy Davis Councilmember Michael Pilkington Councilmember Judy Morales Mayor Daniel A. Dunn

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, October 6, 2016.

Mayor Pro Tem Cloud stated he would abstain from discussing item #7 (Z-FY-16-43).

2. Discuss the City's current Emergency Medical Services Agreement and alternative options for the provision of Emergency Medical Services in the City.

Chief Mitch Randles, Fire Department, provided an overview of the current contract as well as the proposed changes.

At this time approximately, 4:00 p.m., Mayor Dunn announced that the City Council would enter an executive session to discuss both items 3 and 4 on the workshop agenda.

- 3. Discuss the status of right-of-way acquisition for the expansion of Outer Loop Phase 3B (Old Waco Road) and the purchase of properties necessary for construction of the project. Executive Session -Pursuant to Chapter 551, Government Code Section 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 right-of-way acquisition for the proposed Santa Fe Plaza and the purchase of properties necessary for construction of the project. Executive Session - Pursuant to Chapter 551, Government Code Section 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.

At approximately, 4:50 p.m., Mayor Dunn adjourned the executive session of the City Council workshop.

The City Council of the City of Temple, Texas conducted a Regular Meeting on Thursday, October 6, 2016 at 5:00 PM in the Council Chambers, Municipal Building, 2nd Floor, 2 North Main Street.

Present:

Councilmember Perry Cloud Councilmember Timothy Davis Councilmember Judy Morales Councilmember Michael Pilkington Mayor Daniel A. Dunn

I. CALL TO ORDER

1. Invocation

Associate Pastor, Matthew Dugan, with Immanuel Baptist Church voiced the Invocation.

2. Pledge of Allegiance

Welba Dorsey and members of the Nation Society Colonial Dames led the 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.

Milton Hensley, thanked the Council for their for support during the 8th Annual Life Chain.

Ethel Canyon, Brookdale Meridian 4312 South 31st Street, respectfully asked the Council to consider a traffic light on South 31st near the entrance of property. It is difficult to exit onto 31st Street.

III. PROCLAMATIONS & SPECIAL RECOGNITIONS

3. Recognize the sponsors for the 9/11 Cen-Tex remembrance stair climb

Chief Randles recognized those that sponsored the 9/11 Cen-Tex stair climb.

4. National Colonial Heritage Month October 2016

Mayor Dunn presented this proclamation to Ms. Dorsey and members of the National Society Colonial Dames.

IV. CONSENT AGENDA

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

(A) September 15, 2016 Special and Regular Meeting

(B) 2016-8367-R: Consider adopting a resolution authorizing the purchase of a yearly 2016-2017 sole source maintenance contract with Sungard Public Sector in the amount of \$144,164.46.

(C) 2016-8368-R: Consider adopting a resolution authorizing the purchase of a yearly 2016-2017 sole source maintenance contract with Intergraph Public Safety in the amount of \$45,277.

(D) 2016-8369-R: Consider adopting a resolution authorizing the single-source purchase of Heil repair parts and services during FY2017 from Heil of Texas in the estimated annual amount of \$60,000.

(E) 2016-8370-R: Consider adopting a resolution authorizing the single-source purchase of Toro service and repair parts during FY2017 from Professional Turf Products, LP of Euless in the estimated annual amount of \$40,000.

(F) 2016-8371-R: Consider adopting a resolution authorizing the single-source purchase and repair of public safety radios during FY2017 from Dailey-Wells Communications, Inc. of San Antonio in the estimated annual amount of \$25,000.

(G) 2016-8372-R: Consider adopting a resolution authorizing the purchase of bunker gear during FY2017 from NAFECO of Decatur, AL and Dooley Tackaberry, Inc. of Deer Park in the estimated annual amount of \$52,050.

(H) 2016-8373-R: Consider adopting a resolution authorizing the purchase of park amenities for Jaycee Neighborhood Park from

The PlayWell Group Inc. of Albuquerque, New Mexico, in the amount of \$40,932.15.

(I) 2016-8374-R: Consider adopting a resolution authorizing the purchase of a Vactor truck from Freightliner of Austin of Austin in the amount of \$344,990.

(J) 2016-8375-R: Consider adopting a resolution authorizing a construction contract with Joel Brown & Co. LLC of Elm Mott in the amount of \$73,640.17 for the construction of a concrete slab for the relocation of the Temple Skate Park to Miller Park.

(K) 2016-8376-R: Consider adopting a resolution authorizing a construction contract with Webuildfun, Inc. of Allen in the amount of \$263,943.21 for the purchase and installation of park amenities for Jaycee Neighborhood Park.

(L) 2016-8377-R: Consider adopting a resolution authorizing a services agreement with Liberty Press of Springville, UT, in the estimated annual amount of \$26,000 for the printing and mailing of the Play-by-Play and summer camp brochures for FY2017.

(M) 2016-8378-R: Consider adopting a resolution ratifying an agreement with National Joint Powers Alliance to enable the City to utilize contracts competitively procured by NJPA.

(N) 2016-8379-R: Consider adopting a resolution authorizing contract amendment #3 to the professional services agreement with Kasberg, Patrick & Associates, LP, in an amount not to exceed \$37,996, for additional services needed to phase the design of Research Parkway from IH35 to Central Pointe Parkway within the Reinvestment Zone No.1 in northwest Temple.

(O) 2016-8380-R: Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick and Associates, LP in the amount not to exceed \$56,760 for final design and bid phase services for Water Treatment Plant Chlorine Storage Safety Improvements.

(P) 2016-8381-R: Consider adopting a resolution entering into a services agreement with ASA District 17 in the estimated annual amount of \$50,000 for officiating/scorekeeping services as contracted for various sporting events.

(Q) 2016-8382-R: Consider adopting a resolution authorizing an agreement with Turley Associates, Inc., in the amount of

\$115,929.12, for professional services required to implement the Conner Park drainage channel improvements.

(R) 2016-8383-R: Consider adopting a resolution authorizing the City Manager to enter into an agreement with the Texas Lobby Group in an amount not to exceed \$66,000 for legislative lobbying services through September 30, 2017.

(S) 2016-8384-R: Consider adopting a resolution approving a Memorandum of Understanding with the Bell/Lampasas Counties Community Supervision and Corrections Department in the amount of \$7,500.

(T) 2016-4807: SECOND READING - Z-FY-16-38: Consider adopting an ordinance authorizing a rezoning from the Agricultural zoning district to the Planned Developed-Two Family zoning district on 13.39 +/- acres, Lot Tract 7 and Lot Tract 8,Bluebonnet Ridge Estates, 1985 South Pea Ridge and 2255 South Pea Ridge.

(U) 2016-4808: SECOND READING - Z-FY-16-42: Consider adopting an ordinance authorizing a rezoning from General Retail District to Planned Development – General Retail District with conditions, on Lot 1, Block 1, Daniel A. Magana Subdivision, located at 1801 East Adams Avenue.

(V) 2016-8385-R: A-FY-16-08: Consider adopting a resolution authorizing the abandonment of a 20 foot wide city utility easement encompassing approximately .075 acres, located on a portion of Lot 6, Block 1, and a portion of Lot 7, Block 1, of Adams Island Commercial in the City of Temple, Bell County, Texas

(W) 2016-8386-R: Consider adopting a resolution authorizing a payment to Kinloch Equipment and Supply, Inc of Pasadena for the repair of a 2005 Vactor truck in the amount of \$29,903.33.

Motion by Councilmember Judy Morales approve Consent Agenda as presented seconded by Councilmember Timothy Davis.

Motion passed unanimously.

ORDINANCES- FIRST READING/PUBLIC HEARING

6. 2016-4809: 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 for years FY 2016-2062.

Traci Barnard, Director of Finance presented this item to the Council. The Reinvestment Zone No. 1 Finance and Project Committees have met and discussed the 2022 Master Plan Projects. The result of the meeting is recommended changes to the Financing and Project Plans to continue with the execution of the 2022 Master Plan. 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.

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.

At their September 28, 2016, regular meeting, the Reinvestment Zone No. 1 Board approved the recommendation of this amendment.

Mayor Dunn declared the public hearing open with regards to agenda item 6 and asked if anyone wished to address this item. There being none, Mayor Dunn declared the public hearing closed.

Motion by Councilmember Perry Cloud adopt ordinance as presented on first reading, with second and final reading set for October 20, 2016. seconded by Councilmember Judy Morales.

Motion passed unanimously.

 2016-4810: FIRST READING – PUBLIC HEARING - Z-FY-16-43: Consider adopting an ordinance authorizing a rezoning from Agricultural District to Single Family Attached-Three, Multi-Family-Two, Neighborhood Service and General Retail Districts on 42.066 +/- acres, Lot 1, Block 1, First Baptist-Temple West Campus, located at 8015 West Adams Avenue.

Mark Baker, Senior Planner presented this case to the Council. He noted that staff's recommendation is different than what was originally requested by the applicant. The subject property, being a portion of Lot 1 of the recorded First Baptist Church-Temple West Campus subdivision plat, specifically, contains approximately 42.066 +/- acres. It is being proposed for rezoning from Agricultural (AG) district to the four zoning districts described in the referenced Item Description. The property is currently undeveloped but is anticipated to be developed by zoning district in the following manner by separate investors:

- 1. General Retail (GR) / Neighborhood Service (NS): Non-Residential permitted and conditionally-permitted uses as allowed by UDC Section 5.1,
- 2. Single-Family Attached-Three (SFA-3), such as single family (attached & detached), townhomes & patio homes): Potential for single-family attached or extension of detached residential uses consistent with existing housing stock in the adjacent Meadows subdivision,
- 3. Multi-Family Two (MF-2): An apartment complex, pending this rezoning request.

It should be noted however that while uses are anticipated, in particular the apartment complex, there are a number of residential and non-residential uses that are permitted by right between the four districts. In addition, conceptual building elevation designs from other Texas apartment complexes, likely to be considered by the developer, have been attached for review and includes one example with five stories. It should be further noted however that the proposed MF-2 zoning has a height restriction of four stories. The applicant has indicated that the apartment complex will likely be three stories. Prohibited uses include HUD-Code manufactured homes and land lease communities most commercial & industrial uses.

The applicant / developer has indicated to staff the maximum building height would likely be three-stories, staff has suggested limiting the height to three stories at the property line rather than the four stories allowed by the MF-2 zoning district. To date, staff has not received any response to this suggested recommendation. As of Monday this week, the developer of the proposed 250 unit apartment complex has withdrawn the application. The applicant continues to pursue a number of other options to include a 115 unit age-restricted apartment complex on the MF-2 tract. This has not been confirmed with the developers as of yet. The extension of the Westfield is no longer part of this request (as presented to the Planning and Zoning Commission); and will be address with future plat. These changes warrant consideration for a planned development to ensure the buffering and screening are adequate.

The subject property takes access from West Adams Avenue (FM2305), an arterial which will only provide immediate access to the GR-zoned portion. Access to the three remaining portions would be from the anticipated extension of Westfield Boulevard, a proposed minor arterial. Design for the future extension of Westfield Boulevard has been taken into consideration based on preliminary discussion between the applicant's development team and planning staff. The conceptual circulation plan shows the proposed extension of

Westfield Boulevard, that will be dealt with at a later date with the platting process. Additionally, it identifies the division between the proposed SFA-3 and MF-2 zoning districts following the centerline of a potential extension of Tanglehead Drive.

Circulation from the extension of Westfield Boulevard into the Hills of Westwood, subdivision to the south of the subject property, is proposed to connect through an undeveloped lot at Iron Gate Drive and ultimately connect to Tarver Drive. Conceptual design from the engineer indicates that Westfield Boulevard would be extended across West Adams Avenue as a minor arterial (92-foot ROW) and reduce down to 60-foot ROW as an oversized collector at its connection with Iron Gate Drive on the southern boundary of the development. It should be noted that no homes front on Iron Gate Drive between this access point and its intersection with Tarver Drive.

The developer, at this time, is not proposing improvements to a potential Tanglehead Drive extension which is currently classified as a local street. However, there is a cost-sharing improvement with a separate developer to extend Tanglehead Drive from Meadowbrook Drive to its intersection with Old Waco Road (Outer Loop). Improvements are currently in the design stage with the Public Works Department. No other City improvements are proposed to Tanglehead Drive at this time. Discussion about sidewalk on the cost-shared section of Tanglehead Drive is on-going but are currently not proposed.

In the case of Tanglehead Drive, increased circulation demands and future development could be reduced by the extension of Tanglehead Drive as well as scheduled TCIP improvements may provide functionality as a collector and warrant reclassification to a collector. Reclassification to a collector street requires a Thoroughfare Plan amendment. Discussion and design is on-going but will be addressed formally with the review of the subdivision plat. No other issues at this time have been identified.

As a result, the request is compliant with the Thoroughfare Plan, due to the applicant's commitment to extend Westfield Boulevard. The extension of Westfield Boulevard as well as considerations for the extension of Tanglehead Drive would be addressed and finalized during the subdivision plat review following the rezoning determination by City Council.

Enhanced Buffering and Screening: The development of the apartment complex within the multi-family-zoned portion of the request warrants consideration for enhanced screening for the single family lots of the adjacent Hills of Westwood subdivision. While enhanced screening and buffering standards cannot be required without the use of a Planned Development, after meeting with planning staff, the applicant agreed to enhanced landscape standards adopted for the Master Zoning for the Westfield Planned Development. The enhanced standards will be incorporated into the private deed restrictions.

The Master Zoning for the Westfield development was adopted by Ordinance 2015-4717 and addressed the overall 224.549 +/- acre Westfield Planned Development, north of West Adams and east and west of Westfield Boulevard. The Addendum to the Purchase Contract between the developer and the First Baptist Church has been attached, which provide for the enhanced buffer and screening standards. The language in the addendum is acceptable to Planning staff. The attached concept is found and illustrated on page 3-7 of the Choice 08 - Comprehensive Plan.

Staff will anticipate a copy of the draft deed restrictions during the plat review stage at design review (DRC). This enhanced landscaping and buffering is anticipated to reduce the impacts of the apartment complex to the adjacent Hills of Westwood subdivision. The Planning & Zoning Commission would be the final approval authority unless an exception is requested.

Staff recommends approval of the requested rezoning as a Planned Development, rezoning from Agricultural "AG" District to: a Planned Development - General Retail "PD-GR"; a planned Development -Neighborhood Service "PD-NS"; a Planned Development - Single-Family-Attached Three "PD-SFA-3" and; a Planned Development -"PD-MF-2" subject Multi-Family Two districts. This to three Conditions of which the applicant is in agreement with. (1) Enhance landscaping; (2) a detailed development plan and/or subdivision plat be submitted for review and consideration to the Planning and Zoning Commission and Council; and (3) building height is limited to three stories at the landscape buffer of the multi-family-zone tract, nearest to the existing single family residential uses.

Mayor Dunn declared the public hearing open with regards to agenda item 7, and asked if anyone wished to address this item.

Scott Mosinger, 506 North Cliff Drive (Broker of the developers), was present for questions. He also noted that they are trying to address the concerns that have been voiced by the surrounding property owners. This will be a quality product with adequate buffers. Mr. Mosinger stated they are currently negotiating other options for smaller development, a 115 unit senior facility; no children. Mr. Mosinger asked Council for favorable consideration.

Larry Neal, 4720 Ascott Parkway, member of Property Committee for First Baptist Church, read a letter from Judge Jon Burrows. Asked for favorable consideration as the sale of this (42 acres) property as it will allow for expansion of services at First Baptist Church.

Tom Morgan, 812 Copper Ridge Loop addressed his concerns regarding this request. He asked if Iron Gate be open and extended along Adams? He stated his concerned for the traffic pattern. Mr. Morgan request that more information be available to the neighbors prior to any decisions being made.

Kelly Graham, realtor, concerned with the effect this development will have on property values. Mr. Graham stated she believed that apartments and duplexes will hinder those values.

Loretta Adams 7312 Brandon Drive, addressed the Council. She noted her concerns with privacy issues and was not in favor of a multi-story development. She expressed her concerns for the increased traffic.

Adam Paul, 912 Copper Ridge Loop, expressed his concerns. He noted the notification to the property owners was not adequate; and feels as though there is deception. Mr. Paul is concerned for his property values and the increased traffic.

John Thomas, lives at the end of Iron Gate noted he too was concerned with property values. The opening of Tarver to Freedom Village will contribute to unnecessary traffic.

Johnny Sodek, 704 Cooper Ridge Loop, asked the Council to vote against this request as the development will have adverse affects on the property valuesbe effected.

There being no further comments, Mayor Dunn declared the public hearing closed.

Motion by Councilmember Timothy Davis adopt ordinance as presented with Staff's recommendation on first reading, with second and final reading set for October 20, 2016 seconded by Councilmember Judy Morales.

Councilmember Perry Cloud abstained. The other Councilmembers voted aye. The motion passed.

V. REGULAR AGENDA

At this time Mayor Dunn stated he would read item 13, and take the rest of the agenda out of order.

RESOLUTIONS

13. 2016-8390-R: Consider adopting a resolution authorizing a services agreement with LIT Consultants, LLC, in the amount of \$22,500, for the completion of ASHRAE Level II Energy Audits at multiple City facilities.

Ashley Williams, General Services Manager presented this item to the Council. The project will result in the performance of an ASHRAE Level II Energy Audit, performed by an experienced Certified Energy Manager and a Professional Engineer. Staff is currently evaluating numerous facility improvement projects that have the option to be funded through the State Energy Conservation Office LoanSTAR Revolving Loan Program. In order to apply energy audits must be completed.

In FY 2016 staff had the following buildings assessed, under a previous agreement totaling \$15,000, (1) police station; (2) Santa Fe Depot; (3) Animal Shelter; (4) Mayborn Convention Center; and (5) Library. These buildings were chosen based off of higher maintenance and energy costs. The provided Energy Audit report discussed a high level of information for staff to use in order to improve the operations, maintenance and energy use of the above City facilities. LIT Consulting, LLC discussed the option of funding projects through the SECO LoanSTAR program. The program finances energy-related cost-reduction retrofits through low-interest rate loans to assist borrowers in financing their energy-related cost-reduction efforts. In the next three years the City has numerous HVAC and lighting upgrade/replacement projects that can be funded through this program, enabling the City to be more proactive, increase comfort and save energy/funding.

In order to fully identify and account for future projects that are eligible under this program, staff is recommending to have Energy Audits completed on the following additional buildings, in the amount of \$22,500: (1)Historic Post Office; (2)City Hall; (3) Municipal Court/Utility Billing Office; (4) Summit Family Fitness; (5) Airport; (6) Service Center A, B, and C; (7) Gober Party House; (8) Central Fire Station; (9) Fire Stations 8, 2, 3, 4, 5, 6, and 7; (10) Sammons Golf Course - Club House and Indoor Pool; (11) Blackmon Center; (12) Patsy Luna Building; (13) PARD Shop; (14) Clarence Martin; (15) Code Enforcement.

The application for the SECO LoanSTAR program is due November 15, 2016. Therefore, work needs to begin as soon as possible in order to assess each potential project and complete the application. With the addition of the above buildings, the combined contracts total \$37,500. Therefore, staff is seeking approval of the additional contract. These services are being recommended without a competitive bidding process under the professional services exemption under the Local Government Code 252.022.

Motion by Councilmember Perry Cloud adopt resolution seconded by Councilmember Michael Pilkington.

Motion passed unanimously.

10. 2016-8387-R: Consider adopting a resolution authorizing a one-year renewal to a construction contract with APAC-Texas, Inc. of Cedar Park for FY2017 in an estimated annual amount of \$2,897,455 for the street overlay program.

Nicole Torralva, Director of Public Works, provided a brief overview of the program to the Council.She noted that authorization of this one year contract extension will provide continued street overlay improvements during FY2017 under the City's Street Legacy Program. On March 3, 2016, Council authorized a construction contract with APAC-Texas for the 2016 Overlay Program. The current contract expired on September 30, 2016. The original bid allowed for four additional one-year extensions. In order to renew the contract, the vendor must agree to hold their prices firm for an additional year, which they are willing to do.

Staff is pleased with the services provided by APAC-Texas, and staff believes that the pricing is still a good value. Pavement assessment and evaluation criteria have been established to identify the roadways which will receive the maintenance work. Attached is the FY2017 Legacy Pavement Preservation Program Plan that outlines the anticipated roadways that will have overlay improvements installed during FY2017. It is important to note that this list is subject to change based on other capital project needs that may arise during the fiscal year.

The street overlay project was funded with the issuance of CO Bonds sold in January 2016. The overlay project was originally funded in the amount of \$5,425,000, which funded the street overlay project for FY2016 and FY2017.

Motion by Councilmember Timothy Davis adopt resolution seconded by Councilmember Judy Morales.

Motion passed unanimously.

11. 2016-8388-R: Consider adopting a resolution authorizing a Construction Manager-at-Risk guaranteed maximum price construction contract with RM Rodriguez Construction, LP, of Temple in the amount of \$1,577,100 for the renovations to Sammons Community Center.

Chuck Ramm, Assistant Director of Parks and Recreation Services presented this item to the Council. On November 5, 2015, Council authorized the use of the Construction Managerat-Risk (CMAR) delivery method for two projects approved in the 2015 Parks Bond: renovations to the Wilson Park Recreation Center and the Sammons Community Center. Then on February 18, 2016, Council authorized a CMAR contract for both projects with RM Rodriguez Construction, LP, (RMR) with the following fees related to the Sammons Community Center project: pre-construction phase fee of \$2,500, on-site management fee (general conditions) of \$7,425 per month for three months and \$8,325 per month for the final three months, and a profit and overhead fee (construction phase services fee) of 2.75%.

On September 19, 2016, RMR opened proposals for the construction services for the Sammons Community Center project, and has presented to the City a proposed Guaranteed Maximum Price (GMP) proposal in the amount of \$1,577,100. The GMP includes general condition fees and a construction phase service fee of \$47,250 and \$41,540, respectively.

The Sammons Community Center project includes the following: the addition of an approximate 2,000 sf community room in the northwest corner of the facility, the addition of an approximate 2,900 sf Trex deck off of the Morris Ballroom, the incorporation of several of the patio areas into interior space on the east side of the facility, flooring replacement throughout the facility, roof replacement, parking lot and vehicular entrance improvements (including the removal of the tennis courts), and other interior improvements throughout.

It is anticipated that the Wilson Park Recreation Center will close to the public by October 31, 2016, to allow for the 6-month renovation project to commence by November 1, 2016. It is anticipated that the project will be complete by April 30, 2017, at which time it will re-open to the public.

The remaining GO Bond funds will be used to purchase furniture and technology items necessary to complete the Sammons Community Center project.

Mayor Pro Tem Cloud abstained; while all other voted in favor.

Motion by Councilmember Michael Pilkington adopt resolution seconded by Councilmember Perry Cloud.

Motion passed unanimously.

8. 2016-4768: FIRST READING – PUBLIC HEARING. Consider adopting an ordinance amending Chapter 16 of the Code of Ordinances to delete Article VIII, "Tattoo Shops."

Mayor Dunn read both items 8 & 9 for discussion.

Brian Chandler, Director of Planning presented this item to the Council. He reviewed the current standards in Section 16 as follows:

Sec. 16-108. Definitions. For the purposes of this article, the following words and phrases shall be construed as follows: <u>Tattooing or Tattoo</u> means the practice of marking the skin with indelible patterns or pictures by making punctures and inserting pigments by someone other than a licensed physician. <u>Tattoo</u> <u>operator</u> means any person, other than a licensed physician, who actually performs the work of tattooing, or who operates, conducts or manages a tattoo shop, whether actually performing the work of tattooing or not.

Sec. 16-109. Tattooing Prohibited. It shall be unlawful for any person within the city limits to operate a tattoo shop or engage in the practice or business of tattooing as a tattoo operator.

Sec. 5.1.1 Prohibited Uses C. Tattoo parlor; Current definition also applies to "permanent makeup" or "micropigmentation" or "intradermal cosmetics" (Consistent with the Texas Health and Safety Code); Body Piercing Studios (Code currently does not define; Not currently in the use table; Would be classified as "retail sales and service uses other than listed," which are allowed in NS, GR, C, LI and HI zoning districts).

Mr. Chandler then reviewed P&Z and Staff's recommendations as follows.

(1) Delete Chapter 16, Article VIII, "Tattoo Shops"

(2) New definitions for body piercing, body piercing studio, tattoo and tattoo studio

(3) Amend UDC to allow "Tattoo and Body Piercing Studios" according to the following:

(4) Location Standards (1) Allow in GR, C, LI and HI by right •1000' distance requirement between them (measured

from property lines) •1000' distance from schools (2) Prohibit in
I-35 Corridor Overlay and SIZ grant corridors
(5) Staff is recommending a separate handwashing station

Staff also added additional requirement for location standards for tattooing, body piercing or permanent makeup (1) Allow in C, LI and HI by right •1000' distance requirement between them (measured from property lines) •1000' distance from schools •1000' distance from churches (2) Prohibit in I-35 Corridor Overlay and SIZ grant corridors; and (3) Allow in GR by right only if part of a licensed beauty salon (licensed by TDLR) providing at least 1 additional salon service regulated by TDLR.

Mayor Dunn declared the public hearing open with regard to agenda items 8 & 9 and asked if anyone wished to address either of these items.

Mr. Milton Hensley, 301 Mitchell Drive spoke against this ordinance change.

Christopher Simmons, 2710 Prime Rose Trial (owner Lucky in Love Tattoo) addressed the Council. He asked for favorable consideration for this change as he believes it is his Constitutional right to express art in this manner. He also asked the Council for equal and fair treatment for studios.

JD Zeptner addressed the Council with concerns for the hours of operation?

There being no further comments, Mayor Dunn declared the public hearing closed.

Mayor Pro Tem Cloud noted this issue has been on the table for many years, and he still has concerns. But at this time we need to establish the regulations and set them in place.

Mayor Dunn noted that Mr. Simmons is correct, this is a First Amendment issue. We as the council took an oath to defend the Constitution.

Councilmember Pilkington commented, there are many inturpretations of the Constitution, but allowing the right to have a place to express yourself is not part of the Constitutional Amendment.

Motion by Councilmember Judy Morales adopt ordinance as presented on first reading, with second and final reading set for October 20, 2016 seconded by Councilmember Perry Cloud.

Councilmember Timothy Davis and Councilmember Michael Pilkington voted nay. The other Councilmembers voted aye. The motion passed.

2016-4769: FIRST READING – PUBLIC HEARING – Z-FY-16-9. 23: Consider adopting an ordinance authorizing amendments to Temple Unified Development Code: Article 5 – Use Standards, deleting "tattoo parlor" as a prohibited use; allowing Body Piercing Studios and Tattoo Studios by right in Light Industrial, Heavy Industrial, General Retail, Commercial zoning districts; providing certain and limitations; Article 6 – Special Purpose and Overlay Zoning Districts, prohibiting body Piercing Studios and Tattoo Studios in the Interstate 35 Corridor Overlay; and Article 11 - Definitions, providing definitions for Body Piercing, Body Piercing Studio, Tattoo, and Tattoo Studio.

Motion by Councilmember Judy Morales adopt ordinance as presented and recommended by Staff with the following changes:

(1) amend UDC to allow "Tattoo and Body Piercing Studios" according to the following location standards: (1) Allow by right in C, LI, and HI with 1000' distance between another like establishment and (2) 1000' distance between churches and schools;

(2) Prohibit in the I-35 Corridor Overlay and SIZ grant corridors; and

(3) Allow by right in GR only if part of a licensed (by TDLR) beauty salon providing at least one additional salon service regulated by TDLR; with second and final reading set for October 20, 2016 seconded by Councilmember Perry Cloud.

Councilmember Timothy Davis and Councilmember Michael Pilkington voted nay. The other Councilmembers voted aye. The motion passed.

12. 2016-8389-R: Consider adopting a resolution authorizing the purchase of six properties necessary for the construction of the proposed Santa Fe Plaza, authorizing closing costs associated with the purchases, and authorizing the payment of relocation expenses.

Kayla Landeros, City Attorney presented this item to the Council. The City is currently in the design phase for the proposed Santa Fe Plaza. The design requires the acquisition of 19 parcels from 13 different property owners. Appraisals and relocation studies, if required, have been performed on the parcels. On March 3, the City Council authorized the purchase of 10 parcels, in an amount not to exceed \$813,804. On March 17, the City Council authorized the purchase of three additional parcels, in an amount not to exceed \$525,000. Staff is asking for authorization to purchase the six remaining properties, pay closing costs, and pay any relocation expenses that may be required by law.

Funding is available in the Reinvestment Zone No. 1 Financing and Project Plans, Line 404, account 795-9500-531-6870, project 101008, Santa Fe Plaza, to fund the purchase of six properties necessary for the construction of the Santa Fe Plaza.

Motion by Councilmember Timothy Davis purchase of the properties located at 10 south 7th Street, 14 South 7th Street, and 402 West Avenue A, pay any closing costs associated with the purchases, and pay any relocation expenses required by law, in an amount not to exceed \$890,000 seconded by Councilmember Perry Cloud.

Motion passed unanimously.

Motion by Councilmember Timothy Davis purchase the properties located at 2 North 5th Street, 8 North 5th Street, and 314 West Central Avenue and pay any closing costs associated with the purchase in an amount not to exceed \$674,500. seconded by Councilmember Perry Cloud.

Mayor Daniel A. Dunn voted nay. The other Councilmembers voted aye. The motion passed.

ATTEST:

Daniel A. Dunn, Mayor

Lacy Borgeson City Secretary



COUNCIL AGENDA ITEM MEMORANDUM

10/20/16 Item #4(B) Consent Agenda Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney Christina Demirs, Deputy City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of portions of two properties necessary for the expansion of Old Howard Road and Moores Mill Road and authorizing closing costs associated with the purchases, in an amount not to exceed \$36,500.

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. Several appraisals have been completed and others are in the review process. 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 six 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. On July 7, 2016, Council authorized the purchase of right-of-way from two additional properties and the payment of closing costs, in an amount not to exceed \$320,000. On September 15, 2016, Council authorized the purchase of a portion of one property and the payment of closing costs in an amount not to exceed \$197,000. At this time, Staff is asking for authorization to purchase portions of two properties and the payment of closing costs in an amount not to exceed \$36,500. The addresses of the properties to be acquired are 1700 Moores Mill Road and 4386 Old Howard Road.

FISCAL IMPACT: Funding for the purchase of portions of the property located at 1700 Moores Mill Road is appropriated in Account # 795-9800-531-6863, Project # 101000.

Funding for the purchase of portions of the property located at 4386 Old Howard Road is appropriated in Account # 795-9800-531-6864, Project # 101001.

ATTACHMENTS:

Resolution

RESOLUTION NO. 2016-8391-R

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 AND MOORES MILL ROAD, AUTHORIZING THE PAYMENT OF CLOSING COSTS ASSOCIATED WITH THE PURCHASES IN AN AMOUNT NOT TO EXCEED \$36,500; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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, several appraisals have been completed and others are in the review process - offers have been made to several of the property owners based upon those appraisals with the remaining offers to be presented in the coming weeks;

Whereas, for those properties that will require relocation, the City's consultant is preparing the necessary relocation studies;

Whereas, agreements have been reached with six 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;

Whereas, 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; on July 7, 2016, Council authorized the purchase of right-of-way from two additional properties and the payment of closing costs; and on September 15, 2016, Council authorized the purchase of a portion of one property and the payment of closing;

Whereas, Staff recommends Council authorize the purchase of a portion of two properties and the payment of closing costs in an amount not to exceed \$36,500 - the addresses of the properties are:

1700 Moores Mill Road

4386 Old Howard Road;

Whereas, funding for the purchase of a portion of 1700 Moores Mill Road is available in Account No. 795-9800-531-6863, Project No. 101000;

Whereas, funding for the purchase of a portion of 4386 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:

<u>**Part 1:**</u> The City Council authorizes the purchase of a portion of two properties necessary for the expansion of Old Howard Road and Moores Mill Road located at 1700 Moores Mill Road and 4386 Old Howard Road, and authorizes closing costs associated with the purchases, in an amount not to exceed \$36,500.

<u>**Part 2:**</u> 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.

<u>**Part 3:**</u> 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 **20th** day of **October**, 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

10/20/16 Item #4(C) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Nicole Torralva, Public Works Director Lisa Sebek, Solid Waste Services Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of 1,272 plastic 96gallon garbage and recycling containers from Toter, Inc., of Statesville, NC, in the amount of \$57,267.52.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Each year the Solid Waste Division purchases new 96-gallon residential refuse containers both for new service and for regular container replacement, for both garbage and recycling services. This container purchase will provide for routine growth and normal container replacement. The recommended purchase is for 318 recycling containers with a hot stamp recycling symbol at a cost of \$44.15 per container, and 954 garbage containers at a cost of \$43.90 per container, plus \$1,347.22 for freight to Temple. The pricing is comparable to pricing obtained in recent years, and staff believes this to be a good value.

Toter, Inc. has been awarded National IPA Contract No. 120576-01 as awarded by the City of Tucson on January 31, 2013. Contracts awarded through National IPA have been competitively procured and meet the statutory procurements requirements for Texas municipalities. Per the terms of the National IPA contract, pricing is evaluated every three months for price adjustments based on current commodity prices.

The City has done business with Toter, Inc. and finds them to be a responsible vendor.

FISCAL IMPACT: Funding has been appropriated in the FY 2017 Operating Budget in the account as shown below:

Description	Account #	Budget	Proposed Expenditure
96 Gallon Carts	110-2330-540-2211	\$57,488	\$57,267.52

RESOLUTION NO. 2016-8392-R

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 \$57,267.52, FROM TOTER, INC. OF STATESVILLE, NORTH CAROLINA; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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 - this purchase will provide for routine growth and normal container replacement;

Whereas, the recommended purchase is for 318 recycling containers with a hot stamp recycling symbol at a cost of \$44.15 per container, and the purchase of 954 garbage containers at a cost of \$43.90 per container, plus \$1,347.22 for freight - Staff believes this to be a good cost per container and recommends Council authorize this purchase;

Whereas, Toter, Inc. has been awarded National IPA Contract No. 120576-01 by the City of Tucson on January 31, 2013 - contracts awarded through National IPA have been competitively procured and meet the statutory procurements requirements for Texas municipalities;

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 this purchase 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:

<u>**Part 1:**</u> The City Council authorizes the purchase of 1,272 plastic, 96-gallon garbage and recycling containers, in the amount of \$57,487.52 from Toter, Inc., of Statesville, North Carolina, utilizing the National IPA Cooperative Contract.

<u>**Part 2:**</u> 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.

<u>**Part 3:**</u> 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 **20th** day of **October**, 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

10/20/16 Item #4(D) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Kevin Beavers, Parks and Recreation Director Kirk Scopac, Interim Fleet Services Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of two Toro Groundsmaster 5900 mowers from Professional Turf Products, L.P. of Euless, in the amount of \$183,534.35.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Authorization of this purchase will enable the replacement of two aging Toro 580D movers that assist in mowing 60 plus City parks, roadways, medians, open spaces, overpasses and City facilities with two Toro 2016 Groundmaster 5900 mowers.

This purchase is being recommended utilizing BuyBoard Contract #447-14 awarded to Professional Turf Products, LP. Contracts awarded through BuyBoard have been competitively procured and meet the statutory procurement of requirements for Texas municipalities.

FISCAL IMPACT: Funding for the purchase of two Toro Groundsmaster 5900 mowers is available in account 110-5935-552-6222, project #101529 and #101530, in the amount of \$183,535, as follows:

Project Budgets	\$ 185,000
Two (2) Toro Groundsmaster 5900 Mowers	(183,535)
Remaining Project Funds	\$ 1,465

ATTACHMENTS:

Resolution

RESOLUTION NO. 2016-8393-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF TWO TORO GROUNDSMASTER 5900 MOWERS, IN THE AMOUNT OF \$183,534.35, FROM PROFESSIONAL TURF PRODUCTS, LP OF SAN ANTONIO, TEXAS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Staff recommends the replacement of two aging Toro 580D mowers that assist in the mowing of 60 plus City parks, roadways, medians, open spaces, overpasses and City facilities with two Toro Groundsmaster 5900 mowers;

Whereas, this purchase is being recommended utilizing BuyBoard Contract No. 447-14 awarded to Professional Turf Products, LP of San Antonio, Texas - contracts awarded through BuyBoard have been competitively procured and meet the statutory procurement requirements for Texas municipalities;

Whereas, Staff has purchased through Professional Turf Products, L. P., of San Antonio, Texas, in the past and have found them to be a responsible vendor;

Whereas, funding for this purchase is available in Account No. 110-5935-552-6222, Project No. 101529 and Project No. 101530; 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 two Toro Groundsmaster 5900 mowers, in the amount of \$183,534.35 from Professional Turf Products, LP of San Antonio, Texas utilizing BuyBoard Contact No. 447-14.

<u>**Part 2:**</u> 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.

<u>**Part 3:</u>** 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.</u>

PASSED AND APPROVED this the **20th** day of **October**, 2016.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

APPROVED AS TO FORM:

ATTEST:

Kayla Landeros City Attorney

Lacy Borgeson City Secretary



COUNCIL AGENDA ITEM MEMORANDUM

10/20/16 Item #4(E) **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 authorizing change order #3 to the contract with Nelson Lewis, Inc. of Marble Falls, to deduct \$27,700 from the construction contract for the North 3rd Street and East Adams Avenue Water Line Improvements.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On November 6, 2014, Council authorized an agreement with Walker Partners for \$175,660 for professional services to replace 2" water lines along East Adams Avenue from 16th to 36th, replace 2" water mains along both sides of North 3rd Street from Irvin to Nugent, and replace a 2" water main between North 3rd Street and North 1st Street from Elm to Irvin (maps attached).

On December 17, 2015, Council authorized a construction contract with Nelson Lewis for \$1,595.637.

On June 16, 2016 and June 24, 2016, additive change orders #1 and #2 were approved for \$7,085.32 and \$5,000.

Change order #3 proposes the following additions and deductions:

Total Additions	\$17,500	
Asphalt Surface Replacement Service Tap	\$1,650 <u>\$250</u>	
Relocate of Water Meter & Reconnect Service	\$15,600	

10/20/16 Item #4(E) Consent Agenda Page 2 of 2

Remove Concrete Curb & Gutter	(\$200)
Concrete Curb & Gutter	(\$ 800)
Fire Hydrant Assembly	(\$6,200)
8" X 6" Tapping Sleeve & Valve	(\$20,000)
8" Resilient Seat Gate Valve	(\$1,800)
8" 45 Degree Bend	(\$2,000)
8" 22.5 Degree Bend	(\$1,000)
Foreign Fitting Credit	<u>(\$13,200)</u>
Total	Deductions <u>(\$45,200)</u>
Net Ch	nange Order (\$27,700)

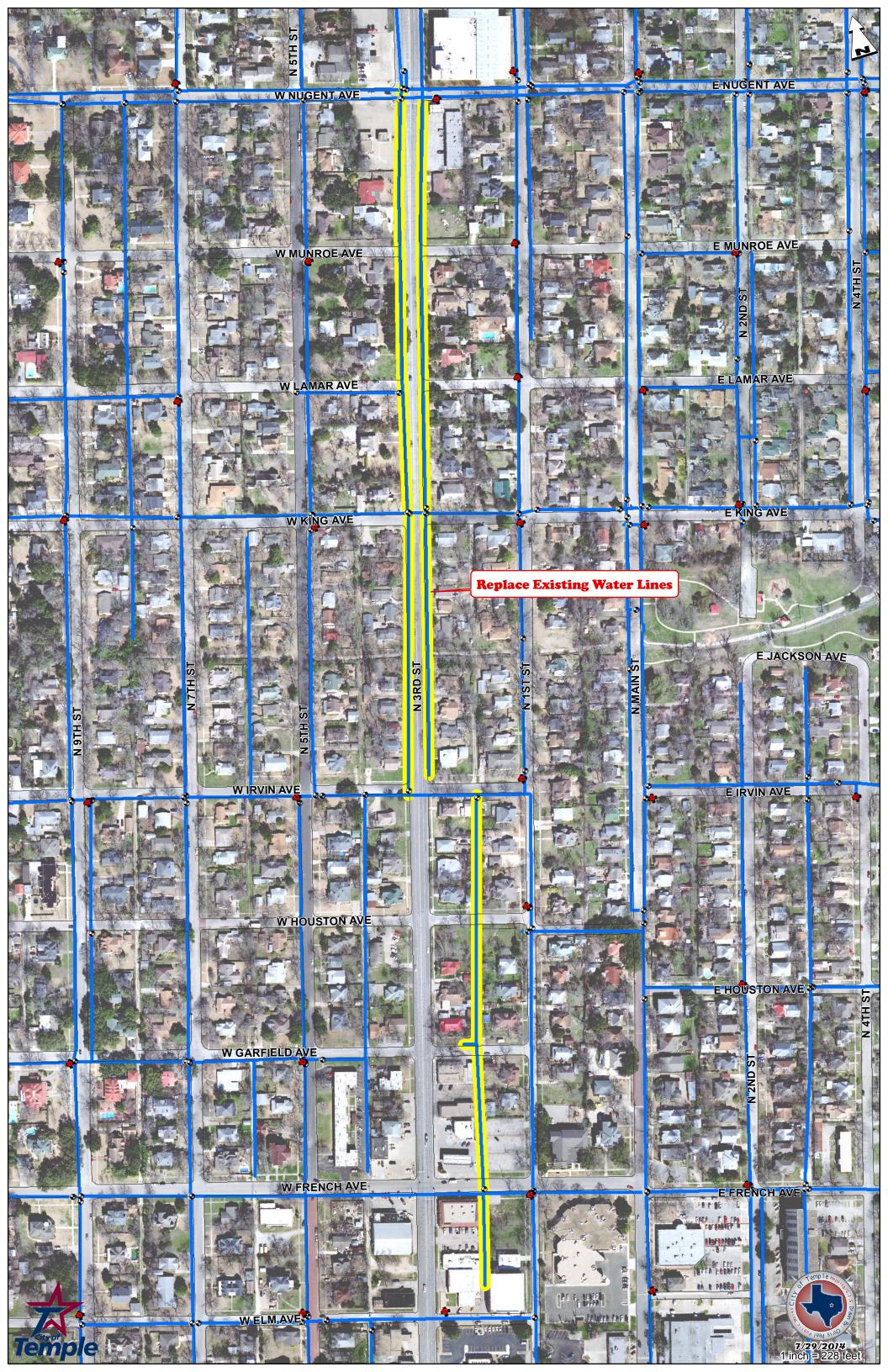
The previous change orders and this proposed deduction result in a net 0.98% decrease to the original contract amount. A Recommendation Letter and Change Order Form are attached. City Staff agrees with the Engineer that these changes are necessary and recommends the approval of this change order.

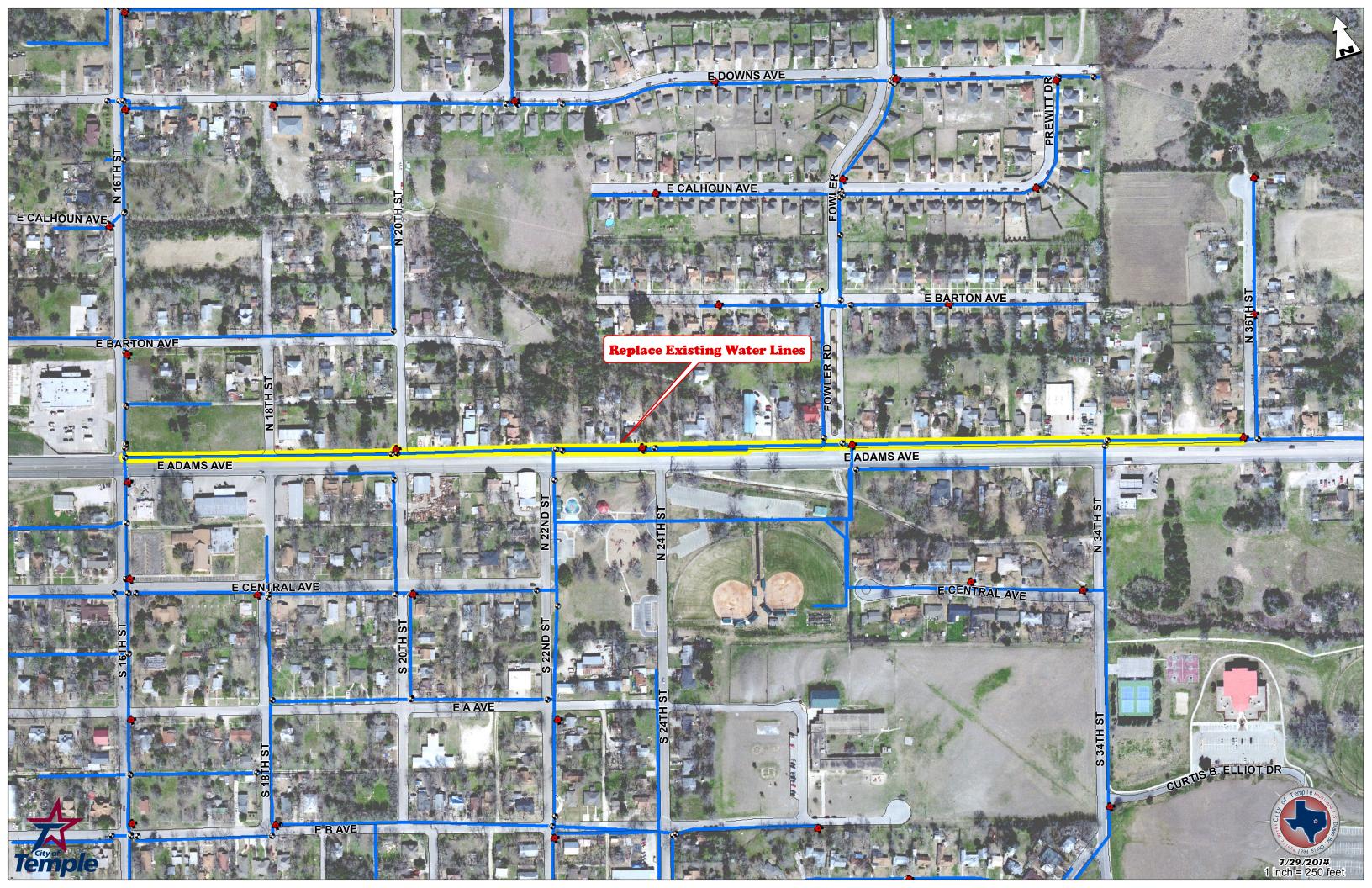
FISCAL IMPACT: The savings from the deductive change order in the amount of \$27,700 will be realized as shown below:

	561-5200-535-6952 Project 101200		561-5200-535-6953 Project 101205		Total	
Project Budget Encumbered/Committed to Date	\$	1,131,861 (1,140,951)	\$	694,063 (684,413)		1,825,924 ,825,364)
Change Order #3 - Nelson Lewis		37,350		(9,650)	,	27,700
Remaining Project Funds	\$	28,260	\$	-	\$	28,260

ATTACHMENTS:

Project Maps Recommendation Letter Change Order Form Resolution







2100 Trimmier Rd., Suite 102 Killeen, Texas 76541

September 26, 2016

City of Temple 3210 E. Avenue H, Building A Temple, TX 76501

Attn: Diego Yorsky Project Manager

Re: Water Main Replacement CIP North 3rd Street and East Adams Ave. Project – Change Order No. 003 Project No.: 2-01521

Dear Mr. Yorsky:

We have reviewed the attached Change Order No. 003 for the above mentioned project and have provided justifications below.

Increase in Items #1.10, 1.14, and CO3-1:

During the course of constructing the water mains in this project, unknown additional water service lines and meters, were discovered and were required to be connected to the new water mains. 13 EA Relocation of Water Meters & Reconnection of Water Service Lines were required to make the necessary connections. One of the necessary connections was provided water service to a residence on 1st Street, which required work as part of 1 EA - item CO3-1 Service Tap. The addition of a service connection near the corner of Adams Avenue and 20th Street disturbed more pavement than was estimated. 11 SY of Asphalt Surface Replacement was required to replace the additional disturbed pavement.

Decrease in Items #1.15, 1.16, 2.02, 2.05, 2.08, 2.11, 2.12, and CO3-2:

Field adjustments were made to the alignments of the water mains during construction. The field adjustments provided the opportunity to remove ancillary work. The alignment of water main constructed in the Alley, was able to be straightened, removing the need for the 8" 45 Degree Bends (4 EA) and the 8" 22.5 Degree Bends (2 EA). While constructing the water mains, the Contractor was able to cross the existing curbs without need of removal and replacement deleting Removal of Concrete Curb & Gutter (40 LF) and Concrete Curb & Gutter (40 LF).

During construction, it was discovered that an existing fire hydrant was located a short distance away from the planned location of a proposed fire hydrant. The proposed fire hydrant would serve little to no benefit for the City of Temple and was removed. The Fire Hydrant Assembly (1 EA) on the Southeast corner of 3rd Street and Nugent Avenue has been deleted.

www.WalkerPartners.com

During the calculation of final quantities, the bid schedule had overages on two bid items. The following overage in bid quantities was not installed and will be deleted: 8"x6" Tapping Sleeve & Valve (4 EA) and 8" Resilient Seat Gate Valve (1 EA).

During construction several foreign ductile iron fittings were mistakenly delivered and installed as part of the completed water mains. After the fittings were identified, it was brought to the City's and Contractor's attention. The installed fittings specifications were reviewed; all technical and structural specifications were comparable. The fittings were found to be acceptable by the City. Based upon the inconvenience and labor costs, for both the Contractor and the City to schedule water service shut downs, to replace the fittings; the Contractor and the City agreed to a Foreign Fitting Credit (1 EA).

Sincerely,

L. Kehl P.E.

Nicholas Kohel, PE Water Main Replacement CIP North 3rd Street and East Adams Ave. Project

NLK:nlk

Change Order No. 003

Cc: Project File

CHANGE ORDER

PROJECT: Water Main Replacement – C.I.P. North 3rd & East Adams Ave. OWNER: City of Temple CONTRACTOR: Nelson Lewis, Inc. ENGINEER: Walker Partners, LLC CHANGE ORDER #: Three (3)

Make the following additions, modifications or deletions (circle those that apply) to the work described in the Contract Documents:

ADD: Item #	Description	Ouantity	Unit	Unit Cost	Total
<u>1.10</u>	Relocation of Water Meter &	<u>13</u>	EA	\$1,200.00	\$15,600.00
1.10	Reconnect Water Service Line	15	LA	\$1,200.00	\$15,000.00
1.14	Asphalt Surface Replacement	11	SY	\$150.00	\$1,650.00
CO3-1	Service Tap	1	EA	\$250.00	\$250.00
005-1	bervice rup	1	1271	φ250.00	<u> </u>
			Total A	dditions	\$17,500.00
DEDUCT:					
Item #	Description	Quantity	Unit	Unit Cost	Total
1.15	Removal of Concrete Curb & Gutter	(40)	LF	\$5.00	(\$200.00)
1.16	Concrete Curb & Gutter	(40)	LF	\$20.00	(\$800.00)
2.02	Fire Hydrant Assembly	(1)	EA	\$6,200.00	(6,200.00)
2.05	8" x 6" Tapping Sleeve & Valve	(4)	EA	\$5,000.00	(20,000.00)
2.08	8" Resilient Seat Gate Valve	(1)	EA	\$1,800.00	(1,800.00)
2.11	8" 45 degree Bend	(4)	EA	\$500.00	(\$2,000.00)
2.12	8" 22.5 Degree Bend	(2)	EA	\$500.00	(\$1,000.00)
CO3-2	Foreign Fitting Credit	(1)	LS	\$13,200.00	<u>(\$13,200.00)</u>
			Total D	eductions	(\$45,200.00)
			Change	Order Total =	(\$27,700.00)

The compensation agreed upon in this Change Order is full, complete and final payment for all costs the Contractor may incur as a result of or relating to this change whether said costs are known, unknown, foreseen or unforeseen at this time, including without limitation, any cost for delay (for which only revised time is available), extended overhead, ripple or impact cost, or any other effect on changed or unchanged work as a result of this Change Order.

Original Contract Amount:	\$_ <u>1,595,637.00</u>
Previous Change in Contract Amount:	\$ <u>12.085.32</u>
Change in Contract Amount:	\$ <u>(27,700.00)</u>
Revised Contract Amount:	\$ <u>1,580,022.32</u>
Original Contract Time:	<u>180</u> Days
Previous Change in Contract Time:	<u> 13 Days </u>
Change in Contract Time:	<u>34</u> Days
Revised Contract Time:	227Days
Original Final Completion Date:	08-07-2016
Revised Final Completion Date:	<u>09-30-2016</u>

Recommended by:		Recommended by:				
Project Manager (City Staff)	Date	Architect/Engineer	Date			
Agreed to:		Approved by City of Temple:				
Contractor	Date	Jonathan Graham, City Manager	Date			
Approved as to form:		Approved by Finance Departmer	ıt:			
City Attorney's Office	Date	Finance	Date			

RESOLUTION NO. 2016-8394-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING CHANGE ORDER NO. 3, IN THE DEDUCTIVE AMOUNT OF \$27,700, TO THE CONSTRUCTION CONTRACT WITH NELSON LEWIS, INC. OF MARBLE FALLS, TEXAS FOR CONSTRUCTION OF THE NORTH 3RD STREET AND EAST ADAMS AVENUE WATER LINE IMPROVEMENTS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on November 6, 2014, Council authorized an agreement with Walker Partners for professional services to replace 2-inch water lines along East Adams Avenue from 16th Street to 36th Street, replace 2-inch water mains along both sides of North 3rd Street from Irvin to Nugent, and replace a 2-inch water main between North 3rd Street and North 1st Street from Elm to Irvin;

Whereas, on December 17, 2015, Council authorized a construction contract with Nelson Lewis for construction of the North 3rd Street and East Adams Avenue Water Line Improvements in the amount of \$1,595,637;

Whereas, on June 16, 2016 and June 24, 2016, additive Change Orders No. 1 and No. 2 were approved for \$7,085.32 and \$5,000 - Change Order No. 3 proposes the following additions and deductions:

Relocation of Water Meter and Recon	nect Services	\$15,600
Asphalt Surface Replacement		\$ 1,650
Service Tap		\$ 250
Remove Concrete Curb & Gutter		\$ (200)
Concrete Curb & Gutter		\$ (800)
Fire Hydrant Assembly		\$ (6,200)
8" X 6" Tapping Sleeve & Valve		\$(20,000)
8" Resilient Seat Gate Valve		\$ (1,800)
8" 45 Degree Bend		\$ (2,000)
8" 22.5 Degree Bend		\$ (1,000)
Foreign Fitting Credit		<u>\$(13,200)</u>
Net Change Order:	\$(27,700)	

Whereas, the previous change orders and this proposed deduction, will result in a net 0.98% decrease to the original contract amount - Staff recommends Council approve Change Order No. 3;

Whereas, the savings from the deductive change order will be realized in Account No. 561-5200-535-6952, Project No. 101200 and Account No. 561-5200-535-6953, Project No. 101205; 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:

<u>**Part 1:**</u> The City Council authorizes the City Manager, or his designee, after approval as to form by the City Attorney, to execute Change Order No. 3, in the amount of \$27,700, to the construction contract with Nelson Lewis, Inc. of Marble Falls, Texas, for construction of the North 3^{rd} Street and East Adams Avenue Water Line Improvements.

<u>**Part 2:**</u> 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 **20th** day of **October**, 2016.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson City Secretary Kayla Landeros City Attorney



10/20/16 Item #4(F) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing a contract with TMI Coatings, Inc. of St. Paul, MN, for a lump sum price of \$344,400, for construction services required to rehabilitate Water Treatment Plant Clarifiers #1 and #2.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The City of Temple owns a water treatment plant located on the north side of the Leon River just off Charter Oak Drive. The plant consists of a conventional water treatment train and a membrane water treatment train. The conventional train is an aging facility that has been renovated and expanded several times since its construction in 1957. Clarifiers #1 and #2 are the oldest of the four clarifiers and need rehabilitation and recoating of the aged concrete and metal surfaces.

On October 6th, six bids were received for the rehabilitation of Clarifiers #1 and #2. Per the attached Recommendation Letter & Bid Tab prepared by Kasberg, Patrick & Associates, TMI submitted the low base in the amount of \$307,400. It is KPA's and staff's recommendation to award the base bid plus Add Alternate #2, which includes priming and painting the exterior of the clarifiers in the amount of \$37,000, for a total recommended bid award of \$344,400.

City Staff and the Engineer agree that TMI is qualified to complete this project and recommend award of a construction contract for the Base Bid plus Add Alternate #2 totaling \$344,400. Construction time allotted for this project is 160 calendar days with the requirement that only one clarifier can be out of service at a time.

FISCAL IMPACT: Funding is available in account 520-5100-535-6310, project #101571, for TMI Coatings, Inc. for construction services to rehabilitate Water Treatment Plant Clarifiers #1 and #2 for \$344,400 as follows:

Remaining Project Funds	\$ 405,600
TMI Coatings, Inc.	(344,400)
Encumbered/Committed to Date	(31,483)
Project Budget	\$ 781,483

ATTACHMENTS: Recommendation Letter & Bid Tab Project Map Resolution



Temple One South Main Street Temple, Texas 76501 (254) 773-3731 KASBERG, PATRICK & ASSOCIATES, LP

CONSULTING ENGINEERS Texas Firm F-510

> 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

<u>Georgetown</u> 1008 South Main Street Georgetown, Texas 78626 (512) 819-9478

October 11, 2016

Mr. James Billeck, P.E. 3210 E. Avenue H Building A Temple, Texas 76501

Re: City of Temple, Texas Water Treatment Plant Rehabilitation of Clarifiers 1 & 2

Dear Mr. Billeck:

On October 6, 2016, the City of Temple received competitive bids from six (6) contractors for the Rehabilitation of Clarifiers 1 &2 at the Water Treatment Plant. In addition to the Base Bid, this project also contained add alternates for the interior and exterior of the concrete clarifiers. The attached Bid Tabulation shows TMI Coatings, Inc. of St. Paul, Minnesota, as the low bidder at \$307,400.00 for the Base Bid and \$344,400.00 for the Base Bid and Add Alternate 2. Fab Tech Wastewater Solutions, LLC of O'Fallon, Missouri is the low bidder for the Bae Bid and Add Alternates 1 and 2. The bids ranged from these low bids to \$1,159,000.00. Our final opinion of probable construction cost was \$500,000.

Based on our review of the bids and discussions with City Staff, we recommend award of the Base Bid and Add Alternate 2 (exterior of clarifiers). TMI Coatings, Inc. successfully completed a similar rehabilitation on Clarifier 4 at the City of Temple Water Treatment Plant and we have also verified additional reference information provided. Therefore, we recommend that a contract be awarded to TMI Coatings, Inc. for the Rehabilitation of Clarifiers 1 & 2 in the amount of \$344,400.00.

Sincerely,

Albert

Ginger R. Tolbert, P.E.

xc: Ms. Belinda Mattke, City of Temple 2016-133-40

BID TABULATION CITY OF TEMPLE REHABILITATION OF CLARIFIERS 1 & 2 October 6, 2016; 2:00 PM

			ſ	BIDDER INFORMATION											
			ł	TMI Coati	TMI Coatings, Inc Fab Tech Wastewater Solutions LLC JNA Painting & Contracting Co., Inc. Classic Protective Coatings Inc NG Painting LP Blastco Texas I							s Inc			
				3291 Termi	0,	865 Midpo	the second se	PO Box 2	0 /	N7670 State Hig	hway 25	1225 Bandera	Hwy Ste A2	16701 Wood	Drive
				St Paul M		O'Fallon M	and a second	Baltimore M	10 W 1927	Menomonie W		Kerrville T		Channelview TX	X 77530
Bid	Estimated	Unit	Bid Data	Unit	Extended	Unit	Extended	Unit	Extended	Unit	Extended	Unit	Extended	Unit	Extended
No.	Quantity		Description	Price	Amount	Price	Amount	Price	Amount	Price	Amount	Price	Amount	Price	Amount
BASE E		Helling Stars													
1	100%	LS Mo	bilization, Bonds & Insurance, not-to-exceed 5% of Base Bid Amount	\$ 14,500.00	\$ 14,500.00	\$ 14,000.00 \$	5 14,000.00	\$ 21,000.00 \$	21,000.00	\$ 20,000.00 \$	20,000.00 \$	1,000.00	\$ 1,000.00 \$	45,000.00 \$	45,000.00
2	100%	LS Vid	leo Taping Project Site Before the Start of Construction on Project	1,000.00	1,000.00	100.00	100.00	100.00	100.00	800.00	800.00	1,000.00	1,000.00	5,000.00	5,000.00
3	100%	LS Pres	essure wash, power tool clean & overcoat the upper portions of Clarifiers 1	26,000.00	26,000.00	96,000.00 *	\$ 96,000.00	40,900.00	40,900.00	69,200.00	69,200.00	60,000.00	60,000.00	70,000.00	70,000.00
4	100%	LS Abr	rasive blast, prime & paint the lower portions of Clarifiers 1 & 2	151,000.00	151,000.00	136,000.00 *	* 136,000.00	363,900.00	363,900.00	234,200.00	234,200.00	460,000.00	460,000.00	250,000.00	250,000.00
5	100%	LS Cor	ntain blast debris, from entering adjacent clarifiers & other treatment	48,000.00	48,000.00	2,450.00	2,450.00	3,500.00	3,500.00	15,000.00	15,000.00	40,000.00	40,000.00	100,000.00	100,000.00
6	100%	LS Ren	moval & replacement of all unistruts	9,000.00	9,000.00	2,400.00	2,400.00	2,000.00	2,000.00	3,000.00	3,000.00	25,000.00	25,000.00	5,000.00	5,000.00
7	16	EA Ren	moval & replacement of diffuser gates, as directed	750.00	12,000.00	1,325.00	21,200.00	437.50	7,000.00	450.00	7,200.00	1,000.00	16,000.00	4,000.00	64,000.00
8	24	EA Ren	moval & replacement of 18" section at end of each trough	275.00	6,600.00	1,400.00	33,600.00	312.50	7,500.00	500.00	12,000.00	500.00	12,000.00	2,500.00	60,000.00
9	100%	LS Rep	place existing catwalk ladder	7,500.00	7,500.00	2,600.00	2,600.00	2,500.00	2,500.00	2,000.00	2,000.00	2,000.00	2,000.00	10,000.00	10,000.00
10	50	VF Epo	oxy injection of the concrete walls for Clarifiers 1 &2	150.00	7,500.00	240.00	12,000.00	40.00	2,000.00	35.00	1,750.00	100.00	5,000.00	200.00	10,000.00
11	100%	LS Pow	wer tool clean, powerwash, & overcoat exposed piping & fittings	16,000.00	16,000.00	3,500.00	3,500.00	19,000.00	19,000.00	17,200.00	17,200.00	10,000.00	10,000.00	20,000.00	20,000.00
12	40	economico professione	form welding repairs, surface repairs & general repair work as deemed	170.00	6,800.00	140.00 *	5,600.00	150.00	6,000.00	130.00	5,200.00	150.00	6,000.00	250.00	10,000.00
13	100	Tube Peri	form caulking (Sika-flex 1A) work as deemed necessary	15.00	1,500.00	60.00	6,000.00	10.00	1,000.00	15.00	1,500.00	40.00	4,000.00	100.00	10,000.00
BASE	BID AMOU	NT - (Item	ns 1 - 13)		\$ 307,400.00	2	\$ 335,450.00	\$	476,400.00	\$	389,050.00		\$ 642,000.00	\$	659,000.00
Bid	Estimated	Unit	Bid Data	Unit	Extended	Unit	Extended	Unit	Extended	Unit	Extended	Unit	Extended	Unit	Extended
No.	Quantity		Description	Price	Amount	Price	Amount	Price	Amount	Price	Amount	Price	Amount	Price	Amount
ADD A	TERNATES	S. 6 - 8		100 C 1000		the second second		He constants	Contraction of the last	States and the states	Constant and the			State State States	
A-1	100%	LS Prep	pare surface, prime & paint interior of concrete walls & floor of Clarifiers 1 & 2	\$ 215,000.00	5 215,000.00	\$ 35,000.00 \$	35,000.00	\$ 50,000.00 \$	50,000.00	\$ 269,200.00 \$	269,200.00 \$	125,000.00	\$ 125,000.00 \$	450,000.00 \$	450,000.00
A-2	100%	LS Prep	pare surface, prime & paint exterior of concrete walls of Clarifiers 1 & 2	37,000.00	37,000.00	35,000.00	35,000.00	20,000.00	20,000.00	124,600.00	124,600.00	35,000.00	35,000.00	50,000.00	50,000.00

				BIDDER IN	FORMATION		
SUMMARY		TMI Coatings, Inc	NG Painting LP	Blastco Texas Inc			
SOMMART		3291 Terminal Drive	Fab Tech Wastewater Solutions LLC 865 Midpoint Dr	JNA Painting & Contracting Co., Inc. PO Box 26048	Classic Protective Coatings Inc N7670 State Highway 25	1225 Bandera Hwy Ste A2	16701 Wood Drive
				Baltimore MD 21224	Menomonie WI 54751	Kerrville TX 78028	Channelview TX 77530
		St Paul MN 55121	O'Fallon MO 63366	Baltimore MD 21224			
BASE BID	\$	307,400.00	\$ 335,450.00	\$ 476,400.00	\$ 389,050.00	\$ 642,000.00	\$ 659,000.00
ADD ALTERNATE BID ITEM A-1	\$	215,000.00	35,000.00	\$ 50,000.00	\$ 269,200.00	\$ 125,000.00	\$ 450,000.00
BASE BID	+ A-1 \$	522,400.00	\$ 370,450.00	\$ 526,400.00	\$ 658,250.00	\$ 767,000.00	\$ 1,109,000.00
BASE BID	\$	307,400.00	\$ 335,450.00	\$ 476,400.00	\$ 389,050.00	\$ 642,000.00	\$ 659,000.00
ADD ALTERNATE BID ITEM A-2	\$	37,000.00	\$ 35,000.00	\$ 20,000.00	\$ 124,600.00	\$ 35,000.00	\$ 50,000.00
BASE BID	+ A-2 \$	344,400.00	\$ 370,450.00	\$ 496,400.00	\$ 513,650.00	\$ 677,000.00	\$ 709,000.00
TOTAL BASE BID +A-1	+ A-2 \$	559,400.00	\$ 405,450.00	\$ 546,400.00	\$ 782,850.00	\$ 802,000.00	\$ 1,159,000.00
Did Bidder Acknowledge Addendum No. 1?		YES	YES	YES	YES	YES	YES
Did Bidder provide Bid Security?		YES	YES	YES	YES	YES	YES
Did Bidder provide required documents?		YES	YES	YES	YES	YES	YES

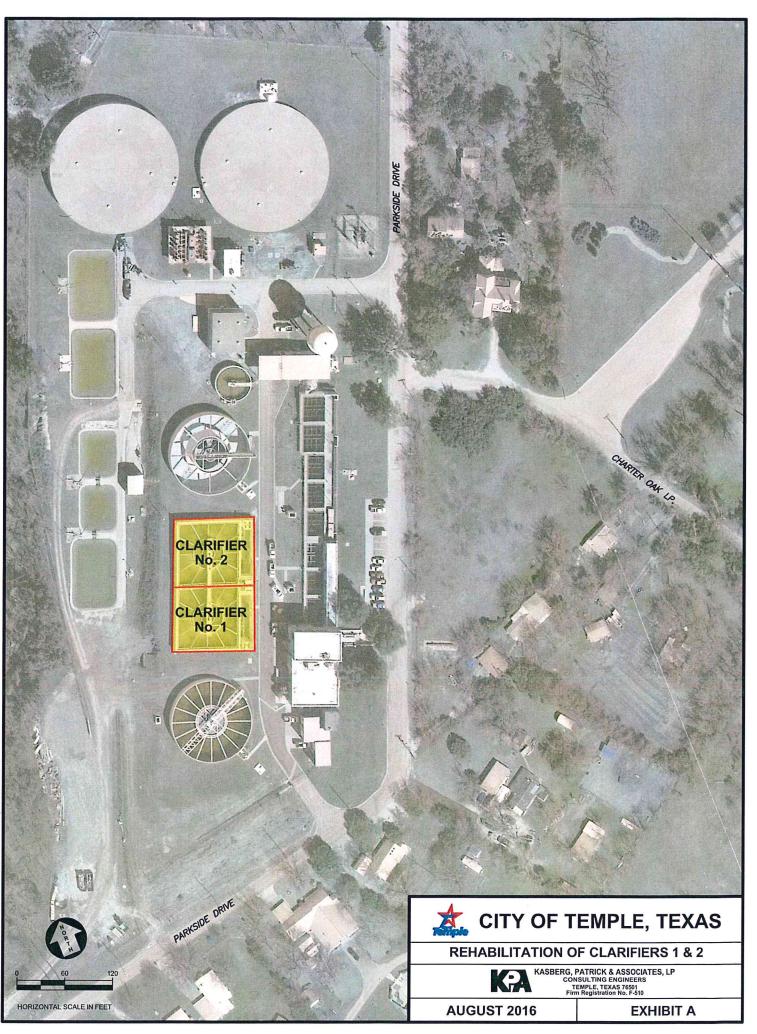
I hereby certify that this is a correct & true tabulation of all bids received

Elbert

Ginger R. Tolbert, PE Kasberg, Patrick & Associates, LP



.....



RESOLUTION NO. 2016-8395-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH TMI COATINGS, INC. OF ST. PAUL, MINNESOTA, IN THE LUMP SUM OF \$344,400, FOR CONSTRUCTION SERVICES REQUIRED TO REHABILITATE WATER TREATMENT PLANT CLARIFIERS NO. 1 & NO. 2; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City of Temple owns a water treatment plant located on the north side of the Leon River just off Charter Oak Drive that consists of a conventional water treatment train and a membrane water treatment train;

Whereas, the conventional train is an aging facility that has been renovated and expanded several times since its construction in 1957 – clarifiers 1 and 2 are the oldest of the four clarifiers and are in need of rehabilitation and recoating of the aged concrete and metal surfaces;

Whereas, on October 6, 2016, the City received six bids for the rehabilitation of the clarifiers with the low base bid, including selected Add Alternate 2, being received from TMI Coatings, Inc. of St. Paul, Minnesota, in the amount of \$344,400;

Whereas, Staff and the City's Engineer agree that TMI is qualified to complete this project and recommend Council authorize a construction contact for the Base Bid plus Add Alternate 2 totaling \$344,400 to TMI Coatings, Inc.;

Whereas, funding is available for this construction contract in Account No. 520-5100-535-6310, Project No. 101571; 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:

<u>**Part 1:**</u> The City Council authorizes the City Manager, or his designee, after approval as to form by the City Attorney, to execute a construction contract in the amount of \$344,400, with TMI Coatings, Inc. of St. Paul Minnesota, for construction services required to rehabilitate Water Treatment Plant Clarifiers 1 and 2.

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 **20th** day of **October**, 2016.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson City Secretary Kayla Landeros City Attorney



10/20/16 Item #4(G) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Alan DeLoera, Information Technology Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing high-speed data service during FY2017 through Grande Communications Networks LLC, of Dallas, in the estimated annual amount of \$75,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Grande Communications (formerly Centrovision) currently provides the City with high-speed data services to multiple City departments which include the Municipal Court, Utility Business Office, Fire Station 8, Public Works, Fleet Services, Purchasing, Mayborn Center, Animal Services, Wilson Park and Airport.

We currently use services through Grande Communications, Time Warner and ATT in an effort to avoid a catastrophic outage at all City facilities if we were only to use one company. We also use this plan successfully by having internet service provided by all three companies for backup due to the critical nature of providing access to Police, Fire, email services and other critical city applications

As part of our plan to diversify services we recommend to continue this contract with Grande as they already have the equipment and services at these locations.

FISCAL IMPACT: Funding for the services provided by Grande Communications Networks, LLC for high-speed data is available in the following accounts:

Account	Account Description			
110-1900-519-2610 520-5800-535-2610	Telephone/Communications Telephone/Communications	\$ \$	67,800 7,200	
	Total Funding Available	\$	75,000	

RESOLUTION NO. <u>2016-8396-R</u>

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING HIGH-SPEED DATA SERVICE, IN THE AMOUNT OF \$75,000, THROUGH GRANDE COMMUNICATIONS NETWORKS, LLC, OF DALLAS, TEXAS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Grande Communications (formerly Centrovision) currently provides the City with high-speed data services to multiple City departments which include the Municipal Court, Utility Business Office, Fire Station 8/EOC, Public Works, Fleet Services, Purchasing, Mayborn Center, Animal Services, Wilson Park and the Airport;

Whereas, in an effort to avoid a catastrophic outage to all City facilities, the City currently uses the services of three providers - Grande Communications, Time Warner and ATT - by having internet service provided by all three providers, this plan has been successful for backup due to the critical nature of providing access to Police, Fire, email services and other critical city applications;

Whereas, as part of the City's plan to diversify services, Staff recommends Council authorize high-speed data services through Grande Communications Networks, in the amount of \$75,000, for services to multiple City facilities;

Whereas, funds are available for these services in Account Nos. 110-1900-519-2610 and 520-5800-535-2610; and

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

Now, Therefore, Be it Resolved by the City Council of the City of Temple, Texas, That:

Part 1: The City Council authorizes high-speed data services, in the amount of \$75,000, through Grande Communications Networks, LLC of Dallas, Texas, for fiscal year 2017.

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

<u>**Part 3:**</u> 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 **20th** day of **October**, 2016.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson City Secretary

Kayla Landeros City Attorney



10/20/16 Item #4(H) Consent Agenda Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Alan DeLoera, Information Technology Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing the fourth year funding of a five year dedicated access services (Telephone and Data Service) agreement with Time Warner Cable Enterprises, LLC in the estimated annual amount of \$51,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The Information Technology department currently has many locations throughout the City that require multiple contracts with companies that provide telephone, internet and data services. One of these services that is provided is what are called "PRI" Circuits or Primary Rate Interfaces that provide 24 channels of voice lines. We also have data circuits that are provided through various companies. We currently use multiple vendors such as Grande, AT&T and Time Warner because we like redundancy among different city locations so that we do not lose services at all locations.

We currently have two PRI Circuits at City Hall and one at Service Center for redundancy purposes as well as a Data Circuit to our Summit Recreation Center which will provide at installing a data circuit at the Summit Recreation Center to replace our current circuit. The Summit has turned out to be an important City asset and we would like to provide the highest level of availability that is provided at other City locations like City Hall, Police, Fire Central, EOC, Service Center, Courts and Water Business Office among others. The city also has Internet provisional service with Time Warner cable that is redundant to our ATT Internet service.

We would still use AT&T at other locations around the City to have redundancy among providers.

<u>FISCAL IMPACT</u>: The Information Technology Department currently has funds budgeted in the following accounts:

Account	Description	mount vailable
110-1900-519-2610	Telephone/Communications	\$ 35,000
110-1900-519-2515	Subscriptions	\$ 10,500
110-4000-555-2515	Subscriptions	\$ 5,500
	Total Funding Available	\$ 51,000

ATTACHMENTS:

Resolution

RESOLUTION NO. <u>2016-8397-R</u>

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE FOURTH YEAR OF A FIVE-YEAR DEDICATED ACCESS SERVICE AGREEMENT WITH TIME WARNER CABLE, IN THE AMOUNT OF \$51,000, FOR TELEPHONE AND DATA SERVICE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Information Technology department has many locations throughout the City that require multiple contracts with companies that provide telephone, internet and data services – one of these services that is provided is Primary Rate Interfaces (PRI) that provides 24 channels of voice lines;

Whereas, current service is provided by Grande, AT&T and Time Warner Cable because the City prefers redundancy among different city locations so that there is no loss of service at all locations at one time;

Whereas, the City currently has two PRI circuits at City Hall and one at the Service Center for redundancy purposes as well as a data circuit at the Summit Recreation Center - the Summit has turned out to be an important City asset and we would like to provide the highest level of availability that is provided at other City locations;

Whereas, the City currently also has internet provisional service with Time Warner Cable which is redundant to our AT&T internet service – the City will still use AT&T at other locations around the City to continue having redundancy among providers;

Whereas, funds are available for this agreement in Account Nos: 110-1900-519-2610, 110-1900-519-2515, and 110-4000-555-2515; 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 fourth year of a Five-Year Dedicated Access Service Agreement with Time Warner Cable, in the amount of \$51,000, for telephone and data service.

<u>**Part 2:**</u> The City Manager or his designee, after approval as to form by the City Attorney, is authorized to execute any documents associated with this Agreement.

<u>**Part 2:**</u> 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 **20th** day of **October**, 2016.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson City Secretary Kayla Landeros City Attorney



10/20/16 Item #4(I) 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 between the City of Temple and Temple Economic Development Corporation for the conveyance of 14.868 acres of City-owned property located at 2575 Lucius McCelvey Drive, Temple.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The Temple Economic Development Corporation has requested that the City convey to it 14.868 acres of City-owned property located at 2575 Lucius McCelvey Drive in Temple. The property is Lot 2, Block 1, on the attached Final Plat of Enterprise Business Park, Phase II. The property is to be used for business development purposes, which will include job creation and additional tax value. The prospective economic development on the site will be a commercial/industrial development. The conveyance of the property will be addressed through a Chapter 380 Development Agreement between the City and TEDC.

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

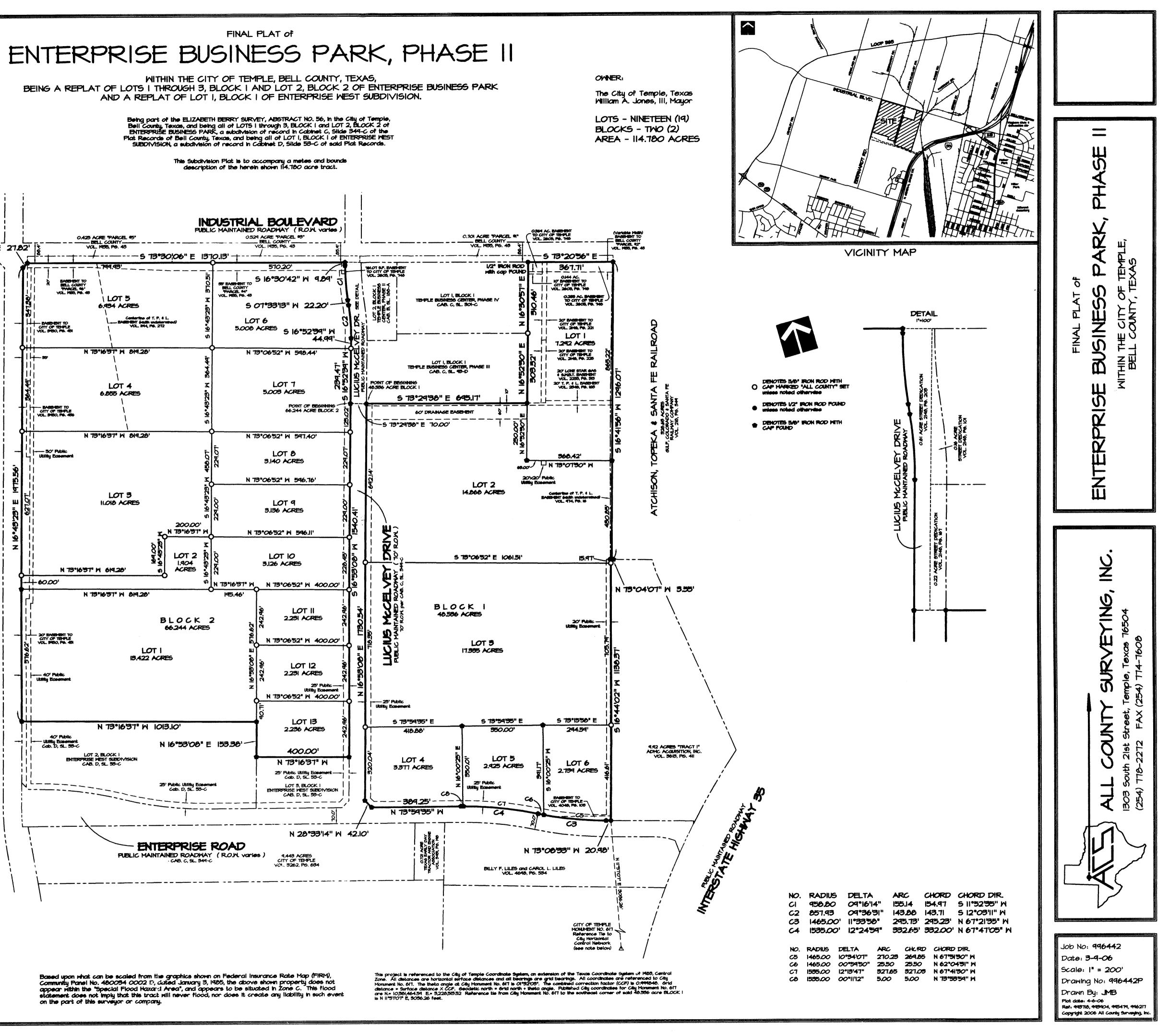
The City's cost basis for the 14.868 acres is \$128,910.47.

ATTACHMENTS:

Plat Resolution

STATE OF TEXAS COUNTY OF BELL THE CITY OF TEMPLE, OWNER OF THE LAND SHOWN ON THIS PLAT AND DESIGNATED HEREIN AS ENTERPRISE BUSINESS PARK, PHASE II, 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. MILLIAM A. JONES, III MAYOR, CITY OF TEMPLE STATE OF TEXAS 0.425 ACRE "PARCEL 45" COUNTY OF BELL N 60 47 25" E 27.82 VOL. 1955. PG. 4 BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED WILLIAM A. JONES, III, 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. EASEMENT TO BELL COUNTY THARCEL 45 VOL. 1400, PS. 40 LOT 5 6.494 ACRES NOTARY PUBLIC, STATE OF TEXAS CLYDETTE ENTEMINGER Votary Public State of Taxae CITY OF TEMPLE mmiasion Expires: 01/15/1 N 73"16"57" W 819.28' LOT 4 6.855 ACRES THIS FINA., PLAT HAS BEEN SUBMITTED TO AND CONSIDERED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF TEMPLE, TEXAS, AND IS HEREBY APPROVED BY SUCH COMMISSION. CITY OF TEMPLE VOL. 3450, PG. 456 april 2006 N 73"16'37" W 819.28' ILOID ACRES The Tax Appraisal District of Bell County, the taxing authority for all taxing entities in Bell County, Texas, does hereby certify that there are currently no delinquent taxes due or owing N 73°16'57" M 619.28' on the property described by this plat. -+ 60.00' N 75"16"57" W 819.28' ___. 2006 A. D. Sell County Tax Appraisal Distric - 20' EASEMENT TO CITY OF TEMPLE VOL. 3450, PG. 451 Utility Easement RECORDATION INFORMATION: PLAT RECORDED IN CABINET D. SLIDE 112.D PLAT RECORDS OF BELL COUNTY, TEXAS DEDICATION RECORDED IN VOLUME _____, PAGE _____, OFFICIAL FUBLIC RECORDS OF REAL PROPERTY OF BELL COUNTY, TEXAS 40' Public --- Utility Ecalement Cab. D, SL. 55-C FILED THIS THE _____ 28th DAY OF ____ April , 200<u>4</u>. LOT 2, BLOCK I ENTERPRISE WEST SUBDIVISION CAB. D, SL. 53-C L----------_____ 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 MONIMENTS ARE CORRECTLY SHOWN THEREON. 9 S. 18 1 CHARLES C. LUCKO, R.P.L.S. DATE SURVEYED: March 9, 2006 REGISTRATION NO. 4636 on the part of this surveyor or company.

WITHIN THE CITY OF TEMPLE, BELL COUNTY, TEXAS, BEING A REPLAT OF LOTS I THROUGH 3, BLOCK I AND LOT 2, BLOCK 2 OF ENTERPRISE BUSINESS PARK AND A REPLAT OF LOT I, BLOCK I OF ENTERPRISE WEST SUBDIVISION.



RESOLUTION NO. 2016-8398-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CHAPTER 380 DEVELOPMENT AGREEMENT WITH THE TEMPLE ECONOMIC DEVELOPMENT CORPORATION FOR CONVEYANCE OF 14.868 ACRES OF CITY-OWNED LAND LOCATED AT 2575 LUCIUS MCCELVEY DRIVE, TEMPLE, TEXAS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Temple Economic Development Corporation ("TEDC") has requested that the City convey to it 14.868 acres of City-owned land located at 2575 Lucius McCelvey Drive, Temple, Texas, also known as Lot 2, Block 1, Enterprise Business Park, Phase II;

Whereas, the property is to be used for business development purposes, which will include job creation and additional tax value;

Whereas, the prospective economic development on the site will be a commercial/industrial development and the conveyance will be addressed through a Chapter 380 Development Agreement between the City and TEDC;

Whereas, at the present time, the property is exempt from property taxes, and will remain so under the ownership of TEDC - when the property is conveyed for a commercial/industrial purpose it will be added back to the property tax rolls; 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 the Temple Economic Development Corporation for conveyance of 14.868 acres of City-owned land located at 2575 Lucius McCelvey Drive, Temple, Texas, also known on the Final Plat as Lot 2, Block 1, Enterprise Business Park, Phase II, which is attached hereto as Exhibit 'A' and incorporated herein for all purposes.

<u>**Part 2:**</u> 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 **20th** day of **October**, 2016.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN MAYOR

APPROVED AS TO FORM:

ATTEST:

Kayla Landeros City Attorney

Lacy Borgeson City Secretary



10/20/16 Item #4(J) 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 Central Texas Castles, Ltd., in an amount not to exceed \$57,218, for improvements to property located at 19 South Main Street within the Downtown Strategic Investment Zone corridor.

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 Central Texas Castles, Ltd., through which the City would provide a SIZ 1:1 matching grant of up to \$57,218 for exterior building improvements. This results in a maximum eligible grant match of \$57,218, for a project with a total capital investment of \$350,000.

Improvements included in the proposed first floor commercial/retail area and second floor residential area are an improved exterior storefront, with new windows, and restoration of original architecture; installation of balconies, awnings and signs; asbestos abatement; and waiver of potential permitting fees.

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 \$57,218. 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 for Strategic Investment Zone grants as follows:

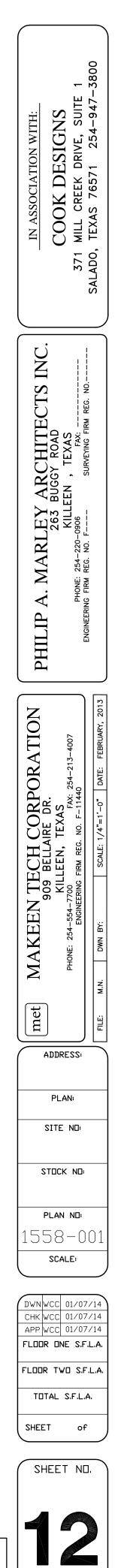
Available Funding	\$ 102,689
Central Texas Castles, Ltd.	<mark>(57,218)</mark>
Remaining Funds Available	\$ 45,471

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ATTACHMENTS: Proposed building elevation Resolution



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RESOLUTION NO. 2016-8399-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CHAPTER 380 DEVELOPMENT AGREEMENT WITH CENTRAL TEXAS CASTLES, LTD, IN AN AMOUNT NOT TO EXCEED \$57,218, FOR IMPROVEMENTS TO PROPERTY LOCATED AT 19 SOUTH MAIN STREET, WITHIN THE DOWNTOWN STRATEGIC INVESTMENT ZONE CORRIDOR; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Central Texas Castles, Ltd. has approached the City to request a Chapter 380 Development Agreement through which the City would provide a Strategic Investment Zone 1:1 matching grant of up to \$57,218 for exterior improvements to property located at 19 South Main Street and located within the Downtown Strategic Investment Zone Corridor;

Whereas, improvements included in the proposed first floor commercial/retail area and second floor residential area are an improved exterior storefront, with new windows, restoration of original architecture, installation of balconies, awnings, signs, asbestos abatement, and waiver of potential permitting fees – this will result in a maximum eligible grant match of \$57,218 for a project with a total capital investment of \$350,000;

Whereas, in order to receive grant funding, Central Texas Castles, Ltd. 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 the following conditions:

- 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;

Whereas, the total maximum grant match by the City is \$57,218 - 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 Strategic Investment Zone grants 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:

<u>Part 1:</u> 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, in an amount not to exceed \$57,218, with Central Texas Castles, Ltd for improvements to property located at 19 South Main Street within the Downtown Strategic Investment Zone Corridor.

<u>**Part 2:**</u> 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 **20th** day of **October**, 2016.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN MAYOR

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson City Secretary Kayla Landeros City Attorney



10/20/16 Item #4(K) Consent Agenda Page 1 of 1

DEPT. / DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney Ashley Williams, General Services Manager

ITEM DESCRIPTION: Consider adopting a resolution authorizing a five-year lease agreement with United Way of Central Texas, for lease of space in the Public Services Building located at 102 East Central Avenue.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: United Way of Central Texas is expanding services in Temple and is interested in leasing building space located at 102 East Central Avenue for their 211 Call Center. The term of the lease is for a five-year period. If Council approves the lease the term will run from November 1, 2016 to October 31, 2021. United Way of Central Texas will pay \$1 annually in rent. Utilities will be the tenant's responsibility.

FISCAL IMPACT: United Way of Central Texas will pay rent in the amount of \$1 per year. United Way will be responsible for all utility charges including electricity, and telephone services and will contract for those services directly to the utility companies. The City of Temple will bill United Way their share of water, sewer, and garbage charges monthly.

ATTACHMENTS:

Resolution

RESOLUTION NO. 2016-8400-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A FIVE-YEAR LEASE AGREEMENT WITH UNITED WAY OF CENTRAL TEXAS, FOR LEASE OF SPACE IN THE PUBLIC SERVICES BUILDING LOCATED AT 102 EAST CENTRAL AVENUE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, United Way of Central Texas is expanding services in Temple and is interested in leasing building space located at 102 East Central Avenue for their 211 Call Center;

Whereas, the term of the lease will be for a five-year period from November 1, 2016 to October 31, 2021 with an annual rental payment of \$1;

Whereas, United Way of Central Texas will be responsible for all utility charges including electricity, and telephone services and will contract for those services directly with the utility companies;

Whereas, the City of Temple will bill United Way their share of water, sewer, and garbage charges monthly;

Whereas, Staff recommends Council authorize a five-year lease agreement with United Way of Central Texas for the lease space in the Public Services Building located at 102 East Central Avenue;

Whereas, the lease agreement allows for a 30-day termination clause for any reason should the lessee or the City desire to terminate the lease; 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:

<u>Part 1:</u> The City Council authorizes the City Manager, or his designee, to execute a five-year lease agreement between the City of Temple and United Way Central Texas for lease of space in the Public Services Building located at 102 East Central Avenue, Temple, Texas.

<u>**Part 2:**</u> 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 **20th** day of **October**, 2016.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

APPROVED AS TO FORM:

ATTEST:

Kayla Landeros City Attorney

Lacy Borgeson City Secretary



10/20/16 Item #4(L) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Floyd Mitchell, Chief of Police

ITEM DESCRIPTION: Consider adopting a resolution authorizing the renewal of an Interlocal Agreement with Bell County for the Bell County Crime Coalition project that is administered by the Bell County Juvenile Probation Department.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: This agreement will allow Temple Police Officers assigned to investigate juvenile crimes to work with Bell County Juvenile Probation Officers in making home visits of children on court-ordered probation within the City of Temple. This program has been in place for a number of years. The program provides reimbursement for the overtime pay incurred by officers performing home visits after normal business hours. Reimbursement for these services will not exceed \$60 per hour which covers the cost of salary and benefits for the officers who work the program.

The goal of this program is to team Juvenile Police Officers with Juvenile Probation Officers to monitor and reduce technical violations of court imposed sanctions through home visits, curfew checks, and drug screening for juveniles on court ordered probation.

The term of this contract will commence on September 1, 2016 and will end on September 30, 2017.

FISCAL IMPACT: There is no requirement upon the City of Temple to provide any funding to this program. All expenditures with regard to the payment of Temple Police Officers will be reimbursed by Bell County.

The revenue and associated expenditures for this agreement are included in the FY 2017 budget in the amount of \$11,548.

ATTACHMENTS:

Resolution

RESOLUTION NO. 2016-8401-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A RENEWAL TO THE INTERLOCAL AGREEMENT WITH BELL COUNTY FOR THE BELL COUNTY CRIME COALITION PROJECT THAT IS ADMINISTERED BY THE BELL COUNTY JUVENILE PROBATION DEPARTMENT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Bell County Crime Coalition project is administered by the Bell County Juvenile Probation Department which allows Temple Police Officers assigned to investigate juvenile crimes, to work with Bell County Juvenile Probation Officers in making home visits of children on court ordered probation within the City of Temple;

Whereas, this program has been in place for a number of years and provides reimbursement for the overtime pay incurred by officers performing home visits after normal business hours - reimbursement for these services will not exceed \$60 per hour which covers the cost of salary and benefits for the officers who work the program;

Whereas, the goal of this program is to team juvenile police officers with juvenile probation officers to monitor and reduce technical violations of court imposed sanctions through home visits, curfew checks, and drug screenings for juveniles on court ordered probation;

Whereas, the City is required to enter into an interlocal agreement with Bell County to participate in this program – the term of this contract will be from September 1, 2016 to September 30, 2017;

Whereas, the City will not be required to provide any funding for the program and all expenditures with regard to the payment of Temple police officers will be reimbursed by Bell County; 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:

<u>**Part 1:**</u> The City Manager, or his designee, after approval as to form by the City Attorney, is authorized to execute a one-year renewal to the Interlocal Agreement with Bell County for the Bell County Crime Coalition project that is administered by the Bell County Juvenile Probation Department.

<u>**Part 2:**</u> 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 **20th** day of **October**, 2016.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

APPROVED AS TO FORM:

ATTEST:

Lacy Borgeson City Secretary Kayla Landeros City Attorney



10/20/16 Item #4(M) Consent Agenda Page 1 of 11

DEPT. / DIVISION SUBMISSION & REVIEW:

Brynn Myers, Assistant City Manager

ITEM DESCRIPTION: Consider adopting a resolution ratifying a meet and confer agreement with the Temple Police Association.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Overview of Meet & Confer. The "meet & confer" process is governed by Chapter 142 of the Local Government Code. Chapter 142 allows a "police officers association" to file a petition with the City requesting that the City recognize the association as the sole and exclusive bargaining agent for all officers and adopt the meet & confer process. The meet and confer process allows the City to meet & confer with police officers association over wages, salaries, rates of pay, hours of work, or other terms and conditions of employment. The meet and confer deliberations must occur in a meetings open to the public. The City and a police officers association are not required to reach agreement on any particular topic. An agreement on any issue must be in writing and ratified by the Council and a majority of the police officers. A written meet & confer agreement preempts all contrary state statutes, local ordinances, executive orders, civil service provisions, or rules and allows variation of civil service rules regarding hiring requirements, pay, benefits, promotion standards, and the disciplinary process.

Meet & Confer Process. On July 2, 2015, the City Secretary received a "Petition Requesting Recognition of Bargaining Agent" from the Temple Police Association ("TPA"). The Petition was signed by 102 Temple Police Officers and requested that the City recognize TPA as the sole and exclusive bargaining agent for all police officers employed by the City and adopt the meet & confer process pursuant to Local Gov't Code Chapter 142. The Petition was presented to the City Council at a special called meeting on July 30, 2015 and the City Council ordered a certification election to determine whether TPA represents a majority of the affected police officers. The election was conducted by the City Secretary and was held at various times on September 9-11 and September 15-16. 98 police officers voted "yes" to the recognition of TPA as the sole and exclusive bargaining agent and 11 police officers voted "no". On October 1, 2015, the City Council granted recognition of TPA as the sole and exclusive bargaining agent and adopted the meet & confer process. City Administration and TPA negotiating teams began meeting in May, 2016. On September 30, 2016, the Parties reached a tentative agreement covering 11 issue points. Members of the City Administration negotiating team include:

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Brynn Myers, Assistant City Manager, Lead Negotiator Nan Rodriguez, Deputy City Attorney Jeff Clark, Deputy Police Chief Traci Barnard, Director of Finance Sandra Esqueda, Director of HR

Members of the Temple Police Association negotiating team include:

Chris Jones, Training Coordinator-CLEAT, Lead Negotiator Larry Wilkey, Sergeant, TPA President Marlon Reed. Corporal Corey Powell, Detective Casey Sheppard, Detective

Overview of the Draft Agreement. This process provided a venue for communication and collaboration between City Administration and police officers regarding important employment issues. City Administration and TPA agreed to focus our meet and confer process on "interest based bargaining". Interest based bargaining is a bargaining approach that focuses on developing positive relationships that permit each party to achieve shared goals. We worked through 11 issues, focusing on our shared interest, and working toward an agreement that was mutually beneficial:

- 1. Association Business
- 2. Additional Appointed Position
- 3. Military Leave Time Account
- 4. Compensation
- 5. Overtime
- 6. Higher Classification Pay / Rank Structure
- 7. Education Incentives for Promotion
- 8. Lateral Entry Program
- 9. Individual Vehicle Assignment Program (IVAP)
- 10. Disciplinary Actions and Appeals
- 11. Grievance Procedure

Article 1: Association Business

Proposed by TPA

Overview:

This Article is intended to establish provisions that enable the Association to adequately represent Association members, and administer the terms of the Agreement.

Key Provisions:

- Recognizes TPA as the sole and exclusive bargaining agent for all covered police officers;
- Allows TPA access to the Departmental new hire orientation to explain and answer questions about the Association, the Agreement, and the meet & confer process;
- Establishes a three member team designed to be advisory to the Police Chief;
 - One member is to be appointed by the Police Chief and two members by the Association President
- Commits the City to continue its Association dues deduction program;
- Allows the Association reasonable access to the premises of the Department for the purpose of administering this Agreement;
- Permits the Association to install one bulletin board (at their expense) at each police facility to facilitate communication by the Association to its members;
- Allows the Association to utilize the City's email system to communicate with police officers regarding issues related to provisions of the Agreement and upcoming meet and confer sessions;
- Establishes an Association Business Leave Time Pool to be used for the purpose of conducting Association business. This provision allows officers the option of donating two hours of accrued vacation leave to the Pool each calendar year;
- Commits the City to pay up to a maximum of five members of the Association's meet and confer team their regular pay for attendance at meet and confer sessions between the City and the Association; Police Administration may adjust Association member's schedules to accommodate meeting attendance.

Article 2: Additional Appointed Position

Proposed by City Administration

Overview:

This Article authorizes the creation of an additional appointed Deputy Police Chief position to enable the future alignment of the Departmental command structure into three bureaus: Patrol, Investigations, and Administration.

Key Provisions:

- Allows the creation of a single additional Deputy Chief position in addition to the two Deputy Chief positions authorized by Section 143.014(c) of the Local Gov't Code;
- Establishes minimum standards that the person appointed to the additional Deputy Chief position must meet and extends these standards to the subsequent appointment of any person to a Deputy Chief position;
- Establishes a procedure for posting a vacancy in a Deputy Chief position a minimum of 10 calendar days in order to allow eligible candidates to express interest in the position by submitting documentation of their qualification to the Chief;
- The final appointment remains solely the Police Chief's discretion.

Article 3: Military Leave Time Account

Proposed by TPA

Overview:

This Article is intended to clarify the provisions for administration of the City's Military Leave Time Account.

Key Provisions:

- Reiterates the requirements of Chapter 143.074 of the Local Gov't Code relating to Military Leave Time Accounts;
- Clarifies that a police officer wishing to donate accrued time to the Military Leave Time Account must do so on a form provided by the City;
- Requires the City to provide a report to the Association each December that includes the current balance of the military leave time account and the amount of leave used by each police officer from the account during the previous year.

Article 4: Compensation

Proposed by TPA

Overview:

This Article is intended to communicate the City's commitment to a maintaining a fair and competitive pay and compensation package, with due regard for fiscal restraints and sustainability.

Key Provisions:

- Establishes an agreement that City Administration and TPA will work together to develop criteria for a pay and compensation study, including establishing comparable cities;
- Commits the City to meet with the Association and discuss criteria for the completion of a study no later than January 31, 2017;
- Commits the City and Association to meet within 30 days of completion of the compensation study to discuss a successor agreement to this Agreement.

Article 5: Overtime

Proposed by TPA

Overview:

This Article is intended to establish a uniform Departmental policy governing overtime compensation.

Key Provisions:

- Establishes an agreement that the overtime exemption provided for by the FLSA known as the 7(k) exemption is adopted by the City;
- Establishes the maximum work period to be used as 14 days and the maximum number of hours worked without overtime pay within the work period at 80 hours;
- Commits the City to provide guaranteed overtime for overtime assignments subject to contractual agreements with third parties;
- Requires overtime assignments that will be compensated at guaranteed time and half to be identified and posted as such in advance;
- States that overtime assignments for City sponsored events (such as the Christmas Parade) will not be guaranteed overtime assignments;
- Clarifies that if an officer takes leave during a work period and later is required to work an overtime assignment which is not guaranteed overtime during that same work period, s/he may choose to apply the overtime assignment to their regular hours in lieu of using leave time;
- Provides a minimum of two hours of overtime compensation for call-outs and court appearances prior to, or after an officer's regularly scheduled shift;
- Requires overtime assignments that will be compensated in the form of compensatory leave to be identified and posted as such in advance;
- Allows officers to choose paid overtime or compensatory time for overtime assignments in which the form of compensation has not been identified in advance;
- Maintains the Police Chief's authority to implement flex time in managing the Department's budget;
- Commits supervisors to work with officer to schedule flex time off, subject to the needs of the Department.

Article 6: Higher Classification / Rank Structure

Proposed by TPA

Overview:

This Article is intended to establish a uniform Departmental policy governing the temporary designation of an officer to perform the duties of a higher rank.

Key Provisions:

- Requires a Corporal to be temporarily designated as "Acting Sergeant/Field Supervisor" when no Sergeant or Lieutenant is available to act as a field supervisor for a shift due to absence, illness, or injury;
- Allows a Lieutenant to designate a Corporal to be temporarily designated as "Acting Sergeant/Field Supervisor" when the Lieutenant determines an additional field supervisor is necessary to meet staffing needs;
- Requires the designation to be noted in writing on the Duty Roster;
- Establishes that a person serving in this temporary designation shall have full authority and responsibility for performing all of the duties of the Sergeant rank for the duration of the designation;

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- Requires that the officer designated as Acting Sergeant shall be paid the base salary of the Sergeant rank, plus the officer's own longevity and seniority pay, educational incentive pay, and certification pay during the period of the designation;
- Establishes that the designation will be made on a rotating basis to all Corporals within the Unit, but the Police Chief retains discretion to deviate from the order of the list;
- Allows a Lieutenant to designate a Corporal to act as Mentoring Sergeant under the supervision of a Sergeant or Lieutenant, for training and mentoring purposes and not to meet a Departmental staffing need;
- Requires the designation to be noted in writing on the Duty Roster;
- Establishes that a person serving in this temporary designation will have immediate authority of a Sergeant for the duration of the designation, however ultimate authority and responsibility for the shift remains with the available Sergeant or Lieutenant;
- Establishes that a Mentoring Sergeant will not receive higher classification pay during the designation period;
- Establishes that the designation will be made on a rotating basis to all Corporals within the Unit, but the Police Chief retains discretion to deviate from the order of the list;
- Allows a Sergeant to be temporarily designated to perform the administrative duties of a Lieutenant/Watch Commander when a Lieutenant will be absent or unavailable for at least 28 consecutive days;
- Requires the designation to be noted in writing on the Duty Roster;
- Establishes that a person serving in this temporary designation shall have full authority and responsibility for performing all of the duties of the Lieutenant rank for the duration of the designation;
- Requires that the designated Watch Commander shall be paid the base salary of the Lieutenant rank, plus the officer's own longevity and seniority pay, educational incentive pay, and certification pay during the period of the designation;
- Establishes that the designation will be made on a rotating basis to all Sergeants within the Unit, but the Police Chief retains discretion to deviate from the order of the list;
- Retains authority for the Police Chief to designate a Watch Commander for a period of less than 28 days, based on Departmental needs;
- Establishes authority for the Police Chief to temporarily assign an officer to perform the duties of a position in the next higher rank when a position has been funded, but not yet created by the governing body or when there is a vacancy in an existing position for which no promotional list exists;
- Establishes that a person serving in this temporary assignment shall have full authority and responsibility for performing all of the duties of the higher rank for the duration of the assignment;
- Requires that an officer temporarily assigned to a position in the next higher rank shall be paid the base salary of the higher rank, plus the officer's own longevity and seniority pay, educational incentive pay, and certification pay during the period of the assignment.

Article 7: Educational Incentives for Promotion

Proposed by City Administration

Overview:

This Article establishes incentives to encourage and recognize continuing education as a way to improve professionalism for both officers and the Department.

Key Provisions:

- Establishes additional points for promotional candidates for continuing education as follows:
 - 0.50 points for an Advanced Peace Officer Certificate;
 - 1.0 points for having completed 60 college hours credit
 - 1.5 points for a Master Peace Officer Certificate;
 - 2.0 points for having received an Associates Degree;
 - 3.0 points for having received a Bachelor's Degree or higher

Article 8: Lateral Entry Program

Proposed by City Administration

Overview:

This Article establishes an expedited process for hiring qualified applicants with previous law enforcement experience.

Key Provisions:

- Establishes the following eligibility requirements to be eligible for hire under this program:
 - have a current TCOLE license;
 - be currently employed with a law enforcement agency;
 - have an honorable standing within their current department;
 - not be under any type of investigation with their current department;
 - have three or more years of work experience with a comparable law enforcement agency
 - take and pass the locally given Civil Service exam; and
 - complete and pass a background investigation and the City of Temple hiring process.
- Requires that an eligibility list for lateral applicants be maintained and that the score from the locally given Civil Service exam be used to rank applicants on that list;
- Allows the Police Chief the authority to give preference in selection to any person on the lateral
 eligibility list based on the applicant's years of experience and type of experience;
- Allows the Police Chief to fill a vacant within the Department by selecting an applicant from the lateral eligibility list, or by following the process defined in section 143.026 of the Texas Local Government Code;
- Establishes that actual work experience in another law enforcement agency will not be considered for promotional eligibility purposes or seniority purposes;
- Establishes that applicants hired under this program, once they have successfully completed the Probationary classification, will be placed in the pay grade on the compensation plan commensurate with their full-time prior service as a police officer, as follows:

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- Applicants with prior municipal service in a City with a population of 30,000 or greater will
 receive one credit year for each full year of police service, not to exceed ten 10 credit
 years;
- Applicants with prior municipal service in a City with a population of less than 30,000 will receive one credit year for each two full years of police service, not to exceed five credit years;
- Applicants with prior service in a Sherriff Department in a County with a population of 175,000 or greater will receive one credit year for each full year of police service, not to exceed ten 10 credit years;
- Applicants with other prior service will receive one credit year for each two full years of police service, not to exceed five credit years.
- The credited time is for starting salary only and does not count as time served with the Temple Police Department for any other purposes including benefits, step pay, etc.

Article 9: Individual Vehicle Assignment Program (IVAP)

Proposed by TPA

Overview:

This Article establishes a policy for administering the City's Individual Vehicle Assignment Program (IVAP) and establishes the eligibility criteria for take-home patrol vehicles.

Key Provisions:

- Establishes requirements to be eligible to participate in the IVAP program;
- Allows an officer participating in IVAP to take a vehicle home, provided that the officer's residence is no more than seven miles outside the Temple city limits;
- Establishes a fee of \$23 per pay period for officers participating in the take-home vehicle program who reside outside the city limits;
- Provides the following exceptions to the distance and fee requirements:
 - Any officer who resides .5 miles or less outside the City and is currently allowed to take a vehicle home is exempt from the payment of the fees unless the officer moves more than .5 miles outside the city limits after the effective date of this Agreement
 - Any officer who is assigned a take home vehicle because of their duty assignment (e.g. K-9 Officers) and who resides outside the city at the time this Agreement is adopted is exempt from the distance limitations and the payment of the fees
 - CID Supervisors and CID Detectives are exempt from the distance limitations and the payment of the fees when they are on-call unless they are eligible and elect to fully participate in the take-home vehicle program

Article 10: Disciplinary Actions & Appeals

Proposed by City Administration

Overview:

This Article establishes a policy for disciplinary actions and appeals within the Department.

Key Provisions:

- For suspensions of 36 hours or less, allows an officer to forfeit vacation, compensatory, or holiday time equal to the length of the suspension, to serve the suspension with no loss of paid salary and no break in service. Suspensions served in this manner may not be appealed;
- Limits the appeal for suspensions of 36 hours or less to the Civil Service Commission;
- Establishes that suspensions of 36 hours or less that were imposed on or after the effective date of this Agreement will no longer be considered for purposes of transfer or promotion after 24 months have passed;
- For suspensions of 37-120 hours, establishes that the Police Chief may allow an officer to forfeit vacation, compensatory, or holiday time equal to the length of the suspension, to serve the suspension with no loss of paid salary and no break in service. Suspensions served in this manner may not be appealed;
- Allows the Police Chief and an officer to agree to a suspension of 121-720 hours, and establishes that the Police Chief may allow an officer to forfeit vacation, compensatory, or holiday time equal to the length of the suspension. Suspensions served in this manner may not be appealed;
- Allows the Police Chief to require an officer be evaluated by a qualified professional designated by the Police Chief. If that professional recommends a program of counseling and/or rehabilitation for the officer, the Police Chief may:
 - in lieu of or in combination with a suspension or demotion, require that the officer successfully complete the recommended program (an officer retains right to appeal)
 - offer an "alternative disciplinary agreement" to the officer under which the officer would accept demotion or suspension of up to 720 hours and agree to successfully complete the recommended program of counseling and/or rehabilitation
 - offer the officer, as an alternative to indefinite suspension, the opportunity to enter into a "Last Chance Agreement" which would include, in addition to any provisions agreed upon by the Police Chief and officer, a probationary period not to exceed one year, during which if the officer commits the same or a similar act of misconduct, the officer will be indefinitely suspended without right of appeal;
- Allows an officer to request an opportunity to be evaluated by a qualified physician, psychiatrist
 or psychologist in order to seek counseling and/or rehabilitation. The officer's request will toll the
 180 day deadline for imposing discipline. The Department Head may consider any counseling
 and/or rehabilitation voluntarily undertaken by an officer under this section before imposing any
 discipline;
- Codifies the Loudermill Hearings process followed by the Department in protection of the due process rights of an officer facing any level of formal discipline;
- Establishes procedures for appeal hearings before Hearing Examiners to facilitate the efficient and effective conclusion of such appeals including an agreement that a hearing examiner will be selected within 10 days of the receipt of a list of Hearing Examiners and that the Hearing Examiner selected shall render a decision within 30 business days of the conclusion of the hearing;
- Allows a Hearing Examiner the authority to impose a disciplinary suspension of any length of time, including suspensions in excess of fifteen days, and time already served between the imposition of discipline and the appeal decision
 - (overrides the judicial limitation imposed on the authority of the Commission or Hearing Examiner by the City of Waco v. Kelley case).

Article 11: Grievance Procedure

Proposed by TPA

Overview:

This Article establishes a dispute resolution procedure to provide a just and equitable method for resolving disagreements between the Parties regarding the application or interpretation of the provisions of this Agreement.

Key Provisions:

- Requires that a dispute be presented in writing to the Police Chief or his designee;
- Requires an officer to initiate a request for dispute resolution with the Association Executive Board and disallows an officer from filing a dispute directly with the City;
- Establishes a 15 day timeline for an officer to file a claim or dispute from the date they knew or should have reasonably known the facts giving rise to the dispute;
- Establishes a five step process for disputes by the Association Executive Board or police officer:
 - Step 1: Association Executive Board
 - Step 2: Police Chief
 - Step 3: City Manager
 - Step 4: Mediation
 - Step 5: Arbitration
- Establishes a process for the City to enforce Association compliance with this Agreement through notification and subsequent options including termination of agreement.

Ratification & Term of the Agreement. A meet and confer agreement is enforceable and binding if the governing body of the municipality ratifies the agreement by a majority vote and the recognized police officers association ratifies the agreement by conducting a secret ballot election at which the majority of the police officers who would be covered by the agreement favored ratifying the agreement. The Temple Police Association conducted a secret ballot election held on October 9 - 12, 2016. During that election, 91 police officers voted "yes" to the ratification of the meet and confer agreement and 15 police officers voted "no".

If this resolution is adopted by the City Council, the agreement will become effective immediately and continue in effect until September 30, 2017.

FISCAL IMPACT: Below is a table outlining the fiscal impact of the meet and confer agreement for each of the eleven issue points. This agreement becomes effective immediately and continues in effect until September 30, 2017.

Issue	Fiscal Impact	Funded In FY 2017
Article 1: Association Business	Not Applicable	N/A
Article 2: Additional Appointed Position	Base salary plus benefits: \$135,000 Additional vehicle: \$45,000.	No
Article 3: Military Leave Time Account	Not Applicable	N/A
Article 4: Compensation	Not Applicable	N/A
Article 5: Overtime	3 rd Party reimbursed overtime and benefits is estimated for FY 17 at \$794,000.	Yes
Article 6: Higher Classification / Rank Structure	The amount would be difficult to estimate at this time.	No
Article 7: Educational Incentives for Promotion	Not Applicable	N/A
Article 8: Lateral Entry Program	Not Applicable	N/A
Article 9: Individual Vehicle Assignment Program (IVAP)	The estimated net cost based on officers who are currently employed by the City is \$26,365.	No
Article 10: Disciplinary Actions & Appeals	Not Applicable	N/A
Article 11: Grievance Procedure	Not Applicable	N/A

ATTACHMENTS: Draft Agreement

Resolution

MEET & CONFER AGREEMENT BETWEEN THE CITY OF TEMPLE, TEXAS AND

TEMPLE POLICE ASSOCIATION

CITY OF TEMPLE FISCAL YEAR 2017

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DEFINITIONS

- 1. "Agreement" refers to this Meet and Confer Agreement, negotiated between the City of Temple and the Temple Police Association.
- 2. "Association" means the Temple Police Association.
- 3. "City" means the City of Temple.
- 4. "College hours" "Degree" or College Degree" means credit hours or degree from a college or university recognized by the Southern Association of Colleges and Schools or a similar regional association recognized and approved by the United States Department of Education.
- 5. "Commission" means the Firefighters' and Police Officers' Civil Service Commission of the City of Temple.
- 6. "Day(s)" means calendar days, unless otherwise specified.
- 7. "Department" means the Police Department of the City of Temple.
- 8. "Department Head" means the administrative head of the Police Department or the Chief of Police, including any interim or acting Chief of Police.
- 9. "Director" means the Director of the City of Temple Firefighters' and Police Officers' Civil Service Commission.
- 10. "Dues" means the cost of membership in the Association.
- 11. "FY" means financial year.
- 12. "Guaranteed Overtime" refers to assignments compensated at a rate of time and a half, without regard to the number of hours worked in a pay period.
- 13. "IVAP" means the Individual Vehicle Assignment Program.
- 14. "Local rules" refers to the Rules and Regulations of the City of Temple Firefighters' and Police Officers' Civil Service Commission.
- 15. "Party" or "Parties" means the City of Temple and the Temple Police Association.
- 16. "Police Officer" or "Officer" means a person who is a peace officer under Article 2.12, Code of Criminal Procedure, or other law, and who is employed by the City of Temple Police Department.
- 17. "TCOLE" means the Texas Commission on Law Enforcement, or its successor organization.
- 18. "TLGC" means the Texas Local Government Code.

ARTICLE 1 Association Business

Section 1. Intent. In adopting this Article, the Parties acknowledge and agree to the following provisions for the purpose of enabling the Association to adequately represent Association members, and administer the terms of the Agreement.

Section 2. Recognition. The City recognizes the Temple Police Association (TPA) as the sole and exclusive bargaining agent for all covered police officers, pursuant to section 142.053 et. seq. Texas Local Government Code, excluding the Department Head, employees of the Temple Police Department who are exempt under section 142.058(b) Texas Local Government Code, and employees occupying appointed positions pursuant to section 143.014 Texas Local Government Code. The Agreement is intended to include all permanent paid employees of the Temple Police Department who have been hired in substantial compliance with the provisions of Chapter 143 of the Texas Local Government Code, but does not include civilian employees, other employees, or those excluded above. The Agreement is not intended to, and does not, deny local control by the City, or restrict or diminish the management rights of the City, except as expressly provided by the Agreement under section 142.059 of the Texas Local Government Code.

Section 3. Association Access to New Hires. The Association shall have the right to meet with new officers during the Academy and/or Departmental in-house employee orientation sessions to ensure they have received a copy of the Agreement, and to be able to explain and answer questions about the Association, the Agreement, and the meet and confer process.

Section 4. Labor Relations

- 1. To improve communications between the Department Head and the Association, and to facilitate resolution of issues related to implementing the provisions of this Agreement, the Department Head shall establish an Advisory Team comprised of three (3) members, including one (1) member of the Department designated by the Department Head, and two (2) members of the Department designated by the Association. The Association and the Department Head may designate a substitute representative to the Team in the event that the designated Team member is unable to attend a meeting. The Department Head or his designee will meet with this Team at least once every three (3) months. The purpose of the Team is advisory to the Department Head, and to provide police managers input on City and Departmental policy, procedures, and employee issues.
- 2. The Association President or the Department Head may request additional meetings when issues arise that warrant concern or discussion. The Department Head retains discretion regarding the scheduling of additional meetings.

3. Members of the Advisory Team will not be required to use leave in order to attend Team meetings. Members of the Advisory Team will not receive overtime compensation for attendance at Team meetings.

Section 5. Association Rights and Indemnification

(a) <u>Dues Deduction</u>. Upon receipt of a signed authorization from an officer on a form supplied by the City, the dues and assessments to the Association and affiliated state organizations that existed on the date of this Agreement shall be deducted from each member officer's pay. Officers who are not members are not obligated to pay Association dues. Officers who are currently having dues deducted as of the execution date of this Agreement are not required to submit a new dues deduction form.

The dues deduction shall be remitted promptly to the Treasurer of the Association. The City agrees to provide a list of those members for whom deductions are made each month. The Association may change the amount of the deduction for those employees who have authorized payroll deductions by providing the City with a letter, at least thirty (30) days in advance of the change, from the Association President advising the City that the amount of the dues deduction has changed pursuant to the requirements of the Association's Constitution and Bylaws. The Association will promptly refund to the City any amount paid to the Association in error on account of this dues deduction provision.

- (b) <u>Indemnification</u>. As a condition of being granted and continuing payroll deduction of dues, the Association shall indemnify the City and any departments of the City, and hold it harmless against any and all claims, demands, suits, or other form of liability that may arise out of, or by reason of, any actions taken by the City or any department of the City for any purpose of complying with the provisions of this Agreement.
- (c) <u>Association Access to Premises.</u> Subject to reasonable advance notice from the Association and approval from the Department Head or his designee, the Association may be permitted reasonable access to the premises of the Department and the Police Academy for the purpose of administering this Agreement, including but not limited to Departmental in-house employee orientation. Such visits shall be limited to the purpose for which approval was granted and shall be conducted in a manner that does not interfere with the functions of the Department or Academy.

The Association's access to the Department facilities and equipment to communicate with its membership shall include the use of one (1) bulletin board installed at the main police station and one (1) board at each police facility. The Department Head must approve in advance the size of, and materials used for, said bulletin boards. All costs incurred in the purchase, installation, and maintenance of said bulletin boards shall be at the Association's expense. All posted materials must be directly related to Association business. The following guidelines shall apply to materials properly posted on the bulletin boards:

- 1. recreation and social affairs of the Association;
- 2. Association meetings;
- 3. Association elections;
- 4. reports of Association Committees;
- 5. rulings or policies of the state or national Association, without added commentary, and
- 6. legislative enactments and judicial decisions affecting public employee labor relations, without added commentary.
- 7. At no time shall the bulletin boards contain any political endorsement, whether at the local, state, or federal level.
- 8. The Department Head or his designee retains the right to remove material which is not directly related to Association, or is offensive or inappropriate.
- (d) <u>Communications.</u> Subject to the Temple Police Department General Orders, the City's administrative regulations, and the applicable provisions of this Agreement, the Association may utilize electronic communications ("E-mail") to communicate with Temple police officers regarding issues related to provisions of the Agreement and upcoming meet and confer sessions in accordance with the following restrictions and limitations:
 - 1. Association email communications shall relate solely to the following subjects:
 - i. issues related to the Agreement;
 - ii. issues related to upcoming meet and confer sessions;
 - iii. issues related to the grievance policy, and

iv. Association meetings for the purpose of discussing issues related to the Agreement, upcoming meet and confer negotiations, and/or the grievance policy.

- 2. Email communications shall not contain any political commentary, any solicitation for membership in, or financial contributions to, any special interest organization or political action organization, or derogatory or offensive propaganda or commentary which reflects negatively upon the City, its officials, its employees, City employee associations or groups, or upon citizens of the City. On a case-by-case basis, the Department Head or his designee may consider requests from individual officers for approval to distribute email communications regarding solicitations for officers (or their families) needing financial or other forms of assistance.
- 3. In the event of a violation, the Department Head shall notify the Association of the violation. Subsequent violations of these guidelines will subject the Association to the loss of the privilege of using the City's electronic communications system. Such loss will not be subject to review by any administrative or judicial body, or the grievance process.

Section 6. Association Business Leave Time Pool

(a) <u>Time Off for Association Business.</u> An Association Business Leave Pool shall be created for the purpose of conducting Association business, defined herein as time spent adjusting grievances, attending the annual conference of state affiliated organizations, the Association's Executive Board meetings, and regular Association business meetings.

While Temple Police officers are on Association Business Leave, they shall not wear Temple Police Department uniforms or insignia of any kind.

- (b) Establishment of Association Leave Time Pool. The Association Business Leave (ABL) Pool shall be funded during the first pay date of each calendar year by reduction of accrued vacation leave in the amount of two (2) hours for each member of the Temple Police Association who provides notice in writing to the City at least thirty (30) calendar days prior to the beginning of that calendar year of his/her wish to donate said hours to the ABL Pool. Once a contribution has been made to the ABL Pool, there shall be no transfer of leave back into any individual officer's leave account, and there will be no cash payout for any remaining time in the Pool. Unused ABL Pool hours will remain in the Pool to be utilized the following year. ABL Pool hours shall never have any cash or surrender value. The City will track contributions to and deductions from the ABL Pool.
- (c) <u>Use of Association Leave Time Pool.</u> The Association President shall request any use of Association business leave in writing, and submit the request in advance for approval by the Department Head. The Department Head may waive the requirement that the request and approval be in writing. Requests for ABL time shall be made as far in advance as is practicable, but no less than forty-eight (48) hours prior to the date for which leave is requested. There shall be no entitlement for overtime pay for any hours worked on Association business, as such time is not for the benefit of the City, but for the sole benefit of the Association. Unless approved by the Department Head, not more than two (2) members may be on ABL at the same time, and such leave may be cancelled by the Department Head in the event of any emergency or shortage of manpower, as determined by the Department Head. Cancellation of ABL time by the Department Head under these circumstances shall not be subject to review by any administrative or judicial body, or the grievance process.
- (d) <u>Indemnification</u>. The Association shall indemnify the City, its officials and employees, and hold them harmless against any and all claims, demands, suits, or other forms of liability that may arise out of, or by reason of, any actions taken by the City for any purpose of complying with the provisions of this section.

Section 7. Negotiating Time for Negotiating Team Members. The City agrees to pay up to a maximum of five members of the Association's meet and confer team their regular pay for attendance at meet and confer meetings between the City and the Association. If subcommittees are jointly assigned to work on specific matters, Association members of the subcommittee shall receive their regular pay during joint subcommittee meetings. Association team member time

spent preparing for meetings, or attending internal Association meetings, will not be paid by the City. Police administration may adjust Association representatives' schedules in order to minimize overtime expense.

ARTICLE 2 Creation of Additional Deputy Chief Position

Section 1. Intent. In adopting this Article, the Parties agree to the creation of a single additional Deputy Chief position in addition to the two (2) Deputy Chief positions authorized by Section 143.014(c) Texas Local Government Code. The Parties believe this additional position is necessary to align the Departmental command structure with the organization of the Department into three (3) bureaus (Patrol, Investigations, and Administration) and to efficiently address the continued growth of the Department and the community.

Section 2. Minimum Standards. In addition to the minimum standards required by Sections 143.013(b) and 143.014(d) Texas Local Government Code, the person appointed to the additional Deputy Chief position must have:

- 1. obtained a minimum educational level of a Bachelor's degree within two (2) calendar years from the date the Meet and Confer Agreement is approved by the Parties.
- 2. successfully completed a major law enforcement management school, e.g., the FBI National Academy, Southern Police Institute, or be able to complete this requirement within the first eighteen (18) months of promotion to the position;
- 3. served in the rank of Sergeant or above, and have demonstrated effective supervision, leadership and management of the personnel under their control;
- 4. obtained the level of Master Peace Officer Certification by the Texas Commission on Law Enforcement (TCOLE) or its successor.

The Parties agree that these minimum standards shall apply to the subsequent appointment of any person to a Deputy Chief position.

Section 3. Procedure. Upon a vacancy in any Deputy Chief position, the position will be posted for a period of ten (10) calendar days during which eligible candidates may submit documentation of their qualifications, e.g., resumes, transcripts, certifications, for review by the Department Head. The Parties agree that the final appointment will be made solely at the Department Head's discretion and that this procedure is not intended to, and does not, provide a basis for appeal of the appointment.

Section 4. Adoption and Publication of Rules. The Commission shall adopt Local Rules in accordance with this article upon approval by the City Council.

ARTICLE 3 Military Leave Time Account

Section 1. City to Maintain Account.

- (a) The City of Temple shall maintain a military leave time account for the Police Department. The account shall benefit a police officer who:
 - (1) is a member of the Texas National Guard or the armed forces reserves of the United States;
 - (2) was called to active federal military duty while serving as a police officer for the City; and
 - (3) has served on active duty for a period of 3 continuous months or longer.
- (b) A police officer may donate any amount of accumulated vacation, holiday, sick, or compensatory leave time to the military leave time account to help provide salary continuation for police officers who qualify as eligible beneficiaries of the account under this Article.
- (c) A police officer who wishes to donate time to an account under this section must authorize the donation in writing on a form provided by the Police Department and approved by the City.
- (d) The City shall equally distribute the leave time donated to the military leave time account among all police officers who are eligible beneficiaries of that account. The City shall credit and debit the applicable military leave time account on an hourly basis, regardless of the cash value of the time donated or used.
- (e) A police officer who wishes to use military leave from the military leave time account shall submit the request in writing.
- (f) In December of each year, the City shall provide a report to the Association that includes the current balance of the military leave time account and the amount of leave used by each police officer from the account during the previous year.

Section 2. Adoption and Publication of Rules. The Commission shall adopt Local Rules in accordance with this article upon approval by the City Council.

ARTICLE 4 Compensation

Section 1. Intent. The Parties agree that in order to attract and retain qualified police officers, it is necessary to maintain a fair and competitive pay and compensation package, with due regard for fiscal restraints and sustainability. When considering total compensation, the Parties agree that base pay, longevity pay, education incentive pay, TCOLE certificate pay, shift differential pay, and other forms of compensation need to be evaluated with other cities comparable to the City of Temple.

Section 2. 2017 Compensation Study. The Parties agree to diligently work together to develop the criteria for a pay and compensation study, including comparable cities. The Parties agree to meet and discuss criteria and a schedule for the completion of the study no later than January 31, 2017, with the goal of implementing any compensation adjustments in conjunction with the FY 2018 budget process.

Section 3. Successor Agreement. Within 30 days after the completion of the study, the Parties agree to meet to discuss pay and compensation and the successor agreement to this Agreement.

ARTICLE 5 Overtime Compensation

Section 1. Intent. In adopting this Article, the Parties agree to the creation of a uniform Departmental policy governing overtime compensation, consistent with Section 142.0015 Texas Local Government Code, the Fair Labor Standards Act (FLSA), and City policy.

Section 2. General Guidelines.

- a. The allocation of budgeted overtime funds is solely within the discretion of the Department Head.
- b. Nothing in this Agreement is intended to, and this Agreement does not, limit the Department Head's discretion to assign employees as necessary to achieve Departmental objectives.

Section 3. Overtime Exception. The Parties understand and agree that the overtime exemption provided for by the FLSA known as the 7(k) exemption is hereby adopted by the City and shall be used to determine an applicable work period for purposes of overtime under the FLSA for certain work groups. The City reserves the right to make an initial determination regarding whether an overtime exemption applies, based on its own evaluation, or based on a request for an evaluation from the Department of Labor (DOL).

Section 4. Amendment of Work Period. The City reserves any and all rights to alter or amend the work period, if to do so serves the legitimate governmental and management interests of the City. The Parties agree that the maximum work period that will be utilized by the City is a fourteen (14) day period. The maximum number of hours that will be worked without overtime pay within a 14-day work period will be eighty (80).

Section 5. Scheduled Overtime Assignments.

- a. All scheduled overtime assignments subject to contractual agreements with third parties will be compensated at a guaranteed rate of time and a half, without regard to the number of hours worked by an officer during that pay period.
- b. Other overtime assignments for which compensation will be at a guaranteed rate of time and a half, without regard to the number of hours worked by an officer during that pay period, shall be identified and posted as such in advance.
- c. All scheduled overtime assignments for City events will be paid at time and half, unless an officer has worked less than 80 hours during the relevant pay period. In the event that an officer scheduled to work a City event has not worked 80 hours due to taking sick or vacation leave during that pay period, the officer will be compensated at his regular hourly rate for the City event. The officer shall have the option to elect whether to apply straight "additional regular" time in lieu of the leave taken, or to receive additional

compensation for working the City event, but in no case shall the officer be compensated at the rate of time and a half.

d. Supervisors shall not require officers who are scheduled to work a City event to take flex days prior to the City event in order to avoid paying the officers overtime for working the City assignment.

Section 6. Unscheduled Overtime.

- a. Call-Outs Non-exempt officers who are off-duty and receive notification to return to duty status shall be entitled to a minimum of 2 hours of overtime compensation, regardless of actual time worked. Time worked, in this circumstance, shall begin when the notification is received and continue until the officer is cleared from the call.
- b. If an officer is required to work unscheduled overtime, the officer shall have the opportunity to elect whether (s)he will be compensated with compensatory time, or paid overtime for that assignment, subject to leave balance restrictions. If the supervisor does not flex the officer's time, the overtime slip submitted by the officer will be processed as submitted. No supervisor shall amend a payment form submitted by an officer for such an assignment without the officer's prior consent.
- c. If the supervisor does flex the officer's time, the supervisor will work with the officer to schedule the flex time off, subject to the needs of the Department.

Section 7. Court Appearances. An officer who makes a required court-related appearance prior to, or after his/her regularly scheduled shift, is guaranteed a minimum of 2 hours of overtime compensation, regardless of the actual time spent in court. Time worked, in this circumstance, includes scheduled report time until released by the court.

Section 8. Compensatory Time. The Parties agree to the following:

- a. Overtime assignments for which compensation will be in the form of compensatory time off in lieu of paid overtime shall be identified and posted as such in advance.
- b. Unless an overtime assignment has been posted as a compensatory time assignment, compensation for that assignment shall be paid overtime.
- c. If an officer is required to work an overtime assignment for which the form of compensation has not been identified prior to the start of the overtime assignment, the officer shall have the opportunity to elect whether (s)he will be compensated with compensatory time or paid overtime for that assignment, subject to leave balance restrictions. If the supervisor does not flex the officer's time, the overtime slip submitted by the officer will be processed as submitted. No supervisor shall amend a payment form submitted by an officer for such an assignment without the officer's prior consent.
- d. If the supervisor does flex the officer's time, the supervisor will work with the officer to schedule the flex time off, subject to the needs of the Department.

- e. This section is not intended to limit the Department Head's ability to assign officers to work overtime assignments paid with compensatory time off as necessary to meet Departmental objectives.
- f. This section is not intended to limit the Department Head's authority to implement flex time in managing the Department's budget.
- g. Subject to staffing needs, supervisors and officers will schedule compensatory time off at a mutually agreeable time.

Section 9. Administrative Challenge. Nothing in this Agreement shall prevent or preclude an individual officer or class of officers from exercising their administrative rights to challenge the application of an exemption using applicable DOL procedures and protocols. Further, nothing in the Agreement shall prevent or preclude the City from defending its application of an exemption.

Section 10. Statutory Override. This Article supersedes Section 142.0015(j) Texas Local Government Code and any and all other contrary state provisions to allow the adoption of the FLSA 7(k) overtime exemption, and provide for an alternate work period.

Section 11. Adoption and Publication of Rules. The Commission shall adopt Local Rules in accordance with this article upon approval by the City Council.

ARTICLE 6 <u>Temporary Duties in Higher Classification/Rank Structure</u>

Section 1. Intent and Scope. The Parties acknowledge that an officer's experience, training and performance contribute significantly to his/her efficiency and ability, and the Department's ability to meet public safety needs. The Parties agree that temporarily designating an officer to perform the duties of a higher rank may be necessary to meet Departmental staffing needs, and can also provide the officer a unique and valuable training opportunity as part of career development.

Section 2. Corporal Rank

- (a) Acting Sergeant When no Sergeant or Lieutenant is available to act as a field supervisor for a shift due to absence, illness or injury, a Corporal shall be designated as "Acting Sergeant/Field Supervisor" for that shift. When no Sergeant is available to act as a field supervisor for a shift due to absence, illness or injury, and the Lieutenant determines an additional field supervisor is necessary to meet staffing needs, the Lieutenant may designate a Corporal as an "Acting Sergeant/Field Supervisor" for that shift.
 - 1. The designation shall be made by a Lieutenant, Deputy Chief, or the Department Head, and be noted in writing on the Duty Roster.
 - 2. A person serving in this designation shall have full authority and responsibility for performing all of the duties of the Sergeant rank for the duration of the designation.
 - 3. The officer designated as Acting Sergeant shall be paid the base salary of the Sergeant rank, plus the officer's own longevity and seniority pay, educational incentive pay, and certification pay during the period of the designation.
 - 4. The designation shall be made on a rotating basis to all Corporals, from a list which will be distributed to the Unit.
 - 5. The Department Head, or his designee, retains discretion to deviate from the order of names on the list when designating an Acting Sergeant. This decision is not subject to appeal and shall not be the basis for a grievance.
 - 6. If no list is available, the designation will be made on the basis of seniority.
- (b) Mentoring Sergeant A Lieutenant may designate a Corporal to act as Mentoring Sergeant under the supervision of a Sergeant or Lieutenant.
 - 1. The designation is specifically intended for training and mentoring purposes, as part of a comprehensive career development plan. The Mentoring Sergeant designation is not to be made for the purpose of meeting Departmental staffing needs.
 - 2. The designated officer will have the immediate authority of a Sergeant for the duration of the designation, however ultimate authority and responsibility for the shift remains with the available Sergeant or Lieutenant.
 - 3. The designation shall be made by a Lieutenant, Deputy Chief, or the Department Head, and be noted in writing on the Duty Roster.
 - 4. The Mentoring Sergeant shall not receive higher classification pay during the designation period.
 - 5. The designation shall be made on a rotating basis to all Corporals, from a list which will be distributed to the Unit.

- 6. The Department Head, or his designee, retains discretion to deviate from the order of names on the list when designating a Mentoring Sergeant. This decision is not subject to appeal and shall not be the basis for a grievance.
- 7. If no list is available, the designation will be made on the basis of seniority.

Section 3. Sergeant Rank

Watch Commander – When a Lieutenant will be absent or unavailable for a period of at least twenty-eight (28) consecutive days, the Department Head, or his designee, may designate a Sergeant to perform the administrative duties of a Lieutenant/Watch Commander.

- a. The designation shall be made by a Deputy Chief, or the Department Head, and be noted in writing on the Duty Roster.
- b. A person serving in this designation shall have full authority and responsibility for performing all of the duties of the Lieutenant rank for the duration of the designation.
- c. The designated Watch Commander shall be paid the base salary of the Lieutenant rank, plus the officer's own longevity and seniority pay, educational incentive pay, and certification pay during the period of the designation.
- d. The designation shall be made on a rotating basis from a list of Sergeants. If no list is available, the designation shall be made on the basis of seniority. The Department Head retains discretion to deviate from the order of names on the list when designating a Watch Commander. This decision is not subject to appeal and shall not be the basis for a grievance.
- e. The Department Head retains authority to designate a Watch Commander, pursuant to this section, for a period of less than twenty-eight (28) days, based on Departmental needs.

Section 4. Temporary Performance of Duties in a Higher Rank

In order to meet immediate Departmental staffing needs, the Department Head shall have the authority to temporarily assign an officer to perform the duties of a position in the next higher rank under the following circumstances:

- a. when that position has been funded, but not yet created or authorized by the City's governing body, or
- b. when there is a vacancy in an existing position for which no promotional list exists. An officer temporarily assigned under this subsection has no property right or interest, in law or equity, to continued employment in the temporarily assigned position, and will be demoted to the position (s)he occupied prior to the temporary assignment immediately upon determination of the officer occupying the first position on the eligibility list. This subsection does not preclude back-pay due to the person who is ultimately promoted to fill the position from the promotional list once established.

Assignments made pursuant to this provision are temporary in nature, and specifically intended to address immediate, pressing Departmental staffing needs. Assignments made pursuant to this provision are expressly limited to such period of time as is necessary for the City to formally create the position by ordinance, or complete the process of creating a promotional list for the position.

A person temporarily serving in a higher rank shall have full authority and responsibility for performing all of the duties of the assigned rank for the duration of the assignment.

Under no circumstances is this provision intended to, and it does not, circumvent the express intent of Chapter 143 of the Texas Local Government Code, which specifies that promotions are to be made solely through the promotional testing process.

An officer temporarily assigned to a position in the next higher rank under this provision shall be paid the base salary of the rank to which (s)he has been temporarily assigned, and the officer's own longevity or seniority pay, educational incentive pay, and certification pay for the period of the temporary assignment.

Under no circumstances is this provision intended to, and it does not, authorize the Department Head to, directly or indirectly, create a position that has not been funded by the City's governing body.

Section 5. Preemption. It is the specific intent of the Parties to the Agreement that any express written provision that specifically provides for a procedure, standard, or practice other than what is provided for in Subchapter D, Chapter 143 of the Texas Local Government Code is intended to override the applicable statutory provision as allowed by Subchapter C, Chapter 142 of the Texas Local Government Code.

Section 6. Adoption and Publication of Rules. The Commission shall adopt Local Rules in accordance with this article upon approval by the City Council.

ARTICLE 7 <u>Promotional Incentives for Education</u>

Section 1. Intent. The Parties agree that it is the goal of the Department to maintain high professional standards. Continuing education is encouraged and recognized as a way to improve professionalism for both officers and the Department.

Section 2. Additional Points on Promotional Exams.

- (a) In addition to the points a promotional candidate is entitled to receive under Chapter 143.033, Local Government Code, for seniority, promotional candidates are also entitled to receive points for continuing education as follows:
 - Level 1 0.50 points for having received an Advanced Certificate issued by the Texas Commission on Law Enforcement (TCOLE);
 - Level 2 1.0 points for having completed 60 college hours credit with a passing grade from an accredited institution of higher education, college or university;
 - Level 3 1.5 points for having received a Master Peace Officer Certificate issued by the Texas Commission of Law Enforcement (TCOLE);
 - Level 4 2.0 points for having received an Associates Degree from an accredited institution of higher education, college, or university;
 - Level 5 3.0 points for having received a Bachelor's Degree or higher from an accredited institution of higher education, college, or university.
- (b) A promotional candidate is entitled to receive the points for only the highest level attained listed above.
- (c) Points awarded to a promotional candidate under this Article shall be added to the final score received after the testing process has been completed.

Section 3. Adoption and Publication of Rules. The Commission shall adopt Local Rules in accordance with this article upon approval by the City Council.

ARTICLE 8 Lateral Entry Program

Section 1. Intent and Scope. The Parties acknowledge that the ability to attract and hire qualified candidates is beneficial to the Association, the Department, and the City. The Parties agree that an expedited process for hiring qualified applicants with previous law enforcement experience will support and enhance this goal.

Section 2. Eligibility Requirements. To be eligible for hiring under this Article, an applicant must:

- 1. have a current TCOLE license;
- 2. be currently employed with a law enforcement agency;
- 3. have an honorable standing within their current department;
- 4. not be under any type of investigation with their current department;
- 5. have three (3) or more years of work experience with a municipal, county, or state law enforcement agency in a community comparable in size and population to the City of Temple;
- 6. take and pass the locally given Civil Service exam; and
- 7. complete and pass a background investigation, and the City of Temple hiring process.

In addition to the above, the probationary officer, once hired, must:

- 1. successfully complete a modified Field Training Program of not less than eight (8) weeks, and
- 2. successfully complete a twelve (12) month probationary period.

The candidate will not have to attend the full training academy.

The Department Head's final determination regarding whether an applicant meets the Lateral Entry Program criteria shall be final. The decision is not subject to appeal to the Commission, and shall not be the basis of a grievance under this Agreement.

Section 3. Guidelines

- 1. <u>Hiring</u>: An eligibility list for lateral applicants shall be maintained in addition to an entrylevel eligibility list. The score to be placed on the lateral eligibility list for each lateral applicant shall be the applicant's score from the locally given Civil Service exam. That score will be used to rank applicants on the lateral eligibility list, however, the Department Head may give preference in selection to any person on the lateral eligibility list based on the applicant's years of experience and type of experience. The lateral eligibility list shall expire at the discretion of the Department Head. To fill a vacant position within the Department, the Department Head may select an applicant from the lateral eligibility list, or follow the process defined in section 143.026 of the Texas Local Government Code.
- 2. <u>Promotional Eligibility</u>: The Lateral Entry Program is for pay purposes only, and actual work experience in another law enforcement agency will not be considered for promotional eligibility purposes.
- 3. <u>Salary:</u> Upon successful completion of the Probationary classification, applicants hired under this lateral entry program will be placed in the current pay grade on the Temple Police

Department compensation plan commensurate with their full-time prior service as a police officer. Applicants with prior municipal police service in a city with a population of 30,000 or more will receive one credit year for each full year of police service, not to exceed ten (10) credit years. Applicants with prior municipal police service in a city with a population of less than 30,000 will receive one credit year for each two (2) full years of prior police service, not to exceed five (5) credit years. Applicants with prior field deputy service with a county sheriff's office with a population of 175,000 or more will receive one credit year for each full year of field deputy service, not to exceed ten (10) credit years. Applicants with prior field service experience with any TCOLE certified organization other than a municipal police organization or a county sheriff's office will receive one credit year for each two (2) full years of prior field service, not to exceed five (5) credit years. The "credited time" will NOT count as time served in the Temple Police Department for any purpose(s) except determining the starting pay grade. For example, it will not count towards any benefits, assignment, promotions, longevity or retirement. Applicants who receive prior service credit will remain in the assigned starting pay grade until they have the required years of actual service with the Temple Police Department to advance to the next pay grade. Prior service will be calculated on full years of service with an entity. Partial years of service with different entities will not be added together to make a full year. The City will use the latest official census figures from the U.S. Census Bureau at the time the applicant is hired to determine city and county populations.

4. <u>Seniority:</u> Seniority will be based on the applicant's date of hire within the Department. No credit for prior service outside the Department will be granted for seniority purposes.

Section 4. Preemption. It is the specific intent of the Parties to the Agreement that any express written provision that specifically provides for a procedure, standard, or practice other than what is provided for in Subchapter D, Chapter 143 of the Texas Local Government Code is intended to override the applicable statutory provision as allowed by Subchapter C, Chapter 142 of the Texas Local Government Code.

Section 5. Adoption and Publication of Rules. The Commission shall adopt Local Rules in accordance with this article upon approval by the City Council.

ARTICLE 9 Individual Vehicle Assignment Program (IVAP)

Section 1. Intent. In adopting this Article, the Parties agree to implement an Individual Vehicle Assignment Program for the purpose of providing take-home patrol vehicles to eligible officers. The Parties recognize the benefits of reduced vehicle maintenance expense, reduced response times, crime deterrence and enhanced police presence in neighborhoods where the vehicles are located.

Section 2. Eligibility.

- (a) For an officer to be eligible for the IVAP program, the officer must:
 - 1. be employed as a Temple Police Officer;
 - 2. have successfully completed all phases of the Field Training Program, and
 - 3. have been assigned a designated vehicle.
- (b) Except as provided by Section 5, an officer participating in the IVAP program is eligible to take a vehicle home, providing the officer's residence is no more than seven (7) miles outside the Temple city limits.

Section 3. Applicable Guidelines.

- (a) Vehicles will be assigned, when available, to new officers on the basis of their civil service ranking.
- (b) In addition to the eligibility standards established in Section 2, officers assigned a vehicle shall abide by Temple Police Department General Orders, Chapter 803, "Police Vehicles," as amended.

Section 4. Fee. Except as provided by Section 5, officers who are assigned a vehicle in the IVAP program and elect to take that vehicle home shall be assessed a fee for the use of the vehicle as follows:

- 1. Officers residing within the city limits no charge
- 2. Officers residing outside the city limits but no more than seven (7) miles outside the city limits \$23/pay period

Section 5. Exceptions.

- (a) Any officer who resides .5 miles or less outside the City and is assigned a vehicle that the officer elects to take home at the time this Agreement is adopted is exempt from the payment of the fees described in Section 4, unless the officer moves more than .5 miles outside the city limits after the effective date of this Agreement.
- (b) Any officer who is assigned a take home vehicle because of their assignment and who resides outside the city at the time this Agreement is adopted is exempt from the distance limitations and the payment of the fees described in this Article. Officers who are assigned a take home vehicle because of their assignment after the effective date of this Agreement may be assessed the fees described in Section 4 as a condition for accepting the position. The city may impose residential distance restrictions on officers as a

condition of eligibility for assignment to future positions in which an assigned vehicle and the ability to respond in a timely manner is a requirement for the position.

- (c) One (1) Criminal Investigation Division Supervisor and three (3) Criminal Investigation Division Detectives assigned by the Department Head are exempt from the distance limitations and the payment of fees described in this Article as follows:
 - 1. If an officer in one of the above listed positions lives more than seven (7) miles from the city limits, the officer may utilize an assigned vehicle and take that vehicle home when the officer is on-call, and the officer is exempt from the payment of the fees described in Section 4 for the use of the vehicle while on-call.
 - 2. Any officer who is assigned to one of the above listed positions and lives outside the city limits, but within seven (7) miles from the city limits and does not elect to take the vehicle home and pay the fees described in Section 4, may utilize a take-home vehicle when the officer is on-call, and the officer is exempt from the payment of the fees described in Section 4.

Section 6. Adoption and Publication of Rules. The Department shall adopt rules in accordance with this article upon approval by the City Council.

ARTICLE 10 Disciplinary Actions and Appeals

Section 1. Intent. In adopting this Article, the Parties understand and agree that most officers will make some errors during their career involving rule violations, including those who are good, professional police officers. The Parties agree that some disciplinary suspensions are for the purpose of reinforcing the need for compliance with Departmental standards and not necessarily as punishment.

Section 2. Suspensions of Thirty-Six (36) Hours or Less.

- (a) The Parties agree that when an officer is suspended for 36 hours or less, the officer may choose one of two methods of dealing with the suspensions as set out below:
 - 1. <u>Suspensions that may not be appealed.</u> The officer may forfeit vacation, compensatory, or holiday time equal to the length of the suspension, to serve the suspension with no loss of paid salary and no break in service for purposes of seniority, retirement, or promotion. The forfeited vacation, compensatory, or holiday time will not constitute hours worked. In the event an officer has received a disciplinary suspension within the preceding 24-month period, the officer may only forfeit vacation, compensatory, or holiday time with the Department Head's permission. The officer must agree that there is no right to appeal the suspension before any administrative or judicial body if this method of suspension is chosen, and the officer must sign a waiver of appeal. Forfeiture of vacation, compensatory, or holiday time will not preclude an officer from being paid overtime at the rate of time and a half for those overtime assignments that have been identified as "guaranteed overtime" assignments.
 - 2. <u>Suspensions that may be appealed</u>. The officer may appeal the suspension solely to the Civil Service Commission. If the officer chooses to appeal the suspension, the hearing will be conducted as set forth in Section 143.053 Texas Local Government Code.
- (b) <u>Consideration of Suspensions of 36 Hours or Less.</u> The Parties agree that disciplinary suspensions of 36 hours or less that were imposed on or after the effective date of this Agreement will no longer be considered for purposes of transfer or promotion after 24 months have passed from the date the suspension ended, without regard to whether the suspension was appealed. After the 24 months have passed, the Department Head shall notify the Civil Service Commission in writing. A copy of the notification document shall be included in the Internal Affairs Division (IAD) investigative file or the file maintained by the Director, whichever is appropriate, and the Department shall enter a notation reflecting this.
- (c) The Parties agree that the Department and the Civil Service Commission will not alter, destroy, conceal, or remove any documents related to the temporary suspension, including but not limited to the notice of temporary suspension that was filed with the Commission as required by Section 143.052(c) Texas Local Government Code, or the IAD investigative file itself. The original suspension paperwork shall still be subject to open records requests and as evidence to negate any civil liability claim.

Section 3. Suspensions of Thirty-Seven (37) to One Hundred and Twenty (120) Hours. The Parties agree that, when an officer is suspended for 37 to 120 hours, the officer may choose one of two methods for dealing with the suspension, as set out below:

- 1. <u>Suspensions that may not be appealed.</u> The Department Head may allow the officer to forfeit vacation, compensatory, or holiday time equal to the length of the suspension, to serve the suspension with no loss of paid salary and no break in service for purposes of seniority, retirement, or promotion. The forfeited vacation, compensatory, or holiday time will not constitute hours worked. Forfeiture of vacation, compensatory, or holiday time will not preclude an officer from being paid overtime at the rate of time and a half for those overtime assignments that have been identified as "guaranteed overtime" assignments. Approval of the use of vacation, compensatory, or holiday time will be noted in the suspension paperwork. The officer must agree that there is no right to appeal the suspension before any administrative or judicial body if this method of suspension is chosen, and the officer must sign a waiver of appeal.
- 2. <u>Suspensions that may be appealed.</u> The officer may appeal the suspension to the Civil Service Commission, or a Hearing Examiner as provided in Section 143.057 Texas Local Government Code.

Section 4. Suspensions of One Hundred and Twenty-One (121) to Seven Hundred and Twenty (720) Hours. The Parties agree that, when an officer is suspended for 121 to 720 hours, one of the two following methods for dealing with the suspension will be used:

- 1. <u>Mutually Agreed.</u> Either the Department Head or the officer facing discipline may offer to impose or accept a suspension without pay for a period from one hundred and twenty-one (121) to seven hundred and twenty (720) hours. If the officer accepts the mutually agreed suspension, there shall be no right to appeal the suspension to any administrative or judicial body, and the officer must sign a waiver of appeal. It is also understood and agreed that, if the Department Head permits the forfeit of vacation, compensatory, or holiday time for suspension, said vacation, compensatory, or holiday time shall be considered as equal discipline to unpaid hours of suspension. In no case will sick leave be substituted for unpaid hours of suspension. The forfeited vacation, compensatory, or holiday time will not constitute hours worked. Forfeiture of vacation, compensatory, or holiday time will not preclude an officer from being paid overtime at the rate of time and a half for those overtime assignments that have been identified as "guaranteed overtime" assignments.
- 2. <u>Not Agreed.</u> If the Department Head imposes a suspension under this section, the officer may appeal to the Civil Service Commission or to a Hearing Examiner as provided in Section 143.057 Texas Local Government Code.

Section 5. Alternative Discipline by the Department Head.

(a) In considering appropriate disciplinary action involving suspension of at least 37 hours, the Department Head may require that an officer be evaluated by a qualified professional designated by the Department Head. If that professional recommends a program of counseling and/or rehabilitation for the officer, the Department Head may, as an alternative to demotion, or temporary or indefinite suspension, or in combination with demotion or temporary suspension, require that the officer successfully complete the recommended program. The program of counseling and/or rehabilitation will be completed on the officer's off-duty time, unless the Department Head approves the use of accrued vacation leave or sick leave. The officer shall be responsible for paying all costs of the program of counseling and/or rehabilitation which are not covered by the officer's health insurance plan.

- (b) If the officer's misconduct involves alcohol or substance abuse related behavior, the Department Head may require that the officer submit to mandatory alcohol or drug testing for a specified period of time. If the officer fails or refuses to enter into the program, or, after entering the program of counseling and/or rehabilitation, the officer fails or refuses to complete the program, or fails to submit to mandatory alcohol or drug testing, the officer may be indefinitely suspended for failing or refusing to complete the program, or for failing or refusing to submit to mandatory alcohol or drug testing.
- (c) The officer has the right to appeal to the Civil Service Commission or to a third party Hearing Examiner any discipline imposed under this section by filing an appeal notice in accordance with the provisions of Chapter 143.
- (d) On appeal, the Commission or Hearing Examiner shall have the same duties and powers set forth in Chapter 143, but shall not have the power to substitute a program of counseling and/or rehabilitation different from the program imposed by the Department Head, or to substitute any period of suspension for the required program of counseling and/or rehabilitation.

Section 6. Alternative Discipline by Agreement

- (a) In considering appropriate disciplinary action, the Department Head may require that an officer be evaluated by a qualified professional designated by the Department Head. If that professional recommends a program of counseling and/or rehabilitation for the officer, the Department Head may offer the officer the opportunity to enter into an alternative disciplinary agreement under which the officer would accept demotion or a temporary suspension of up to seven hundred and twenty (720) hours and agree to successfully complete the program of counseling and/or rehabilitation recommended by the qualified professional designated by the Department Head.
- (b) The program of counseling and/or rehabilitation will be completed on the officer's off-duty time, unless the Department Head approves the use of accrued vacation leave or sick leave. The officer shall be responsible for paying all costs of the program of counseling and/or rehabilitation which are not covered by the officer's health insurance plan.
- (c) If the officer's misconduct involves alcohol or substance abuse related behavior, the Department Head may require that the officer submit to mandatory alcohol or drug testing for a specified period of time. If the officer accepts the opportunity for agreed alternative discipline, the officer may not appeal any terms of the Agreement or the disciplinary action. If the officer fails to complete the program of counseling and/or rehabilitation without good cause, the officer may be indefinitely suspended without right of appeal regarding the Agreement or the disciplinary action before any administrative or judicial body.

(d) In considering whether the officer had good cause for failing to complete the program, the Department Head will consider whether the officer was prevented from completing the program by circumstances not reasonably within his/her control, e.g. serious illness or death in the family, unavailability of the professional.

Section 7. Last Chance Agreement

- (a) In considering appropriate disciplinary action, the Department Head may require that an officer be evaluated by a qualified professional designated by the Department Head. If that professional recommends a program of counseling and/or rehabilitation for the officer, the Department Head may offer the officer, as an alternative to indefinite suspension, the opportunity to enter into a Last Chance Agreement.
- (b) The Agreement may include the following provisions in addition to any other provisions agreed upon by the Department Head and the officer.
 - 1. The officer shall successfully complete the program of counseling and/or rehabilitation recommended by the qualified professional designated by the Department Head.
 - 2. The program of counseling and/or rehabilitation will be completed on the officer's off-duty time, unless the Department Head approves the use of accrued vacation leave or sick leave. The officer shall be responsible for paying all costs of the program of counseling and/or rehabilitation which are not covered by the officer's health insurance plan.
 - 3. The officer shall agree to a probationary period not to exceed one (1) year, with the additional requirement that if, during the probationary period, the officer commits the same or a similar act of misconduct, the officer will be indefinitely suspended without right of appeal regarding the Agreement or the disciplinary action before any administrative or judicial body.
- (c) If the officer's misconduct involves alcohol or substance abuse related behavior, the Department Head may require that the officer submit to mandatory alcohol or drug testing for a specified period of time. If the officer accepts the opportunity for a Last Chance Agreement, the officer may not appeal any terms of the Agreement. Successful completion of a counseling and/or rehabilitation program will be specifically defined in the Agreement.
- (d) If the officer fails to successfully complete the agreed upon program, without good cause, the officer may be indefinitely suspended without right of appeal regarding the Agreement or the disciplinary action before any administrative or judicial body.
- (e) In considering whether the officer had good cause for failing to complete the program, the Department Head will consider whether the officer was prevented from completing the program by circumstances not reasonably within his/her control, e.g. serious illness or death in the family, unavailability of the professional.

Section 8. Officer's Request for Professional Evaluation

- (a) Prior to completion of an Internal Affairs investigation or the imposition of any discipline, the officer may independently request an opportunity to be evaluated by a qualified physician, psychiatrist or psychologist in order to seek counseling and/or rehabilitation.
- (b) The officer's request will toll the 180 day deadline for imposing discipline under Section 143.052(h) Texas Local Government Code for the duration of time required for the officer to be evaluated and complete any program of counseling and/or rehabilitation.
- (c) The officer shall be responsible for paying all costs of the program of the evaluation and counseling and/or rehabilitation which are not covered by the officer's health insurance plan. The evaluation and the program of counseling and/or rehabilitation will be completed on the officer's accrued vacation and/or sick and/or compensatory leave time.
- (d) If the officer has insufficient accrued vacation and/or sick and/or compensatory leave time to successfully complete the evaluation and any program of counseling and/or rehabilitation, the officer shall complete the evaluation and/or the program while on unpaid leave.
- (e) The Department Head may consider any counseling and/or rehabilitation voluntarily undertaken by an officer under this section before imposing any discipline.

Section 9. Due Process – Loudermill Hearings

- (a) The Parties acknowledge the importance of protecting the due process rights of an officer facing any level of formal discipline. The essential components of due process include the officer's right to have adequate notice of the allegations against him/her, the factual basis for the allegations, and an opportunity to be heard by the Department Head prior to the imposition of discipline. This process is also important to the Department Head in determining the nature of the alleged violations, the unique circumstances of the individual officer, the appropriate level of discipline, and the fairness and consistency of disciplinary actions throughout the Department.
- (b) Following completion of an Internal Affairs investigation, the Department Head shall conduct the following meetings:
 - 1. <u>Initial Meeting Delivery of Notice of Proposed Discipline:</u> After review of the Internal Affairs investigation and related documents, the Department Head shall draft a Notice of Proposed Discipline. This document shall contain the text of any Civil Service rules, Departmental General Orders, City personnel policies, City ordinances, City Charter provisions, state or federal laws the officer is alleged to have violated, along with a detailed description of how the officer's conduct violated said policies, rules or laws. Any documents or recordings that form the basis for the allegations shall be attached to the Notice as exhibits. The Notice will also state the level of discipline the Department Head is proposing to impose. The Notice of Proposed Discipline is not a public document, is not subject to an open records request and is confidential by law pursuant to section 143.089(g) of the Texas Local Government Code. At the initial hearing, the Notice will be delivered to the officer's counsel may attend this meeting. The Internal

Affairs investigator, the officer's supervisor and the Department's legal advisor will also be present. The meeting will be recorded by the Department Head. The officer or his counsel may also record the meeting. If the officer appears without assistance of counsel, the Department Head will read the full text of the Notice aloud at the meeting. If the officer appears with counsel, the Notice will not be read aloud, but will be delivered to the officer's counsel. After the Notice has been read, or delivered to the officer's counsel, the officer will sign acknowledging receipt of the Notice of Proposed Discipline and have an opportunity to ask any questions. The Department Head will then schedule a date and time for the second meeting. If any necessary party is not available to meet on the 5th business day, the meeting will be scheduled for the next business day when all necessary parties are available, provided that the second meeting must be held no later than the 8th business day after the first meeting.

- 2. Second Meeting The Officer's Response: After a period of time during which the officer may review the allegations against him/her and the evidence in support of the allegations, the officer will have an opportunity to present his/her side of the case to the Department Head. The officer may present mitigating evidence, in any form, that he/she believes to be relevant and/or helpful to Department Head in coming to a fair and consistent disciplinary decision. The evidence presented by the officer, to the extent it has not already been publicly released or is considered 'super-public' pursuant to Chapter 552 of the Texas Government Code, is not public information, not subject to an open records request and is confidential by law pursuant to section 143.089 of the Texas Local Government Code. The officer's counsel may be present at this meeting. The Internal Affairs investigator, the officer's supervisor and the Department's legal advisor will also be present. The meeting will be recorded by the Department Head. The officer or his counsel may also record the meeting. After the officer has completed his/her presentation, the Department Head will schedule a date and time for the final meeting. The date of the final meeting will be on the 5th business day following the second meeting. If any necessary party is not available to meet on the 5th business day, the meeting will be scheduled for the next business day when all necessary parties are available, provided that the final meeting must be held no later than the 8th business day after the second meeting.
- 3. <u>Final Meeting Disciplinary Decision:</u> After review of the evidence presented by the officer, the Department Head shall carefully consider the allegations and the officer's evidence. The purpose of the final meeting is to deliver the Department Head's decision regarding the appropriate level of discipline to be imposed. If formal discipline in the form of a demotion, suspension or an indefinite suspension is to be imposed, the Department Head shall draft a Notice and Order of Demotion, Suspension or Indefinite Suspension, as appropriate, for delivery to the officer at this meeting. This document, including any supporting exhibits, is a public document and is subject to an open records request. Any remedial measure other than a demotion, suspension, or indefinite suspension imposed by the Department Head is confidential by law, pursuant to section 143.089 of the Texas Local Government Code. The officer's counsel may attend this meeting. The Internal Affairs investigator, the officer's supervisor and the Department's legal advisor will also be present. The meeting will be recorded by the Department Head. The officer or his counsel may also record the meeting. If the officer appears without

assistance of counsel, and formal discipline is to be imposed, the Department Head will read the full text of the final Notice aloud at the meeting. If the officer appears with counsel, the Notice will not be read aloud, but will be delivered to the officer's counsel. After the Notice has been read, or delivered to the officer's counsel, the officer will sign acknowledging receipt of the Notice and Order. The officer will leave with a signed copy of the Notice and Order.

Section 10. Texas Local Government Code, Section 143.057– Hearing Examiner Retained for Suspensions in Excess of Thirty-Six (36) Hours.

- (a) The City recognizes that during the term of this Agreement, officers have the right to an appeal of an indefinite suspension before a Hearing Examiner as provided in section 143.057 of the Texas Local Government Code. During the term of this Agreement, the Parties specifically agree to retain this right of appeal, as modified herein, notwithstanding any change to section 143.057 which may occur as a result of court or legislative action.
- (b) It is the express intention of this provision that an officer may not appeal to a Hearing Examiner pursuant to section 143.057, Texas Local Government Code unless the suspension exceeds thirty-six (36) hours, or is an indefinite suspension, or a demotion.

Section 11. Procedures for Hearings Before Commission and Hearing Examiners

- (a) It is expressly agreed that Commission hearings and hearings before Hearing Examiners under section 143.057 are informal administrative hearings and are not subject to discovery or evidentiary processes. Specifically, it is understood that neither the Texas Rules of Evidence (TRE) nor the Texas Rules of Court (TRC) apply to such hearings.
- (b) The burden of proof shall be by a preponderance of the evidence.
- (c) If the Department calls a witness to testify during a hearing and that witness has given a statement to Internal Affairs regarding the pending case, then the Department will supply a copy of that statement to the officer's counsel at the time the witness is called to testify.

Section 12. Appeal Procedures Before Hearing Examiners

- (a) The Parties recognize and agree that protracted, unnecessary delay of disciplinary appeals to third-party Hearing Examiners dilutes the primary instructive function of the underlying discipline.
- (b) The Parties agree that the following procedures are intended to promote the efficient and effective conclusion of such appeals.
 - 1. The Parties agree to select a third-party Hearing Examiner:
 - a. by agreement, no later than ten (10) business days from the date the officer's notice of appeal is filed with the Director of the Civil Service Commission, or

- b. from a list of seven (7) Hearing Examiners provided by the American Arbitration Association. The Director will request the list within ten (10) business days of receipt of the officer's notice of appeal. The Director will send the list by email to the officer's counsel and counsel for the City within ten (10) business days of receipt. The selection process will be completed no later than ten (10) business days from the date the list is received by counsel, using a process of alternately striking names from the list, with the officer's counsel making the initial strike.
- 2. Failure by the officer's counsel to comply with the requirements of subsection (a)(1) or (a)(2) of this Section 12 shall be deemed a withdrawal of officer's appeal.
- The Department shall furnish the charge letter to the Hearing Examiner by delivering a copy far enough in advance so that the Hearing Examiner receives the copy at least five (5) business days prior to the start of the hearing.
- 4. The officer may furnish a position statement to the Hearing Examiner by delivering copies to the Hearing Examiner and the Department far enough in advance so that the Hearing Examiner and the Department receive the copies at least five (5) business days prior to the start of the hearing.
- 5. At the close of the presentation of evidence to the Hearing Examiner, the Hearing Examiner shall render a decision within thirty (30) business days.
- 6. Post-hearing briefs shall only be allowed by mutual agreement of the Parties, and shall be sent simultaneously to both the Hearing Examiner and the opposing side using the same mutually agreed method.
- 7. Expenses It is agreed that the City and the officer disciplined under this Article shall equally share the expenses associated with a third-party Hearing Examiner. The cost of an expert witness or any other witness not employed by the City is to be paid by the Party that subpoenas that witness. In the event a Party desires a court reporter, that Party shall bear 100% of that cost. In the event the officer is not a member of the Association, and therefore financially responsible for his/her share of any fees, the officer shall deposit with the Director of the Civil Service Commission his/her share of the fees three (3) days prior to the Hearing Examiner's deadline to cancel. Failure to deposit the funds shall result in the appeal being dropped.

In the event the fees for a hearing exceed the deposited amount, the non-Association member shall pay the remaining amount due within thirty (30) days of receipt of the bill, or authorize the City to deduct the amount due from his/her next four (4) paychecks.

Section 13. Jurisdiction of Hearing Authority to Modify Discipline

(a) In addition to the authority provided by section 143.053 Texas Local Government Code, the Parties agree that the Civil Service Commission, or a Hearing Examiner appointed pursuant to section 143.057 Texas Local Government Code and the provisions of this Agreement, shall have the authority to impose a disciplinary suspension of any length of time, including suspensions in excess of fifteen (15) days, and time already served between the imposition of discipline and the appeal decision.

- (b) It is the specific intent of the Parties to override the judicial limitation imposed on the authority of the Commission or Hearing Examiner by the case styled *City of Waco v*. *Kelley*, 309 S.W.3d 536 (Tex.2010), which restricts the jurisdiction of the hearing authority to imposing only indefinite suspensions, temporary suspensions of fifteen (15) calendar days or less, or restoring the officer's former position.
- (c) It is not the intent of the Parties to modify any right or privilege of further appeal or appellate review that is otherwise authorized by law to review the decision of the Commission or Hearing Examiner.

Section 14. Preemption. The provisions of this Article preempt all contrary local ordinances, administrative directives, legislation or rules adopted by the State or by a political subdivision, including a Civil Service Commission. It is the specific intent of the Parties to the Agreement that any express written provision that specifically provides for a procedure, standard, or practice other than what is provided for in Subchapter D, Chapter 143 of the Texas Local Government Code is intended to override the applicable statutory provision as allowed by Subchapter C, Chapter 142 of the Texas Local Government Code.

Section 15. Adoption and Publication of Rules. The Commission shall adopt Local Rules in accordance with this article upon approval by the City Council.

ARTICLE 11 Grievance Procedure

Section 1. Intent and Scope of Procedure. The Parties acknowledge that from time to time, disagreements between the Parties may arise as to the application or interpretation of this Agreement. The Parties therefore agree that the purpose of this dispute resolution procedure is to provide a just and equitable method for resolving disagreements between the Parties regarding the application or interpretation of the provisions of this Agreement. Only matters involving the interpretation, application, or alleged violations of a specified provision of this Meet and Confer Agreement shall be subject to this dispute resolution procedure. Any matter for which the right of appeal or review is afforded by Chapter 143 of the Texas Local Government Code are excluded from the scope of this Article.

Section 2. Application of Procedure

- (a) If the Association has a dispute with the City regarding this Agreement, the Association Executive Board, or the Association President's designee, should reduce the dispute to writing and deliver it to the City's designated representative, who shall be its Department Head or his designee.
- (b) A police officer may not file a request for contract dispute resolution directly with the City. All resolution requests must be approved and come from the Association Executive Board.
- (c) Each dispute shall be submitted in writing, and must include, at a minimum, the following information:
 - 1. a brief statement of the dispute, and the facts or events on which it is based;
 - 2. the section(s) of the Agreement alleged to have been violated;
 - 3. the remedy or adjustment sought, and
 - 4. the bargaining unit member's signature or, if filed by the Association Executive Board, the signature of the Association President or his designee.
- (d) Any claim or dispute by a police officer or group of police officers under this Agreement which includes a claim for pay or benefits for any past pay periods, must be filed by the employee with the Association Executive Board within fifteen (15) business days of the date when the officer(s) knew or reasonably should have known of the claim. Disputes by the Association Executive Board or police officer shall proceed as follows:

Step 1. An aggrieved police officer must initiate a dispute with the Association Executive Board within fifteen (15) business days of the date upon which the police officer knew of or reasonably should have known of the facts giving rise to the dispute. A copy of the notice or receipt of the dispute shall be forwarded to the Department Head by the Association Executive Board within three (3) business days of the receipt of the dispute. The Association Executive Board shall within their sole discretion determine if a dispute exists within fifteen (15) business days of receipt of the dispute.

If the Association determines that no dispute exists, the grievance will be deemed denied, and the Association shall notify the Department Head in writing that no further proceedings will be necessary. If the Association Executive Board determines that the dispute is valid, the Association

will notify the Department Head of such, and forward a copy of the grievance to the Department Head within fifteen (15) business days after their determination.

Step 2. Any grievance found to be valid by the Association Executive Board shall be submitted to the Department Head within fifteen (15) business days of the Step 1 decision. After receipt of the dispute, the Department Head shall, within fifteen (15) business days, submit his/her response in writing to the Association Executive Board. If there is no timely reply from the Department Head, the grievance is deemed denied and will proceed to Step 3.

Step 3. If the dispute is not resolved in Step 2, the Association Executive Board shall advance the dispute in writing to the City Manager or his/her designee within fifteen (15) days from receipt of the Step 2 decision by the Department Head. The City Manager or designated representative shall review the matter and render a decision in writing to the Association Executive Board and the Department Head within fifteen (15) business days of the receipt of the dispute in Step 3. The City Manager or designee may, at his/her discretion, conduct a conference to further explore the merits of the dispute and to explore resolution options.

Step 4. If the dispute is not resolved in Step 3, either Party shall have the right to seek mediation of the dispute by requesting the same in writing within fifteen (15) business days from the City Manager's response. The mediation will proceed before either a mediator with the Federal Mediation and Conciliation Service, or before a mutually agreed mediator. The mediation shall be held in available City of Temple facilities.

Step 5. If the dispute is not resolved at Step 4, the Association Executive Board shall have fifteen (15) business days from the date mediation concludes to determine whether it will pursue the dispute under this Article through arbitration. Under this step, the Association Executive Board must deliver a letter indicating its election to proceed to arbitration to the Department Head and the City Manager within three (3) business days of that election.

Section 3. Arbitration Option.

- (a) The Parties have agreed that all disputes under this Agreement, which concern the application and interpretation of this Agreement, shall be submitted to final and binding arbitration, and the Parties exclude from this Agreement disputes involving statutory application and interpretation for rights and claims not arising under sections 142 or 143 of the Texas Local Government Code.
- (b) The terms of the Agreement, and any factual issues which are determinative in applying the Agreement, shall be the sole province of the designated arbitrator, and his or her decision shall be final. However, the City will only agree to arbitration on the condition that legal issues which are determinative in any contract dispute are subject to judicial review. This represents an agreement by the Parties to submit disputes to arbitration within its scope, and otherwise preserves the existing jurisdiction of Texas Courts over any contract rights and claims not exclusively committed to arbitration.
- (c) The Parties have agreed that questions of law, which involve either the interpretation and application of state statutes or the application of legal principles from Texas appellate court opinions (or the failure to properly apply such legal principles or opinions) to controversies

under this article shall be submitted initially to arbitration, but that either Party shall have a limited right of appeal from an arbitration award in the Courts, solely for the purpose of reviewing disputed issues of law. No such appeal from arbitration shall include review of any factual determinations by the arbitrator, including credibility of witnesses or weight of the evidence. If an appeal from arbitration based on erroneous application of the law is not successful, the appealing Party shall bear all costs of such appeal.

- (d) If a dispute is submitted to arbitration, within seven (7) business days, the Department Head and/or the City and the Association may mutually agree on the selection of an arbitrator or, if unable to agree, within thirty (30) days shall select an arbitrator by alternately striking names from the Parties' pre-determined panel of six (6) qualified neutral arbitrators. The process will be as follows: the Association shall strike the first name under this article with the first dispute brought under this Article. Thereafter, the first strike shall alternate between the Parties. Should any panel member subsequently refuse or be unable to continue to serve on the panel, the Parties may mutually agree to his replacement. The remaining members of the panel will continue to serve for the duration of the Agreement. The arbitration should be held at the earliest available date, but may be continued for good cause shown, or upon mutual agreement.
- (e) Upon written request delivered at least fourteen (14) calendar days prior to the date of the hearing, a Party to the proceeding shall provide, no later than seven (7) days prior to the hearing, to the opposing Party the names and addresses of witnesses expected to be called at the hearing. In the absence of good or excusable cause, the arbitrator may exclude the testimony of a witness upon the failure of a party to disclose such a witness. The Parties, in writing, may request discovery from each other concerning the grievance. Should the opposing Party not agree to provide the requested information within seven (7) calendar days of the request, the request shall be deemed denied. The requesting Party may then apply to the arbitrator, who shall order such discovery consistent with, but not bound by, the rules of discovery in Texas civil cases. In considering the application, the arbitrator shall consider the burden and expense of producing the information, the need of the requesting Party, the amount of time available prior to the hearing, and such other matters as he may deem material. In no event shall discovery be requested within thirty-five (35) calendar days prior to the hearing, unless agreed to by the Parties.
- (f) The hearing shall be held in available facilities of the City of Temple and shall be conducted informally, without strict evidentiary or procedural rules. The conduct of the hearing shall be governed by the standard rules of the American Arbitration Association. The arbitrator shall consider and decide only the issue(s) in the dispute statement, or submitted in writing by agreement of the Parties. The hearing shall be concluded as expeditiously as possible and the arbitrator's written decision shall be based on a preponderance of the evidence within thirty (30) days after close of the hearing, or after receipt of post-hearing briefs, if applicable.

Section 4. Decision Final and Binding.

(a) If arbitration is selected, the Parties specifically agree that the arbitrator's authority shall be strictly limited to interpreting and applying the explicit provisions of this Agreement. The arbitrator shall not have authority to modify the Agreement or create additional provisions not included in the Agreement.

- (b) The Parties agree that neither the City nor the Association shall have *ex parte* communications with the arbitrator concerning any matter involved in the dispute submitted to the arbitrator. Each Party shall be responsible for its own expenses in preparing for and representing itself at arbitration, but the fees and expenses of the arbitrator shall be borne equally by the Parties.
- (c) The written decision of the arbitrator shall be final and binding on both Parties and may not be appealed by either Party, except for any decision procured by fraud or collusion, or which exceeds the arbitrator's jurisdiction, or which is based on legal conclusions or interpretations which are clearly contrary to existing law.

Section 5. Mutual Extension. All deadlines within this article may be extended by mutual agreement of the Parties.

Section 6. Grievances of Non-Association Members. Grievances of Non-Association members must follow the same procedure outlined by this article. A Non-Association member is entitled to be represented by counsel at the hearing at his or her own expense. However, should the grievance of a Non-Association member require that Association resources be used, the Non-Association member will be required to pay all expenses incurred while pursuing final disposition of their grievance. These shall include costs for payment of Arbitrator fees, counsel fees, and any other fees directly related to the grievance. All disciplinary appeals shall follow the procedures as outlined in chapter 143 of the Local Government Code, or those procedures set out elsewhere in this Agreement.

Section 7. Association Compliance with Agreement. If the Association fails to comply with and adhere to its respective obligations under this Agreement, the City shall notify, in writing, the Association of the alleged failure. No breach of the Agreement may be found to have occurred if the alleged failure by the Association is remedied within thirty (30) business days of the receipt of such notice. If the Association does not remedy the alleged failure within thirty (30) days of the receipt of such notice, the City may (i) terminate this Agreement by the delivery of written notice to the Association; (ii) enforce specific performance of the Agreement; and/or (iii) pursue any remedies available to it at law or in equity.

ARTICLE 12 SAVINGS CLAUSE

Should any provision of this Agreement be found to be inoperative, void or invalid by a court of competent jurisdiction, all other provisions of this Agreement shall remain in full force and effect for the duration of this Agreement, it being the intention of the Parties that no portion of this Agreement or provision herein shall become inoperative or fail by reason of the invalidity of any other portion or provision.

ARTICLE 13 DURATION OF AGREEMENT

This Agreement shall become effective after ratification by the affected employees pursuant to a vote conducted by the Temple Police Association, and upon approval by the City Council after compliance with any procedural or publication requirements imposed by law. It shall continue in effect until September 30, 2017; provided however, the Agreement may be extended by mutual consent of the Parties.

IN WITNESS WHEREOF, THE PARTIES HAVE CAUSED TO HAVE THIS AGREEMENT TO BE SIGNED BY THEIR DULY AUTHORIZED REPRESENTATIVES ON THIS _____DAY OF _____2016.

Jonathan Graham, Temple City Manager Larry Wilkey, President, Temple Police Association

RESOLUTION NO. 2016-8402-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, RATIFYING A MEET AND CONFER AGREEMENT WITH THE TEMPLE POLICE ASSOCIATION; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the "meet & confer" process is governed by Chapter 142 of the Local Government Code which allows a "police officers association" to file a petition with the City requesting that the City recognize the association as the sole and exclusive bargaining agent for all officers and adopt the meet & confer process;

Whereas, the meet and confer process allows the City to meet & confer with a police officers association over wages, salaries, rates of pay, hours of work, or other terms and conditions of employment - the meet and confer deliberations must occur in meetings open to the public;

Whereas, on July 2, 2015, the City Secretary received a "Petition Requesting Recognition of Bargaining Agent" from the Temple Police Association ("TPA") which was signed by 102 Temple Police Officers and requested that the City recognize TPA as the sole and exclusive bargaining agent for all police officers employed by the City and adopt the meet & confer process pursuant to Local Government Code Chapter 142;

Whereas, the Petition was presented to Council at a special called meeting on July 30, 2015 and Council ordered a certification election to determine whether TPA represents a majority of the affected police officers - the election was conducted by the City Secretary and was held at various times on September 9-11 and September 15-16;

Whereas, 98 police officers voted "yes" to the recognition of TPA as the sole and exclusive bargaining agent and 11 police officers voted "no", therefore on October 1, 2015, Council granted recognition of TPA as the sole and exclusive bargaining agent and adopted the meet & confer process;

Whereas, the meet and confer process provided a venue for communication and collaboration between City Administration and police officers regarding important employment issues which focused on shared interests, and working toward an agreement that was mutually beneficial;

Whereas, City Administration and TPA agreed to focus the meet and confer process on "interest based bargaining" which is a bargaining approach that focuses on developing positive relationships that permit each party to achieve shared goals – the eleven issues discussed throughout the process were:

- 1. Association Business;
- 2. Additional Appointed Position;
- 3. Military Leave Time Account;
- 4. Compensation;
- 5. Overtime;
- 6. Higher Classification Pay / Rank Structure;

- 7. Education Incentives for Promotion;
- 8. Lateral Entry Program;
- 9. Individual Vehicle Assignment Program (IVAP);
- 10. Disciplinary Actions and Appeals; and
- 11. Grievance Procedure;

Whereas, a meet and confer agreement is enforceable and binding if the governing body of the municipality ratifies the agreement by a majority vote and the recognized police officers association ratifies the agreement by conducting a secret ballot election at which the majority of the police officers who would be covered by the agreement favored ratifying the agreement;

Whereas, the Temple Police Association conducted a secret ballot election held on October 9 - 12, 2016 and during that election, 91 police officers voted "yes" to the ratification of the meet and confer agreement and 15 police officers voted "no;"

Whereas, Staff recommends Council adopt and ratify the meet and confer agreement which will become effective immediately and continue in effect until September 30, 2017; 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:

<u>**Part 1:**</u> The City Council ratifies the meet and confer agreement with the Temple Police Association as outlined in Exhibit 'A' attached hereto and incorporated herein for all purposes.

<u>**Part 2:**</u> 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 **20th** day of **October**, 2016.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

APPROVED AS TO FORM:

ATTEST:

Lacy Borgeson City Secretary Kayla Landeros City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

10/20/16 Item #4(N-1) Consent Agenda Page 1 of 3

DEPT./DIVISION SUBMISSION & REVIEW:

Traci L. Barnard, Director of Finance

ITEM DESCRIPTION: SECOND READING: 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 for years FY 2016-2062.

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

ITEM SUMMARY: The Reinvestment Zone No. 1 Finance and Project Committees have met and discussed the 2022 Master Plan Projects. The result of the meeting is recommended changes to the Financing and Project Plans to continue with the execution of the 2022 Master Plan. 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 September 28, 2016, regular meeting, the Reinvestment Zone No. 1 Board approved the recommendation of this amendment.

Below is a summary of the proposed amendment:

Zone Park Maintenance: Beginning in FY 2017 through FY 2062, Zone Park Maintenance was increased \$75,000 per year to \$330,000 to cover the increased cost of maintenance.

Debt Service: Beginning in FY 2016 through FY 2022, Paying Agent fees were increased by \$500 to \$1,700 per year. This will cover the actual costs of escrow fees for related to annual bond payments.

10/20/16 Item #4(N-1) Consent Agenda Page 2 of 3

			Bond Issue	l				
Project Description	2016	2017	2017		2018	2019	2020	TOTAL
Temple Industrial Park	\$ 622,482	\$-	\$-	\$	400,000	\$-	\$-	\$ 1,022,482
Corporate Campus Park	1,700,000	-	-		-	-	-	1,700,000
Bioscience Park	2,425,000	-	-		-	-	-	2,425,000
Research Parkway/Outer Loop	2,925,000	-	16,000,000		-	-	10,750,000	29,675,000
Downtown	4,655,400	14,950,000	3,000,000		2,700,000	450,000	450,000	26,205,400
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	\$ 16,782,882	\$ 15,050,000	\$19,000,000	\$	4,410,000	\$ 6,910,000	\$11,200,000	\$ 73,352,882

Projects: The following is a summary of funding for the 2022 Master Plan projects:

The following projects have been adjusted as part of the TRZ Master Plan Project Funding:

Line #	Description	F	FY 2016	 FY 2019
50	Professional fees	\$	(150,000)	\$ -
56	Rail Maintenance	\$	(250,000)	\$ -
58	Road Maintenance	\$	(250,000)	\$ -
207	Crossroads Park	\$	300,000	\$ -
408	MLK Festival Fields	\$	350,000	\$ -
506	Airport Improvements	\$	(15,000)	\$ -
508	Airport Corporate Hangar	\$	15,000	\$ -
464	Veteran's Memorial Blvd Phase II	\$	-	\$ 6,460,000
465	Avenue R - 25th to 31st Street	\$	-	\$ (2,300,000)
466	Avenue R - 25th to 1st Street	\$	-	\$ (4,160,000)
	Net change in projects	\$	-	\$ -

See the attached "TRZ Master Plan Project Funding (2016-2020)" for more detail on the projects. All changes 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	Fu	ture Years
Available FB @ B-O-Y ⁽¹⁾	\$ 21,507,581	\$ 3,746,641	\$ 860,947	\$ 4,404,177	\$ 4,639,119	\$	689,148
Total Source of Funds	25,102,382	38,216,879	16,107,144	15,303,122	15,500,830	8	94,608,238
Total Debt & Operating Exp.	5,486,906	7,052,573	8,153,914	8,158,180	8,250,801		95,772,667
Total Planned Project Exp.	37,376,416	34,050,000	4,410,000	6,910,000	11,200,000	7	99,524,719
Available FB@ E-O-Y ⁽²⁾	\$ 3,746,641	\$ 860,947	\$ 4,404,177	\$ 4,639,119	\$ 689,148	\$	-

⁽¹⁾ - Beginning of Year

(2) - 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) Budget Amendments Ordinance

Financing Plan - 09/28/16 to Zone Board

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
"Taxable Increment"	\$	670,071,846	\$	435,432,974	\$	382,863,680	\$	370,649,604	\$	377,916,559	\$	382,213,195 \$	427,532,77
FUND BALANCE, Begin	\$	21,507,581	\$	3,746,641	\$	860,947	\$	4,404,177	\$	4,639,119	\$	689,148 \$	2,138,71
Adjustments to Debt Service Reserve		-		-		-		-		-		-	
Fund Balance Available for Appropriation	\$	21,507,581	\$	3,746,641	\$	860,947	\$	4,404,177	\$	4,639,119	\$	689,148 \$	2,138,71
SOURCES OF FUNDS:													
Tax Revenues		23,553,306		19,371,450		16,265,121		15,459,007		15,659,726		15,823,016	16,519,03
Allowance for Uncollected Taxes [1.5% of Tax Revenues]		(353,300)		(290,572)		(243,977)		(231,885)		(234,896)		(237,345)	(247,78
Interest Income-Other		50,000				50.000		40,000		, , ,			10,00
Grant Funds		-				-		-		-		-	-
				-		36.000		36.000		36.000		36.000	36,0
-		-								-			, -
		-		19 000 000		_				_			
Total Sources of Funds	\$		\$		\$		\$	15,303,122	\$	15,500,830	\$	15,651,671 \$	16,317,2
TOTAL AVAILABLE FOR APPROPRIATION	\$	46,609,963	\$	41,963,520	\$	16,968,091	\$	19,707,299	\$	20,139,949	\$	16,340,819 \$	18,455,9
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		1 500 775				1 400 750		1 405 000					
0										-		-	-
								, ,					1,242,4
		-		912,200		-		-					2,494,9
Debt Service - 2012 Issue {Refunding}		82,700		76,400		79,600		77,650		80,050		77,250	78,7
Debt Service - 2013 Issue {\$25.260 mil}		924,894		2,034,894		2,047,694		2,048,344		2,047,944		2,046,494	2,031,4
Debt Service - 2017 Issue {\$19 mil}		-		344,583		1,452,000		1,454,500		1,451,700		1,452,200	1,452,1
Paying Agent Services		1,700		1,700		1,700		1,700		1,700		1,700	1,7
Subtotal-Debt Service		4,672,473		6,120,023		7,220,051		7,224,317		7,316,938		7,316,864	7,301,4
OPERATING EXPENDITURES													
		36 425		175 000		175 000		175 000		175 000		175 000	175,0
· · ·								-				-	1,4
				-		-							330,0
		-											100,0
				-		-				-		-	100,0
													200,0
													28,9
Subtotal-Operating Expenditures		814,433		932,550		933,863		933,863		933,863		935,241	935,3
TOTAL DEBT & OPERATING EXPENDITURES	\$	5,486,906	\$	7,052,573	\$	8,153,914	\$	8,158,180	\$	8,250,801	\$	8,252,105 \$	8,236,7
Funds Available for Projects	\$	41,123,057	\$	34,910,947	\$	8,814,177	\$	11,549,119	\$	11,889,148	\$	8,088,714 \$	10,219,2 ⁻
PROJECTS													
		2 703 471		-		400 000		-		_		-	-
•				-		-		-		_		-	-
				_		-		-		_		-	-
Research Parkway		7,258,929		16,000,000		_		_		10,750,000		_	_
Synergy Park		635,497		10,000,000						10,750,000			
				-		-		-		450.000		-	450.0
Downtown		7,168,162		17,950,000		2,700,000		450,000		450,000		450,000	450,0
TMED		8,674,261		-				6,460,000		-		-	-
		2,620,784		100,000		1,310,000		-		-		- 5,500,000	7,000,0
Airport Park												5 500 000	Z 000 0
Public Improvements		-		-				0.010.111		44.000			
		- 37,376,416		- 34,050,000		4,410,000		6,910,000		11,200,000	<u> </u>	5,950,000	
Public Improvements	\$	- 37,376,416 42,863,322	\$	- 34,050,000 41,102,573	\$	4,410,000	\$	6,910,000 15,068,180	\$	11,200,000 19,450,801	\$		7,450,0
	FUND BALANCE, Begin Adjustments to Debt Service Reserve Fund Balance Available for Appropriation SOURCES OF FUNDS: Tax Revenues Allowance for Uncollected Taxes [1.5% of Tax Revenues] Interest Income-Other Grant Funds License Fee - Central Texas Railway Other Revenues Bond Proceeds Total Sources of Funds Debt Service 2009 Bond Refunding Debt Service - 2013 Issue {Refunding} Debt Service - 2013 Issue {SE2.5260 mil} Poet Service OPERATING EXPENDITURES Prof Svcs/Proj Mgmt Legal/Audit Zone Park Maintenance [mowing, utilities, botanical supplies] Rail Maintenance	FUND BALANCE, Begin \$ Adjustments to Debt Service Reserve Fund Balance Available for Appropriation \$ SOURCES OF FUNDS:	FUND BALANCE, Begin \$ 21,507,581 Adjustments to Debt Service Reserve - Fund Balance Available for Appropriation \$ 21,507,581 SOURCES OF FUNDS: - Tax Revenues 23,553,306 Allowance for Uncollected Taxes [1.5% of Tax Revenues] (353,300) Interest Income-Other 50,000 Grant Funds 970,000 License Fee - Central Texas Railway 36,000 Other Revenues 846,376 Bond Proceeds - Total Sources of Funds \$ 25,102,382 DEBT SERVICE - 2009 Bond Refunding 1,508,775 2008 Bond Issue-Taxable (\$10,365 mil) 1,240,854 Debt Service - 2011 A Issue (Refunding) 913,550 Debt Service - 2013 Issue (\$25,260 mil) 924,894 Debt Service - 2017 Issue (\$19 mil) - Paying Agent Service 1,700 Subtatal-Debt Service 13,645 Regal/Audit 1,200 Zone Park Maintenance 131,645 Read/Signage Maintenance 163,913 Contractual Payments [FEDC - Marketing] 200,000 TISD-Reimbursement [per co	FUND BALANCE, Begin \$ 21,507,581 \$ Adjustments to Debt Service Reserve - Fund Balance Available for Appropriation \$ 21,507,581 \$ SOURCES OF FUNDS: - Tax Revenues 23,553,306 Allowance for Uncollected Taxes [1.5% of Tax Revenues] (353,300) Interest Income-Other 50,000 Grant Funds 970,000 License Fee - Central Texas Railway 36,000 Other Revenues 846,376 Bond Proceeds - TOTAL AVAILABLE FOR APPROPRIATION \$ 46,609,963 \$ JUSE OF FUNDS: - DEBT SERVICE - 2009 Bond Refunding 1,508,775 2008 Bond Issue-Taxable (\$10.365 mil) 1,240,854 Debt Service - 2011 A Issue (Refunding) 82,700 Debt Service - 2013 Issue (\$25,260 mil) 924,894 Debt Service - 2017 Issue (\$19 mil) - Paying Agent Services 1,700 Subtotal-Debt Service 131,645 Read/Audit 1,200 Zone Park Maintenance [mowing, utilities, botanical supplies] 265,5000 Reid Maintenance [mowing, utilities, botanical supplies] 26,250 <td>FUND BALANCE, Begin \$ 21,507,581 \$ 3,746,641 - -</td> <td>FUND BALANCE, Begin Adjustments to Debt Service Reserve Fund Balance Available for Appropriation \$ 21,507,581 \$ 3,746,641 \$ SOURCES OF FUNDS: Tax Revenues 23,553,306 19,371,450 Tax Revenues 23,553,306 19,371,450 Allowation for Uncollected Taxes [1.5% of Tax Revenues] (353,300) (280,572) Interest Income-Other 50,000 50,000 Grant Funds 970,000 50,000 Grant Funds 970,000 50,000 Other Revenues 846,376 - Bond Proceeds - 19,000,000 Total Sources of Funds \$ 41,963,520 \$ USE OF FUNDS: - - 1,508,775 1,510,150 2008 Bond Refunding 11,508,775 1,510,150 2,200 \$ 2009 Bond Refunding 913,550 912,200 \$ 944,884 2,034,894 \$ Debt Service - 2013 Issue (Refunding) 913,550 912,200 \$ 344,583 \$ Debt Service - 2013 Issue (Refunding) 913,550 912,200 \$ \$ \$</td> <td>FUND BALANCE, Begin \$ 2 1.507,581 \$ 3,746,641 \$ 860,947 Adjustments to Debt Service Reserve -</td> <td>FUND BALANCE, Begin \$ 21,507,581 \$ 3,746,641 \$ 860,947 \$ Adjustments to Debt Service Reserve \$ 21,507,581 \$ 3,746,641 \$ 860,947 \$ Fund Balance Available for Appropriation \$ 21,507,581 \$ 3,746,641 \$ 860,947 \$ SOURCES OF FUNDS: \$ 23,553,306 19,371,450 16,265,121 Tax Revenues 23,553,300 19,371,450 16,265,121 Allowance for Uncollected Taxes (1.5% of Tax Revenues) (353,300) (280,572) (243,977) Interest Income-Other 50,000 50,000 50,000 - - Total Sources of Funds \$ 25,102,382 \$ 38,216,878 \$ 16,107,144 \$ Debt Service - - 15,00,000 - - Joeb Arelunding 1,588,775 1,510,150 1,488,750 - - Joeb Arelunding 1,588,775 1,510,150 1,488,750 - - Joeb Arelunding 1,582,775 1,510,150 1,488,750 - - Joeb Arelunding 1,524,0354</td> <td>FUND BALANCE, Begin \$ 21,507,581 \$ 3,746,641 \$ 860,947 \$ 4,404,177 Adjustments to Dabt Service Reserve * 21,507,581 \$ 3,746,641 \$ 860,947 \$ 4,404,177 Sources or Funds: * 23,553,306 19,371,450 16,265,121 15,459,007 Allowance for Uncollected Taxes [1.5% of Tax Revenues] (is5,300) (290,572) (243,977) (231,885) Interest homo-Other 50,000 50,000 50,000 50,000 36,0</td> <td>FUND BALANCE, Begin \$ 21,507,581 \$ 3,746,641 \$ 860,947 \$ 4,404,177 \$ Adjustments to Debt Service Reserve \$ 21,507,581 \$ 3,746,641 \$ 860,947 \$ 4,404,177 \$ SOURCES OF FUNDS: Tax Revenues \$ 3,746,641 \$ 860,947 \$ 4,404,177 \$ Adjustments to Debt Service Reserve \$ 21,507,581 \$ 3,746,641 \$ 860,947 \$ 4,404,177 \$ SOURCES OF FUNDS: Tax Revenues 23,553,306 19,371,450 16,265,121 15,459,007 Allowance for Uncelected Taxes [1,5% of Tax Revenues] 90,000 50,000 50,000 50,000 50,000 50,000 50,000 50,000 40,000 Chart Funds \$ 25,102,382 \$ 16,107,144 \$ 15,303,122 \$ Total Available For Appropriation \$ 46,609,963 \$ 41,963,520 \$ 16,968,091 \$ 19,707,299 \$</td> <td>FUND BALANCE, Begin \$ 21,507,581 \$ 3,746,641 \$ 860,947 \$ 4,404,177 \$ 4,639,119 Adjustments to Debt Service Reserve \$ 21,507,581 \$ 3,746,641 \$ 860,947 \$ 4,404,177 \$ 4,439,119 SOURCES OF FUNDS: Tax Keenues 23,553,306 19,371,450 16,265,121 15,459,007 15,659,726 Allowance for Uncollected Taxes (1.5% of Tax Revenues) (353,300) (290,572) (243,977) (243,855) (244,855) (244,855) (244,855) (243,855) (244,855) (244,855) (244,855) (243,857) -</td> <td>Fund Status Status Status Status Status Status Adjustments to Dabt Service Reserve Fund Balance Available for Appropriation \$ 21,507,581 \$ 3,746,641 \$ 860,947 \$ 4,404,177 \$ 4,803,119 \$ Sources of Funds: Tax Revenues 23,553,306 19,371,450 16,265,121 15,469,007 15,559,726 Allowance for Uncollected Taxes [15% of Tax Revenues] (353,300) (290,572) (243,877) (231,885) (234,886) Interest normo-Other 50,000 50,000 50,000 - - - - Bond Proceeds 360,000 36,000 36,000 36,000 36,000 36,000 36,000 36,000 36,000 36,000 36,000 -<</td> <td>FUND BALANCE, Begin Adjustments to Debti Service Reserve Fund Balance Available for Appropriation \$ 21,507,581 \$ 3,746,641 \$ 860,947 \$ 4,404,177 \$ 4,639,119 \$ 648,148 \$ SOURCES OF FUNDS: Tac Revenues 23,557,581 \$ 3,746,641 \$ 860,947 \$ 4,404,177 \$ 4,639,119 \$ 648,148 \$ 689,146 \$ 60,047 \$ 4,404,177 \$ 4,639,119 \$ 648,148 \$ 689,146 \$ 64,040,177 \$ 4,639,119 \$ 648,148 \$ 680,947 \$ 4,404,177 \$ 4,400,177 \$ 1,505,758 1 5,500,280 7 1,508,107 1 1,508,077 1 1,508,077 1 1,508,077 1 1,508,077 1 1,508,077 1 1,508,077 1 1,500,000 7 1,500 1 36,000 36,000 36,000 36,000 36,000 36,000 1,700 1,201,77 1,237,744 1,241,77 1,241,77 1,241,77 1,247,74 1,241,77 1,241,77 1,247,74 1,241,77 1,247,9</td>	FUND BALANCE, Begin \$ 21,507,581 \$ 3,746,641 - -	FUND BALANCE, Begin Adjustments to Debt Service Reserve Fund Balance Available for Appropriation \$ 21,507,581 \$ 3,746,641 \$ SOURCES OF FUNDS: Tax Revenues 23,553,306 19,371,450 Tax Revenues 23,553,306 19,371,450 Allowation for Uncollected Taxes [1.5% of Tax Revenues] (353,300) (280,572) Interest Income-Other 50,000 50,000 Grant Funds 970,000 50,000 Grant Funds 970,000 50,000 Other Revenues 846,376 - Bond Proceeds - 19,000,000 Total Sources of Funds \$ 41,963,520 \$ USE OF FUNDS: - - 1,508,775 1,510,150 2008 Bond Refunding 11,508,775 1,510,150 2,200 \$ 2009 Bond Refunding 913,550 912,200 \$ 944,884 2,034,894 \$ Debt Service - 2013 Issue (Refunding) 913,550 912,200 \$ 344,583 \$ Debt Service - 2013 Issue (Refunding) 913,550 912,200 \$ \$ \$	FUND BALANCE, Begin \$ 2 1.507,581 \$ 3,746,641 \$ 860,947 Adjustments to Debt Service Reserve -	FUND BALANCE, Begin \$ 21,507,581 \$ 3,746,641 \$ 860,947 \$ Adjustments to Debt Service Reserve \$ 21,507,581 \$ 3,746,641 \$ 860,947 \$ Fund Balance Available for Appropriation \$ 21,507,581 \$ 3,746,641 \$ 860,947 \$ SOURCES OF FUNDS: \$ 23,553,306 19,371,450 16,265,121 Tax Revenues 23,553,300 19,371,450 16,265,121 Allowance for Uncollected Taxes (1.5% of Tax Revenues) (353,300) (280,572) (243,977) Interest Income-Other 50,000 50,000 50,000 - - Total Sources of Funds \$ 25,102,382 \$ 38,216,878 \$ 16,107,144 \$ Debt Service - - 15,00,000 - - Joeb Arelunding 1,588,775 1,510,150 1,488,750 - - Joeb Arelunding 1,588,775 1,510,150 1,488,750 - - Joeb Arelunding 1,582,775 1,510,150 1,488,750 - - Joeb Arelunding 1,524,0354	FUND BALANCE, Begin \$ 21,507,581 \$ 3,746,641 \$ 860,947 \$ 4,404,177 Adjustments to Dabt Service Reserve * 21,507,581 \$ 3,746,641 \$ 860,947 \$ 4,404,177 Sources or Funds: * 23,553,306 19,371,450 16,265,121 15,459,007 Allowance for Uncollected Taxes [1.5% of Tax Revenues] (is5,300) (290,572) (243,977) (231,885) Interest homo-Other 50,000 50,000 50,000 50,000 36,0	FUND BALANCE, Begin \$ 21,507,581 \$ 3,746,641 \$ 860,947 \$ 4,404,177 \$ Adjustments to Debt Service Reserve \$ 21,507,581 \$ 3,746,641 \$ 860,947 \$ 4,404,177 \$ SOURCES OF FUNDS: Tax Revenues \$ 3,746,641 \$ 860,947 \$ 4,404,177 \$ Adjustments to Debt Service Reserve \$ 21,507,581 \$ 3,746,641 \$ 860,947 \$ 4,404,177 \$ SOURCES OF FUNDS: Tax Revenues 23,553,306 19,371,450 16,265,121 15,459,007 Allowance for Uncelected Taxes [1,5% of Tax Revenues] 90,000 50,000 50,000 50,000 50,000 50,000 50,000 50,000 40,000 Chart Funds \$ 25,102,382 \$ 16,107,144 \$ 15,303,122 \$ Total Available For Appropriation \$ 46,609,963 \$ 41,963,520 \$ 16,968,091 \$ 19,707,299 \$	FUND BALANCE, Begin \$ 21,507,581 \$ 3,746,641 \$ 860,947 \$ 4,404,177 \$ 4,639,119 Adjustments to Debt Service Reserve \$ 21,507,581 \$ 3,746,641 \$ 860,947 \$ 4,404,177 \$ 4,439,119 SOURCES OF FUNDS: Tax Keenues 23,553,306 19,371,450 16,265,121 15,459,007 15,659,726 Allowance for Uncollected Taxes (1.5% of Tax Revenues) (353,300) (290,572) (243,977) (243,855) (244,855) (244,855) (244,855) (243,855) (244,855) (244,855) (244,855) (243,857) -	Fund Status Status Status Status Status Status Adjustments to Dabt Service Reserve Fund Balance Available for Appropriation \$ 21,507,581 \$ 3,746,641 \$ 860,947 \$ 4,404,177 \$ 4,803,119 \$ Sources of Funds: Tax Revenues 23,553,306 19,371,450 16,265,121 15,469,007 15,559,726 Allowance for Uncollected Taxes [15% of Tax Revenues] (353,300) (290,572) (243,877) (231,885) (234,886) Interest normo-Other 50,000 50,000 50,000 - - - - Bond Proceeds 360,000 36,000 36,000 36,000 36,000 36,000 36,000 36,000 36,000 36,000 36,000 -<	FUND BALANCE, Begin Adjustments to Debti Service Reserve Fund Balance Available for Appropriation \$ 21,507,581 \$ 3,746,641 \$ 860,947 \$ 4,404,177 \$ 4,639,119 \$ 648,148 \$ SOURCES OF FUNDS: Tac Revenues 23,557,581 \$ 3,746,641 \$ 860,947 \$ 4,404,177 \$ 4,639,119 \$ 648,148 \$ 689,146 \$ 60,047 \$ 4,404,177 \$ 4,639,119 \$ 648,148 \$ 689,146 \$ 64,040,177 \$ 4,639,119 \$ 648,148 \$ 680,947 \$ 4,404,177 \$ 4,400,177 \$ 1,505,758 1 5,500,280 7 1,508,107 1 1,508,077 1 1,508,077 1 1,508,077 1 1,508,077 1 1,508,077 1 1,508,077 1 1,500,000 7 1,500 1 36,000 36,000 36,000 36,000 36,000 36,000 1,700 1,201,77 1,237,744 1,241,77 1,241,77 1,241,77 1,247,74 1,241,77 1,241,77 1,247,74 1,241,77 1,247,9

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TIF Reinvestment Zone #1 Summary Financing Plan with Detailed Project Plan

Project Plan - 09/28/16 - to Zone Board

\$ 19,000,000 Bond Proceeds

	SUMMARY FINANCING PLAN							
		2016		2017	2018		2019	2020
1	Beginning Available Fund Balance, Oct 1	\$ 21,507,581	\$	3,746,641	\$ 860,9	47 \$	4,404,177 \$	4,639,119
20	Total Sources of Funds	25,102,382		38,216,878	16,107,1	44	15,303,122	15,500,830
2	Adjustments to Debt Service Reserve	-		-		-	-	-
25	Net Available for Appropriation	 46,609,963		41,963,520	16,968,0	91	19,707,299	20,139,949
50/52	General Administrative Expenditures	37,625		176,300	176,3	00	176,300	176,300
54	Zone Park Maintenance [mowing, utilities, botanical supplies]	255,000		330,000	330,0	00	330,000	330,000
56	Rail Maintenance	131,645		100,000	100,0	00	100,000	100,000
58	Road/Signage Maintenance	163,913		100,000	100,0	00	100,000	100,000
60	Contractual Payments (TEDC - Marketing)	200,000		200,000	200,0	00	200,000	200,000
62	TISD-Reimbursement [per contract]	26,250		26,250	27,5	63	27,563	27,563
27	Debt Service - 2009 Issue {Refunding}	1,508,775		1,510,150	1,488,7	50	1,485,000	-
28	Debt Service - 2008 Taxable Issue {\$10.365 mil}	1,240,854		1,240,096	1,241,9	57	1,241,173	1,237,744
29	Debt Service - 2011A Issue {Refunding}	913,550		912,200	908,3	50	915,950	2,497,800
30	Debt Service - 2012 Issue {Refunding}	82,700		76,400	79,6	00	77,650	80,050
31	Debt Service - 2013 Issue {\$25.260 mil}	924,894		2,034,894	2,047,6	94	2,048,344	2,047,944
32	Debt Service - 2017 Issue {\$19 mil}	-		344,583	1,452,0	00	1,454,500	1,451,700
33	Paying Agent Services	 1,700		1,700	1,7	00	1,700	1,700
70	Total Debt & Operating Expenditures	 5,486,906		7,052,573	8,153,9	14	8,158,180	8,250,801
80	Funds Available for Projects	\$ 41,123,057	\$	34,910,947	\$ 8,814,1	77 \$	11,549,119 \$	11,889,148
	PROJECT PLAN		1					
		2016		2017	2018		2019	2020

		2016	2017	2018	2019	2020
	TEMPLE INDUSTRIAL PARK:	2010	2017	2010	2019	2020
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	3,967,971	-	-	-	-
250	Total Bio-Science Park	3,967,971	•	-	-	
	RESEARCH PARKWAY					
305	Research Pkwy (IH 35 to Wendland Ultimate) STAG grant	1,925,000	_		_	_
305	Research Pkwy (IH 35 to Wendland Ultimate)	2,434,039	13,500,000			_
	Research Pkwy (Wendland to McLane Pkwy)	1,760,764	-	_	_	-
310	Research Pkwy (McLane Pkwy to Central Point Pkwy)		-	-	-	-
315		1,139,126	2,500,000	-	-	10 750 000
<i>320</i> 350	Outer Loop (I35 South) Total Research Parkway	7,258,929	2,500,000	-	-	10,750,000 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
401	Rail Safety Zone Study	68,210				
402	Lot Identification & Signage	-	-	-	-	-
403	Santa Fe Plaza	4,964,952	4,500,000	1,500,000	-	-
404	Santa Fe Plaza {bond funded}	-	1,500,000	-	-	-
404	Downtown Master Plan	19,500	-	-	-	-
405	Intersection Improvements at Central & North 4th Street	-	-	750,000	-	-
400	Santa Fe Market Trail	1,390,000	1,500,000	-	-	-
407	MLK Festival Fields	350,000	-	-	-	-
409	TISD-Obligation per Contract	-	10,000,000	-	-	-
450	Total Downtown	7,168,162	17,950,000	2,700,000	450,000	450,000
	TMED:					
451	TMED - 1st Street @ Temple College - STEP Grant Match	1,262	-	-	-	-
	Master Plan Integration 2010	1,550	-	-	-	-
	TMED - 1st Street @ Loop 363 Design/Construction - Design only	-	-	-	-	-
	TMED - Tai Silleer @ Loop 303 Design/Obisituation - Design only					

500	Total TMED	8,674,261	-	-	6,460,000	-
466	Avenue R - 25th to 1st Street	-	-	-	-	-
465	Avenue R - 25th to 31st Street	-	-	-	-	-
464	Veteran's Memorial Blvd. Phase II	925,000	-	-	6,460,000	-
463	Friars Creek Trail to Ave. R Trail	248,548	-	-	-	-
462	TMED Master Plan & Thoroughfare Plan	55,000	-	-	-	-
461	TMED Master Plan (Health Care Campus)	33,209	-	-	-	-
460	Ave U TMED Ave. to 1st Street	3,566,419	-	-	-	-
459	31st Street/Loop 363 Improvements/Monumentation	2,081,573	-	-	-	-
458	Loop 363 Frontage Rd (UPRR to 5th TIRZ portion)	590,657	-	-	-	-
457	South 1st Street Improvements from the Temple College Apartments to Ave O	-	-	-	-	-
456	Ave U from S&W Blvd to 1st St & 13th to 17th connector from Ave R to Loop 363	5,270	-	-	-	-
455	Avenue R - S&W Blvd, Ave R - 19th Intersections	1,165,773	-	-	-	-
454	TMED - Friars Creek Trail 5th Street to S&W Blvd [\$1.9M total project cost - DOE Grant of \$400K]	-	-	-	-	-

AIRPORT PARK:

50	Airport Improvements {roadway, drainage, parking, lighting, fencing, landscaping, fuel farm 6 impr, entrance impr, guard facility}	2,155,784	-	-	-	-
50	7 Taxiway for Airport	90,000	-	1,310,000	-	-
50	Corporate Hangar Phase II	375,000	-	-	-	-
50	9 Airport RAMP Grant	-	100,000	-	-	-
55	0 Total Airport Park	2,620,784	100,000	1,310,000		-
61	0 Public Improvements				-	
	Total Planned Project Expenditures	37,376,416	34,050,000	4,410,000	6,910,000	11,200,000
70	Available Fund Balance at Year End	\$ 3,746,641	\$ 860,947 \$	4,404,177 \$	4,639,119 \$	689,148

TIF Reinvestment Zone #1 Summary Financing Plan with Detailed Project Plan

Project Plan - 09/28/16 - to Zone Board

	SUMMARY FINANCING PLAN	 Ĩ	
		2021	2022
1	Beginning Available Fund Balance, Oct 1	\$ 689,148 \$	2,138,714
20	Total Sources of Funds	15,651,671	16,317,253
2	Adjustments to Debt Service Reserve	 -	-
25	Net Available for Appropriation	 16,340,819	18,455,967
50/52	General Administrative Expenditures	176,300	176,400
54	Zone Park Maintenance [mowing, utilities, botanical supplies]	330,000	330,000
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	 1,700	1,700
70	Total Debt & Operating Expenditures	 8,252,105	8,236,757
80	Funds Available for Projects	\$ 8,088,714 \$	10,219,210

	PROJECT PLAN		
		2021	2022
	TEMPLE INDUSTRIAL PARK:		
100	Northern "Y" Phase I	-	-
101	Receiving & Delivery {R&D} Tracks	-	-
102	,		
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)	<u> </u>	-
	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	-	-
	SVNEDCV DADK.		
051	SYNERGY PARK: Lorraine Drive (Southeast Industrial Park) - [\$1.5M total project cost]		
351		-	-
352	Entry Enhancement	-	-
353	Lorraine Drive/Panda Drive Asphalt Lorraine Drive - Commitment to Panda	-	-
<i>354</i> 400	Total Synergy Park		-
401	DOWNTOWN: Downtown Improvements {Transformation Team}	450,000	450.00
402			
	Lot Identification & Signage	-	-
	Santa Fe Plaza	-	-
404	Santa Fe Plaza {bond funded}	-	-
405	Downtown Master Plan	-	-
406	Intersection Improvements at Central & North 4th Street	-	-
407	Santa Fe Market Trail	-	-
408	MLK Festival Fields		-
408 409	TISD-Obligation per Contract	- -	-
450	Total Downtown	450,000	450,0
	THED		
	TMED:		
451	TMED - 1st Street @ Temple College - STEP Grant Match	-	-
	Master Plan Integration 2010	-	-
453	TMED - 1st Street @ Loop 363 Design/Construction - Design only	-	-
151	TMED - Friars Creek Trail 5th Street to S&W Blvd [\$1.9M total project cost -		

454	TMED - Friars Creek Trail 5th Street to S&W Blvd [\$1.9M total project cost -	_	_
434	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:

506	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	Airport RAMP Grant	 -	-
550	Total Airport Park	 -	-
610	Public Improvements	 5,500,000	7,000,000
	Total Planned Project Expenditures	5,950,000	7,450,000
700	Available Fund Balance at Year End	\$ 2,138,714 \$	2,769,210

Financing Plan - 09/28/16 to Zone Board

	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	\$	2,769,210 \$	2,612,078 \$	2,152,104 \$	2,322,144 \$	2,163,870 \$	2,224,822 \$	2,232,337 \$	2,448,280 \$	2,357,693 \$	2,469,728
2 3	2 Adjustments to Debt Service Reserve Fund Balance Available for Appropriation	\$	2,769,210 \$		2,152,104 \$	2,322,144 \$	2,163,870 \$	2,224,822 \$	2,232,337 \$	2,448,280 \$	2,357,693 \$	2,469,728
		7									, ,	
4	SOURCES OF FUNDS: 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
	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)
	Interest Income-Other		10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000
	Grant Funds		-	-	-	-	-	-	-	-	-	-
	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	N <u>\$</u>	19,483,213 \$	20,022,486 \$	20,204,245 \$	22,057,971 \$	22,377,443 \$	22,640,057 \$	22,851,250 \$	23,272,908 \$	23,390,093 \$	23,711,977
	USE OF FUNDS:	٦										
	DEBT SERVICE											
27	2009 Bond Refunding	_	-	-	-	-	-	-	-	-	-	-
	2008 Bond Issue-Taxable {\$10.365 mil}		-	-	-	-	-	_	_	_	-	-
	Debt Service - 2011A Issue {Refunding}		-	-	-	-	-	-	-	-	-	-
	Debt Service - 2012 Issue {Refunding}		-	-	-	-	-	-	-	-	-	-
	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
	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		1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200
40	Subtotal-Debt Service		3,485,794	3,483,594	3,495,313	3,507,313	3,514,313	3,519,413	3,514,663	3,525,313	3,530,463	3,540,113
	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
	Legal/Audit		1,400	1,400	1,400	1,400	1,400	1,400	1,400	1,400	1,400	1,400
	Zone Park Maintenance [mowing, utilities, botanical supplies]		330,000	330,000	330,000	330,000	330,000	330,000	330,000	330,000	330,000	330,000
	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		935,341	936,788	936,788	936,788	938,307	938,307	938,307	939,902	939,902	939,902
70	TOTAL DEBT & OPERATING EXPENDITURES	S <u>\$</u>	4,421,135 \$	4,420,382 \$	4,432,101 \$	4,444,101 \$	4,452,620 \$	4,457,720 \$	4,452,970 \$	4,465,215 \$	4,470,365 \$	4,480,015
80	Funds Available for Projects	\$	15,062,078 \$	15,602,104 \$	15,772,144 \$	17,613,870 \$	17,924,822 \$	18,182,337 \$	18,398,280 \$	18,807,693 \$	18,919,728 \$	19,231,962
	PROJECTS											
150	7 Temple Industrial Park	_	_	_	_	_	_	_	_	_	_	_
	Corporate Campus Park		-	-	-	-	-	-	-	-	-	-
	Bioscience Park		-	_	-	-	-	_	-	-	_	-
	Research Parkway		-	-	-	-	-	-	-	-	-	-
	9 Synergy Park		-	-	-	-	-	-	-	-	-	-
450	Downtown		450,000	450,000	450,000	450,000	450,000	450,000	450,000	450,000	450,000	450,000
			-	-	-	-	-	-	-	-	-	-
	Airport Park		- 12.000.000	- 13,000,000	- 13,000,000	- 15,000,000	- 15,250,000	- 15,500,000	- 15,500,000	- 16,000,000	- 16,000,000	- 16,500,000
010	Public Improvements Subtotal-Projects		12,450,000	13,450,000	13,450,000	15,450,000	15,700,000	15,950,000	15,950,000	16,450,000	16,450,000	16,950,000
	TOTAL USE OF FUNDS	\$	16,871,135 \$	17,870,382 \$	17,882,101 \$	19,894,101 \$	20,152,620 \$	20,407,720 \$	20,402,970 \$	20,915,215 \$	20,920,365 \$	21,430,015
	FUND BALANCE, End	\$	2,612,078 \$	2,152,104 \$	2,322,144 \$	2,163,870 \$	2,224,822 \$	2,232,337 \$	2,448,280 \$	2,357,693 \$	2,469,728 \$	2,281,962

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		-										•
	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
			<u> </u>	<u> </u>		· · · ·	<u> </u>	<u> </u>	<u> </u>	· · ·	<u> </u>	
	FUND BALANCE, Begin Adjustments to Debt Service Reserve	\$	2,281,962 \$	2,295,720 \$	2,118,459 \$	2,157,156 \$	2,160,215 \$	2,136,030 \$	2,288,854 \$	2,164,818 \$	2,268,019 \$	2,100,730
3	Fund Balance Available for Appropriation	\$	2,281,962 \$	2,295,720 \$	2,118,459 \$	2,157,156 \$	2,160,215 \$	2,136,030 \$	2,288,854 \$	2,164,818 \$	2,268,019 \$	2,100,730
	SOURCES OF FUNDS:	7										
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	1_\$	23,736,160 \$	23,963,986 \$	24,002,933 \$	24,260,001 \$	24,483,616 \$	24,682,190 \$	25,060,000 \$	25,163,202 \$	25,495,913 \$	25,560,429
	USE OF FUNDS:	7										
	DEBT SERVICE	_										
27	2009 Bond Refunding	-	-	-	-	-	-	-	-	-	-	-
	2008 Bond Issue-Taxable {\$10.365 mil}		-	-	-	-	-	-	-	-	-	-
	Debt Service - 2011A Issue {Refunding}		-	-	-	-	-	-	-	-	-	-
	Debt Service - 2012 Issue {Refunding}		-	-	-	-	-	-	-	-	-	-
	Debt Service - 2013 Issue {\$25.260 mil}		2,092,913	-	-	-	-	-	-	-	-	-
	Debt Service - 2017 Issue {\$19 mil}		1,454,750	1,452,750	1,453,000	1,455,250	1,454,250	-	-	-	-	-
	Paying Agent Services		1,200	1,200	1,200	1,200	-	-	-	-	-	-
40	Subtotal-Debt Service		3,548,863	1,453,950	1,454,200	1,456,450	1,454,250	-	-	-	-	-
	OPERATING EXPENDITURES	_										
	Prof Svcs/Proj Mgmt		175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000
	Legal/Audit		1,400	1,400	1,400	1,400	1,400	1,400	1,400	1,400	1,400	1,400
	Zone Park Maintenance [mowing, utilities, botanical supplies]		330,000	330,000	330,000	330,000	330,000	330,000	330,000	330,000	330,000	330,000
	Rail Maintenance		100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000
	Road/Signage Maintenance		100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000
	Contractual Payments [TEDC - Marketing]		200,000	200,000	200,000	200,000	200,000	200,000	200,000	200,000	200,000	200,000
	TISD-Reimbursement [per contract]	. <u> </u>	35,177	35,177	35,177	36,936	36,936	36,936	38,783	38,783	38,783	40,722
65	Subtotal-Operating Expenditures		941,577	941,577	941,577	943,336	943,336	943,336	945,183	945,183	945,183	947,122
70	TOTAL DEBT & OPERATING EXPENDITURES	S <u>\$</u>	4,490,440 \$	2,395,527 \$	2,395,777 \$	2,399,786 \$	2,397,586 \$	943,336 \$	945,183 \$	945,183 \$	945,183 \$	947,122
80	Funds Available for Projects	\$	19,245,720 \$	21,568,459 \$	21,607,156 \$	21,860,215 \$	22,086,030 \$	23,738,854 \$	24,114,818 \$	24,218,019 \$	24,550,730 \$	24,613,307
	PROJECTS											
150	Temple Industrial Park	_	-	-	-	-	-	-	-	-	-	-
200	Corporate Campus Park		-	-	-	-	-	-	-	-	-	-
250	Bioscience Park		-	-	-	-	-	-	-	-	-	-
350	Research Parkway		-	-	-	-	-	-	-	-	-	-
400	Synergy Park		-	-	-	-	-	-	-	-	-	-
	Downtown		450,000	450,000	450,000	450,000	450,000	450,000	450,000	450,000	450,000	450,000
500	TMED		-	-	-	-	-	-	-	-	-	-
	Airport Park		-	-	-	-	-	-	-	-	-	-
610	Public Improvements		16,500,000	19,000,000	19,000,000	19,250,000	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	19,700,000	19,950,000	21,450,000	21,950,000	21,950,000	22,450,000	22,450,000
	TOTAL USE OF FUNDS	\$	21,440,440 \$	21,845,527 \$	21,845,777 \$	22,099,786 \$	22,347,586 \$	22,393,336 \$	22,895,183 \$	22,895,183 \$	23,395,183 \$	23,397,122
700	FUND BALANCE, End	\$	2,295,720 \$	2,118,459 \$	2,157,156 \$	2,160,215 \$	2,136,030 \$	2,288,854 \$	2,164,818 \$	2,268,019 \$	2,100,730 \$	2,163,307

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3											3
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	\$	2,163,307 \$	2,246,434 \$	2,229,940 \$	2,213,692 \$	2,151,750 \$	2,246,156 \$	2,046,835 \$	2,058,010 \$	2,331,786 \$	2,268,043
 Adjustments to Debt Service Reserve Fund Balance Available for Appropriation 	\$	2,163,307 \$	2,246,434 \$	2,229,940 \$	2,213,692 \$	- 2,151,750 \$	- 2,246,156 \$	- 2,046,835 \$	- 2,058,010 \$	- 2,331,786 \$	2,268,043
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 APPROPRIAT	ION <u>\$</u>	22,238,656 \$	22,522,062 \$	22,707,850 \$	22,895,908 \$	23,040,314 \$	23,343,131 \$	23,354,306 \$	23,578,082 \$	24,066,583 \$	24,219,715
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 EXPENDITUR	RES <u>\$</u>	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	\$	21,446,434 \$	21,729,940 \$	21,913,692 \$	22,101,750 \$	22,246,156 \$	22,546,835 \$	22,558,010 \$	22,781,786 \$	23,268,043 \$	23,421,174
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		- 18,750,000	- 19,050,000	19,250,000	- 19,500,000	- 19,550,000	20,050,000	20,050,000	20,000,000	20,550,000	- 20,550,000
610 Public Improvements	<u></u>										
Subtotal-Projects		19,200,000	19,500,000	19,700,000	19,950,000	20,000,000	20,500,000	20,500,000	20,450,000	21,000,000	21,000,000
TOTAL USE OF FUNDS	\$	19,992,222 \$	20,292,122 \$	20,494,158 \$	20,744,158 \$	20,794,158 \$	21,296,296 \$	21,296,296 \$	21,246,296 \$	21,798,541 \$	21,798,541

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			2053	2054	2055	2056	2057	2058	2059	2060	2061	2062
_	DESCRIPTION		71	72	73	74	75	76	77	78	79	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 F	UND BALANCE, Begin	\$	2,421,174 \$	2,343,347 \$	2,434,396 \$	2,248,891 \$	2,289,066 \$	2,054,703 \$	2,050,556 \$	2,278,927 \$	2,239,542 \$	2,237,349
2	Adjustments to Debt Service Reserve		-	-	-	-	-	-	-	-	-	-
3	Fund Balance Available for Appropriation	\$	2,421,174 \$	2,343,347 \$	2,434,396 \$	2,248,891 \$	2,289,066 \$	2,054,703 \$	2,050,556 \$	2,278,927 \$	2,239,542 \$	2,237,349
5	OURCES OF FUNDS:	٦										
	ax 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 A	Ilowance 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)
<i>8</i> Ir	nterest Income-Other		10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000
10 G	arant Funds		-	-	-	-	-	-	-	-	-	-
12 L	icense 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 C	Other Revenues		-	-	-	-	-	-	-	-	-	-
17 B	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	N <u>\$</u>	24,591,888 \$	24,735,294 \$	25,049,789 \$	25,089,964 \$	25,358,076 \$	25,353,929 \$	25,582,300 \$	26,045,514 \$	26,243,321 \$	26,480,691
ι	JSE OF FUNDS:											
	DEBT SERVICE											
	009 Bond Refunding	_	_	_	_	-	_	_	_	_	_	_
	008 Bond Issue-Taxable {\$10.365 mil}		-	-	-	-	-	-	-	-	-	-
	Debt Service - 2011A Issue {Refunding}		-	-	-	-	-	-	-	-	-	-
	Debt Service - 2012 Issue {Refunding}		-	-	-	-	-	-	-	-	-	-
	Debt Service - 2013 Issue {\$25.260 mil}		-	-	-	-	-	-	-	-	-	-
	Debt Service - 2017 Issue {\$19 mil}		-	-	-	-	-	-	-	-	-	-
<i>35</i> P	Paying Agent Services		-	-	-	-	-	-	-	-	-	-
40	Subtotal-Debt Service		-	-	-	-	-	-	-	-	-	-
c	OPERATING EXPENDITURES											
	Prof Svcs/Proj Mgmt		175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000
	egal/Audit		1,400	1,400	1,400	1,400	1,400	1,400	1,400	1,400	1,400	1,400
	one 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
<i>56</i> F	Rail Maintenance		100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000
<i>58</i> F	Road/Signage Maintenance		100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000
	Contractual Payments [TEDC - Marketing]		200,000	200,000	200,000	200,000	200,000	200,000	200,000	200,000	200,000	200,000
<i>62</i> T	ISD-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	5 <u>\$</u>	798,541 \$	800,898 \$	800,898 \$	800,898 \$	803,373 \$	803,373 \$	803,373 \$	805,972 \$	805,972 \$	805,972
80 F	unds Available for Projects	\$	23,793,347 \$	23,934,396 \$	24,248,891 \$	24,289,066 \$	24,554,703 \$	24,550,556 \$	24,778,927 \$	25,239,542 \$	25,437,349 \$	25,674,719
_												
_	PROJECTS	_										
	emple Industrial Park		-	-	-	-	-	-	-	-	-	-
	Corporate Campus Park bioscience Park		-	-	-	-	-	-	-	-	-	-
	Research Parkway		-	-	_	_	-	-	_	-	-	-
	Synergy Park		-	_	_	-	-	-	_	-	-	-
	Jowntown		450,000	450,000	450,000	450,000	450,000	450,000	450,000	450,000	450,000	450,000
500 T			-	-	-	-	-	-	-	-	-	-
	irport Park		-	-	-	-	-	-	-	-	-	-
610 P	ublic Improvements		21,000,000	21,050,000	21,550,000	21,550,000	22,050,000	22,050,000	22,050,000	22,550,000	22,750,000	25,224,719
	Subtotal-Projects		21,450,000	21,500,000	22,000,000	22,000,000	22,500,000	22,500,000	22,500,000	23,000,000	23,200,000	25,674,719
т	OTAL USE OF FUNDS	_\$	22,248,541 \$	22,300,898 \$	22,800,898 \$	22,800,898 \$	23,303,373 \$	23,303,373 \$	23,303,373 \$	23,805,972 \$	24,005,972 \$	26,480,691
		¢										
	UND BALANCE, End	\$	2,343,347 \$	2,434,396 \$	2,248,891 \$	2,289,066 \$	2,054,703 \$	2,050,556 \$	2,278,927 \$	2,239,542 \$	2,237,349 \$	0

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SUMMARY TRZ MASTER PLAN PROJECT FUNDING (2016 - 2020)

		2013-2015 <		\longrightarrow		\$ 44,736,460			FY2016-2020
Available for allocation	\$ 25,361,960	\$ 19,374,500	\$ 18,863,095	\$ 12,164,306	\$ 19,000,000	\$ 7,953,230	\$ 7,144,942	\$ 7,250,029	\$ 72,375,602

	2013 Bo	nd 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	-	2,425,000	-	-	-	-	-	4,175,000
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	4,655,400	14,950,000	3,000,000	2,700,000	450,000	450,000	29,258,450
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	2,186,497	465,000	100,000	-	1,310,000	-	-	5,381,497
MASTER PLAN PROJECT FUNDING	\$ 7,821,200	\$ 13,452,975	\$ 21,780,857	\$ 16,797,882	\$ 15,050,000	\$ 19,000,000	\$ 4,410,000	\$ 6,910,000	\$ 11,200,000	\$ 116,422,914

	2013	2014	2015	2016	2017	2017	2018	2018	2020	TOTAL
Favorable (Unfavorable) Balance		\$ 4,087,785	\$ (2,406,357)	\$ 2,065,213	\$ (2,885,694)	\$ -	\$ 3,543,230	\$ 234,942	\$ (3,949,971)	\$ 689,148
Cumulative Favorable (Unfavorabl	e)	\$ 4,087,785	\$ 1,681,428	\$ 3,746,641	\$ 860,947	\$ 860,947	\$ 4,404,177	\$ 4,639,119	\$ 689,148	

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)

			2	2013-2015 <		\longrightarrow	\$	44,736,460			FY 2016-2020
	Available for allocation	\$			18,863,095	\$ 12,164,306	\$ 19,000,000 \$	7,953,230	5 7,144,942		\$ 72,375,602
				+	,,	+,,,	+	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,		,,	
Temple	Industrial Park	**2013 Bond Is	ssue**				Bond Issue				
Line #		2013	2014	2015	2016	2017	2017	2018	2019	2020	TOTAL
1	North Lucius McCelvey Ext. (1/2) Design	-	114,275	-	-	-	-	-	-	-	114,275
	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
	Receivng & Delivery Tracks ROW				-	-	-	400,000	-	-	400,000
7	Pepper Creek Main Stem Regional Detention Pond Constr	-	-	1,139,201	-	-	-	-	-	-	1,139,201
	Property Acquisition	-	-	4,000,000	-	-	-	-	-	-	4,000,000
	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
Corpor	ate Campus Park						Bond Issue				
Line #	Project Description	2013	2014	2015	2016	2017	2017	2018	2019	2020	TOTAL
	Pepper Creek Trail Hwy 36 to McLane Prkwy Design	93,700	256,300	-	-	-	-	-	-	-	350,000
	Pepper Creek Trail Hwy 36 to McLane Prkwy ROW	33,900	-	-	-	-	-	-	-	-	33,900
	Pepper Creek Trail Hwy 36 to McLane Prkwy Constr	-	71,000	-	1,700,000	-	-	-	-	-	1,771,000
	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
	ence Park						Bond Issue				
Line #											
		2013	2014	2015	2016	2017	2017	2018	2019	2020	TOTAL
	Cross Roads Park @ Pepper Creek Trail	2013 245,000	-	2015	-	2017	2017	2018	2019	2020	245,000
						2017 - -	2017 - -		2019 - -	2020 - -	
	Cross Roads Park @ Pepper Creek Trail		-	-	-	<u>2017</u> - -	2017 - - -	-	2019 - - -	2020 - - -	245,000
	Cross Roads Park @ Pepper Creek Trail Cross Roads Park @ Pepper Creek Trail	245,000	1,505,000	-	2,425,000	-	-	-		-	245,000 3,930,000
17	Cross Roads Park @ Pepper Creek Trail Cross Roads Park @ Pepper Creek Trail	245,000	1,505,000	-	2,425,000	-	-	-		-	245,000 3,930,000 4,175,000
17 <i>Resear</i> Line #	Cross Roads Park @ Pepper Creek Trail Cross Roads Park @ Pepper Creek Trail SUBTOTAL ch Parkway Project Description	245,000	1,505,000	-	2,425,000	-	-	-		-	245,000 3,930,000
17 <i>Resear</i> Line # 18	Cross Roads Park @ Pepper Creek Trail Cross Roads Park @ Pepper Creek Trail SUBTOTAL Ch Parkway Project Description Research Pkwy (IH35 to Wendland At Grade) Design	245,000 - 245,000	1,505,000 1,505,000	-	2,425,000 2,425,000	-	- - Bond Issue	-	-	-	245,000 3,930,000 4,175,000
17 <i>Resear</i> Line # 18 19	Cross Roads Park @ Pepper Creek Trail Cross Roads Park @ Pepper Creek Trail SUBTOTAL Ch Parkway Project Description Research Pkwy (IH35 to Wendland At Grade) Design Research Pkwy (IH35 to Wendland Ultimate) ROW	245,000 - 245,000 2013 1,610,000 301,364	- 1,505,000 1,505,000 2014		- 2,425,000 2,425,000 2016	- - 2017	- - - Bond Issue 2017	- - - 2018	- - - 2019	-	245,000 3,930,000 4,175,000 TOTAL
17 <i>Resear</i> Line # 18 19 20	Cross Roads Park @ Pepper Creek Trail Cross Roads Park @ Pepper Creek Trail SUBTOTAL ch Parkway Project Description Research Pkwy (IH35 to Wendland At Grade) Design Research Pkwy (IH35 to Wendland Ultimate) ROW Research Pkwy (IH35 to Wendland At Grade) Grant {Little Elm Sewer}	245,000 - 245,000 2013 1,610,000	- 1,505,000 1,505,000 2014		2,425,000 2,425,000 2016	- - 2017	- - - Bond Issue 2017 - -	- - - 2018	- - - 2019	-	245,000 3,930,000 4,175,000 1,610,000 1,301,364 2,718,636
17 <i>Resear</i> Line # 18 19 20 21	Cross Roads Park @ Pepper Creek Trail Cross Roads Park @ Pepper Creek Trail SUBTOTAL ch Parkway Project Description Research Pkwy (IH35 to Wendland At Grade) Design Research Pkwy (IH35 to Wendland Ultimate) ROW Research Pkwy (IH35 to Wendland At Grade) Grant {Little Elm Sewer} Research Pkwy (IH35 to Wendland At Grade) Constr	245,000 - 245,000 245,000 2013 1,610,000 301,364 793,636 -		- - - - - - -	2,425,000 2,425,000 2016 - 1,000,000	- - 2017	- - - Bond Issue 2017	- - - 2018	- - - 2019	-	245,000 3,930,000 4,175,000 1,610,000 1,301,364 2,718,636 13,500,000
17 <i>Resear</i> Line # 18 19 20 21 22	Cross Roads Park @ Pepper Creek Trail Cross Roads Park @ Pepper Creek Trail SUBTOTAL Ch Parkway Project Description Research Pkwy (IH35 to Wendland At Grade) Design Research Pkwy (IH35 to Wendland Ultimate) ROW Research Pkwy (IH35 to Wendland At Grade) Grant {Little Elm Sewer} Research Pkwy (IH35 to Wendland At Grade) Constr Research Pkwy (Wendland to McLane Prkwy) Design	245,000 - 245,000 2013 1,610,000 301,364 793,636 - 960,000	1,505,000 1,505,000 2014 - - -	- - - - - - -	2,425,000 2,425,000 2016 - 1,000,000	- - 2017	- - - Bond Issue 2017 - -	- - - - - - - -		- - - 2020 - - - -	245,000 3,930,000 4,175,000 1,175,000 1,610,000 1,301,364 2,718,636 13,500,000 960,000
17 <i>Resear</i> Line # 18 19 20 21 22 23	Cross Roads Park @ Pepper Creek Trail Cross Roads Park @ Pepper Creek Trail SUBTOTAL Ch Parkway Project Description Research Pkwy (IH35 to Wendland At Grade) Design Research Pkwy (IH35 to Wendland Ultimate) ROW Research Pkwy (IH35 to Wendland At Grade) Grant {Little Elm Sewer} Research Pkwy (IH35 to Wendland At Grade) Constr Research Pkwy (Wendland to McLane Prkwy) Design Research Pkwy (Wendland to McLane Prkwy) ROW	245,000 - 245,000 245,000 2013 1,610,000 301,364 793,636 -	1,505,000 1,505,000 2014 - - - - -	- - - - - - - - -	2,425,000 2,425,000 2016 1,000,000 1,925,000	- - 2017		- - - - - - - - -	- - - - - - - - -	- - - - 2020 - - - - - - -	245,000 3,930,000 4,175,000 1,610,000 1,301,364 2,718,636 13,500,000
17 <i>Resear</i> Line # 18 19 20 21 22 23 24	Cross Roads Park @ Pepper Creek Trail Cross Roads Park @ Pepper Creek Trail SUBTOTAL Ch Parkway Project Description Research Pkwy (IH35 to Wendland At Grade) Design Research Pkwy (IH35 to Wendland Ultimate) ROW Research Pkwy (IH35 to Wendland At Grade) Grant {Little Elm Sewer} Research Pkwy (IH35 to Wendland At Grade) Constr Research Pkwy (Wendland to McLane Prkwy) Design Research Pkwy (Wendland to McLane Prkwy) ROW Research Pkwy (Wendland to McLane Prkwy) Constr	245,000 - 245,000 2013 1,610,000 301,364 793,636 - 960,000 1,300,000	- 1,505,000 1,505,000 2014 	- - - - - - - - - -	2,425,000 2,425,000 2016 - 1,000,000 1,925,000 - -	- - 2017		- - - - - - - - - -	- - - - - - - - -	- - - 2020 - - - - - - - -	245,000 3,930,000 4,175,000 1,175,000 1,301,364 2,718,636 13,500,000 960,000 1,300,000 -
17 <i>Resear</i> Line # 18 19 20 21 22 23 24 25	Cross Roads Park @ Pepper Creek Trail Cross Roads Park @ Pepper Creek Trail SUBTOTAL Ch Parkway Project Description Research Pkwy (IH35 to Wendland At Grade) Design Research Pkwy (IH35 to Wendland Ultimate) ROW Research Pkwy (IH35 to Wendland At Grade) Grant {Little Elm Sewer} Research Pkwy (IH35 to Wendland At Grade) Grant {Little Elm Sewer} Research Pkwy (IH35 to Wendland At Grade) Constr Research Pkwy (Wendland to McLane Prkwy) Design Research Pkwy (Wendland to McLane Prkwy) ROW Research Pkwy (Wendland to McLane Prkwy) Constr Research Pkwy (Wendland to McLane Prkwy) Design	245,000 - 245,000 2013 1,610,000 301,364 793,636 - 960,000	- 1,505,000 1,505,000 2014 - - - - - - - - - - - - - -	- - - - - - - - - -	- 2,425,000 2,425,000 - 1,000,000 1,925,000 - - - -	- - 2017		- - - - - - - - - -	- - - - - - - - -	- - - 2020 - - - - - - - -	245,000 3,930,000 4,175,000 1,175,000 1,301,364 2,718,636 13,500,000 960,000 1,300,000 - 700,000
17 Resear 18 19 20 21 22 23 24 25 26	Cross Roads Park @ Pepper Creek Trail Cross Roads Park @ Pepper Creek Trail SUBTOTAL Ch Parkway Project Description Research Pkwy (IH35 to Wendland At Grade) Design Research Pkwy (IH35 to Wendland Ultimate) ROW Research Pkwy (IH35 to Wendland At Grade) Grant {Little Elm Sewer} Research Pkwy (IH35 to Wendland At Grade) Grant {Little Elm Sewer} Research Pkwy (IH35 to Wendland At Grade) Constr Research Pkwy (Wendland to McLane Prkwy) Design Research Pkwy (Wendland to McLane Prkwy) ROW Research Pkwy (Wendland to McLane Prkwy) Constr Research Pkwy (McLane Pkwy to Cen Pt Pkwy) Bow Research Pkwy (McLane Pkwy to Cen Pt Pkwy) ROW	245,000 - 245,000 2013 1,610,000 301,364 793,636 - 960,000 1,300,000	- 1,505,000 1,505,000 2014 - - - - - - - - - - - -	- - - - - - - - - -	2,425,000 2,425,000 2016 - 1,000,000 1,925,000 - - - - -	- - 2017	- - - - - - - - - - - - - - - - - - -	- - - - - - - - - -	- - - - - - - - - -	- - - 2020 - - - - - - - - - - -	245,000 3,930,000 4,175,000 1,175,000 1,301,364 2,718,636 13,500,000 960,000 1,300,000 -
17 Resear 18 19 20 21 22 23 24 25 26 27	Cross Roads Park @ Pepper Creek Trail Cross Roads Park @ Pepper Creek Trail SUBTOTAL Ch Parkway Project Description Research Pkwy (IH35 to Wendland At Grade) Design Research Pkwy (IH35 to Wendland Ultimate) ROW Research Pkwy (IH35 to Wendland At Grade) Grant {Little Elm Sewer} Research Pkwy (IH35 to Wendland At Grade) Constr Research Pkwy (Wendland to McLane Prkwy) Design Research Pkwy (Wendland to McLane Prkwy) ROW Research Pkwy (Wendland to McLane Prkwy) ROW Research Pkwy (McLane Pkwy to Cen Pt Pkwy) ROW Research Pkwy (McLane Pkwy to Cen Pt Pkwy) ROW Research Pkwy (McLane Pkwy to Cen Pt Pkwy) ROW	245,000 - 245,000 2013 1,610,000 301,364 793,636 - 960,000 1,300,000	- 1,505,000 1,505,000 2014 -	- - - - - - - - - -	- 2,425,000 2,425,000 - 1,000,000 1,925,000 - - - - - - - - -	- - 2017	- - - - - - - - - - - - - - - - - - -	- - - - - - - - - -	- - - - - - - - - -	- - - - - - - - - - - - - - - - - - -	245,000 3,930,000 4,175,000 1,301,364 2,718,636 13,500,000 960,000 1,300,000 - 700,000 800,000 -
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17 Resear 18 19 20 21 22 23 24 25 26 27 28 29	Cross Roads Park @ Pepper Creek Trail Cross Roads Park @ Pepper Creek Trail SUBTOTAL SUBTOTAL Project Description Research Pkwy (IH35 to Wendland At Grade) Design Research Pkwy (IH35 to Wendland Ultimate) ROW Research Pkwy (IH35 to Wendland At Grade) Grant {Little Elm Sewer} Research Pkwy (IH35 to Wendland At Grade) Constr Research Pkwy (IH35 to Wendland At Grade) Constr Research Pkwy (Wendland to McLane Prkwy) Design Research Pkwy (Wendland to McLane Prkwy) ROW Research Pkwy (McLane Pkwy to Cen Pt Pkwy) Design Research Pkwy (McLane Pkwy to Cen Pt Pkwy) ROW Research Pkwy (McLane Pkwy to Cen Pt Pkwy) ROW Research Pkwy (McLane Pkwy to Cen Pt Pkwy) ROW Research Pkwy (McLane Pkwy to Cen Pt Pkwy) ROW Research Pkwy (McLane Pkwy to Cen Pt Pkwy) ROW Research Pkwy (McLane Pkwy to Cen Pt Pkwy) ROW Research Pkwy (McLane Pkwy to Cen Pt Pkwy) Constr Outer Loop (I35 South) Design Outer Loop (I35 South) ROW	245,000 - 245,000 2013 1,610,000 301,364 793,636 - 960,000 1,300,000 - 700,000 - 700,000 - - -	- 1,505,000 1,505,000 2014 - - - - - - - - - - - - -		- 2,425,000 2,425,000 - - 1,000,000 1,925,000 - - - - - - - - - - - - - - - - - -	- - - - - - - - - - - - - - - - - - -	- - - - - - - - - - - - - - - - - - -	- - - - - - - - - -	- - - - - - - - - -	- - - - - - - - - - - - - - - - - - -	245,000 3,930,000 4,175,000 1,301,364 2,718,636 13,500,000 960,000 1,300,000 - 700,000 800,000 - 1,950,000 1,300,000
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TRZ MASTER PLAN PROJECT FUNDING (2016 - 2020)

Synerg	y 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
	SUBTOTAL	-	871,400	653,280	-	-	-	-	-	-	1,524,680

Downte	own	**2013 Bond	Issue**			Г	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	-	-	-	-	-	-	-	-	-	-
	Downtown Master Plan	125,000	-	-	-	-	-	-	-	-	125,000
	TISD-Obligation per Contract	-	-	-	-	10,000,000	-	-	-	-	10,000,000
	Intersection improvements at Central and N. 4th Street	-	-	-	-	-	-	750,000	-	-	750,000
	Santa Fe Market Trail Design	-	-	190,000	-	-	-	-	-	-	190,000
44	Santa Fe Market Trail ROW	-	-	-	1,200,000	-	-	-	-	-	1,200,000
45	Santa Fe Market Trail Construction	-	-	-	-	-	1,500,000	-	-	-	1,500,000
46	MLK Festival Fields Design	-	-	-	35,600	-	-	-	-	-	35,600
47	MLK Festival Fields Construction	-	-	-	314,400	-	-	-	-	-	314,400
	Downtown Transformation Team	-	-	373,050	144,000	450,000	-	450,000	450,000	450,000	2,317,050
49	North General Bruce Drive Enhancements	-	-	-	-	_	-	-	-	-	-
	SUBTOTAL	663,600	-	2,389,450	4,655,400	14,950,000	3,000,000	2,700,000	450,000	450,000	29,258,450

TMED]	Bond Issue				
Line #	Project Description	2013	2014	2015	2016	2017	2017	2018	2019	2020	TOTAL
50	Loop 363 FR (UPRR to 5th TRZ Portion) Design	330,000	-	-	-	-	-	-	-	-	330,000
51	Loop 363 FR (UPRR to 5th TRZ Portion) ROW	120,000	-	-	-	-	-	-	-	-	120,000
52	Loop 363 FR (UPRR to 5th TRZ Portion) Constr	-	6,000,000	-	300,000	-	-	-	-	-	6,300,000
	31st Street/Loop 363 Improvements/Monumentation Design	70,000	-	-	-	-	-	-	-	-	70,000
	31 Street/Loop 363 Improvements/Monumentation Constr	-	450,000	1,650,000	-	-	-	-	-	-	2,100,000
55	Ave U TMED Ave. to 1st Design	175,000	-	-	-	-	-	-	-	-	175,000
56	Ave U TMED Ave. to 1st ROW	-	1,100,000	1,125,000	180,000	-	-	-	-	-	2,405,000
	Ave U TMED Ave. to 1st Constr	-	-	250,000	2,600,000	-	-	-	-	-	2,850,000
	TMED Master Plan (Health Care Campus) Design	125,000	-	-	-	-	-	-	-	-	125,000
	TMED Master Plan & Thoroughfare Plan * Design	55,000	-	-	-	-	-	-	-	-	55,000
	Friars Creek Trail to Ave. R Trail Design	75,000	-	-	-	-	-	-	-	-	75,000
	Friars Creek Trail to Ave. R Trail Constr	-	425,000	72,759	-	-	-	-	-	-	497,759
62	1st Street @ Loop 363 Design	-	-	-	-	-	-	-	-	-	-
63	Friars Creek Trail to S&W	-	-	-	-	-	-	-	-	-	-
64	Ave R Intersections Constr	-	-	2,928,486	-	-	-	-	-	-	2,928,486
65	Veteran's Memorial Blvd. Phase II Design	-	-	-	675,000	-	-	-	-	-	675,000
66	Veteran's Memorial Blvd. Phase II ROW	-	-	-	250,000	-	-	-	-	-	250,000
67	Veteran's Memorial Blvd. Phase II Constr	-	-	-	-	-	-	-	6,460,000	-	6,460,000
68	Ave R - 25th to 31st Street Design	-	-	-	-	-	-	-	-	-	-
69	Ave R - 25th to 31st Street Construction	-	-	-	-	-	-	-	-	-	-
	Ave R - 25th to 1st Street Design	-	-	-	-	-	-	-	-	-	-
	Ave R - 25th to 1st Street ROW	-	-	-	-	-	-	-	-	-	-
72	Ave R - 25th to 1st Street Construction	-	-	-	-	-	-	-	-	-	-
	SUBTOTAL	950,000	7,975,000	6,026,245	4,005,000	-	-	-	6,460,000	-	25,416,245

TRZ MASTER PLAN PROJECT FUNDING (2016 - 2020)

Airport	Park						Bond Issue				
Line #	Project Description	2013	2014	2015	2016	2017	2017	2018	2019	2020	TOTAL
73	Airport Enhancement Projects Design	170,000	-	-	-	-	-	-	-	-	170,000
74	Airport Enhancement Projects Constr	-	1,150,000	2,186,497	-	-	-	-	-	-	3,336,497
75	Taxiway for Airport {60 ft width}	-	-	-	90,000	-	-	1,310,000	-	-	1,400,000
76	Corporate Hangar Phase II	-	-	-	375,000	-	-	-	-	-	375,000
77	Airport RAMP Grant	-	-	-		100,000	-	-	-	-	100,000
	SUBTOTAL	170,000	1,150,000	2,186,497	465,000	100,000	-	1,310,000	-	-	5,381,497

MASTER PLAN PROJECT FUNDING \$ 7,821,200 \$ 13,452,975 \$ 21,780,857 \$ 16,797,882 \$ 15,050,000 \$ 19,000,000 \$

						Bond Issue				
	2013	2014	2015	2016	2017	2017	2018	2019	2020	TOTAL
Favorable (Unfavorable) Balance		4,087,785	(2,406,357)	2,065,213	(2,885,694)	-	3,543,230	234,942	(3,949,971)	689,148
Cumulative Favorable (Unfavorable)		4,087,785	1,681,428	3,746,641	860,947	860,947	4,404,177	4,639,119	689,148	

4.410.000	\$	6.910.000	\$	11 200 000	\$	116,422,914
4,410,000	φ	0,910,000	φ	11,200,000	Ψ	110,422,914

FY	2016

BUDGET ADJUSTMENT FORM

Use this form to make adjustments to your budget.	All adjustments must balance within a Department.					
Adjustments should be rounded to the nearest \$1.						

ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE		ECREASE
					ECREASE
795-9500-531-65-69	101588	MLK Festival Fields	\$ 350,000 \$ 300,000		
795-9500-531-68-67	101005	Cross Roads Park			
795-9500-531-72-15		Fiscal Agent Fees	\$ 500		450 500
795-9500-531-26-16		Professional Fees		\$	150,500
795-9500-531-65-14	100692	Rail Maintenance		\$	250,000
795-9500-531-63-17	100693	Road Maintenance	• • • • • • • •	\$	250,000
795-9500-531-65-58	100811	Corporate Hangar Phase II	\$ 15,000		
795-9500-531-68-80	101019	Airport Entrance Enhancements		\$	15,000
				—	
				—	
				<u> </u>	
DTAL			\$ 665,500	\$	665,500
(PLANATION OF ADJ appropriate funds as recor 20.16.	USTMENT	REQUEST- Include justification for increases AND reason why further Reinvestment Zone No. 1 Board at its 09.28.16 meeting and as a	inds in decreased ad approved on second	<mark>ccount a</mark> readinç	<mark>are available</mark> g by Council
DES THIS REQUEST REQ TE OF COUNCIL MEETIN		CIL APPROVAL? x 10/20/2016	Yes	No	
TH AGENDA ITEM?		x	·	No	
	n Director	Date		Approve Disappr	
Department Head/Division					
Department Head/Division		Date		Approve Disappr	

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.

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 18th day of May, 2006; Ordinance No. 2006-4118; Ordinance No. 2007-4141 on the 19th day of April, 2007; Ordinance No. 2007-4155 on July 19, 2007; Ordinance No. 2007-4172 on the 20th day of September, 2007; Ordinance No. 2007-4173 on October 25, 2007; Ordinance No. 2008-4201 on the 21st day of February, 2008; and Ordinance No. 2008-4217 the 15th day of May, 2008; Ordinance No. 2008-4242 the 21st day of August, 2009; Ordinance No. 2009-4290 on the 16th day of April, 2009; Ordinance No. 2009-4294 on the 21st day of May, 2009; Ordinance No. 2009-4316 on the 17th day of September, 2009; Ordinance No. 2009-4320 on the 15th day of October, 2009; Ordinance No. 2010-4338 on the 18th day of February, 2010; Ordinance No. 2010-4371 on the 19th 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. 2015-4705 on April 16, 2015; Ordinance No. 2015-4734 on October 15, 2015; Ordinance No. 2016-4789 on July 21, 2016; October 20, 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:

<u>**Part 1: Findings.**</u> The statements contained in the preamble of this ordinance are true and correct and are adopted as findings of fact hereby.

<u>Part 2:</u> 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.

<u>Part 3:</u> 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.

<u>Part 4:</u> 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.

<u>**Part 5: Effective Date.**</u> 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.

<u>**Part 6: Open Meetings.**</u> 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 **6th** day of **October**, 2016.

PASSED AND APPROVED on Second Reading on the 20th day of October, 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

10/20/16 Item #4(N-2) Consent Agenda Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Kevin Beavers, CPRP, Parks and Recreation Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick & Associates, LP, for a lump sum amount of \$35,600, to provide design and construction documents for the Martin Luther King Festival Fields in downtown Temple.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The Martin Luther King Festival Fields project is a continuation of the Santa Fe Market trail project. It will extend and encompass boundaries listed below (see attached map):

- North Side- Approximately M.L.K. Drive to 4th Street along East Avenue B.
- West Side-From East Avenue B down 4th Street to the property line at the BNSF Railroad tracks.
- South Side-4th Street and BNSF Railroad tracks to approximately East Avenue E and M.L.K. Drive
- East Side-From approximately East Avenue E and M.L.K. Drive north to approximately East Avenue B.

The Martin Luther King Festival Fields project will involve design surveys of the site, site grading plan, drainage plan to convey storm water to existing drainage infrastructure, electrical design for stage power, and an overall site plan to include fencing of City owned property. This design process is projected to last two months from the Notice to Proceed.

KPA will perform construction administration and on-site representation during the construction phase. KPA's preliminary opinion of probable cost is \$300,000.

The Reinvestment Zone Board #1 approved this agenda item at their meeting on September 28, 2016 and recommended to forward it to Council for approval.

FISCAL IMPACT: Funding for the professional services agreement with KPA in the amount of \$35,600 is available in Reinvestment Zone No. 1 Financing and Project Plans, Line 408, MLK Festival Fields, in account # 795-9500-531-6569, project 101588, as follows:

Project Budget Encumbered/Committed to Date	\$ 350,000 (0)
KPA professional services agreement	(35,600)
Remaining Project Funds	\$ 314,400

10/20/2016 Item #4(N-2) Consent Agenda Page 2 of 2

ATTACHMENTS: Engineer's Proposal Map Resolution



Texas Firm F-510

KASBERG, PATRICK & ASSOCIATES, LP CONSULTING ENGINEERS

<u>Temple</u> 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

<u>Georgetown</u> 1008 South Main Street Georgetown, Texas 78626 (512) 819-9478

September 16, 2016

Mr. Kevin Beavers, CPRP Director of Parks and Recreation 2 North Main St, Suite 201 City of Temple, Texas 76501

Re: City of Temple Santa Fe Market Trail

Dear Mr. Beavers:

At the request of the City of Temple Reinvestment Zone #1 (TRZ), we are submitting this contract amendment proposal for the above referenced project. The current project scope terminates improvements along Avenue C at 4^{th} Street. This contract amendment will provide for improvements east of 4^{th} Street at the Martin Luther King Festival Fields. Our Preliminary Opinion of Probable Construction Cost for the additions to the project is \$300,000.

The work to be performed by KPA under this contract amendment consists of modifying the existing plans to include improvements for the Martin Luther King Festival Fields which is located at the terminus of the current Santa Fe Market Trail Project. The project will need to be bid separately in order to complete the improvements before April 2017 for the Bloomin' Festival.

KPA will perform all work and prepare all deliverables in accordance with the latest version of City of Temple specifications, standards and manuals.

Mr. Kevin Beavers, CPRP September 16, 2016 Page 2

KPA will perform quality control and quality assurance (QA/QC) on all deliverables associated with the project.

The following additions to the current project will be performed:

I. Plan Additions

- A. Survey Design surveys of the site will be performed for execution of plans for bidding and constructing the project. Data will be collected to identify the existing trees on the site as well as develop an existing surface in AutoCAD Civil 3D.
- B. Site Grading Utilizing the data gathered during the on-site survey, a surface will be created for the site. The surface will be utilized to develop an existing conditions model and to design a proposed surface for the Martin Luther King Festival Fields Project. Grading sheets will be developed for site grading including cut and fill quantities for bidding.
- C. Drainage Plan A site drainage plan will be designed to convey storm water from the site to existing drainage infrastructure.
- D. Electrical Electrical design will be developed for serving the stages. The electrical requirements for the stages will be supplied by the City of Temple.
- E. Site Plan A site plan will be designed in accordance with the layout plan developed by the City of Temple Parks Department. This will include fencing around the Martin Luther King Festival Fields and staging areas.

A REAL PROPERTY AND A REAL	And the rest of the local data and the second data and the second data and the second data and the second data
Design Surveys	\$11,000.00
Site Grading	\$3,800.00
Drainage Plan	\$4,200.00
Electrical Design	\$7,800.00
Site Plan	\$8,800.00
Total	\$35,600.00

MLK Festival Fields

Mr. Kevin Beavers, CPRP September 16, 2016 Page 3

The additions to the Santa Fe Market Trail Project can be completed for the lump sum price of \$35,600. We are pleased to submit this proposal and look forward to the benefit it will bring the City of Temple.

Sincerely,

Daw

R. David Patrick, P.E., CFM

xc: File

ATTACHMENT "C"

Charges for Additional Services

City of Temple Santa Fe Market Trail MLK Fields Addition

POSITION	MULTIPLIER	SALARY COST/RATES
Principal	2.4	\$ 75.00 – 95.00/hour
Project Manager	2.4	60.00 – 75.00/hour
Project Engineer	2.4	50.00 - 60.00/hour
Engineer-in-Training	2.4	40.00 - 50.00/hour
Engineering Technician	2.4	35.00 - 50.00/hour
CAD Technician	2.4	30.00 - 50.00/hour
Clerical	2.4	15.00 – 30.00/hour
Expenses	1.1	actual cost
Computer	1.0	15.00/hour
Survey Crew	1.1	125.00 – 160.00/hour
Registered Public Surveyor	1.0	130.00/hour
On-Site Representative	2.1	30.00 - 40.00/hour



RESOLUTION NO. 2016-8403-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT, IN A LUMP SUM OF \$35,600, WITH KASBERG, PATRICK & ASSOCIATES, LP OF TEMPLE, TEXAS, TO PROVIDE DESIGN AND CONSTRUCTION DOCUMENTS FOR THE MARTIN LUTHER KING FESTIVAL FIELDS IN DOWNTOWN TEMPLE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Martin Luther King Festival Fields project is a continuation of the Santa Fe Market trail project and it will extend and encompass the boundaries outlined on the map attached hereto as Exhibit 'A;'

Whereas, the Martin Luther King Festival Fields project will involve design surveys of the site, site grading, drainage to convey storm water to existing drainage infrastructure, electrical design for stage power, and an overall site plan to include fencing of City owned property;

Whereas, Staff recommends Council authorize a professional services agreement with Kasberg, Patrick & Associates, LP in a lump sum of \$35,600, to provide design and construction documents for the Martin Luther King Festival Fields in Downtown Temple;

Whereas, funds are available for this professional services agreement in the Reinvestment Zone No. 1 Financing and Project Plans, Line 408, Account No. 795-9500-531-6569, Project No. 101588; 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:

<u>Part 1:</u> The City Council authorizes the City Manager, or his designee, after approval as to form by the City Attorney, to execute a professional services agreement, in a lump sum of \$35,600, with Kasberg, Patrick & Associates, LP to provide design and construction documents for the Martin Luther King Festival Fields in downtown Temple.

<u>Part 2:</u> 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 **20**th day of **October**, 2016.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

APPROVED AS TO FORM:

ATTEST:

Kayla Landeros City Attorney

Lacy Borgeson City Secretary



COUNCIL AGENDA ITEM MEMORANDUM

10/20/16 Item #4(O) 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 2016-2017.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: This item is to recommend various budget amendments, based on the adopted FY 2016-2017 budget. The amendments will involve transfers of funds between contingency accounts, department and fund levels.

FISCAL IMPACT: The total amount of budget amendments is \$215,663.

ATTACHMENTS: Budget Amendments Resolution

CITY OF TEMPLE BUDGET AMENDMENTS FOR FY 2017 BUDGET October 20, 2016

			APPROPI		
ACCOUNT # PROJECT 365-1500-515-1112	# DESCRIPTION Salaries / Professional	¢	Debit		Credit
365-1500-515-1220	Personnel Benefits / Retirement/Pension	\$ \$	36,255 5,960		
365-1500-515-1220	Personnel Benefits / Social Security	ֆ \$	526		
365-1500-515-1222	Personnel Benefits / Health Insurance	φ \$	2,575		
365-1500-515-1223	Personnel Benefits / Worker Compensation	ֆ \$	2,575		
365-1500-515-1224	Personnel Benefits / Unemployment Insurance	Ψ \$	135		
365-1500-515-1228	Personnel Benefits / Long Term Disability	φ \$	93		
365-1500-515-1226	Personnel Benefits / Life Insurance	φ \$	54		
365-1500-515-1227	Personnel Benefits / AD&D Insurance	φ \$	11		
365-1500-515-1225	Personnel Benefits / Dental Insurance	Ψ \$	48		
561-5000-535-1112	Salaries / Professional	Ψ \$	36,255		
561-5000-535-1220	Personnel Benefits / Retirement/Pension	Ψ \$	5,960		
561-5000-535-1220	Personnel Benefits / Social Security	φ \$	526		
561-5000-535-1222	Personnel Benefits / Health Insurance	Ψ \$	2,575		
561-5000-535-1223	Personnel Benefits / Worker Compensation	φ \$	2,373		
561-5000-535-1223	Personnel Benefits / Unemployment Insurance	գ \$	135		
561-5000-535-1228	Personnel Benefits / Long Term Disability	գ Տ	93		
561-5000-535-1226	Personnel Benefits / Life Insurance	գ \$	93 54		
	Personnel Benefits / AD&D Insurance	գ \$	54 11		
561-5000-535-1227 561-5000-535-1225	Personnel Benefits / Dental Insurance	գ Տ	48		
365-1500-515-6536		φ	40	¢	45 70
561-5000-535-6532	Capital - Special Projects / Contingency-Compensation Capital - Special Projects / Contingency			\$ ¢	45,73 45,73
	is being funded 50% with Certificate of Obligation (TCIP) bond proceeds and 50% with Uti Revenue bond proceeds.				
362-1300-515-1115	Salaries / Skilled	\$	41,309		
362-1300-515-1220	Personnel Benefits / Retirement/Pension	\$	6,791		
362-1300-515-1221	Personnel Benefits / Social Security	\$	599		
362-1300-515-1222	Personnel Benefits / Health Insurance	\$	5,150		
362-1300-515-1223	Personnel Benefits / Worker Compensation	\$	89		
362-1300-515-1224	Personnel Benefits / Unemployment Insurance	\$	270		
362-1300-515-1225	Personnel Benefits / Dental Insurance	\$	96		
362-1300-515-1226	Personnel Benefits / Life Insurance	\$	61		
362-1300-515-1227	Personnel Benefits / AD&D Insurance	\$	13		
362-1300-515-1228	Personnel Benefits / Long Term Disability	\$	106		
362-1300-515-6536	Capital - Special Projects / Contingency-Compensation			\$	54,484
	To allocate bond proceeds for the Senior Buyer II position for FY 2017. This position is being funded 100% with General Obligation Parks bonds.				
365-1500-515-1112	Salaries / Skilled	\$	56,992		
365-1500-515-1220	Personnel Benefits / Retirement/Pension	\$	9,616		
365-1500-515-1221	Personnel Benefits / Social Security	\$	848		
365-1500-515-1233	Personnel Benefits / \$125 To ICMA in Lieu of Insurance	\$	1,500		
365-1500-515-1223	Personnel Benefits / Worker Compensation	\$	235		
365-1500-515-1224	Personnel Benefits / Unemployment Insurance	\$	270		
365-1500-515-1228	Personnel Benefits / Long Term Disability	\$	146		
365-1500-515-1226	Personnel Benefits / Life Insurance	\$	84		
365-1500-515-1227	Personnel Benefits / AD&D Insurance	\$	18		
365-1500-515-6536	Capital - Special Projects / Contingency-Compensation			\$	69,70
	To allocate bond proceeds for the Project Manager position for FY 2017. This position is being funded 100% with Certificate of Obligation (TCIP) bond proceeds.				

CITY OF TEMPLE BUDGET AMENDMENTS FOR FY 2017 BUDGET October 20, 2016

ACCOUNT #	PROJECT #	DESCRIPTION Debi	<mark>PROPRIA</mark> t	TIONS Credit
///////////////////////////////////////				oroun
		GENERAL FUND Beginning Contingency Balance	\$	_
		Added to Contingency Sweep Account	Ψ	_
		Carry forward from Prior Year		-
		Taken From Contingency		-
		Net Balance of Contingency Account	\$	-
		Beginning Judgments & Damages Contingency	\$	5,257
		Added to Contingency Judgments & Damages from Council Contingency	ψ	5,257
		Taken From Judgments & Damages		-
		Net Balance of Judgments & Damages Contingency Account	\$	5,257
		Beginning Compensation Contingency	\$	560.000
		Added to Compensation Contingency	φ	560,000
		Taken From Compensation Contingency		
		Net Balance of Compensation Contingency Account	\$	560,000
		·····		,
		Net Palance Council Contingency	¢	565 257
		Net Balance Council Contingency	\$	565,257
		Beginning Balance Budget Sweep Contingency	\$	-
		Added to Budget Sweep Contingency		-
		Taken From Budget Sweep		-
		Net Balance of Budget Sweep Contingency Account	\$	-
		WATER & SEWER FUND		
		Beginning Contingency Balance	\$	50,000
		Added to Contingency Sweep Account		-
		Taken From Contingency		-
		Net Balance of Contingency Account	\$	50,000
		Beginning Compensation Contingency	\$	112,500
		Added to Compensation Contingency	Ť	-
		Taken From Compensation Contingency		-
		Net Balance of Compensation Contingency Account	\$	112,500
		Net Balance Water & Sewer Fund Contingency	\$	162,500
		HOTEL/MOTEL TAX FUND Beginning Contingency Balance	\$	
		Added to Contingency Sweep Account	φ	-
		Carry forward from Prior Year		_
		Taken From Contingency		-
		Net Balance of Contingency Account	\$	-
		Beginning Compensation Contingency	\$	28,300
		Added to Compensation Contingency		-
		Taken From Compensation Contingency Net Balance of Compensation Contingency Account	\$	- 28,300
		·····		,
		Net Balance Hotel/Motel Tax Fund Contingency	\$	28,300
		DRAINAGE FUND		
		Beginning Contingency Balance	\$	-
		Added to Contingency Sweep Account		-
		Carry forward from Prior Year		-
		Taken From Contingency		-
		Net Balance of Contingency Account	\$	-
		Beginning Compensation Contingency	\$	24,300
		Added to Compensation Contingency		-
		Taken From Compensation Contingency		-
		Net Balance of Compensation Contingency Account	\$	24,300
		Net Balance Drainage Fund Contingency	\$	24,300
			-	,

CITY OF TEMPLE BUDGET AMENDMENTS FOR FY 2017 BUDGET October 20, 2016				
			APPROP	RIATIONS
ACCOUNT #	PROJECT #	DESCRIPTION	Debit	Credit
		FED/STATE GRANT FUND		
	Beginning	g Contingency Balance		\$-
	Carry for	ward from Prior Year		-
	Added to	Contingency Sweep Account		-
	Taken Fr	om Contingency		-
	Net Bala	nce Fed/State Grant Fund Contingency		\$-

RESOLUTION NO. 2016-8404-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING BUDGET AMENDMENTS TO THE 2016-2017 CITY BUDGET; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on the 26th day of August, 2016, the City Council approved a budget for the 2016-2017 fiscal year; and

Whereas, the City Council deems it in the public interest to make certain amendments to the 2016-2017 City Budget.

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

<u>**Part 1:**</u> The City Council approves amending the 2016-2017 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.

<u>**Part 2:**</u> 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 **20th** day of **October**, 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

10/20/16 Item #5 Regular Agenda Page 1 of 3

DEPARTMENT / DIVISION SUBMISSION & REVIEW:

Mark Baker, Senior Planner

ITEM DESCRIPTION: FIRST READING - PUBLIC HEARING - Z-FY-16-45: Consider adopting an ordinance authorizing a Conditional Use Permit to allow the sales of all alcoholic beverages with on-premise consumption, where the gross revenue from such sales is less than 50% of the total gross revenue of the establishment, on Lots 2 through 7, 10 & 11, Block 1 of the Highline Addition, subdivision, located generally at the northwest corner of Scott Boulevard and South 31st Street.

PLANNING & ZONING COMMISSION RECOMMENDATION: At their September 19, 2016 meeting, the Planning & Zoning Commission voted 7 to 0 recommend to recommend approval of the proposed conditional use permit as presented by staff.

STAFF RECOMMENDATION: Based on the following analysis:

- 1. The project has demonstrated compliance with the specific standards in the Unified Development Code (UDC Section 5.3.15B) related to distance requirements from a place of worship or public hospital;
- 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 consistent with zoning and compatible with existing adjacent and anticipated retail and service uses.

Staff recommends approval of the requested Conditional Use Permit to allow sales of alcoholic beverages where less than 50% of the total gross revenue of the establishment, subject to the following conditions:

- 1. That the sale of all alcoholic beverages be restricted to on-premise consumption only, contained within Lots 2-7, 10 & 11, Block 1 of the Highline Addition, subdivision, located at the northwest corner of Scott Boulevard and South 31st Street;
- 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: In order to avoid individual requests for a conditional use permit, similar to the recently-approved Rosa's Café (Ord. 2016-4767) on Lot 1 of the Highline Addition, the applicant requests a "blanket approval" for eleven lots of the Highline Addition.

BACKGROUND: Lots 2-7, 10 & 11 are within the recorded subdivision of The Highline Addition (attached as Exhibit A). The Highline Addition subdivision is within the 40.389 +/- acre mixed use development known as "The District", which was rezoned on February 4, 2016, by Ordinance 2016-4749, 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, an establishment that generates less than 50% of its total gross revenue from the sale of all alcoholic beverages for on-premise consumption is a compatible use subject to approval of a Conditional Use Permit. It is also compatible with the anticipated retail and service uses to be developed within "The District" and the surrounding area along South 31st Street.

Exterior building elevations, lot layout and site design are subject to Ordinance 2016-4749, which not only provided for exceptions to site plan standards, granted by City Council, but also the Planned Development as a whole. Compliance to both Ordinance 2016-4749 as well as the Ordinance for the Conditional Use Permit will be confirmed during the review of the building permit.

Additionally, it is noteworthy, that City Council has recently approved similar "blanket-type" conditional use permits, which included on-premise alcohol sales and consumption for multiple establishments and suites along W. Adams Ave. as follows:

- Multiple addresses within the Westfield Master Plan along the north side West Adams Avenue & Honeysuckle Drive under common ownership within a Planned Development for all alcohol that is less than 75% of the establishment's gross revenue (Ord. 2015-4718), and
- 2. Multiple suites in the Westfield Market center to allow all alcohol that is between 50% and 75% of the establishment's gross revenue (Ord. 2015-4720).

Section 5.3.15 of the Unified Development Code, a re-iteration of Chapter 4 – Code of Ordinances, 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 is 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, unless City Council approves conditions stating otherwise.

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 and how the distance is measured. Using the calculation prescribed by UDC Sec. 5.3.15B2, the nearest sensitive use is the Baylor, Scott & White Hospital, located approximately 682 feet away. The nearest Place of Worship, the Avenue T Church of Christ, is located approximately 1,323 feet away and the nearest public school, Scott Elementary School, is 3,561 feet away as measured by City-adopted & TABC measurement standards.

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 September 6, 2016. No issues were identified during the review.

PUBLIC NOTICE: There were 25 properties within 200-feet of the subject property, that were sent notice of the public hearing as required by State law and City Ordinance. As of Tuesday October 11, 2016 at 9:00 AM, no notices in agreement and no notices in disagreement have been received.

The newspaper printed notice of the public hearing on September 8, 2016, in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Street View and Aerial Image Maps Chapter 4 – Code of Ordinances – Alcoholic Beverages Ord. 2016-4749 – The District P&Z Excerpts (Sept 19, 2016) Ordinance

Site & Surrounding Property Photos



Site – In Development (From Scott Blvd) Highline Addition, subdivision (TMED T5-C)



Site – In Development (TMED T5-C)



Site – In Development (Looking North toward W. Ave T) (TMED T5-C)



North: SF Residential Uses along W. Ave T Dubose Addition First Extension, subdivision (2F)



South: Existing Retail Service Uses (Hilton Garden Inn) (GR & TMED T5-C)



South: Developing & Existing Retail Service Uses (GR & TMED T5-C)



East: Baylor, Scott & White Hospital (TMED SD-H)



West: Existing Retail & Service Uses (Candlewood Suites Hotel) (C)

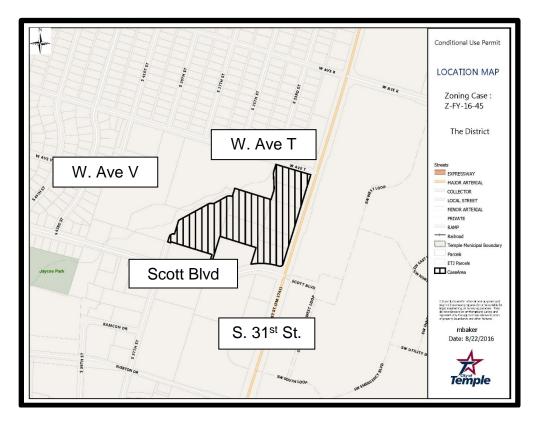


West: In Development – The District – Highline Addition, subdivision (TMED T5-E)



West: SF Uses along W. Ave V – Skyline, subdivision (2F)

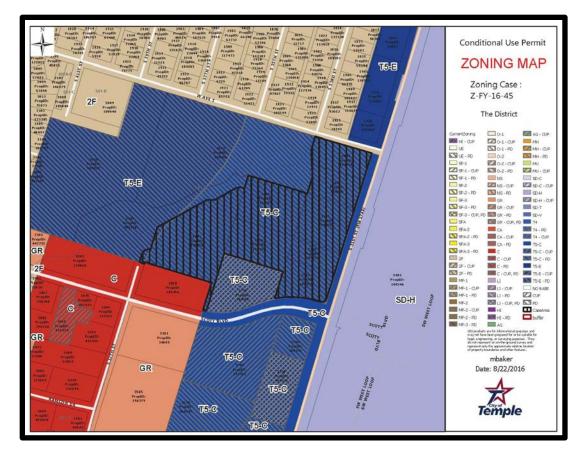
Maps



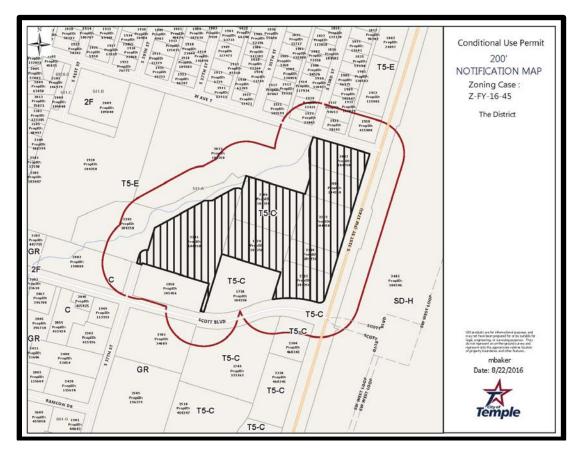
Location Map



Aerial Map

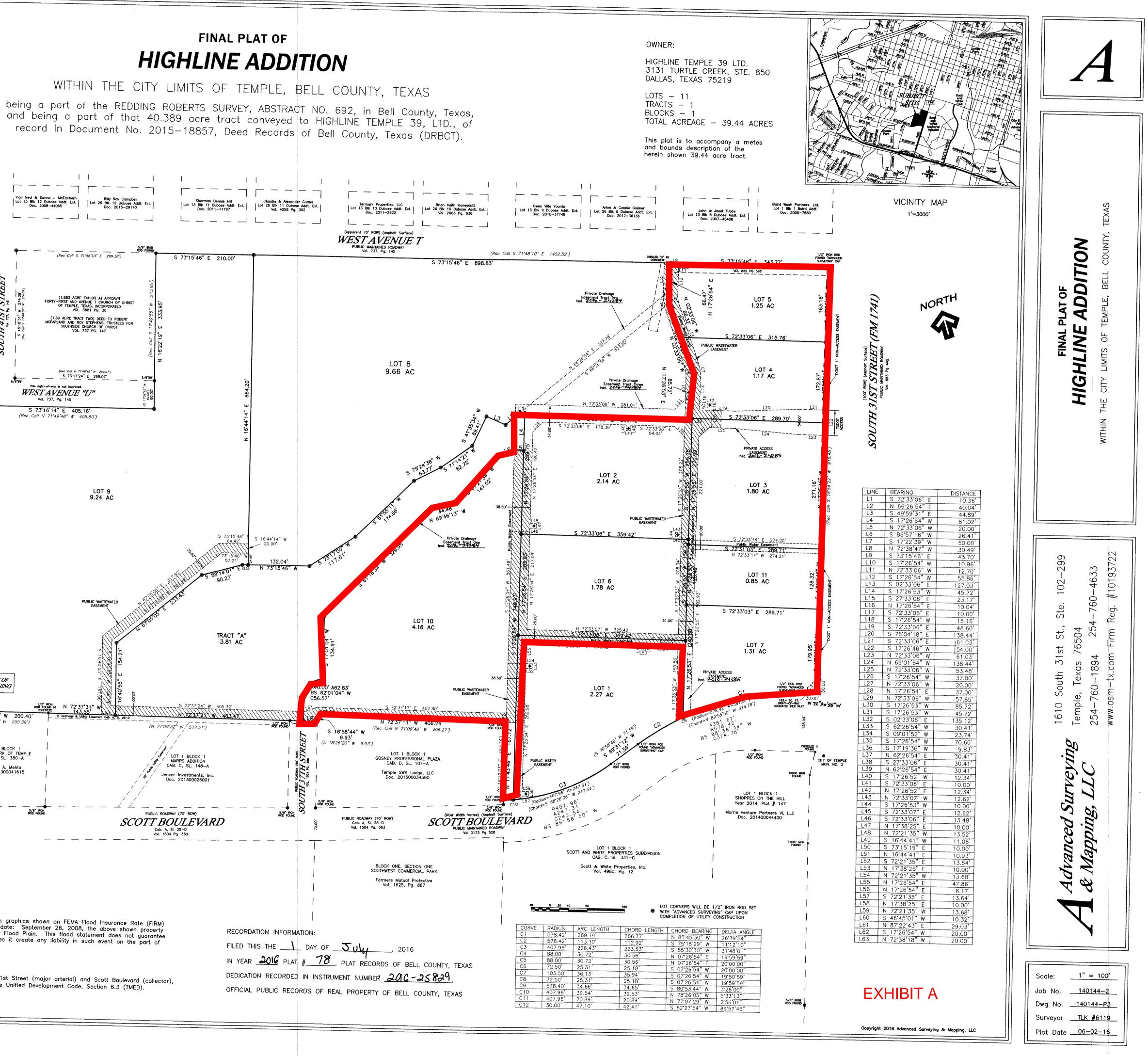


Zoning Map



Notification Map

STATE OF TEXAS' COUNTY OF BELL HIGHLINE TEMPLE 39, LTD., OWNER OF THE LAND SHOWN ON THIS PLAT, AND DESIGNATED HEREIN AS HIGHLINE ADDITION, A SUBDIVISION IN THE CITY OF TEMPLE, BELL COUNTY, TEXAS, AND WHOSE NAME IS SUBSCRIBED HERETO, HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER ALL EASEMENTS AND PUBLIC PLACES AS SHOWN HEREON. HIGHLINE TEMPLE 39, LTD BRIAN LENT. PRESIDENT. MEMBER HLDEV, L.L.C. GENERAL PARTNER STATE OF TEXAS' Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared BRIAN LENT, 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 purpose and considerations therein expressed. Given under my hand and seal of office, this 21 of **June**, 2016. Lot 1 Bik 13 SCOTT MARK BEATTY ary Public. State of Texos My Commission Expires Notary Public in and for the State of Texas June 16, 2018 THE FINAL PLAT HAS BEEN SUBMITTED TO AND CONSIDERED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF TEMPLE, TEXAS, AND IS HEREBY APPROVED BY SUCH COMMISSION. , 2016 ert & Shelia Mitchell Vol 886 Pa 298 5 73 14'34" 5/8"IRF This right-of-way is not improved. 60.00 WESTAVENUE "U" Vol. 737, Pg. 145 Q Lot 6 Bik 13 Estela Moran Q Vol 5617 Pg 863 S 73'16'14" E 405.16' 'Rec Call N 71*49'48" W 405.80') & ZONING COMMISSION Lot 7 Bik 13
 Hentschel Family Trus
 Vol 2834 Pg 152 AFFIDAVIT: Lot 8 Blk 13 Lucille Smith THE TAX APPRAISAL DISTRICT OF BELL COUNTY, TEXAS, THE TAXING Gas Lin AUTHORITY FOR ALL TAXING ENTITIES IN BELL COUNTY, TEXAS, DOES HEREBY CERTIFY THAT THERE ARE CURRENTLY NO DELINQUENT TAXES Public Roadway (70" ROW) WEST AVENUE V DUE OR OWED ON THE PROPERTY DESCRIBED BY THIS PLAT. DATED THIS THE 15th DAY OF June Lot 1 Bik 14 Henry S. Wooddeli Vol 3193 Pg 103 0 BY ELL COUNTY TAX APPRAISAL 0 Lot 2 Blk 14 Henry Samuel Wooddell Vol 4302 Pg 784 ----I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL ENGINEER Lot 3 Bik 14 Sam Wooddell Vol 4782 Pg 43 IN THE STATE OF TEXAS, HEREBY CERTIFY, THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN TO THIS PLAT. t/2 IRC Lot 4 Bik 14 TXU Gas Company Vol 4884 Pg 89 2 次 6-6-16 CLNE OCT JOEL R. BOCK POINT OF BEGINNING JOEL BOCK, P.E. 98441 DATE REGISTRATION NO. 98441 Lot 5 Bik 14 Frank Castillo, Jr. Revocable Living Trus Vol 6159 Pg 800 FOUND IN TREE BASE N 72'41'21" W 200.40' (N 72°39'06" W 200.39') Lot 6 & N. Pt Lot 9 Bik 14 Skyline Addition Oscor R. & Shirley White Revocable Living Trust Vol 2129 Pg 334 KNOW ALL MEN BY THESE PRESENTS: LOT 1 BLOCK 1 MEDICAL PARK OF TEMPLE CAB. D, SL. 380-A THAT I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL S. 115' of Lot 9 Bik 14 Ryan Hodge LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY, Jagdish A. Mehta Doc. 201300041615 TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT THIS Doc#2008-214 PLAT IS TRUE AND CORRECT, THAT IT WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY Gas Lin BOD FOUND SUPERVISION ON THE GROUND, AND THAT ALL NECESSARY SURVEY MONUMENTS ARE CORRECTLY SHOWN HEREON. 1/2 IRON ROD FOUND 5/6" IRON ROD FOUND 6-2-16 LANE KENNEDY, R.P.L.S. DATE REGISTRATION NO. 6119 Floodplain Notes * Based upon what can be scaled from graphics shown on FEMA Flood Insurance Rate (FIRM) This project is referenced to the City of Temple Coordinate System, referenced in Map Number 48027c0355e, Effective date: September 26, 2008, the above shown property does not appear within the 100-Year Flood Plain. This flood statement does not guarantee NAD 1983 Central Texas State Plane. All distances are horizontal surface distances and all bearings are grid bearings. All coordinates are referenced to City of that flooding will not occur. Nor does it create any liability in such event on the part of Temple Monument No. 3. The theta angle at Monument No. 3 is 01°31'42". The this surveyor or company. combined correction factor (CCF) is 0.999857. Grid distance = Surface distance X CCF. Geodetic North = Grid North + theta angle. Published City coordinates for City Monument No. 3 are N.=10,368,408.891 E.=3,225,333.768 Reference tie Sidewalk Note: from the City Monument No. 3 to the Southwest corner and Point of Beginning of the subject tract is S 71' 22' 44" E 1,867.79 feet. Sidewalks are required along South 31st Street (major arterial) and Scott Boulevard (collector), in accordance with the City of Temple Unified Development Code, Section 6.3 (TMED).



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 $\frac{1}{2}$ 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)

ORDINANCE NO. 2016-4749

(PLANNING NO. Z-FY-16-03)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING REZONING FROM T4 TO PD-T5-e AND FROM T5-c TO PD-T5-c TO ACCOMMODATE A COMBINATION OF MULTIPLE-FAMILY AND NONRESIDENTIAL DEVELOPMENT ON APPROXIMATELY 40.389 ACRES OF LAND IN THE TEMPLE MEDICAL AND EDUCATIONAL DISTRICT, BEING A PART OF THE REDDING ROBERTS SURVEY, ABSTRACT NO. 692, BELL COUNTY, TEXAS, LOCATED AT THE 31st NORTHWEST CORNER OF SOUTH STREET AND SCOTT BOULEVARD; 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:

<u>**Part 1**</u>: The City Council approves rezoning from T4 General Urban Zone to Planned Development T5e-Neighborhood Edge Zone (PD-T5-e) and from T5-c Urban Center Zone (T5-c) to Planned Development T5-c Urban Center Zone (PD-T5-c) to accommodate a combination of multiple-family and nonresidential development in the Temple Medical and Educational District (TMED) on approximately 40.389 acres of land, being a part of the Redding Roberts Survey, Abstract No. 692, Bell County, Texas, located at the northwest corner of South 31st Street and Scott Boulevard, and more particularly described in Exhibit A.

<u>**Part 2:</u>** The City Council approves the PD-T5-e and PD-T5-c districts described in Exhibit A, subject to applicable TMED standards, with the exceptions and conditions listed as follows:</u>

Multiple-Family Phase (PD-T5-e) Exceptions:

- 1. Setback Dimensional Standards (Sec. 6.3.5.B)
 - a. Maximum 12' front yard setback and maximum 30' side yard setback are waived to allow the configuration shown in Exhibit B, Site/Landscaping Plan.
- 2. Building Configuration (Sec. 6.3.5.D)
 - a. Minimum 14' building story height is reduced to 10'6".
- 3. Alleys (Sec. 6.3.8.3.b)
 - a. Requirement for parking areas and garages to be accessed by rear alleys is waived.
- 4. Public Frontage Standards (Sec. 6.3.11.B.5)
 - a. Six-foot street yard planting strip may be located behind the 6' sidewalk to accommodate utilities.
- 5. Materials Required (Sec. 6.3.13.B)
 - a. The limit of 20% cementitious siding per façade plane is waived to allow materials as shown in Exhibit C, Apartment Elevations.

- 6. Building Design (Sec. 6.3.13.D)
 - a. Minimum 5:12 roof pitch is reduced to 4:12.
- 7. Parking and Garage Standards (Sec. 6.3.14)
 - a. Minimum of 1 enclosed garage space per 2 units is reduced to 1 space per 3.25 units.
- 8. Private Property Common Area Standards (Sec. 6.3.15.E)
 - a. The multiple-family phase will provide the alternative amenities listed as follows: new trees, swimming pool, grill house, pool water feature, dog wash station, benches, trail, club house, office center, and exercise facility.

Multi-Family Phase (PD-T5-e) Conditions:

- 1. Private Property Common Area Standards (Sec. 6.3.15.E)
 - a. The multiple-family development will include approximately 22,826 sf of common area, exceeding the required minimum area of approximately 18,600 sf.
- 2. Development must achieve substantial compliance with the approved plans shown in Exhibits B, C, and D.
- 3. The Planning Director is authorized to approve minor changes. Substantial changes require approval by City Council.

Nonresidential Phase (PD-T5-c) Exceptions:

- 1. Setback Dimensional Standards (Sec. 6.3.5.B)
 - a. Maximum 12' front yard setback is waived to allow configurations shown in Exhibit B, Site/Landscaping Plan.
- 2. Building Configuration (Sec. 6.3.5.D)
 - a. Two-story minimum building height is waived.
- 3. Use Standards (Sec. 6.3.6.D)
 - a. Prohibition of commercial surface parking lot is waived.
 - b. Prohibition of drive-through lane for restaurant is waived for Tracts 1, 2, 4, 5 and 6.
- 4. Specific Use Standards (Sec. 6.3.6.E)
 - a. Development may exceed maximum 10,000 sf gross floor area.
- 5. Block Perimeter (Sec. 6.3.7.C)
 - a. Maximum block perimeter standard of 2,000 sf is waived.
- 6. Parking Lot Landscaping (Sec. 6.3.10.D)
 - a. Requirement for one landscape parking island per 10 parking spaces is reduced to one island per 12 spaces.
- 7. Parking Lot Screen (Sec. 6.3.10.E)
 - a. Parking lot screening is waived.
- 8. Public Frontage Standards (Sec. 6.3.11)
 - a. Trees may be clustered instead of being regularly spaced. (Sec. 6.3.11.D.1)
 - b. Six-foot street yard planting strip may be located behind the 8' sidewalk. (Sec. 6.3.11.D.2)
 - c. Requirement for groundcover in street yard planting strip is waived. (6.3.11.D.2)
- 9. Architectural Standards (Sec. 6.3.13.D)
 - a. For horizontal articulation, the minimum offset per 50' building façade length is reduced from 5' to 2'.
 - b. Windows and doors for transparency are waived for public-facing façades for the hotel site.

10. Signage (Sec. 6.3.16.C)

- a. Wall Signs
 - i. Multi-tenant signs are limited to 1 wall sign per façade of tenant's premises (3' tall x 80% of maximum of façade length of tenant space).
 - ii. Single-tenant signs are limited to 1 wall sign per façade (sign area not to exceed 25% of elevation area).
- b. Monument Signs
 - i. One 25' tall project multi-tenant monument sign is allowed at the South 31st Street entrance.
 - ii. One 20' tall multi-tenant monument sign is allowed at the West Avenue T entrance, and one 20' tall multi-tenant monument sign is allowed at the Scott Boulevard entrance.
 - iii. No more than 1 single-tenant or multi-tenant 10' tall monument sign is permitted for each individual lot.
- c. Approved sign standards are illustrated in Exhibit D, Wall Sign Specifications and Monument Sign Elevations.

Nonresidential Phase (PD-T5-c) Conditions:

- 1. Each restaurant with a drive-through lane must provide at least 150 sf of outdoor dining space.
- 2. For buildings located at public street corners (on Tracts 1 and 4):
 - a. The building must have a parapet or vertical roof element that is at least 3' higher than the top of parapet height or roof height.
 - b. The length of the parapet or roof element must be at least 15% of the length of the façade on the side of the building that has the main entrance.
- 3. Multi-tenant project signs may not exceed 25' in height.
- 4. Development must achieve substantial compliance with the approved plans shown in Exhibits B, C, and D.
- 5. The Planning Director is authorized to approve minor changes. Substantial changes require approval by City Council.

<u>**Part 3:**</u> The City Council directs the Director of Planning to make the necessary changes to the City Zoning Map.

<u>Part 4</u>: 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.

<u>**Part 5**</u>: 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.

<u>**Part 6**</u>: 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 21st day of January, 2016.

PASSED AND APPROVED on Second Reading on the 4th day of February, 2016.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

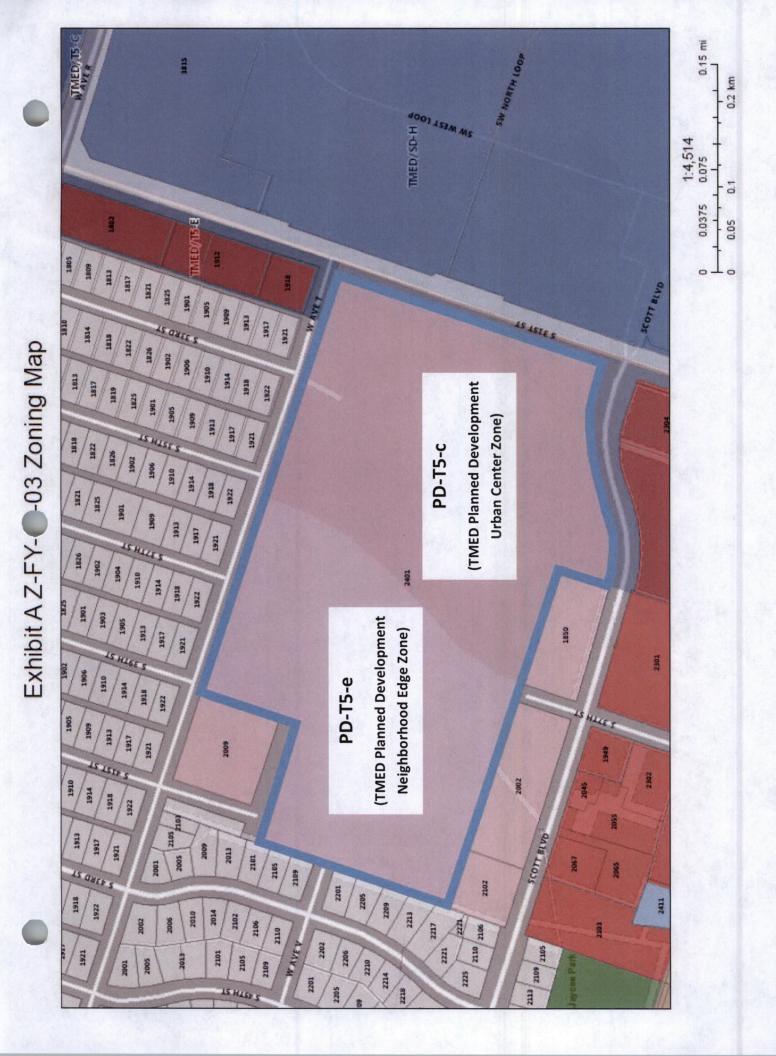
BN

Lacy Borgeson City Secretary



APPROVED AS TO FORM:

Kayla Landeros City Attorney



City of Temple

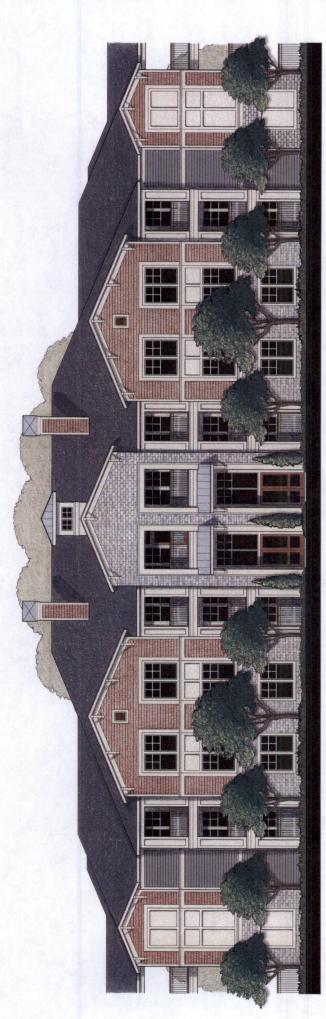


31st and Scott Boulevard Temple, Texas

2808 Fairmount Street, Suite 300 Dallas, Texas 75201 | 214.303 1500



Exhibit C: Apartment Elevations

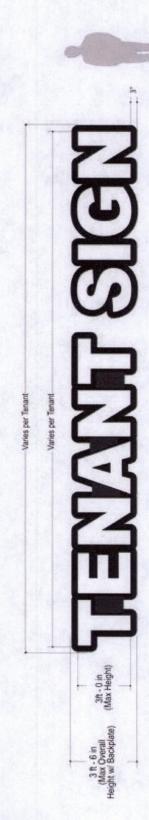


AMENITY CENTER FRONT ELEVATION

Arya Temple Apartments Mucasey & Associates, Architects December 1, 2015

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Exhibit D: Wall Sign Specifications



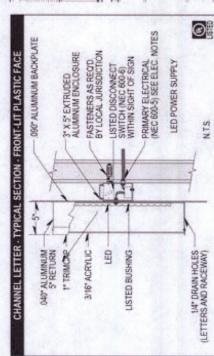
Front-Lit Channel Letters w/ Backplate, Raceway Mounted + Front View SCALE: 3/16" = 1-0"

QUANTITY: Max. Allowed Height:	ONE (PER FACADE Letters- 3 - 0" / Backplate- 3' - 6"	CHAN
Overall Length: Total Sq.Ft.:	Varies per Tenar(Up to 80% of Facade length) Varies per Tenant.	8
Returns:	Black Gloss	
Trimcap:	Black Jewelite	
Face:	7328 White Plex	
First-surface translucent vinyl:	t vinyi:	
	TBD, per client artwork	
Raceway:	Painted to match Building, TBD	
Backplate:	Black	LISI
Illumination:	WHITE LEDS	

NOTES:

 WHITE interiors for increased illumination Raceway Mounted

All paint two-stage automotive polyurethane



VIEWANT SIGN in the



Typical Elevation

	0
Dengri Algo Houne Seles Forp Buk Strutensk	0212 METRIC BOULEVARD, AUSTIN, TEXAS 78758 • 1-800-327-1104 / 512-494-0002 / www.fsgi.com
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Chent Approval

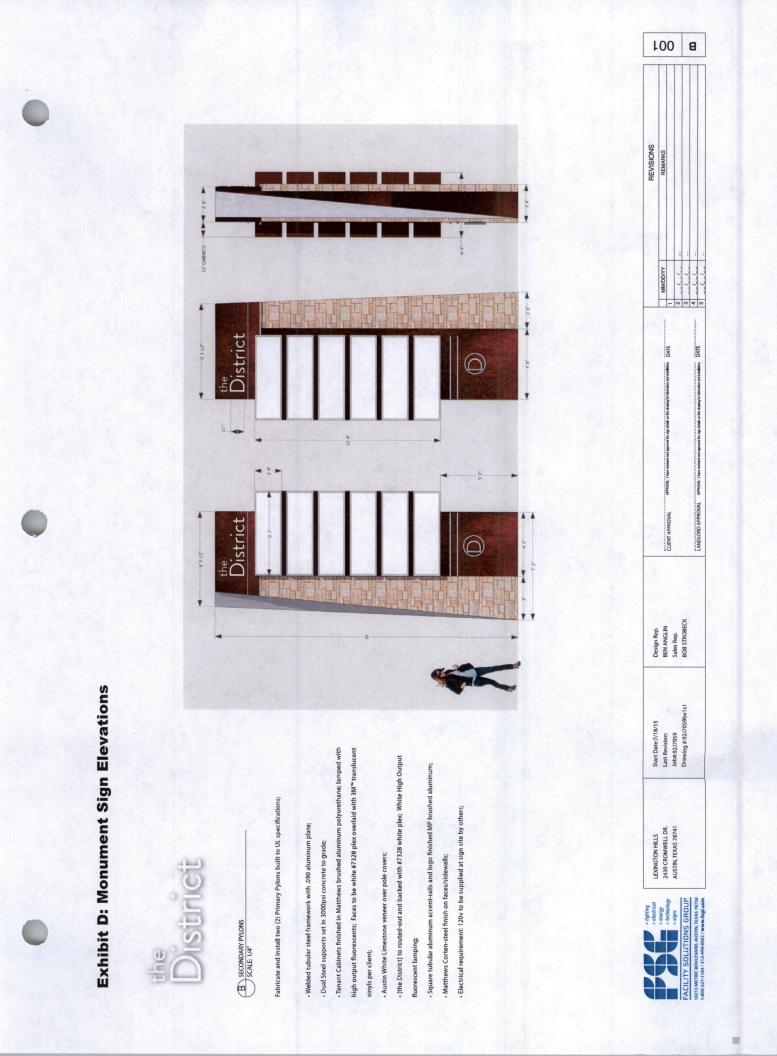


Exhibit D: Monument Sign Elevations





Fabricate and install two (4) Pad Monuments built to Ut specifications;

Welded tubular steel framework with .090 aluminum pla

Dual Steel supports set in 3000psi concrete to grade;

· Tenant Cabinets to have reverse-pan faces (.090) aluminum finished in Matthews

white, and overlaid with 3M¹⁴ opaque vinyls per client;

• Two monuments to have single-user faces, and two monuments to have 6 panels

(each side); • Tenant Cabinets to be externally illuminated w/ Gooseneck lamps (x4 per monu-

ment);

Austin White Limestone veneer over pole covers and planter-base;

(the District) to be face-lit channel letters w/ #7328 white plex faces and white

trimcapping; Sidewalls finished MP black; White LED illumination; Letters flush moun

to cabinet;

aluminum:

Square tubular aluminum accent-rails and .25" routed letters finished MP brushed

• Matthews Corten-steel finish on cabinet sidewalls and pole cover (inner section);;

· Electrical requirement: 120v to be supplied at sign site by others;





EXCERPTS FROM THE

PLANNING & ZONING COMMISSION MEETING

MONDAY, SEPTEMBER 19, 2016

ACTION ITEMS

Item 2: <u>Z-FY-16-45</u> – Hold a public hearing to consider and recommend action on a Conditional Use Permit (CUP) to allow the sales of all alcoholic beverages with on-premise consumption, where the gross revenue from such sales is less than 50% of the total gross revenue of the establishment, on Lots 2 through 7, 10 & 11, Block 1 of the Highline Addition, subdivision, located generally at the northwest corner of Scott Blvd and South 31st Street.

Mr. Mark Baker, Senior Planner, stated this item was scheduled to go forward to City Council for first reading on October 20, 2016 and second reading on November 3, 2016.

The District was approved by Ordinance No. 2016-4749 February 4, 2016 as a mixed use Planned Development within the TMED T4 and T5-C.

This proposal would not trigger an amendment to the original Ordinance; however, this request would generate a new Ordinance and would be related to the on-premise sales and consumption of all alcoholic beverages less than 50 percent of the establishment's gross revenue.

This request is for a blanket approval for eight lots, specifically Lots 2 through 7, 10 and 11 of the Highline Addition.

Earlier in 2016, Lot 1 for Rosa's Café Restaurant was approved by Ordinance No. 2016-4767.

Vicinity map and site plan are shown.

In terms of a Conditional Use Permit the request would be subject to Chapter 4, Code of Ordinances (Alcoholic Beverages) and addresses a 300 foot minimum distance from sensitive uses, such as place of worship (Avenue T Church of Christ – 1,323 feet), public school (Scott Elementary School – 3,561 feet) or public hospital (Baylor, Scott & White – 682 feet).

The Unified Development Code (UDC) Section 5.3.15 is also met which provides a reiteration of the above distances, including additional distances from a public park for bars.

The Zoning map designates the subject property as Temple Medical Educational District (TMED–T5-C) and consistent with the base T-5-C sub-district, subject to approval of a CUP.

Surrounding properties include single family residential uses along West Avenue T Dubose Addition First Extension Subdivision, zoned Two Family (2F) to the north, Baylor, Scott & White Hospital, zoned TMED T5-C and Special District-Hospital (SD-H) to the east, Candlewood Suites Hotel and scattered service uses, zoned Commercial (C), to the west, and the Hilton Garden Inn Hotel and developing and existing retail service uses, all zoned GR and TMED T5-C to the south.

Twenty-five notices were mailed in accordance with all state and local regulations with zero notices returned in agreement and zero notices returned in disagreement.

The request is in compliance with UDC Section 5.3.15B – sensitive uses, Chapter 4 of the Code of Ordinances, and is compatible with adjacent and anticipated retail and service uses.

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

1. That the sale of all alcoholic beverages be restricted to on-premise consumption only, contained within Lots 2 through 7, 10 and 11, Block 1 of the Highline Addition subdivision, located at the northwest corner of Scott Boulevard and South 31st Street;

2. The use is subject to compliance to Chapter 4 of the Code of Ordinances related to alcoholic beverages; and

3. That the conditional use, complies with UDC Section 5.3.15, related to alcoholic beverage sales with on-premise consumption.

Chair Rhoads opened the public hearing.

There being no speakers, the public hearing was closed.

Vice-Chair Fettig made a motion to approve Item 2, Z-FY-16-45, and Commissioner Jones made a second.

Motion passed: (7:0) Commissioner Crisp absent

ORDINANCE NO. <u>2016-4811</u> (Z-FY-16-45)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A CONDITIONAL USE PERMIT FOR THE SALE OF ALL ALCOHOLIC BEVERAGES WITH ON-PREMISE CONSUMPTION WHERE THE GROSS REVENUE FROM THE SALE IS LESS THAN 50% OF THE TOTAL GROSS REVENUE OF THE ESTABLISHMENT, ON LOTS 2 THROUGH 7, 10 & 11 OF THE HIGHLINE ADDITION SUBDIVISION, GENERALLY LOCATED AT THE NORTHWEST CORNER OF SCOTT BOULEVARD AND SOUTH 31ST STREET, TEMPLE, TEXAS; DECLARING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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 Lots 2 through 7, 10 & 11, Block 1 of the Highline Addition Subdivision, generally located at the northwest corner of Scott Blvd and South 31st Street, recommends that the City Council approve the application for this Conditional Use Permit for the sale of all alcoholic beverages with 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 all alcoholic beverages with 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 Lots 2 through 7, 10 & 11, Block 1 of the Highline Addition Subdivision, generally located at the northwest corner of Scott Blvd and South 31st Street, more fully described in Exhibit 'A', attached hereto and made a part hereof for all purposes.

<u>**Part 2:**</u> 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:

- 1. That the sale of all alcoholic beverages be restricted to on-premise consumption only, contained within Lots 2-7, 10 & 11, Block 1 of the Highline Addition, subdivision, located at the northwest corner of Scott Blvd and South 31st Street;
- 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.

<u>**Part 3**</u>: The Director of Planning is hereby directed to make the necessary changes to the City Zoning Map accordingly.

<u>**Part 4:**</u> 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.

<u>Part 5:</u> 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.

<u>**Part 6:**</u> 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 **20th** day of **October**, 2016.

PASSED AND APPROVED on Second Reading on the **3rd** day of **November**, 2016.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

APPROVED AS TO FORM:

Kayla Landeros City Attorney

ATTEST:

Lacy Borgeson City Secretary



COUNCIL AGENDA ITEM MEMORANDUM

10/20/16 Item #6 Regular Agenda Page 1 of 4

DEPARTMENT / DIVISION SUBMISSION & REVIEW:

Lynn Barrett, Assistant Director of Planning

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING - Z-FY-16-46: Consider adopting an ordinance authorizing a rezoning from Commercial to Planned Development Commercial on Lot 2, Block 1, Tranum Subdivision Phase VIII, located at 5806 South General Bruce Drive, to allow for a Recreational Vehicle rental business in the I-35 Corridor Overlay District.

<u>STAFF RECOMMENDATION</u>: Staff recommends approval for a rezoning from Commercial (C) district to Planned Development Commercial (PD-C) district with the following conditions:

- 1. The proposed paved area for the RVs, required by UDC Sec 7.5.5C, (chip-seal asphalt has been proposed by the applicant), shall match the RV inventory stored on site and may be phased;
- 2. A decorative metal fence, six feet in height, with matching gate shall be installed across the front of the display area;
- 3. No RV storage shall be allowed outside of the screened and paved project area, including the unimproved lot bordering Profit Place which is currently being used as overflow RV parking by the applicant;
- 4. All signage erected without a permit shall be removed; desired signage will be properly permitted prior to installation; free standing signage shall include stone columns;
- 5. The use shall be limited to RV rentals or sales per Chapter 31 Code of Ordinances definition (vehicles which are self-propelled or designed to be towed by a motor vehicle, including a travel trailer, camper or any other similar vehicle which is designed as temporary living quarters for recreational, camping or travel use). And therefore, portable buildings or HUD-Code manufactured home sales or rentals shall continue to be prohibited on this site due to its location within the I-35 Overlay;

PLANNING & ZONING COMMISSION RECOMMENDATION: At their September 19, 2016 meeting, the Planning & Zoning Commission voted to table the case and directed staff to meet with the applicant and owner and Planning staff and to come to an agreement on the proposed site plan. During the meeting the following topics were discussed:

- 1. Background
 - a. Previous Conditional Use Permits (CUPs) and current conditions
 - b. Overlay Uniform Development Code (UDC) requirements

- 2. Paving and Buffering Improvements
 - a. Metal fencing preferred by applicant over trees on proposed site plan for cost, compliance, maintenance considerations
 - b. Applicant had previously agreed to proposed trees and landscaping, but had changed his mind
- 3. RV siting on paved surface concerns
- 4. Allowable future Signage

After meeting with staff, the applicant expressed agreement with staff recommendations on the proposed site plan, which substituted a decorative metal fence for the trees and landscaping.

At their October 3, 2016 meeting, the Planning and Zoning Commission voted unanimously to recommend approval of the proposed rezoning from Commercial (C) district to Planned Development Commercial (PD-C) district as recommended by Planning staff.

ITEM SUMMARY: 5806 South General Bruce Drive currently has a base zoning of C (Commercial District), which allows recreational vehicle rentals use by right. However, the I-35 Corridor Overlay Freeway Retail/Commercial sub-district specifically prohibits "Trailer, recreational vehicle, portable building or HUD-Code manufactured home sales or rental".

The business owner of Rising Sun RV Rental was allowed to sign a lease by the property owner and had set up his business prior to meeting with staff. Efforts to work with the business owner to improve the surface for parking the applicant's RV's (behind an existing fence screened by 40% landscaping per a 2014 CUP--Ordinance 2014-4669 for a nursery and subsequent 2015 CUP for a painting/contractor facility) and to add additional landscaping surrounding the leased area have continued over the past several months.

City Council had previously approved a CUP for an auto tint business (Ordinance 2016-4757 from case Z-FY-16-11) inside a building on this property which is under separate lease to a different applicant and is not a part of this project. The following were past realities with this project:

- 1. City staff became involved with this project after the applicant's business was established at the site in violation of UDC zoning for the I-35 Corridor District;
- 2. Staff had worked for several months with the applicant to attempt a balanced approach to achieve site improvements while finding a solution which would allow the business to continue; and

After the September 19, 2016 Planning and Zoning meeting discussion and subsequent tabling of this item, staff met with the applicant, Mr. O'Rourke, and owner, Mr. McGregor, on September 21st. The staff recommendation was agreed upon by both applicants and staff, Brian Chandler and Lynn Barrett, at that meeting. Staff also agreed that the applicant could attain permits and complete the work for fencing and or paving prior to City Council approval at their own risk.

Three CUP's in the prior three years have been approved on this property:

Ordinance No. 2014-4669 (CUP-Z-FY-14-28) – for landscaping business

Ordinance No. 2015-4713 (CUP-Z-FY-15-14) – for paint shop/contractor storage

Ordinance No. 2016-4757 (CUP-Z-FY-16-11) – for indoor auto window tint business (existing)

<u>COMPREHENSIVE PLAN (CP) COMPLIANCE</u>: The proposed rezoning relates to the following goals, objectives or maps of the Comprehensive Plan and Sidewalk and Trails Plan. A table summarizing the following discussion is attached.

Future Land Use Map (CP Map 3.1)

The entire area is shown as Auto-Urban Commercial. According to the Comprehensive Plan, "Auto-Urban Commercial" is for the majority of the areas identified for commercial use, generally concentrated at intersections versus strip development along the major roads."

Thoroughfare Plan (CP Map 5.2)

The subject property is located along an Expressway (IH-35) and is in the I-35 Overlay District.

Availability of Public Facilities (CP Goal 4.1)

Water serves the property through an existing 8-inch water line along the I-35 Access Road. Sewer is on-site through a 8-inch sewer line also along the I-35 Access Road.

Temple Trails Master Plan Map and Sidewalks Ordinance

Trails Master Plan depicts I-35 as an Expressway passing by the already developed site along the access road.

DEVELOPMENT REGULATIONS: Enhanced screening and buffering standards for the non-compliant use in the I-35 Overlay were negotiated through the use of a Planned Development, which would also address the paving concerns with RV storage.

REVIEW CRITERIA 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.

Enhancements are normally an expectation of a Planned Development to off-set the unique manner of the request, and as such, addition of paving of the entire area inside the fence and additional landscaping are recommended.

Per UDC Section 3.4.2C, the City Council may include additional conditions of approval into the rezoning ordinance.

In considering a Planned Development 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.

<u>PUBLIC NOTICE</u>: Nine notices of the public hearing were sent out to property owners within 200-feet of the subject property. As of Thursday September 15, 2016, zero notices had been returned. The newspaper printed notice of the Planning and Zoning Commission public hearing on September 8, 2016, in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

ATTACHMENTS: Site and Surrounding Property Photos Maps Tables Proposed and Recommended Site Plan P&Z Excerpts (October 3, 2016) Ordinance

On-Site View



Additional site views



Surrounding Properties North and East



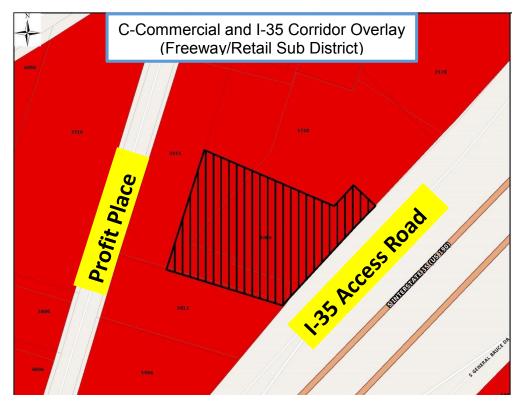
Looking North Along the Access Road



Looking East Across the Access Road

Aerial Location and Zoning Maps 5806 S General Bruce Drive Z-FY-16-46





TABLES FOR RV RENTAL PLANNED DEVELOPMENT AT 5806 S General Bruce

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:

	Surrounding Property & Uses				
Direction	<u>FLUP</u>	Zoning	Current Land Use		
Site	Auto-Urban Commercial	С	Commercial		
North	Auto-Urban Commercial	С	Commercial		
South	Auto-Urban Commercial	С	Commercial		
East	Auto-Urban Commercial	LI and GR	Commercial		
West	Auto-Urban Commercial	С	Vacant		

COMPREHENSIVE PLAN COMPLIANCE:

The proposed rezoning relates to the following goals, objectives or maps of the Comprehensive Plan:

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

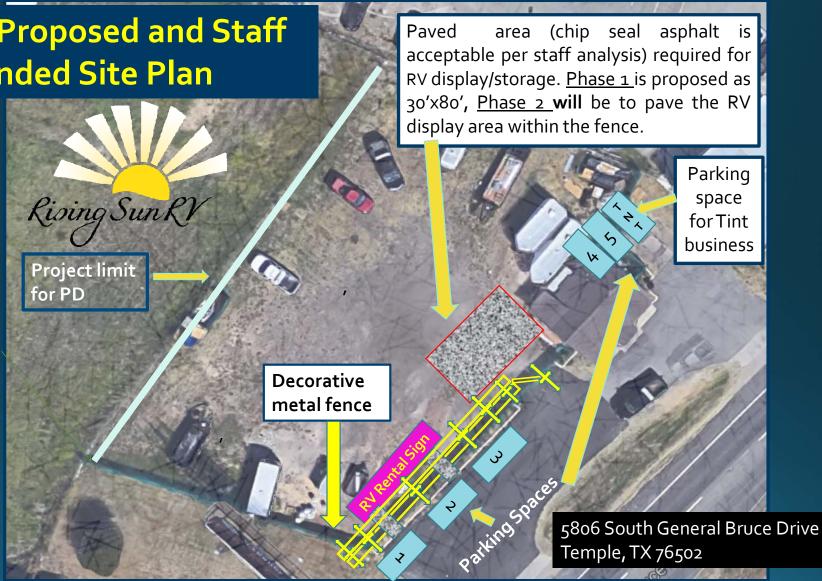
CP = Comprehensive Plan

Applicant Proposed and Staff Recommended Site Plan

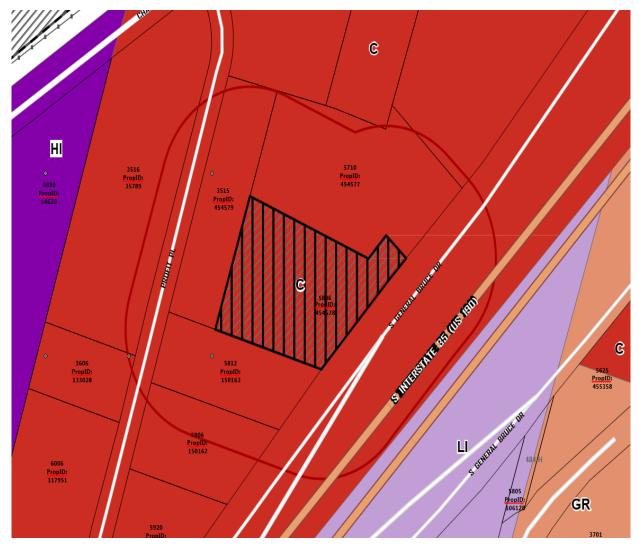
SITE

IMPROVEMENTS

- 1. Decorative metal fence with gate across front of RV storage area
- 2. RV's only placed on paved surface (paved area determines number)
- 3. Free standing sign with masonry columns along fence after permitting.



Public Notification & Property Owner Notification



PUBLIC NOTICE:

- 9 notices of were sent out to property owners within 200 feet
- 1 notices returned in Agreement to the proposed rezoning (staff recommendation on parking RVs behind fence addresses concerns)
- 0 notices returned in Disagreement to the proposed rezoning
- The newspaper printed notice of the public hearing on September 8, 2016, in accordance with state law and local ordinance

PLANNING AND ZONING COMMISSION OCTOBER 3, 2016 5:30 P.M.

PLANNING AND ZONING MEMBERS PRESENT

Chair Greg Rhoads

COMMISSIONERS:

Bryant Ward Lydia Alaniz Lee Armstrong Omar Crisp Lester Fettig

PLANNING AND ZONING MEMBERS ABSENT:

Jeremy Langley

David Jones

Vacancy

STAFF PRESENT:

Brian Chandler, Director of Planning Lynn R. Barrett, Asst. Director of Planning Trudi Dill, Deputy City Attorney Richard Wilson, Deputy City Engineer Leslie Evans, Planning Technician Kelli Tibbit, Administrative Assistant

The agenda for this meeting was posted on the bulletin board at the Municipal Building, September 29, 2016 at 4:00 p.m. in compliance with the Open Meetings Law.

The following is a summary of the proceedings of this meeting. It is not intended to be a

Chair Rhoads called Meeting to Order at 5:31 P.M.

Invocation by Commissioner Armstrong; Pledge of Allegiance by Vice-Chair Fettig.

A. CONSENT ITEMS

Item 1: <u>Approval of Minutes</u>: Work session and the regular meeting of September 19, 2016.

Approved by general consent.

B. ACTION ITEMS

Item 2: <u>Z-FY-16-46</u> - Hold a public hearing to discuss and recommend action on a Planned Development (PD) Zoning District to allow RV rentals at Lot 2, Block 1, Tranum Subdivision Phase VIII, 5806 South General Bruce Drive, that is currently zoned Commercial (C) District and currently located in the I-35 Overlay District.

Ms. Lynn Barrett, Assistant Director of Planning, stated this item was tabled at the last meeting on September 19, 2016 and is scheduled to go forward to City Council for first reading on October 20, 2016 and second reading on November 3, 2016.

Mr. Chris McGregor is the owner of the subject property and Mr. Joseph O'Rourke is the applicant. This is a rezoning request for a portion of a lot to allow for RV rental use.

The auto tinting business located on the property is not part of this request.

There have been two former CUPs and one current CUP on this property. The property is zoned C (Commercial) District and lies within the I-35 Corridor Overlay District.

The proposed use is defined in the Unified Development Code (UDC) as "Trailer, recreational vehicle, portable building or HUD-Code manufactured home sales or rental". The use is allowed by right in a Commercial District but is prohibited in the I-35 Overlay.

Staff recommends that the language be defined to say rental/sales use in order for the applicant to sell the rental vehicles at a later time, but not the other uses which includes HUD-Code manufactured home sales or rentals.

Since the September 19, 2016 meeting, Staff has been working with the applicant and owner on the PD for negotiation of the paving and buffering improvements in order to move forward.

There were three major concerns:

No sign permit could be issued until the PD was approved by City Council. Acceptable criteria for the signage was discussed and the applicant agreed with Staff that the necessary signage will comply with existing Overlay District regulations.

Staff recommended a decorative metal fencing rather than trees for the following reasons:

It brings the front section of the most visible fencing into compliance with Overlay requirements and allows greater visibility for the product;

Improves the property without requiring much maintenance;

Price would be comparable to the trees and landscape beds; and

Provides more room for the RVs and eliminates potential damage and cleaning which could result from proximity to the trees and birds which would likely be attracted.

Pavement cost of the entire lot for the RVs would be substantial. Staff suggested the RV parking surface needed to be paved but the size of the paved surface could be tailored to the number of RVs displayed on site. Mr. O'Rourke stated he had an alternate place to park some of the units which is believed to be 12. Ms. Barrett explained if the applicant could not afford to pave an entire area for 12 RVs to be parked, the number of units could be scaled back. The applicant was in agreement with Staff that there must be a paved parking surface for all RV units.

Photographs of the site were shown and depicts the non-paved surface the RVs are currently parked on. The portion in front of the gate was the original portion discussed by the applicant to have a 48 by 72 foot paved pad for the RVs that would be displayed on-site. Staff is fine with that as long as no other RVs are displayed there or behind the fence.

The applicant and owner agreed not to have any RVs or vehicle overflow parking on the second lot moving forward.

Nine notices were mailed in accordance with all state and local regulations with one notice returned in agreement and zero notices returned in disagreement.

The UDC, Section 3.4 Planned Development, defines a PD 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."

Per the UDC, Sections 3.4.3 and 3.4.4, a Planned Development requires approval of a Development/Site plan that is binding and part of the application. Staff has been working with applicant and owner on the revised site plan (shown) which Staff, applicant, and owner were in agreement with.

There is a paved area (chip seal asphalt) in the middle of the lot which is acceptable per Staff analysis, required for RV display/storage. Phase 1 is proposed as a 48 by 72 foot area and Phase 2 will be to pave the RV display area within the fence. As funds become available, the applicant/owner may pave more area; however, any RVs displayed within the fenced area will be parked on paved material.

The decorative metal fence will cross the front of the property.

Staff and applicant and owner discussed needed signage if the PD is approved by City Council and what type of allowed signage could be applied for. The Code allows a

maximum of a 200 square foot sign with supports covered by a rock façade which matches the front of the office building.

Staff recommends approval of the request for a rezoning from C to C-PD with the following conditions:

- 1. Proposed paved area for the RVs shall match inventory on-site;
- 2. A decorative metal fence, six feet in height, with matching gate shall be installed across the front entrance;
- 3. No RV storage allowed outside of the screened and paved area;
- 4. Signage erected without a permit shall be removed;
- 5. The use shall be limited to RV rentals or sales only; and
- 6. Staff agreed that applicant could attain permits and complete the work for fencing and/or paving prior to City Council approval at their own risk.

Chair Rhoads opened the public hearing.

Mr. Joseph O'Rourke, 9506 Adeel Drive, Killeen, Texas, stated pretty much everything Ms. Barrett stated was agreed upon. Mr. O'Rourke has been in contact with an asphalt company on estimates and the work needed and added this should be done in the next 24 to 48 hours.

The fence estimates received are currently too high and the applicant is still looking for a vendor that can work with him.

The signage company the owner and applicant have been working with agreed to credit them for the previously unpermitted/illegal sign and assist in making an appropriate sign for permitting purposes should City Council approve this request.

The applicant have been offered incentives to remain in Temple in order to get the business going and to wait until the City Council decision is made in November.

There being no further speakers, the public hearing was closed.

Commissioner Crisp asked for clarification of Recreational Vehicles since it was a broad category.

Mr. Brian Chandler, Director of Planning, responded Staff defined Recreational Vehicles from Chapter 31 of The City of Temple's Code of Ordinances (not the UDC) that allows campers, 5th wheels, etc., which is a fairly broad definition, but is truly for Recreational Vehicles. Mr. Chandler believed it precluded boats, trailers, etc. but would confirm this information.

Chair Rhoads commented the P&Z is a volunteer commission appointed by the City and the applicant would go forward before City Council on October 20th for first reading and November 3rd for second reading.

Chair Rhoads added that anything the applicant is currently doing which Ms. Barrett described in her presentation is not guaranteed because City Council has to be the final decision maker.

Ms. Barrett confirmed the question of Recreational Vehicle and quoted the following from the Code of Ordinances:

Vehicles which are self-propelled or designed to be towed by a motor vehicle, including a travel trailer, camper, or any other similar vehicle which is designed as temporary living quarters for recreational camping or travel use.

Commissioner Crisp made a motion to approve Item 2, **Z-FY-16-46**, as presented, and Commissioner Ward made a second.

Motion passed: (6:0) Commissioners Jones and Langley absent; one vacancy

There being no further business, the meeting was adjourned at 5:53 p.m.

Respectfully submitted, Leslie Evans

ORDINANCE NO. <u>2016-4812</u> (Z-FY-16-46)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A REZONING FROM COMMERCIAL TO PLANNED DEVELOPMENT COMMERCIAL ON LOT 2, BLOCK 1, TRANUM SUBDIVISION PHASE VIII, LOCATED AT 5806 SOUTH GENERAL BRUCE DRIVE, TO ALLOW FOR A RECREATIONAL VEHICLE RENTAL BUSINESS IN THE 1-35 CORRIDOR OVERLAY DISTRICT; 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 Commercial to Planned Development Commercial on Lot 2, Block 1, Tranum Subdivision Phase VIII, located at 5806 South General Bruce Drive, to allow for a Recreational Vehicle rental business in the I-35 Corridor Overlay District, as outlined in the map and field notes attached hereto as Exhibit 'A,' and made a part hereof for all purposes.

<u>**Part 2:**</u> Staff recommends approval for a rezoning from Commercial district to Planned Development Commercial district with the following conditions:

1. All areas of the property to be used for RV storage must be paved;

2. A decorative metal fence, six feet in height, with matching gate must be installed across the front of the display area;

3. RV Storage is allowed only in the area depicted on the site plan, attached to this Ordinance as Exhibit 'B' and made a part hereof for all purposes;

4. All free standing signage must include stone columns;

5. "Recreational Vehicle" or "RV" has the definition set forth in Code of Ordinances, Chapter 31 and includes vehicles which are self-propelled or designed to be towed by a motor vehicle, including a travel trailer, camper or any other similar vehicle which is designed as temporary living quarters for recreational, camping or travel use. Portable buildings and HUD-Code manufactured home sales or rentals are prohibited on this site.

<u>**Part 3:**</u> The City Council directs the Director of Planning to make the necessary changes to the City Zoning Map.

<u>Part 4</u>: 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.

<u>**Part 5**</u>: 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.

<u>**Part 6**</u>: 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 **20th** day of **October**, 2016.

PASSED AND APPROVED on Second Reading on the 3rd day of November, 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

10/20/16 Item #7 Regular Agenda Page 1 of 5

DEPARTMENT / DIVISION SUBMISSION & REVIEW:

Mark Baker, Senior Planner

ITEM DESCRIPTION: SECOND READING– Z-FY-16-43: Consider adopting an ordinance authorizing a rezoning from Agricultural District to Single Family Attached-Three, Multi-Family-Two, Neighborhood Service and General Retail Districts on 42.066 +/- acres, Lot 1, Block 1, First Baptist-Temple West Campus, located at 8015 West Adams Avenue.

<u>STAFF RECOMMENDATION</u>: Based on the following, staff recommends approval for a rezoning from Agricultural (AG) district to Multi-Family Two (MF-2), Single-Family Attached Three (SFA-3), Neighborhood Service (NS) and General Retail (GR) districts:

- 1. Enhanced landscaping and buffering standards enforced through a private sales contract and anticipated restrictive covenants, would provide improved screening for existing single-family residential uses;
- 2. The request complies with the Thoroughfare Plan upon future extension of Westfield Boulevard; and
- 3. Public facilities are available to serve the subject property.

PLANNING & ZONING COMMISSION RECOMMENDATION: At their September 6, 2016 meeting, the Planning & Zoning Commission voted 6 to 1 to recommend approval of the proposed rezoning from Agricultural (AG) district to Single-Family Attached Three (SFA-3), Multi-Family Two (MF-2), General Retail (GR) and Neighborhood Service (NS) districts as recommended by Planning staff.

During the meeting the following topics were discussed:

- 5. Traffic and Circulation
 - a. Extension of Westfield Boulevard.
 - b. Extension Tanglehead Drive.
 - c. Connection point with Iron Gate
- 6. Landscaping and buffering
 - a. Incorporation of enhanced landscaping and buffering into sales contract and restrictive covenants.
- 7. Site & Area Drainage
- 8. Impacts to City facilities
 - a. Water Pressure
 - b. Sewer

The applicant / developer has indicated to staff the maximum building height would likely be threestories, staff has suggested limiting the height to three stories at the property line rather than the four stories allowed by the MF-2 zoning district. To date, staff has not received any response to this suggested recommendation.

ITEM SUMMARY: The subject property, being a portion of Lot 1 of the recorded First Baptist Church-Temple West Campus subdivision plat, specifically, contains approximately 42.066 +/- acres. It is being proposed for rezoning from Agricultural (AG) district to the four zoning districts described in the above referenced Item Description. While Exhibit A shows the proposed district locations and the approximate acreage breakdown for each, detail survey sketches for each district as well as the applicable field notes will be attached to the rezoning ordinance.

The property is currently undeveloped but is anticipated to be developed by zoning district in the following manner by separate investors:

- 1. General Retail (GR) / Neighborhood Service (NS): Non-Residential permitted and conditionallypermitted uses as allowed by UDC Section 5.1,
- Single-Family Attached-Three (SFA-3), such as single family (attached & detached), townhomes & patio homes): Potential for single-family attached or extension of detached residential uses consistent with existing housing stock in the adjacent Meadows subdivision,
- 3. Multi-Family Two (MF-2): An apartment complex, pending this rezoning request.

It should be noted however that while uses are anticipated, in particular the apartment complex, there are a number of residential and non-residential uses that are permitted by right between the four districts. A table comparing the four zoning districts can be found in the attachments. In addition, conceptual building elevation designs from other Texas apartment complexes, likely to be considered by the developer, have been attached for review and includes one example with five stories. It should be further noted however that the proposed MF-2 zoning has a height restriction of four stories. The applicant has indicated that the apartment complex will likely be three stories.

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

<u>COMPREHENSIVE PLAN (CP) COMPLIANCE</u>. The proposed rezoning relates to the following goals, objectives or maps of the Comprehensive Plan and Sidewalk and Trails Plan. A table summarizing the following discussion is attached.

Future Land Use Map (CP Map 3.1)

The subject property is entirely within the Suburban Residential land use district. The Suburban Residential district is intended for mid-sized single family lots with an emphasis on green spaces and a separation between dwelling units. The district does not support the four zoning districts proposed for this property. If the rezoning is approved, the Future Land Use Map will need to be updated.

Appropriate designations for the four zoning districts could be accommodated by the Suburban Commercial (NS &GR) and the Auto-Urban Residential (SFA-3 & MF-2) districts.

Thoroughfare Plan (CP Map 5.2)

The subject property takes access from West Adams Avenue (FM2305), an arterial which will only provide immediate access to the GR-zoned portion. Access to the three remaining portions would be from the anticipated extension of Westfield Boulevard, a proposed minor arterial. Design for the future extension of Westfield Boulevard has been taken into consideration based on preliminary discussion between the applicant's development team and planning staff. An attached conceptual circulation plan shows the proposed extension of Westfield Boulevard. Additionally, it identifies the division between the proposed SFA-3 and MF-2 zoning districts following the centerline of a potential extension of Tanglehead Drive.

Circulation from the extension of Westfield Boulevard into the Hills of Westwood, subdivision to the south of the subject property, is proposed to connect through an undeveloped lot at Iron Gate Drive and ultimately connect to Tarver Drive. Conceptual design from the engineer indicates that Westfield Boulevard would be extended across West Adams Avenue as a minor arterial (92-foot ROW) and reduce down to 60-foot ROW as an oversized collector at its connection with Iron Gate Drive on the southern boundary of the development. It should be noted that no homes front on Iron Gate Drive between this access point and its intersection with Tarver Drive.

The developer, at this time, is not proposing improvements to a potential Tanglehead Drive extension which is currently classified as a local street. However, there is a cost-sharing improvement with a separate developer to extend Tanglehead Drive from Meadowbrook Drive to its intersection with Old Waco Road (Outer Loop). Improvements are currently in the design stage with the Public Works Department. No other City improvements are proposed to Tanglehead Drive at this time. Discussion about sidewalk on the cost-shared section of Tanglehead Drive is on-going but are currently not proposed.

In the case of Tanglehead Drive, increased circulation demands and future development could be reduced by the extension of Tanglehead Drive as well as scheduled TCIP improvements may provide functionality as a collector and warrant reclassification to a collector. Reclassification to a collector street requires a Thoroughfare Plan amendment. Discussion and design is on-going but will be addressed formally with the review of the subdivision plat. No other issues at this time have been identified.

As a result, the request is compliant with the Thoroughfare Plan, due to the applicant's commitment to extend Westfield Boulevard. The extension of Westfield Boulevard as well as considerations for the extension of Tanglehead Drive would be addressed and finalized during the subdivision plat review following the rezoning determination by City Council. In summary:

At a minimum, Improvements to the extension of Westfield Boulevard. include:

- 70-feet ROW 49-feet of Pavement
- 6-foot sidewalks on both sides

Additionally, according to the Institute of Transportation Engineers (ITE) Trip Generation Manual, 9th Ed., an apartment will generate 0.62 trips per unit. Based on 250 units, the peak hour trip rate would generate 155 trips.

Availability of Public Facilities (CP Goal 4.1)

Water is available through an existing 3-inch water line in West Adams Avenue. Water is also available through the anticipated extension of an 8-inch water line in Tanglehead Drive. Sewer is available through the extension of a 12-inch sewer line in West Adams Avenue. Sewer is also available from an 8-inch sewer line that would need to be extended from Tanglehead Drive.

While additional options available, due to the overall complexity of the project, final consideration will be addressed with the forthcoming subdivision plat.

Temple Trails Master Plan Map and Sidewalks Ordinance

Trails Master Plan depicts an existing City-Wide Spine Trail on the north side of West Adams Avenue. However, arterials streets require, a 6-foot sidewalk on both sides. The extension of Westfield Boulevard as an arterial also requires 6-foot sidewalks on both sides. No trail however is designated.

Accommodations for sidewalk improvements on both West Adams Avenue and the Westfield Boulevard extension will be addressed at the platting stage. Additionally, sidewalk improvements for the potential extension of Tanglehead Drive would be addressed during the platting stage.

DEVELOPMENT REGULATIONS: While both residential and non-residential setbacks are provided for in UDC Section 4.5, the attached table compares residential setbacks in the MF-2, SFA-3 and non-residential setbacks in the NS and GR zoning districts.

<u>Enhanced Buffering and Screening:</u> The development of the apartment complex within the multi-familyzoned portion of the request warrants consideration for enhanced screening for the single family lots of the adjacent Hills of Westwood subdivision. While enhanced screening and buffering standards cannot be required without the use of a Planned Development, after meeting with planning staff, the applicant agreed to enhanced landscape standards adopted for the Master Zoning for the Westfield Planned Development. The enhanced standards will be incorporated into the private deed restrictions.

The Master Zoning for the Westfield development was adopted by Ordinance 2015-4717 and addressed the overall 224.549 +/- acre Westfield Planned Development, north of West Adams and east and west of Westfield Boulevard. The Addendum to the Purchase Contract between the developer and the First Baptist Church has been attached, which provide for the enhanced buffer and screening standards. The language in the addendum is acceptable to Planning staff. The attached concept is found and illustrated on page 3-7 of the Choice 08 - Comprehensive Plan.

Staff will anticipate a copy of the draft deed restrictions during the plat review stage at design review (DRC). This enhanced landscaping and buffering is anticipated to reduce the impacts of the apartment complex to the adjacent Hills of Westwood subdivision. The Planning & Zoning Commission would be the final approval authority unless an exception is requested.

In addition to the performance standards discussed above, 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: Ninety 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 September 27, 2016 at 10:00 AM, Ten notices (representing 16 properties) in agreement and eight notices (representing 10 properties) in disagreement have been received. In addition, staff has received numerous emails (attached) and several phone calls from residents outside the notification area regarding the proposal.

The newspaper printed notice of the public hearing on August 25, 2016, in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Site and Surrounding Property Photos Maps Tables Addendum to Purchase Contract (Provisions for Enhanced Landscaping & Buffering) Conceptual Apartment Building Elevation Designs Conceptual Circulation Plan with Future Road Extension Comprehensive Plan - Landscape Buffer Concept Illustration Returned Property Notices P&Z Excerpts (Sept 6, 2016) Ordinance

Site & Surrounding Property Photos



Site: Undeveloped – Adams (Looking West) (AG)



Site: Undeveloped – Adams (Looking East) (AG)



South: Undeveloped – Potential Iron Gate Drive Access Point, Hills of Westwood, subdivision (SF-3)



South: Iron Gate Drive Hills of Westwood, subdivision (SF-3)



South: Existing Single-Family Residential Uses Hills of Westwood, subdivision (SF-3)



East: Potential Future Tanglehead Drive Access Point The Meadows, subdivision (SF-3)



East: Existing Single Family Residential Uses on Tanglehead Drive The Meadows, subdivision (SF-3)



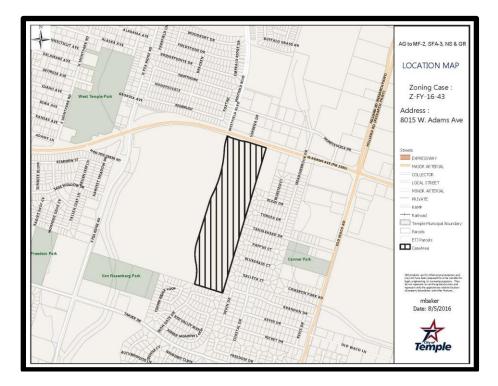
North: Existing Retail and Service Uses along West Adams Ave (GR & PD-GR)

Maps

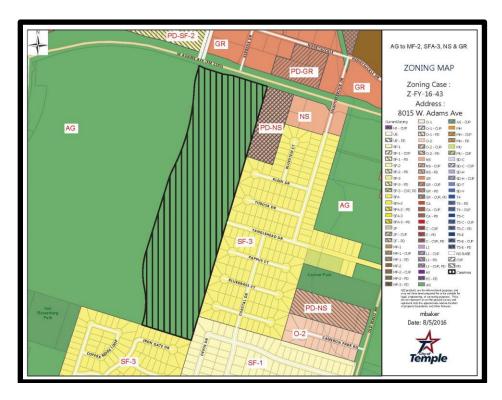
Aerial Map



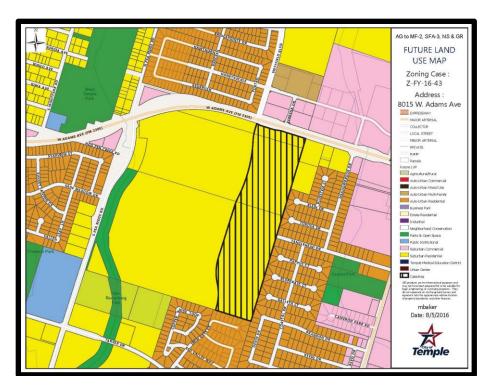
Location Map

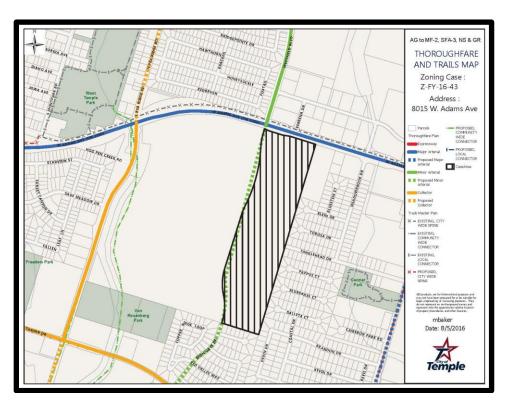


Zoning Map



Future Land Use Map



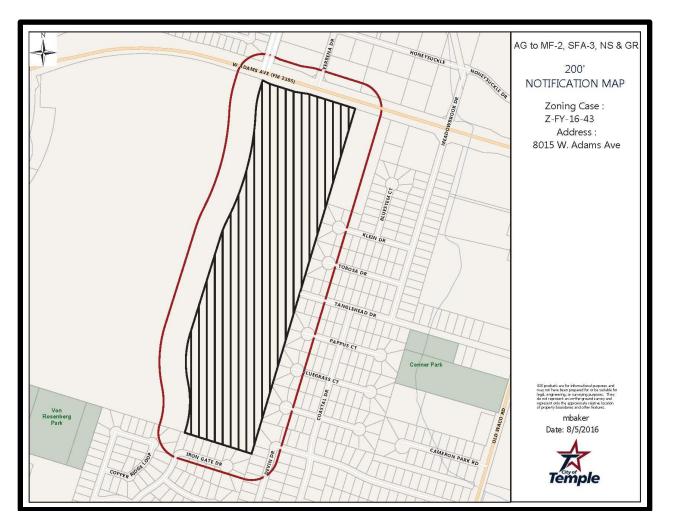


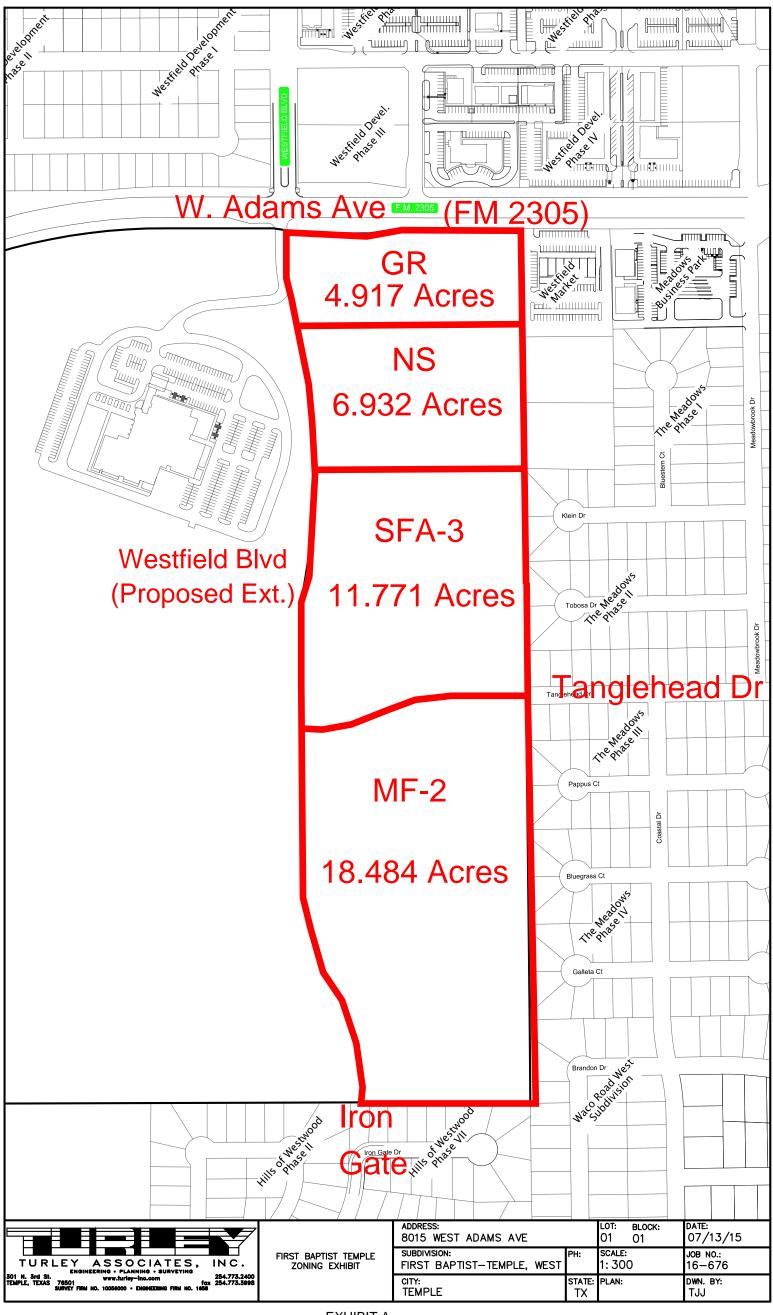
Thoroughfare & Trails Map

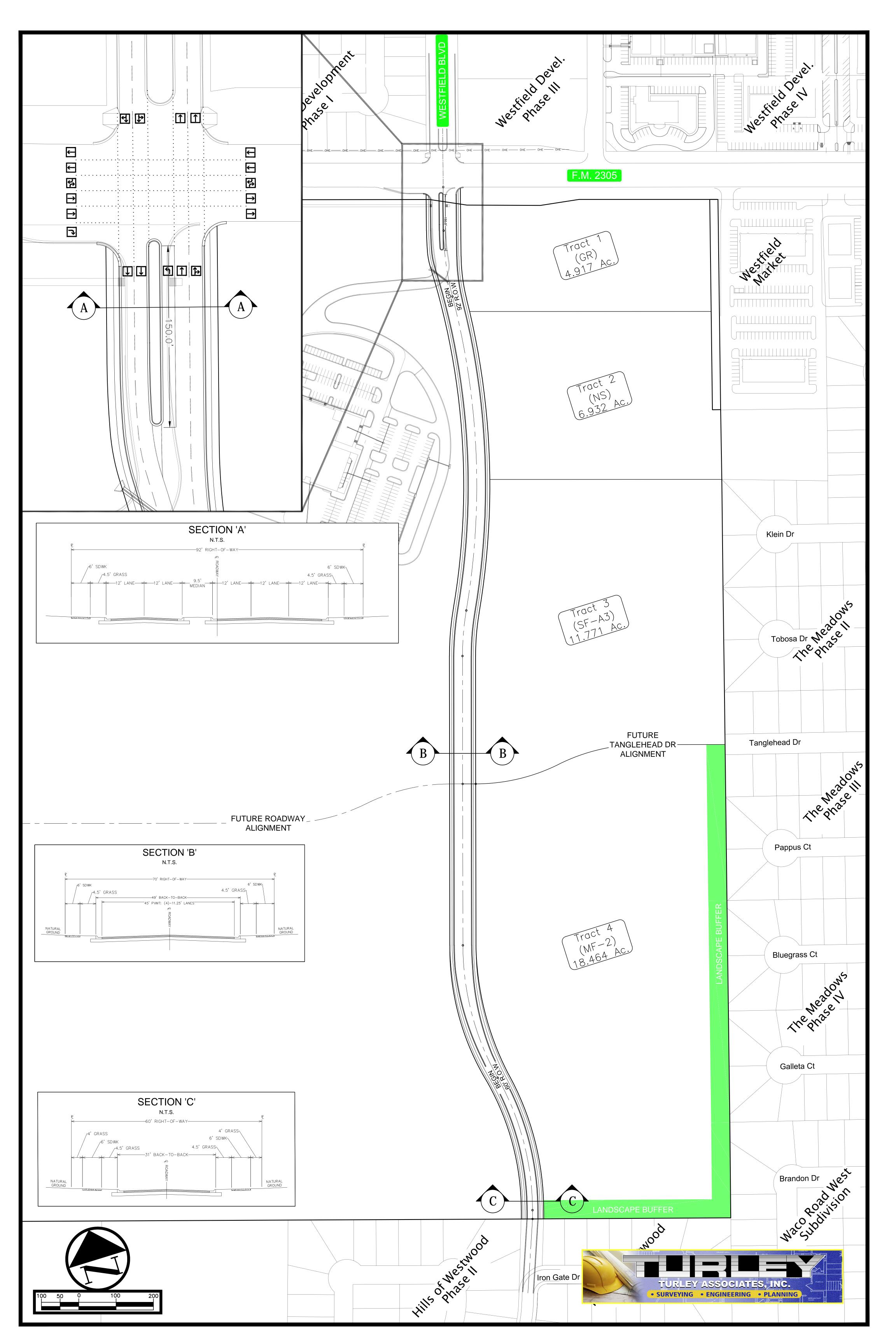
Utility Map



Notification Map







Tables

Permitted Uses Table (Comparison between SFA-3 & MF-2)

Use Type	Single-Family Three (SFA-3)	Multi-Family Two (MF-2)	
Agricultural Uses	* Farm, Ranch or Orchard	* Same as SFA-3	
Residential Uses	 * Single Family Residence (Detached & Attached) * Industrialized Housing * Family or Group Home * Townhouse * Zero-Lot Line Dwelling * Patio Home 	 * Same as SFA-3 * Apartment * Duplex * Townhouse * Home for the Aged 	
Retail & Service Uses	* None	* Same as SFA-3	
Commercial Uses	* None	* Same as SFA-3	
Industrial Uses	* Temporary Asphalt & Concrete Batching Plant (CUP)	* Same as SFA-3	
Recreational Uses	* None	* Same as SFA-3	
Vehicle Service Uses	* None	* Same as SFA-3	
Residential Uses	* None	* Same as SFA-3	
Overnight Accommodations	* None	* Same as SFA-3	
Transportation Uses	* None	* Same as SFA-3	

Permitted Uses Table (Comparison between NS & GR)

Use Type	Neighborhood Service (NS)	General Retail (GR)
Agricultural Uses	* Farm, Ranch or Orchard	* Same as NS
Residential Uses	* SF Residence (Detached & Attached) * Townhouse * Industrialized Housing	* Same as NS * Duplex
Retail & Service Uses	* Most Retail & Service Uses * Alcoholic Beverage Sales, off-premise consumption, (CUP)	* All Retail & Service Uses * Package Store (CUP) * Tool Rental (Indoors)
Commercial Uses	* None	* Kennel w/o vet. hosp. (CUP) * Contractor Storage Yard
Industrial Uses	* Temporary Asphalt & Concrete Batching Plant (CUP)	* Same as NS * Laboratory, medical, dental, scientific or research
Recreational Uses	* All Alcohol (On Premise Consumption) > 50% < 75% (CUP)	* Beer & Wine Only < 75% (CUP) * All Alcohol > 75% (CUP)
Vehicle Service Uses	* Fuel Sales (CUP)	* Auto Leasing & Rental * Auto Sales - New & Used
Restaurant Uses	* Without Drive-In	* With & W/O Drive-In
Overnight Accommodations	* None	* Motel / Hotel

Surrounding Property Uses

Surrounding Property & Uses					
Direction	<u>FLUP</u>	Zoning	Current Land Use		
Site	Suburban Residential	AG	Undeveloped		
North	Auto-Urban Residential GR & SF-2 (PD)		Sf Residential & Retail / Service Uses		
South	Auto-Urban Residential	SF-3	Undeveloped & SF Residential Uses		
East	Auto-Urban Residential	NS (PD) & SF-1 & SF-3	Retail Service & SF Residential Uses		
West	Suburban Residential	AG, GR & SF-2	Church, SF Residential Uses & Undeveloped Land		

Comprehensive Plan Compliance

Document	Policy, Goal, Objective or Map	Compliance?	
СР	Map 3.1 - Future Land Use Map	NO	
СР	Map 5.2 - Thoroughfare Plan	YES	
СР	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities	YES	
STP STP Temple Trails Master Plan Map and Sidewalks Ordinance		YES	
CP = Comprehensive Plan STP = Sidewalk and Trails Plan			

	Proposed (SFA-3)	Proposed (MF-2)	
Minimum Lot Size	2,300 SF	Approximately 20 Dwelling Units Per Acre (DUAC)	
Minimum Lot Width	20 Feet	60 Feet	
Minimum Lot Depth	100 Feet	120 Feet	
Front Setback	15 Feet	25 Feet	
Side Setback	5 Feet & 0 Feet	15 Feet (Per UDC 5.3.3)	
Side Setback (corner)	15 Feet	15 Feet	
Rear Setback	10 Feet	10 Feet	
Max Building Height	2 1/2 Stories	4 Stories	

Development Standards (SFA-3 & MF-2)

Development Standards (NS & GR)

	Proposed (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
Side Setback (corner)	10 Feet	10 Feet
Rear Setback	10 Feet	0 Feet
Max Building Height	2 1/2 Stories	3 Stories

AMENDED and RESTATED SPECIAL PROVISIONS ADDENDUM

This Amended and Restated Special Provisions Addendum to Commercial Contract – Unimproved Property ("Contract") executed between First Baptist Church Temple, Tx ("Seller") and American Realty Services, Inc. and/or assigns ("Buyer") concerning the property described in the Contract ("Property") is hereby incorporated to supplement and amend the Contract, and replaced in its entirety the previously executed Special Provisions Addendum, as follows:

Notwithstanding anything in the Contract to the contrary, the Buyer and Seller hereby agree as follows:

1. During the Feasibility Period, Buyer will negotiate an agreement with the City of Temple for the placement and construction of a public road, to include an access easement (the "Right of Way"). Seller hereby agrees to dedicate an amount of acreage not to exceed 50% of the Right of Way. Any such designated acreage will have to be acceptable to Seller, and in size and location such that it does not affect Seller's remaining property or access thereto. All expenses pertaining to the Right of Way, including approvals, design, supervision, and construction of the Right of Way as a public street, including accompanying infrastructure such as drainage and utilities required by the City of Temple, will be at the sole cost and expense of Buyer. Final terms and details pertaining thereto will be agreed upon by Seller and Buyer, and memorialized prior to the end of the Feasibility Period.

2. The deed from Seller will incorporate the following restrictions, which restrictions will run with the land:

- a. The maximum height for improvements located in the first 250 feet of frontage on FM 2305 (Adams Ave) shall be 1 story, with the roofline not to exceed 25 feet in height.
- b. No apartments may be located or permitted on the Property that participate in any tax credits programs. Any multi-family improvements must be developed for the purpose of receiving full market rents comparable to similar projects within a 3 mile radius, and with no possibility of subsidies from any organization or governmental entity.
- c. No liquor stores, bars or cocktail lounges that sell alcoholic beverages shall be located or permitted on the Property. Notwithstanding the foregoing, restaurants and businesses that derive not more than 50% of their revenue from alcohol sales may be located or permitted on the Property.
- d. No adult stores, adult theatres, businesses that provide adult entertainment or services (including any entertainment providing partial or full nudity), or facilities selling or displaying pornographic materials shall be located or permitted on the Property.
- e. No carnivals or amusement parks shall be located (even temporarily) or permitted on the Property.

- f. No facilities selling paraphernalia for use with illicit drugs, or marijuana (even if the sale of marijuana is legalized for recreational or medicinal purposes) shall be located or permitted on the Property.
- g. No medical facility that encourages abortions or provides abortion services shall be located or permitted on the Property.
- h. No tattoo parlors shall be located or permitted on the Property.
- No facility that derives more than 50% of its revenue from the sale of tobacco products in any form, including electronic cigarettes or vapor inhaled products, shall be located or permitted on the Property.
- j. No noxious, offensive, or unlawful business or use shall be located or permitted on the Property.
- k. There shall be a continuous buffer, along the common boundary between nonresidential or multiple-family uses and an agricultural or residential district in accordance with the following:

TYPE	Minimum Width	Minimum Planting Per 100* feet		
I**	30 feet	 3 canopy trees 10 small trees; (50% evergreen) 14 supplemental shrubs (50% evergreen) 		
II**	20 feet	 3 canopy trees 13 small trees; (50% evergreen) 16 supplemental shrubs (50% evergreen) 		
III**	15 feet	 3 canopy trees 16 small trees; (50% evergreen) 18 supplemental shrubs (50% evergreen) 		

* The required landscaping may be reduced by 30% when used in a combination with a decorative fence that is a minimum of 6 feet in height; constructed of wood, wrought iron or galvanized ornamental steel; and located behind the landscaped area.

** All planting shall be in conformance with planting standards located in Section 7.4: Landscaping in the City of Temple Unified Development Code

[[SIGNATURES ON FOLLOWING PAGE]]

Seller:

First Baptist Church- Temple, Tx

By:	
Name:	
Title:	

By:	
Name:	
Title: _	

By:	 	 	
Name: _		 	
Title:			

Buyer:

American Realty Services Inc.

By:	 _
Name: _	
Title:	

Conceptual Apartment Bldg. Elevations



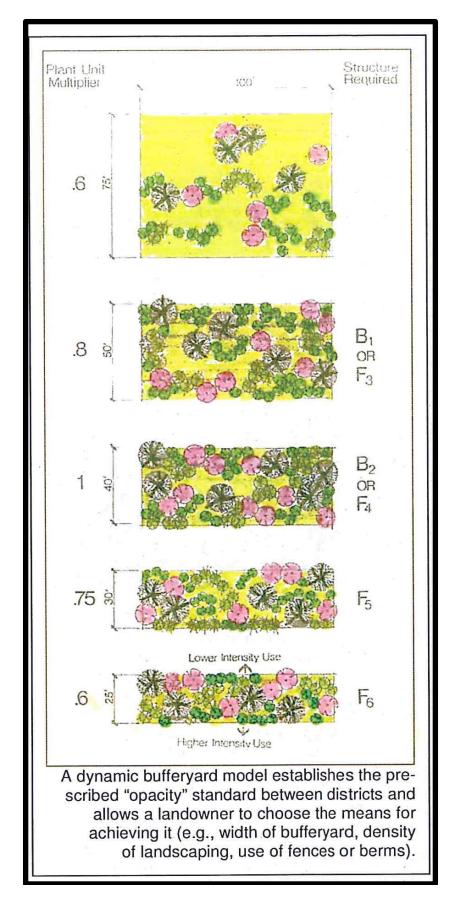
Echo Station Apartments, Temple, Texas

McKinney Point, McKinney, Texas



Landscape Buffer Illustration

Choices 08 – Comprehensive Plan – Page 3-9)





PLOTTS, ROBT R ETUX REBECCA D 8110 IRON GATE DR TEMPLE, TX 76502

Zoning Application Number: Z-FY-16-43

Case Manager: Mark Baker

Location: <u>8015 West Adams Avenue</u>

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 <u>possible</u> rezoning of the property described on the attached notice, and provide any additional comments you may have.

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1	()	ag	ree

disagree with this request

Comments:

immediately behind The advice our back force on Iron Gate was the DIVING property and home. The proposed re-zonine would negotively would affect impact significant manner. The proposed re-zoning It would decrease our property and add Signif icant noise and light pollution. LUDIAL we look out our back yard our view. Right now a beautiful hope to not We Texas landsco lose this treasure. Plotts

Signature

Print Name

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, at *mbaker@templetx.gov*, or mail or hand-deliver this comment form to the address below, no later than **September 6, 2016**.

City of Temple Planning Department 2 North Main Street, Suite 102 Temple, Texas 76501 RECEIVED CITY OF TEMPLE PLANNING DEPT. AUGUST 30, 2016

Number of Notices Mailed: 90

Date Mailed: August 25, 2016



\$102 IRON GATE

FIRST OMEGA 7353 W. ADAMS AVENUE TEMPLE, TX 76502-5539

Zoning Application Number: Z-FY-16-43

Case Manager: Mark Baker

Location: 8015 West Adams Avenue

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

I () agree

() disagree with this request

Comments:

Brinford	John C. Hove
ignature	Print Name

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City of Temple Planning Department 2 North Main Street, Suite 102 Temple, Texas 76501

AUG 3 1 2016

City of Temple Planning & Development

Number of Notices Mailed: 90

Date Mailed: August 25, 2016



8117 IRON GATE

FIRST OMEGA 7353 W. ADAMS AVENUE TEMPLE, TX 76502-5539

Zoning Application Number: Z-FY-16-43

Case Manager: Mark Baker

Location: 8015 West Adams Avenue

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

I () agree

() disagree with this request

Comments:

Runne	Eliza bland
Signature	Print Name
	Print Name

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, at *mbaker@templetx.gov*, or mail or hand-deliver this comment form to the address below, no later than **September 6**, 2016.

RECEIVED

City of Temple Planning Department 2 North Main Street, Suite 102 Temple, Texas 76501

AUG 3 1 2016

City of Temple Planning & Development

Number of Notices Mailed: 90

Date Mailed: August 25, 2016



8121 IRON GATE

FIRST OMEGA 7353 W. ADAMS AVENUE TEMPLE, TX 76502-5539

Zoning Application Number: Z-FY-16-43

Case Manager: Mark Baker

Location: 8015 West Adams Avenue

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I () agree

() disagree with this request

Comments:

(
	The second second
- Kinowe	John C. HOWE
ignature	Print Name
you would like to submit a response, ple	ease email a scanned version of this completed for

If you woold like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, at *mbaker@templetx.gov*, or mail or hand-deliver this comment form to the address below, no later than **September 6, 2016**.

RECEIVED

AUG 3 1 2016

City of Temple Planning Department 2 North Main Street, Suite 102 Temple, Texas 76501

City of Temple Planning & Development

Number of Notices Mailed: 90

Date Mailed: August 25, 2016



8114 IRON GATE

FIRST OMEGA 7353 W. ADAMS AVENUE TEMPLE, TX 76502-5539

Zoning Application Number: Z-FY-16-43

Case Manager: Mark Baker

Location: 8015 West Adams Avenue

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I (1) agree

() disagree with this request

Comments:

1	
X MIL DIP	John C. Howe
Bignature	
ngnature	Print Name

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, at *mbaker@templetx.gov*, or mail or hand-deliver this comment form to the address below, no later than **September 6, 2016**.

RECEIVED

City of Temple Planning Department 2 North Main Street, Suite 102 Temple, Texas 76501

AUG 3 1 2016

City of Temple Planning & Development

Number of Notices Mailed: 90

Date Mailed: August 25, 2016



NIEMEIER, STEPHEN H & LISA D 2619 TIMBER RIDGE DR TEMPLE, TX 76502-8804

Zoning Application Number: Z-FY-16-43

Case Manager: Mark Baker

Location: 8015 West Adams Avenue

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I	() agree	(V) disagree with this request
Comments:	drainage	is a problem and high
dens	ty zoulne	will make the bring No milling to the
- Stary	1 AN	Higher elward and ensure built lichiand Henne Niemeier
Signature	- no person	Print Name

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, at *mbaker@templetx.gov*, or mail or hand-deliver this comment form to the address below, no later than **September 6, 2016**.

City of Temple Planning Department 2 North Main Street, Suite 102 Temple, Texas 76501

Number of Notices Mailed: 90

Date Mailed: August

August 25, 2016

AUG 3 1 2016

City of Temple .

Planning & Development



CENTRAL NATIONAL BANK 938 CANYON CREEK DR TEMPLE, TX 76502-3232

Zoning Application Number: Z-FY-16-43

Case Manager: Mark Baker

Location: 8015 West Adams Avenue

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I (Magree

() disagree with this request

Comments:

121 PAR Signature **Print Name** If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, at mbaker@templetx.gov, or mail or hand-deliver this comment form to the address below, no later than September 6, 2016. RECEIVED City of Temple AUG 3 1 2016 **Planning Department** 2 North Main Street, Suite 102 City of Temple Planning & Development Temple, Texas 76501 Number of Notices Mailed: 90 Date Mailed: August 25, 2016 **OPTIONAL**: Please feel free to email questions or comments directly to the Case Manager or call

us at 254.298.5668.



HENDRIX, SANDRA G 7322 PAPPUS CT TEMPLE, TX 76502-8512

Zoning Application Number: Z-FY-16-43

Case Manager: Mark Baker

Location: <u>8015 West Adams Avenue</u>

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| () agree

disagree with this request

Comments:

Rezoning the	land behi	nd my	houst	· Wil	Bd	rop
the property			me.	the val	lu e ot	my
	is already		than			Da. Cl
for it and th	ne vepairs'	I had	to ma	aketo	the V	MUSE.
	L L					*

Sandra Hendrix Print Name

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, at *mbaker@templetx.gov*, or mail or hand-deliver this comment form to the address below, no later than **September 6, 2016**.

RECEIVED

City of Temple Planning Department 2 North Main Street, Suite 102 Temple, Texas 76501

SEP - 1 2016

City of Temple Planning & Development

Number of Notices Mailed: 90

ALC: 1. (4) . (1. (1.))

Date Mailed: August 25, 2016



WESTFIELD CAPITAL LLC & KIELLA DEVELOPMENT INC 15 N MAIN ST TEMPLE, TX 76501-7629

Zoning Application Number: Z-FY-16-43

Case Manager: Mark Baker

Location: 8015 West Adams Avenue

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

I () agree

() disagree with this request

Comments:

STFIELD CAP esident

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City of Temple Planning Department 2 North Main Street, Suite 102 Temple, Texas 76501

SEP - 1 2016

City of Temple Planning & Development

Number of Notices Mailed: 90

Date Mailed: August 25, 2016



BARROWS, DAVID ETUX CAROL 7317 TANGLEHEAD DR TEMPLE, TX 76502

Zoning Application Number: Z-FY-16-43

Case Manager: Mark Baker

Location: <u>8015 West Adams Avenue</u>

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I () agree	disagree with this request
Comments: An expisting entrance/egres	stoad is under construction
and others access to old	waco and to pea Ridge.
	King children entoste to k from
Vauel H Fallac Signature	David F. Bantows Print Name

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, at *mbaker@templetx.gov*, or mail or hand-deliver this comment form to the address below, no later than **September 6, 2016**.

City of Temple Planning Department 2 North Main Street, Suite 102 Temple, Texas 76501 RECEIVED

SEP - 1 2016

City of Temple Planning & Development

Number of Notices Mailed: 90

Date Mailed: August 25, 2016



HARMON, LARRY K SR ETUX KAREN K 7318 TANGLEHEAD DR TEMPLE, TX 76502-8509

Zoning Application Number: Z-FY-16-43

Case Manager: Mark Baker

Location: <u>8015 West Adams Avenue</u>

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1 (1) agree

() disagree with this request

RECEIVED Comments: City of Temple Planning & Development

nature

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, at *mbaker@templetx.gov*, or mail or hand-deliver this comment form to the address below, no later than **September 6, 2016**.

City of Temple Planning Department 2 North Main Street, Suite 102 Temple, Texas 76501

Number of Notices Mailed: 90

Date Mailed: August 25, 2016



FIRST BAPTIST CHURCH TEMPLE TEXAS 8015 W ADAMS AVE UNIT A TEMPLE, TX 76501-5510

Zoning Application Number: Z-FY-16-43

Case Manager: Mark Baker

Location: <u>8015 West Adams Avenue</u>

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I 💥 agree

() disagree with this request

Comments: allour his re

Signatui

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, at *mbaker@templetx.gov*, or mail or hand deliver this comment form to the address below, no later than **September 6, 2016 RECEIVED**

City of Temple Planning Department 2 North Main Street, Suite Temple, Texas 76501 SEP - 1 2016 City of Temple Planning & Development

Number of Notices Mailed: 90

Date Mailed: August 25, 2016



BLACK, ROSALVA CASTRO 2691 SALORN WAY ROUND ROCK, TX 78681-2382

Zoning Application Number: Z-FY-16-43

Case Manager: Mark Baker

Location: 8015 West Adams Avenue

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I () agree	(√ disagree with this request
Comments: Do not squee with the MI ok with. SFA-3 Zoning.	F-2 Zoning, but woodd be
Signature Dealers Port	= Rosalva Black Print Name

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SEP - 6 2016

City of Temple	-
Planning Department	
2 North Main Street, Suite 102	
Temple, Texas 76501	

City of Temple Planning & Development

Number of Notices Mailed: 90

Date Mailed: August 25, 2016



DOUGLAS, MARK A & ELDA MARTEL FAMILY TRUST C/O DOUGLAS, MARK A & ELDA MARTEL, TRUSTEES 265 SPRECKELS DR APTOS, CA 95003-3936

Zoning Application Number: Z-FY-16-43

Case Manager: Mark Baker

Location: <u>8015 West Adams Avenue</u>

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I () agree

(X) disagree with this request

Comments:

<u>E WOULD FIRST LIKE TO SEE HOW THIS REGOVING AND SUBSEQUENT</u> <u>DEVELOPMENT THES TO SPECIFIC ELEMENTS OF THE "TEMPLE TOMORROW</u>" <u>STRATEGIC PLAN. WILL THE 'QUALITY OF LIPE' OF CURRENT RESIDENTS</u> <u>IN THE IMMEDIATE VICINITY BE IMPLETED DURING CONSTRUCTION OR</u> <u>DETERIOREDS</u> <u>THAOK/YOU</u>

Print Name

Signature

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City of Temple	SEP - 6 2016
Planning Department	
2 North Main Street, Suite 102	City of Temple
Temple, Texas 76501	Planning & Development

Number of Notices Mailed: 90

Date Mailed: August 25, 2016



THOMAS, JOHN W ETUX KELSEY B 8106 IRON GATE DR TEMPLE, TX 76502

Zoning Application Number: Z-FY-16-43

Case Manager: Mark Baker

Location: <u>8015 West Adams Avenue</u>

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I () agree

 (\checkmark) disagree with this request

Comments:

Keep the trees along the hence -	teveloped, il ask kindly, could we place line? We sacrificed a foot of yard
to construct our fence. We	would be have to be cut down in order have 3 young boys and 2 dogs that t summer days. Thank you for your
consideration.	t rummer days. Thank you for your
Kiber B. Shomas Signature	<u>Kelsey B. Thomas</u> Print Name

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City of Temple Planning Department 2 North Main Street, Suite 102 Temple, Texas 76501 RECEIVED

SEP - 6 2016

City of Temple Planning & Development August 25, 2016

Number of Notices Mailed: 90

Date Mailed:



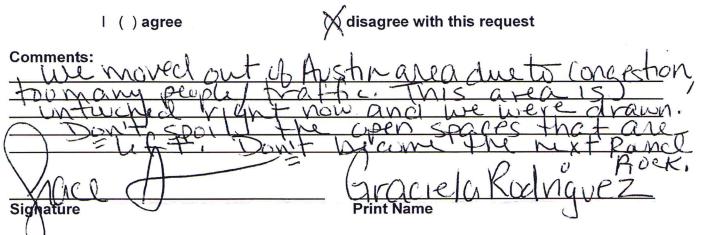
RODRIGUEZ, GRACIELA 2705 PACE BEND RD S UNIT 7 SPICEWOOD, TX 78669

Zoning Application Number: Z-FY-16-43

Case Manager: Mark Baker

Location: <u>8015 West Adams Avenue</u>

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City of Temple Planning Department 2 North Main Street, Suite 102 Temple, Texas 76501 SEP - 6 2016 City of Temple

Planning & Development

Number of Notices Mailed: 90

Date Mailed: August 25, 2016



KIELLA DEVELOPMENT INC PO BOX 1344 TEMPLE, TX 76503-1344

Zoning Application Number: Z-FY-16-43

Case Manager: Mark Baker

Location: 8015 West Adams Avenue

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I (Magree

() disagree with this request

Comments:	
10 1	
1000	11611
Signature	Print Name

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, at mbaker@templetx.gov, or mail or hand-deliver this comment form to the address below, no later than September 6, 2016. RECEIVED

City of Temple	SEP - 6 2016
Planning Department	
2 North Main Street, Suite 102 Temple, Texas 76501	City of Temple Planning & Development

Number of Notices Mailed: 90

Date Mailed: August 25, 2016



TEM-TEX INVESTMENTS LTD PO BOX 1344 TEMPLE, TX 76503-1344

Zoning Application Number: Z-FY-16-43

Case Manager: Mark Baker

Location: <u>8015 West Adams Avenue</u>

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I (Magree	() disagree with this request	() disagree with this request	
Comments:			
Signature	> John Kalla Print Name		

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, at *mbaker@templetx.gov*, or mail_or_handdeliver)this comment form to the address below, no later than September 6, 2016.

City of Temple	SEP - 6 2016
Planning Department 2 North Main Street, Suite Temple, Texas 76501	City of Temple 102 Planning & Development:

Number of Notices Mailed: 90

Date Mailed: August 25, 2016

0 0040

From:	Karen Flores
То:	Mark Baker
Subject:	Apartment complex between Iron gate and the church on West Adams
Date:	Thursday, September 15, 2016 12:06:00 PM

Mr Baker

I am emailing to voice my concerns about the supposed apartment complex that they are wanting to build behind Iron Gate. We the residents of The Vista at Westwood are not in favor of this project. This is a very quiet community of elderly and young families. The traffic will already increase with the expansion of Tarver and expanding Iron gate to Adams will only bring more danger to the small children who ride their bikes and scooters on Iron Gate. There has already been a child hit by a car on Iron Gate a few weeks ago. The city is already aware of the number of small children in our area because the 8ft sidewalk that was installed over the summer was for the safety of the school children. This will probably affect our property value as well and with the increased traffic more crime. Our neighborhood is not easily accessed by West Adams and therefore our overall crime has been low compared to that of neighborhoods like Sage Meadows. If that road goes through that will certainly change. The thing I loved about West Temple the most was the land, and as usual it is being taken away. What happened to keep Temple beautiful? Soon we'll be just a bunch of buildings like any other city. Not to mention the over crowding of Belton schools located in West Temple. Adding an apartment complex in an already overcrowded area seems irresponsible. Does no one care about our children's education? The school district is having a hard enough time keeping up with the growth of West Temple as it is. There are plenty of homes reasonably priced in the area that there should be no need for another apartment complex.

Karen Flores Copper Ridge Loop Mr. Baker,

I am writing to voice my concern with the planned development in west Temple on Iron Gate. I live in the Hills of Westwood subdivision and my concerns are as follow:

- increased traffic in the area during morning and afternoon rush hours.

- decreased property values for the existing homes in the area.

- increased crime rates attributed to transient historically lower income population.

- increased pressure on the school system to handle the increase in students.

Thank you in advance for any information you can provide to alleviate my concerns.

Matthew Baird

Good Morning Sir,

This is my response to the proposed rezoning of First Baptist Church Land.

My opposition is the creation of the through road that will be created with Iron Gate Drive and Westfield Blvd connecting. This road will connect to a residential area with no sidewalks. Additionally there are multiple mailboxes posted on that road that not only do residents frequently stop at, but mail vendors as well. Creating this as a full connector road I believe will be dangerous for the residents of that area. There have already been 2 accidents this school year with children being hit by vehicles. By keeping these areas distinct and separate I believe the communities can maintain their property value.

If the connector road stands I will oppose the whole development. For reasons of increased traffic and danger to the community, decreased property value (multi-family units <2 miles from my resident), increased people (both residents and their visitors) leads to reduced privacy. There will also be increased noise and the potential for added crime. Our neighborhood pool already has issue with people and kids breaking and vandalizing the area.

v/r

Jennifer Noetzel 859-466-7820 719 Copper Ridge Loop Temple, TX 76502

-----Original Message-----From: Mark Baker [<u>mailto:mbaker@templetx.gov</u>] Sent: Thursday, September 15, 2016 12:10 PM To: Noetzel, Jennifer M CPT USARMY MEDCOM CRDAMC (US) Subject: [Non-DoD Source] RE: test email

Hi Jennifer:

Staff report and attachments for your review. Please feel free to forward any comments that you would like to be included into the public record to my attention so they can be included for City Council consideration.

Thank you for you participation, Mark

-----Original Message-----From: Noetzel, Jennifer M CPT USARMY MEDCOM CRDAMC (US) [mailto:jennifer.m.noetzel.mil@mail.mil] Sent: Thursday, September 15, 2016 12:05 PM To: Mark Baker <mbaker@templetx.gov> Subject: test email Jennifer M. Noetzel CPT, MS Ft. Hood Army Hearing Program (O) 254.285.6168 (SRP) 254.553.3097

EXCERPTS FROM THE

PLANNING & ZONING COMMISSION MEETING

TUESDAY, SEPETEMBER 6, 2016

ACTION ITEMS

Item 2: Z-FY-16-43 – Hold a public hearing to discuss and recommend action on a rezoning from Agricultural (AG) District to Single-Family Attached-Three (SFA-3), Multi-Family-Two (MF-2), Neighborhood Service (NS) and General Retail (GR) districts on 42.066 +/- acres, Lot 1, Block 1, First Baptist-Temple West Campus, located at 8015 West Adams Avenue.

Mr. Mark Baker, Senior Planner, stated this item was scheduled to go forward to City Council for first reading on October 6, 2016 and second reading October 20, 2016.

The applicant is proposing four separate zoning districts: General Retail (GR), Neighborhood Service (NS), SFR – Attached-Three (SFA-3), and Multi-Family (MF-2) for a proposed apartment complex. There are no proposed site or development plans available for the remaining three districts.

With the number of zoning districts proposed, enhanced buffering and screening considerations are very important due to the proximity to existing single family residences. Applicant has agreed to incorporate enhanced buffering and screening into their development and will be included in the sales contract and Deed Restrictions, which is also modeled after the Westfield Master Development Plan (Ordinance No. 2015-4717).

The enhanced buffering and screening standards are identified in the Comprehensive Plan, Choices '08, page 3-7, referred to as Dynamic Buffer Yard Modeling:

Increased Plant Density based on:

Buffer yard width;

Landscape Material Selection;

Density'

Earthen Berms; and

Fences or Walls.

Wider Buffer yard with Limited Plant Density or

Narrow Buffer yard with or without fence/wall & increased plant density

Circulation is a big consideration for a development this size. There are four areas that could be created for circulation; otherwise circulation would be limited without a series of easements and/or circulation elements. A plat will come forward after the zoning that would define in more detail circulation issues, particularly the extension of Westfield Boulevard.

Westfield Boulevard would be built to arterial standards which includes a minimum of 70-feet right-of-way and 49-feet pavement and include six-foot sidewalks on both sides. This would also be addressed during the plat process.

Potential improvements would include an extension of Tanglehead Drive. Tanglehead Drive is currently designated as a local street and would function as a collector.

There is currently a Cost-Share Improvement for the section of Tanglehead from Meadowbrook to Old Waco Road (Outer Loop) and is currently in the design stage.

In terms of the Zoning Map, the Single-Family Three (SF-3) and GR are consistent with the SF-3 that is adjacent to the subject property. The NS and GR zoning districts are already established along West Adams.

The Future Land Use and Character Map designates the subject property as Suburban-Residential, which is primarily for single family detached residential uses, specifically SF-1, SF-2. The Suburban-Residential designation does not support the four zoning districts and would be more consistent under a Suburban-Commercial designation which supports office, retail and services uses.

The subject property is located at the intersection between two arterials, Westfield Boulevard and West Adams Avenue and Single Family residential is not likely to occur within this corridor.

A 12-inch water line along West Adams Avenue and an eight-inch sewer line along Tanglehead Drive are available to serve the property. These would be addressed in more detail during the platting process.

West Adams Avenue (FM 2305) would require a six-foot sidewalk on the south side.

The proposed arterial for Westfield Boulevard would be a minimum of 70-feet right-of-way and 49-feet pavement section. This would extend to Iron Gate and ultimately connect to Tarver Road leading south of the project site.

An existing City-Wide Spine Trail is located on West Adams Avenue.

Anticipated roadway extension of Westfield Blvd (across West Adams and connect to Iron Gate Drive) would anticipate a right-of-way width to vary from 92-feet to 60-feet. A six-foot sidewalk on both sides of Westfield Boulevard.

Potential Extension of Tanglehead Drive:

Functions as a future collector and needs to be built to collector street standards: 55feet right-of-way and 36-feet pavement

Six-foot sidewalk on one side of Tanglehead Extension

Cost-Sharing improvements to Tanglehead Drive from Meadowbrook to Old Waco Road

The final design of "Project-Related" improvements to be addressed by subdivision plat.

The developer efforts for Westfield Boulevard extension provide compliance to Thoroughfare Plan.

Cross-sections of various streets/roads and different right-of-ways are shown and briefly explained.

Surrounding properties include existing retail and service uses along West Adams Avenue, zoned PD-GR and GR to the north, existing retail and service uses along West Adams Avenue, zoned PD-NS, and Tanglehead Drive Access Point, zoned SF-3, to the east, First Baptist Church, zoned AG to the west, and existing single family residences (Hills of Westwood Subdivision), zoned SF-3, and potential access point at Iron Gate Drive to the south.

Several NS, GR, SFA-3 and MF-2 allowed uses are briefly covered, along with current and proposed development standards for all four districts.

Ninety notices were mailed in accordance with all state and local regulations with 10 notices returned in agreement and nine notices returned in disagreement.

This request is in compliance with the Thoroughfare Plan, surrounding uses and zoning, and public facilities are available to serve the property. The request is not in compliance with the Future Land Use and Character Map.

Developer examples are shown for similar apartment projects.

Staff recommends approval of the request from AG to GR, NS, SFA-3 and MF-2.

Mr. Baker explained it was Staff's understanding a request was made in the design review process for a portion of that lot to remain available for potential access for Westfield to extend through.

Mr. Brian Chandler, Director of Planning, added that a proposed extension of Westfield is shown through Iron Gate on the Thoroughfare Plan, so the residential phase of the plat included dedication of the lot for future connectivity. It is shown as a minor arterial but may serve as a collector instead. Mr. Baker stated the extension would be looked at through the subdivision plat.

Mr. Chandler added if it was not proposed to connect to Iron Gate, it would come back to P&Z. A change in the Thoroughfare Plan would come back to P&Z if that were part of the development proposal.

It was stated that Iron Gate is a Kiella development.

Commissioner Sears was concerned that if this connection were not done, there would only be one way in and one way out on Westfield and did not feel Tanglehead Drive was a good idea.

Mr. Chandler stated Staff supports the Thoroughfare Plan alignment that the additional connectivity does affect some existing houses at Iron Gate; however, Tanglehead could be an additional option but would provide alternate options and not feed all of the traffic in and out of 2305.

Mr. Chandler commented there are currently no connections proposed for South Pea Ridge as part of this project.

Commissioner Pitts stated his concern was that a lot of traffic would be dumped in the neighborhood, especially as busy as 2305 is, which was not anticipated.

Commissioner Sears commented that last year approximately 2,000 houses were platted in west Temple that had not yet started construction and wondered if Staff had any idea of what has been platted versus being built. Mr. Chandler was not certain of any numbers, but some of the developments are currently active with permitting.

Commissioner Rhoads asked about road updates in the area.

Mr. Chandler did not have a list of the projects but mentioned Tarver is being extended and will eventually reach Old Waco Road and Hogan Road is scheduled on the Temple Capital Improvement Projects (TCIP) for east/west connectivity.

Mr. Chandler believed Crossroads Regional Park, Phase I, should be bidding site work within the next couple of months and Phase II for the actual improvements should be within the next year.

Chair Jones opened the public hearing.

Mr. Scott Motsinger, 506 Northcliffe Drive, Belton, Texas, stated he was the broker of record, represents First Baptist Church, and believes the development will be a huge benefit to the community.

The applicant would like to have retail use at the front along with some neighborhood services, and residential to the rear, similar to the Westfield development. The applicant wants to provide a lot of buffering to the residential areas for privacy which is why the enhanced landscaping was offered and included.

Each time a parcel is sold, the applicant will need to go through the platting process which would address utility and drainage issues.

Mr. Motsinger explained Westfield is needed in order to get people to 2305. The estimated bridge cost across the drainage easement from Tanglehead to Pea Ridge would cost in the \$500,000 range, which would be cost prohibitive and Mr. Motsinger is not certain if or when it would ever connect to Pea Ridge.

Tarver would be a major relief from an east/west standpoint.

Mr. Motsinger stated leaving the trees for the developer would be great; otherwise, the developer would need to buy and replant new trees. If the City allowed the trees to remain it will help fulfill the buffer requirements and save the developer additional expense.

Currently, there is no site plan or design for the residential portion of the request. Mr. Motsinger stated it could be townhomes, single family garden homes, or something like that.

Mr. Robert Murray, 4689 Old Pond Drive, Plano, Texas, stated only 15 acres would be needed for the MF-2 portion for 240-250 units. The City was planning on putting in the extension on

Westfield in the future (through the platting process) and the developer would pay half of that cost. An easement on Tanglehead would be given to the City.

As the trees grow, the apartments will most likely not been seen from the neighboring residences and the buildings will only be three stories.

Mr. Jon Burrows, 709 Clover Lane, Temple, Texas, stated he was the Chairman of the Property Committee for First Baptist. Several members of First Baptist were in attendance.

Mr. Burrows commented this is their neighborhood and in the contract with buyers there are very strict restrictions on what can go in there and would be comparable and acceptable for the area.

The apartments would be market rate apartments and are not subsidized. The Church likes the look of the Kiella development across the street and what their aim would be. Access easements are being worked on for the retail section of the development. The Church has a vested interest in this project, will not be going anywhere, and it will benefit the community.

The long-term plan for the Church will need approximately 60 acres for future development.

Mr. Burrows responded to the objections made on the responses and believes the developer is working on those issues. Buffering, trees, and landscaping would be included to create a first class development for the City of Temple.

Mr. David G. Marsh, 662 Devon Drive, Temple, Texas, stated he lived at the southeast corner of the subject development. Mr. Marsh was concerned about the future expansion of Old Waco Road. There are currently three other projects off of Old Waco Road (south toward Belton). Old Waco Road is not complete yet and here is another project.

There was extensive flooding with the existing two drainage ditches just north of Tanglehead due to all the heavy rains this year causing major traffic issues.

Staff and the developer confirmed that at this time Tanglehead is not proposed to be extended through to Westfield. Mr. Marsh was concerned there would only be one exit. Mr. Baker clarified the extension of Tanglehead would be reviewed during the platting process but is not currently part of a City proposed project nor is the applicant proposing any extension.

Mr. Marsh is very concerned about the traffic, especially south, along Old Waco Road due to his past and current construction experiences. Mr. Marsh asked that roads in the area would be reviewed due to all of the projects being developed.

Another immediate concern was the water pressure for the area, and this does not even include the upcoming projects. Perhaps a new pumping station could be installed. Other concerns were Police, Fire, and emergency vehicles.

Mr. Marsh is all for growth but requested the City needs to consider the hidden, in-depth details which would also be involved and affect the current and future residents.

There being no further speakers, Chair Jones closed the public hearing.

Mr. Baker confirmed this item would go forward to City Council on October 6, 2016 for first reading.

Chair Jones encouraged the public to bring their concerns to the City Council as well.

Mr. Chandler explained that Public Works, on the TCIP plan, shows the different timing and projects, bonds, phasing, and other information should be on the City's website.

Mr. Chandler informed Mr. Marsh he would get the information requested and contact him.

Commissioner Sears stated he had no problem with the GR/NS portion of the project but was very apprehensive about the apartment portion. Placing approximately 240 units in that little section would lead to continued drainage issues and add more traffic problems. The entire area is not designed very well considering the expansion planned. Commissioner Sears did not feel this project fit the Comprehensive Plan at all.

Commissioner Crisp was in agreement with Commissioner Sears.

Commissioner Pitts had issues with the Iron Gate portion but agreed outlets were needed, preferably in different areas.

Commissioner Rhoads commented the subject area needs to be well-planned out in order to accommodate the fast growth it is experiencing and to take a close look at the Thoroughfare Plan.

Chair Jones reopened the public hearing.

Mr. Will Sisco, Turley Associates, 911 North 9th Street, Temple, Texas, addressed the Iron Gate issue and pointed out that on the west side there are no houses fronting Iron Gate. There are houses adjacent to it but the driveways are not off of Iron Gate. Where Iron Gate connects to Tarver Road, it has a traffic calming median between the entrance and exit lanes and on the west side of Iron Gate there are no houses at all, so some provisions have been designed and planned for on the extension of Westfield Boulevard.

Also, there are existing drainage issues along and behind the existing development east of the subject property where Tanglehead crosses and currently some of those issues are being worked out by the pertinent entities involved. These items are being reviewed and the current projects that Turley Associates and the City are working on will be cleaned up as projects progress and develop.

Mr. Chandler confirmed Tanglehead was not on the Thoroughfare Plan. Tanglehead to the east, Old Waco Road, is a developer participation agreement, to make that connection. To the west to Westfield, that project is not on the Thoroughfare Plan. If this development were to happen it would change the dynamics and the need for that connection. The developer is not proposing to build that.

Mr. Chandler informed the Commission that while this is a base zoning case, conditions may not be added; however, a Planned Development (PD) District could be added to the request or the Commission could continue the item to another date. This would allow the opportunity for staff to get additional direction about the case and perhaps add a PD which could address the extension for Tanglehead. Mr. Chandler confirmed the extension issue could be addressed at the platting phase.

Chair Jones closed the public hearing.

Commissioner Rhoads made a motion to approve Item 2, Z-FY-16-43, as presented, and Commissioner Langley made a second.

Chair Jones reminded the audience that the Commission was taking action on the zoning request only.

Motion passed: (6:1:0) Commissioner Sears voted Nay; Vice-Chair Johnson and Commissioner Fettig absent

ORDINANCE NO.

(PLANNING NO. Z-FY-16-43)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A REZONING FROM AGRICULTURAL DISTRICT TO SINGLE FAMILY ATTACHED-THREE, MULTI-FAMILY-TWO, NEIGHBORHOOD SERVICE, AND GENERAL RETAIL DISTRICTS ON APPROXIMATELY 42.066 ACRES, LOT 1, BLOCK 1, FIRST BAPTIST-TEMPLE WEST CAMPUS, LOCATED AT 8015 WEST ADAMS AVENUE; 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 Agricultural District to Single Family Attached-Three, Multi-Family-Two, Neighborhood Service, and General Retail Districts on approximately 42.066 acres, Lot 1, Block 1, First Baptist-Temple West Campus, located at 8015 West Adams Avenue, as outlined in the map and field notes attached hereto as Exhibit 'A,' and made a part hereof for all purposes.

<u>Part 2</u>: The City Council directs the Director of Planning to make the necessary changes to the City Zoning Map.

<u>**Part 3:**</u> The applicant/developer has agreed to enhanced landscaping and buffering standards as provided for in the private sales contract and further provided for in the private deed restrictions for a proposed apartment complex within the Multi-Family Two zoning designation.

<u>**Part 4:**</u> The applicant/developer proposes to extend Westfield Boulevard from West Adams Avenue (FM 2305) and connect to Iron Gate Drive as conceptually depicted by the attached Exhibit 'B.'

<u>Part 5</u>: 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.

<u>**Part 6**</u>: 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.

<u>**Part 7**</u>: 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 **6**th day of **October**, 2016.

PASSED AND APPROVED on Second Reading on the 20th day of October, 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

10/20/16 Item #8 Regular Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney

ITEM DESCRIPTION: SECOND READING: Consider adopting an ordinance amending Chapter 16 of the Code of Ordinances to delete Article VIII, "Tattoo Shops."

<u>STAFF RECOMMENDATION</u>: Conduct a public hearing, and adopt ordinance as presented in item description on first reading, with second and final reading set for October 20, 2016.

ITEM SUMMARY: Chapter 16, Article VIII of the Code of Ordinances currently states:

ARTICLE VIII. TATTOO SHOPS

Sec. 16-108. Definitions.

For the purposes of this article, the following words and phrases shall be construed as follows:

Tattooing or *Tattoo* means the practice of marking the skin with indelible patterns or pictures by making punctures and inserting pigments by someone other than a licensed physician.

Tattoo operator means any person, other than a licensed physician, who actually performs the work of tattooing, or who operates, conducts or manages a tattoo shop, whether actually performing the work of tattooing or not.

Tattoo shop means any room or space where tattooing is practiced or where the business of tattooing is conducted, or any part thereof.

Sec. 16-109. Tattooing Prohibited.

It shall be unlawful for any person within the city limits to operate a tattoo shop or engage in the practice or business of tattooing as a tattoo operator.

In a separate item, Staff is proposing amendments to the Unified Development Code which, if approved by Council, would allow "tattoo studios" and "body piercing studios" by right in certain zoning districts. In conjunction with those proposed amendments, Chapter 16 of the Code of Ordinances must be amended to delete Article VIII, "Tattoo Shops."

FISCAL IMPACT: Not applicable.

ATTACHMENTS: Ordinance

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING CHAPTER 16 OF THE CODE OF ORDINANCES OF THE CITY OF TEMPLE, TEXAS, TO DELETE ARTICLE VIII, "TATTOO SHOPS;" PROVIDING A REPEALER; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Chapter 16, Article VIII of the Code of Ordinances currently states:

ARTICLE VIII. TATTOO SHOPS

Sec. 16-108. Definitions.

For the purposes of this article, the following words and phrases shall be construed as follows:

Tattooing or *Tattoo* means the practice of marking the skin with indelible patterns or pictures by making punctures and inserting pigments by someone other than a licensed physician.

Tattoo operator means any person, other than a licensed physician, who actually performs the work of tattooing, or who operates, conducts or manages a tattoo shop, whether actually performing the work of tattooing or not.

Tattoo shop means any room or space where tattooing is practiced or where the business of tattooing is conducted, or any part thereof.

Sec. 16-109. Tattooing Prohibited.

It shall be unlawful for any person within the city limits to operate a tattoo shop or engage in the practice or business of tattooing as a tattoo operator.

Whereas, Staff recommends Council approve certain amendments to the City of Temple Unified Development Code which, if approved by Council, would allow "tattoo studios" and "body piercing studios" in certain zoning districts by right;

Whereas, in conjunction with those proposed amendments, Chapter 16 of the Code of Ordinances of the City of Temple, Texas must be amended to delete Article VIII, "Tattoo Shops"; and

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

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

<u>**Part 1**</u>: The City Council amends Chapter 16, of the Code of Ordinances of the City of Temple, Texas to delete Article VIII, "Tattoo Shops," as outlined in Exhibit 'A,' attached hereto and incorporated herein for all purposes.

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

<u>Part 3</u>: 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.

<u>**Part 4**</u>: 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.

<u>**Part 5**</u>: 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 6th day of **October**, 2016.

PASSED AND APPROVED on Second Reading on the 20th day of October, 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

10/20/16 Item #9 Regular Agenda Page 1 of 4

DEPT. /DIVISION SUBMISSION & REVIEW:

Brian Chandler, Planning Director

ITEM DESCRIPTION: SECOND & FINAL READING – Z-FY-16-23: Consider adopting an ordinance amending the Temple Unified Development Code (UDC): Article 5 – Use Standards, deleting "tattoo parlor" as a prohibited use; allowing Body Piercing Studios and Tattoo Studios by right in Light Industrial, Heavy Industrial, General Retail, and Commercial zoning districts; providing certain limitations; Article 6 – Special Purpose and Overlay Zoning Districts, prohibiting body Piercing Studios and Tattoo Studios in the Interstate 35 Corridor Overlay; and Article 11 – Definitions, providing definitions for Body Piercing, Body Piercing Studio, Tattoo, and Tattoo Studio.

<u>P&Z RECOMMENDATION</u>: At the April 18, 2016 Planning and Zoning Commission meeting, P&Z recommended unanimous approval per staff recommendation.

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

BACKGROUND

- Tattoo studios are currently prohibited in the City limits according to Sec. 5.1.1.C. "Prohibited Uses" of the UDC
- Chris Simmons, owner of Lucky in Love tattoo studio in Morgan's Point, is a Temple resident
- He has previously addressed City Council requesting the ability to open a studio in Temple
- Legal and Planning agreed to meet with him to discuss and educate ourselves about his business and the industry in general
- Met in July 2015
- Took a site visit in October 2015 (photos included in attachments) to see his studio and to learn about their operations
- Tattoo and body piercing studios are regulated by the Texas Health and Safety Code (Chapter 146. Tattoo and Certain Body Piercing Studios)
- Body piercing studios would currently be allowed in any of the following zoning districts and classified as a "retails sales and service use other than those listed":
 - NS (Neighborhood Services)
 - GR (General Retail)
 - C (Commercial)
 - o CA (Central Area)
 - LI (Light Industrial)
 - o HI (Heavy Industrial)

CITY COUNCIL

The Tattoo Studios topic was discussed with City Council at their February 4, 2016 workshop. The recommended amendments were presented to Council at its May 5, 2016 meeting, but were not approved at that time.

At its October 6, 2016 meeting, the City Council approved the proposed amendments on first reading with the following changes:

- A 1000 foot distance requirement from churches was added; and
- Tattoo Studio and Body Piercing Studios are allowed in GR by right only if part of a licensed beauty salon (licensed by the Texas Department of Licensing and Regulation) providing at least one additional salon service regulated by TDLR.

Staff is proposing amending the following articles of the UDC.

Article 5 Use Standards

Staff is proposing amending section 5.1 to allow for both Body Piercing and Tattoo Studios by right in GR (General Retail), C (Commercial), LI (Light Industrial) and HI (Heavy Industrial) zoning districts with limitations listed below.

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Specific Use	AG	UE	SF-1	SF-2	SF-3	SFA-1	SFA-2	SFA-3	TH	2F	MF-1	MF-2	MF-3	0.1	0.2	NS	GR	c	CA	п	Ħ	Standards
consumption, beer and wine store																						
Alcohol beverage sales, off-premise consumption, package store																	с	с	с	с	с	<u>5.3.17</u> 5.2.17
Antique shop															Ρ	Ρ	Ρ	Р	Ρ	Ρ	Ρ	
Art supply store															Ρ	P	Ρ	P	Ρ	Ρ	Ρ	
Bakery or confectionary shop (retail)															Ρ	Ρ	Ρ	P	Ρ	Ρ	Ρ	
Bank or savings and loan														Р	Ρ	P	Ρ	Р	Ρ	P	Ρ	
Barber shop or beauty shop															Ρ	Ρ	Ρ	Р	Ρ	P	Ρ	
Body Piercing Studio																	P	Р		P	Р	5.3.27
Cleaning, pressing and pick up shop															L	L	L	L	L	L	L	5.3.185.2.18
Cleaning plant (commercial)																		Р	Ρ			
Discount or department store																	Ρ	Р	Ρ	P	Ρ	
Drug store or pharmacy															Ρ	Ρ	Ρ	Р	Ρ	P	Ρ	
Exercise gym	С										С	С	С		Ρ	С	Ρ	Ρ	Ρ	Ρ	Ρ	
Fabric store																Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	
Florist or garden shop															Ρ	Ρ	Ρ	Р	Ρ	Ρ	Ρ	
Food or beverage sales store without fuel sales																P	Ρ	P	P	Ρ	Ρ	
Furniture and appliance sales and service																	Ρ	Р	Ρ	Ρ	Ρ	
Greenhouse or nursery (retail)																Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	
Handcraft and art objects shap															Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	
Hardware store or hobby shop																	Ρ	Ρ	Ρ	Ρ	Ρ	
Key shop															Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	
Kiosk														L	L	L	L	L	L	L	L	Sec. <u>5.3.25</u>
Laundry and cleaning [self-service]															Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	
Medical appliances, fitting, sales or rental															Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	

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

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Mixed media store or newsstand								Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	
Mortuary or funeral home								Ρ		Ρ	Ρ	Ρ	Ρ	Ρ	
Office supply store								Ρ	P	Ρ	Ρ	Ρ	Ρ	Ρ	
Pawn shop										Ρ	Ρ	Ρ	Ρ	Ρ	
Petshop										Ρ	Ρ	Ρ	Ρ	Ρ	
Retail shop, gift, apparel, accessory and								p	p	р	р	р	р	р	
similar items								۲	~	٢	٢	۲	٢	٢	
Retail Soles and Service uses other than									D	р	р	р	р	р	
listed									-	٢	F	F	F	F	
Studia: decorator, artist, photographer,							р	ρ	D	р	D	Р	р	р	
music, dance or drama							F	F	F	F	F	F	F	F	
<u>Tattoo Studio</u>										Р	Р		Ρ	Р	5.3.27
Tool rental (indoors)										Ρ	Р	Р	Ρ	Ρ	

Sec. 5.3.27 Body Piercing Studio and Tattoo Studio standards

A Body Piercing Studio or Tattoo Studio may be permitted in accordance with the use table in Sec. 5.1 subject to the following standards:

- A. A Body Piercing Studio or Tattoo Studio may not be located within 1000 feet of another Body Piercing Studio or Tattoo Studio.
- B. A Body Piercing Studio or Tattoo Studio may not be located within 1000 feet of a School, Public or Private, as that term is defined in this Code.
- C. For purposes of this section, measurements are made in a straight line, without regard to intervening structures or objects, from property line to property line.
- D. A Body Piercing Studio or Tattoo Studio may not be located on property that falls within the Interstate 35 Corridor Overlay or any designated Strategic Investment Zone (SIZ) Grant Corridor.
- E. A handwashing sink is required that is separate from restroom sinks.

Article 11 Definitions would be amended to add the following definitions:

Body Piercing. The creation of an opening in an individual's body, other than in an individual's earlobe, to insert jewelry or another decoration.

Body Piercing Studio. A facility in which body piercing is performed.

Tattoo. The practice of producing an indelible mark or figure on the human body by scarring or inserting a pigment under the skin using needles, scalpels, or other related equipment. The term includes the application of permanent cosmetics.

Tattoo Studio. An establishment or facility in which tattooing is performed.

<u>PUBLIC NOTICE</u>: The newspaper printed notice of the Planning and Zoning Commission public hearing on April 7, 2016, in accordance with state law and local ordinance.

The newspaper printed notice of the City Council's public hearing on September 18, 2016, in accordance with state law and local ordinance.

STAFF RECOMMENDATION: Staff recommends approval of the proposed amendments.

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FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Attachment 1: UDC Draft Amendments (Body Piercing and Tattoo Studios) Attachment 2: Chapter 146 Texas Health and Safety Code (relevant pages) Attachment 3: GR, C, LI and HI Zoned Property Map Attachment 4: Strategic Investment Zone (SIZ) Map Ordinance Unified Development Code Text Amendments: Page |35

Article 5 Use Standards

Sec. 5.1. Use Table

5.1.1 Prohibited Uses

The following uses are prohibited in the City:

- A. Mobile home;
- **B.** Temporary sales that are unrelated and accessory to the primary use of the property except as provided for below:
 - 1. Temporary uses identified in Section 5.6 Temporary Uses; and
 - 2. Temporary sales associated with fundraising campaigns sponsored by non-profit organizations subject to the general conditions identified in Section 5.6.2.

C. Tattoo parlor.

5.1.2 Legend for Interpreting Use Table

5.1.3 Use Table

The following table sets forth the meaning of the symbols used in the use table below.

Specific Use	A	UE	SF-1	SF-2	SF-3	SFA-1	SFA-2	SFA-3	TH	2F	MF-1	MF-2	MF-3	0-1	0-2	NS	GR	С	CA	П	Н	Standard	ds
INDUSTRIAL USES																							
Animal feedlot	С																				С		
Asphalt or concrete batching plant (permanent)																				с	Ρ		
Asphalt or concrete batching plant (temporary)									Se	e <u>Se</u>	ctio	<u>n 5.</u> 6	<u>5</u> Ten	npoi	rary	Uses							
Brick kiln or tile plant																					С		
Cement or hydrated lime plant																					С		
Compost operations																				С	С	5.3.13	
Distribution Center																				Ρ	Ρ		
Laboratory Manufacturing																		Ρ		Ρ	Ρ		

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

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Article	5:	Use	Stand	ards
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Sec. 5.1. Use Table

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

[blank cell] = Prohibited C= Conditional Use Permit

	[b	lank	(cel	[] = [Prohi	bite	d C	C= C	onditio	nal	Use P	ermit											
Specific Use	AG	E	SF-1	SF-2	sf-3	SFA-1	SFA-2	SFA-3	E %	AF 1	MF-2	MF-3	0-1	0-2	NS	GR	С	CA	5	Ŧ	Standards		
consumption, beer and wine store																							
Alcohol beverage sales, off-premise																С	С	С	С	С	5.3.17 5.3.17	Farmatta di Far	
consumption, package store																C	C	C	C	C	<u>5.3.17</u> 5.3.17	Formatted: For	t: (Default) Gill Sans, 9 pt
Antique shop														Ρ	Р	Ρ	Ρ	Р	Ρ	Ρ			
Art supply store														Ρ	Р	Ρ	Ρ	Р	Ρ	Ρ			
Bakery or confectionary shop (retail)														Ρ	Р	Ρ	Ρ	Р	Ρ	Ρ			
Bank or savings and loan													Р	Ρ	Р	Ρ	Ρ	Р	Ρ	Ρ			
Barber shop or beauty shop														Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	Р			
Body Piercing Studio																Р	P		Р	Р	<u>5.3.27</u>		
Cleaning, pressing and pick up shop														L	L	L	L	L	L	L	<u>5.3.18</u> 5.3.18	Formatted: Fon	t: (Default) Gill Sans, 9 pt
Cleaning plant (commercial)																	Р	Ρ					
Discount or department store																Ρ	Ρ	Р	Ρ	Р			
Drug store or pharmacy														Ρ	Р	Ρ	Ρ	Р	Ρ	Р			
Exercise gym	С									С	С	С		Ρ	С	Р	Ρ	Р	Р	Р			
Fabric store															Р	Р	Р	Р	Р	Р			
Florist or garden shop														Ρ	Р	Ρ	Ρ	Р	Ρ	Р			
Food or beverage sales store without fuel sales															Ρ	Ρ	Ρ	Ρ	Ρ	Ρ			
Furniture and appliance sales and service																Ρ	Р	Ρ	Ρ	Р			
Greenhouse or nursery (retail)															Р	Ρ	Р	Ρ	Ρ	Р			
Handcraft and art objects shop														Ρ	Ρ	Р	Р	Ρ	Ρ	Р			
Hardware store or hobby shop																Р	Р	Ρ	Ρ	Р			
Key shop														Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	Ρ			
Kiosk													L	L	L	L	L	L	L	L	Sec. <u>5.3.25</u>		
Laundry and cleaning (self-service)														Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	Ρ			
Medical appliances, fitting, sales or rental														Ρ	Ρ	Ρ	Ρ	Р	Ρ	Р			

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Article 5: Use Standards

Sec. 5.1. Use Table

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

[blank cell] = Prohibited C= Conditional Use Permit

		ann		1 - 1	1011	Dile		<u> </u>				3C F		ι								
Specific Use	AG	ПЕ	SF-1	SF-2	SF-3	SFA-1	SFA-2	SFA-3	TH	2F	MF-1	MF-2	MF-3	0-1	0-2	NS	GR	c	CA	=	H	Standards
Mixed media store or newsstand															Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	
Mortuary or funeral home															Ρ		Ρ	Ρ	Ρ	Ρ	Ρ	
Office supply store															Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	
Pawn shop																	Ρ	Р	Ρ	Ρ	Р	
Pet shop																	Ρ	Ρ	Ρ	Ρ	Ρ	
Retail shop, gift, apparel, accessory and similar items															Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	
Retail Sales and Service uses other than listed																Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	
Studio: decorator, artist, photographer, music, dance or drama														Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	
Tattoo Studio																	Р	Р		Р	Р	5.3.27
Tool rental (indoors)																	Ρ	Ρ	Ρ	Ρ	Ρ	
Tool rental (outside equipment storage)																		Ρ		Ρ	Ρ	
Travel agency														Ρ	Р	Р	Ρ	Ρ	Ρ	Ρ	Ρ	
Upholstery shop																	Ρ	Ρ	Ρ	Ρ	Ρ	
Veterinary office (no animal hospital)														Ρ	Ρ	Р	Ρ	Ρ	Ρ	Ρ	Ρ	
Veterinary hospital (no kennels)																	Ρ	Ρ	Ρ	Ρ	Ρ	
Veterinary hospital (kennels)	С																	С		Ρ	Ρ	
TRANSPORTATION AND RELATED USES																						
Airport or landing field	С	С																С		Ρ	Ρ	
Bus station or terminal																		Ρ	Ρ	Ρ	Ρ	
Emergency vehicle service														С	Ρ		Ρ	Ρ	Ρ	Ρ	Ρ	
Hauling or storage company																		Ρ	Ρ	Ρ	Ρ	
Heliport	С	С													С			С	С	Ρ	Ρ	
Helistop	С	С												С	С	С	С		С	Ρ	Ρ	

Temple, Texas Unified Development CodeEffective 12/16/10Last Amended 0204/0516/15 5-**9**

Article 5: Use Standards

Sec. 5.3. Specific Use Standards

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

[Ord. 2015-4740]

5.3.27 Body Piercing Studio and Tattoo Studio

<u>A Body Piercing Studio or Tattoo Studio is permitted in accordance with the use table in Sec. 5.1 subject to the following standards:</u>

- A. A Body Piercing Studio or Tattoo Studio may not be located within 1000 feet of another Body Piercing Studio or Tattoo Studio.
- B. A Body Piercing Studio or Tattoo Studio may not be located within 1000 feet of School, Public or Private, as that term is defined in this Code.
- C. For purposes of this section, measurements are made in a straight line, without regard to intervening structures or objects, from property line to property line.
- D. A Body Piercing Studio or Tattoo Studio may not be located on property within the Interstate 35 Corridor Overlay or any designated Strategic Investment Zone ("SIZ") Grant Corridor.
- E. A handwashing sink is required that is separate from restroom sinks.

[Ord. 2016-XXXX]

Temple, Texas Unified Development Code Effective 12/16/10 • Last Amended 04/05/16 5-30 Sec. 6.7. I35, Interstate 35 Corridor Overlay

- 1. An additional 10 percent of vegetation is required above the general landscaping requirements in landscape buffer areas.
- 2. In addition to those trees already required ornamental trees must be used in the landscape buffer. One, minimum two-inch caliper, ornamental tree must be planted for each 30 feet of frontage along public street rights-of-way as measured along the lot lines.

6.7.8 Industrial Sub-District

The industry component of Temple's economy has been and should continue to be a major factor in the City's growth and employment. These Industrial Sub-District standards will keep the City's industrial base strong and growing while protecting the City's image and enhancing the I-35 Corridor.

A. Permitted Uses

Permitted uses are governed by the uses permitted in the use table in Sec. 5.1 of this UDC for the underlying zoning district. Unless otherwise regulated in the standards for this overlay district, permitted uses are governed by the standards of this Zoning Ordinance for the underlying base zoning district.

B. Prohibited and Conditional Uses

Notwithstanding such uses being permitted in the underlying base zoning district according to the use table in Sec. 5.1, the following uses are prohibited or require a Conditional Use Permit in accordance with Sec. 3.5.

Use	Prohibited Use	Conditional Use	Standards
Residential			
All Residential Uses listed in the use table in Sec. 5.1 except as follows:		~	5.3.1through 5.3.7
Multiple-family dwelling (apartment)		✓	5.3.3
Recreational vehicle park	\checkmark		
Nonresidential			
Animal feed lot	\checkmark		
Animal shelter (public or		✓	
private)		•	
Auto storage or auto auction	✓		
Boat sales or repair		\checkmark	
Body Piercing Studio	✓		
Bottling works		\checkmark	
Building material sales		\checkmark	
Car wash		✓	
Child care facility	✓		
Contractor storage and		✓	
equipment yard		Ť	
Correctional facility	\checkmark		
Day camp for children	\checkmark		

	Sec. 0.7. 155, Interstate	55 Connuor Overlay	
Use	Prohibited Use	Conditional Use	Standards
Drag strip or commercial	✓		
racing	v		
Flea market (outdoors)	✓		
Greenhouse or nursery (retail)		\checkmark	
Hatchery, fish or shrimp, fish	✓		
farm	v		
Hatchery, poultry	✓		
Heavy machinery sales,		✓	
storage and repair		v	
Industrial Uses listed in the use		✓	
table in Sec. 5.1		✓	
Kennel		✓	
Livestock auction	✓		
Major vehicle repair		\checkmark	5.3.22
Milk depot, dairy or ice cream		✓	
plant		×	
Minor vehicle servicing		✓	5.3.23
Motorcycle or scooter sales		✓	
and repair		v	
Open storage of furniture,	✓		
appliances or machinery	v		
Paint shop		✓	
Sexually oriented business	✓		
Shooting range (outdoor)	✓		
Stable, residential or	✓		
noncommercial	v		
Tattoo Studio	✓		
Trailer, recreational vehicle,			
portable building or HUD-		✓	
Code manufactured home		, v	
sales or rental			
Transitional or emergency	✓		
shelter	•		
Upholstery shop		✓	
Veterinarian hospital (kennels)		\checkmark	
Wrecking or salvage yard	✓		5.3.24

Article 6: Special Purpose and Overlay Zoning Districts

Sec. 6.7. I35, Interstate 35 Corridor Overlay

[Ord. 2012-4505]

C. Dimensional Standards

Dimensional standards for the base zoning districts as found in Sec. 4.5 of this UDC apply except that the following regulations supersede such requirements for properties in the Industrial Sub-District. Nonconforming lots of record that are smaller than the minimum required lot area may be developed but all requirements of the I-35 Corridor Overlay District apply.

Article 6: Special Purpose and Overlay Zoning Districts

Sec. 6.7. I35, Interstate 35 Corridor Overlay

Use	Prohibited Use	Conditional Use	Standards
Residential		T	
All Residential Uses listed in the			
use table in Sec. 5.1 except as	\checkmark		
follows:			
Multiple-family dwelling		\checkmark	5.3.3
(apartment)	,		
Recreational vehicle park	✓		
Nonresidential		1	
Animal feed lot	✓		
Animal shelter (public or		✓	
private)			
Auto storage or auto auction	✓		
Boat sales or repair		√	
Body Piercing Studio	✓		
Bottling works	✓		
Building material sales	✓		
Car wash		✓	
Child care facility		✓	5.3.9 and 5.3.10
Contractor storage and	✓		
equipment yard	·		
Correctional facility	\checkmark		
Day camp for children	✓		
Drag strip or commercial	✓		
racing	v		
Flea market (outdoors)	✓		
Greenhouse or nursery (retail)		✓	
Hatchery, fish or shrimp, fish	✓		
farm	, v		
Hatchery, poultry	✓		
Heavy machinery sales,	✓		
storage and repair	×		
Industrial Uses listed in the use	✓		
table in Sec. 5.1	v		
Kennel	✓		
Livestock auction	✓		
Major vehicle repair		✓	5.3.22
Milk depot, dairy or ice cream	✓		
plant	v		
Minor vehicle servicing		\checkmark	5.3.23
Open storage of furniture,	1	1	
appliances or machinery	✓		
Paint shop		✓	
Sexually oriented business	✓	1	
Shooting range (outdoor)	✓		
Stable, residential or	,	1	
noncommercial	\checkmark		
Tattoo Studio	✓	1	
	1	1	1

Article 6: Special Purpose and Overlay Zoning Districts

Sec. 6.7. I35, Interstate 35 Corridor Overlay

Use	Prohibited Use	Conditional Use	Ctondordo
	Prohibited Use	Conditional Use	Standards
Residential		1	
All Residential Uses listed in the	✓		
use table in Sec. 5.1 except as	v		
follows:			
Multiple-family dwelling		\checkmark	5.3.3
(apartment)	✓		
Recreational vehicle park	v		
Nonresidential			
Animal feed lot	✓		
Animal shelter (public or	✓		
private)			
Auto storage or auto auction	✓ ✓		
Boat sales or repair	✓ ✓		
Bottling works	✓		
Body Piercing Studio	✓		
Building material sales	✓		
Car wash		✓	
Child care facility		✓	5.3.9 and 5.3.10
Contractor storage and	✓		
equipment yard			
Correctional facility	✓		
Day camp for children	✓		
Drag strip or commercial	✓		
racing			
Flea market (outdoors)	✓		
Greenhouse or nursery (retail)		\checkmark	
Hatchery, fish or shrimp, fish	✓		
farm			
Hatchery, poultry	\checkmark		
Heavy machinery sales,	✓		
storage and repair	•		
Industrial Uses listed in the use	✓		
table in Sec. 5.1	•		
Kennel	✓		
Livestock auction	\checkmark		
Major vehicle repair	✓		
Milk depot, dairy or ice cream	✓		
plant	•		
Minor vehicle servicing		✓	5.3.23
Motorcycle or scooter sales		✓	
and repair		×	
Open storage of furniture,	✓		
appliances or machinery	v		
Paint shop		✓	
Tattoo Studio	✓		
Trailer, recreational vehicle,	1		
portable building or HUD-	✓		

Article 11: Definitions Sec. 11.2. Defined Terms

non-industrial organic material, such as grass clippings, leaves, brush, clean wood material or vegetative food material, generated by a homeowner, tenant of a single to multi-family residential or apartment complex, or a commercial or institutional complex where the composting, land application or mulching occurs on the dwelling property and the final product is utilized on the same property. Backyard operations includes neighborhood composting demonstration sites that generate less than 50 cubic yards of final product per year.

- **Barber Shop or Beauty Shop.** A business of cutting or dressing hair, shaving or trimming beards, performing manicures, facials or other grooming services including the performing of other related services or the selling of related goods for human beings or animals.
- **Basement.** A building story that is partly underground, but having a minimum of onehalf of its height above the average level of the adjoining ground.
- **Block.** A unit of land bounded by streets or a combination of streets and public land, railroad rights-of-way, waterways or any other barrier to the continuity to development.
- **Block Face.** The aggregate of all the building facades on one side of a block. [Ord. 2010-4415]
- Board or Zoning Board. Zoning Board of Adjustment.
- **Boarding House/Rooming House.** A building other than a hotel, where lodging and meals for four or more persons are served for compensation and no rehabilitation services are provided.
- **Body Piercing**. The creation of an opening in an individual's body, other than in an individual's earlobe, to insert jewelry or another decoration.

Body Piercing Studio. A facility in which body piercing is performed.

- **Building.** Any structure built for the support, shelter and enclosure of persons, animals, chattels or movable property of any kind. If subdivided in a manner sufficient to prevent the spread of fire, each portion so subdivided may be deemed a separate building. This term is synonymous with "structure".
- **Building Line.** A line parallel or approximately parallel to the street line at a specified distance therefrom creating the minimum distance from the street line that a

Article 11: Definitions

Sec. 11.2. Defined Terms

Structure. (Same as Building)

- **Substance Abuse Treatment Facility**. An outpatient or residential facility that offers treatment for persons with chemical dependency and operates such facility under a state license or registration of a faith-based (non-medical) exempt program.
- **Swimming Pool, Commercial.** A swimming pool with accessory facilities, not part of the municipal or public recreational system and not a private swim club, but where the facilities are available to the general public for a fee.
- **Swimming Pool, Private.** A swimming pool constructed for the exclusive use of the residents of a one-family, two-family or multiple-family dwelling and located and fenced in accordance with the regulations of the City. A private swimming pool must not be operated as a business nor maintained in a manner to be hazardous or obnoxious to adjacent property owners.
- **Street Width.** The distance from back-of-curb to back to back-of-curb. For a rural street, the distance between the outer edges of asphalt pavement.
- **Subdivider.** Any person or authorized agent dividing or proposing to divide land so as to constitute a subdivision, as defined in this Section, The term "subdivider" is restricted to include only the owner, equitable owner or authorized agent of such owner or equitable owner, of land sought to be divided.
- **Subdivision.** A division of any tract of land, situated within the corporate limits of the City or within its extraterritorial jurisdiction, into two or more parts for the purpose of laying out any addition to the City, or for laying out lots, streets, alleys, access easements, public utility easements or parks or other portions intended for public use or the use of purchasers or owners of adjacent or fronting lots. The term "Subdivision" also means the development, within the corporate limits of the City or within its extraterritorial jurisdiction, of a HUD-Code manufactured home land lease community.
- **Surveyor.** A registered public surveyor authorized by state statute to practice the profession of surveying.

Tattoo. The practice of producing an indelible mark or figure on the human body by scarring or inserting a pigment under the skin using needles, scalpels, or other related equipment. The term includes the application of permanent cosmetics.

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Article 11: Definitions

Sec. 11.2. Defined Terms

Tattoo Studio. An establishment or facility in which tattooing is performed.

- **Teaser Parking.** A technique to include a few parking spaces located in front of a business to lure customers with their apparent convenience. Teaser parking acts as a visual cue, leading drivers to the access points for larger parking lots or parking structures that provide the remaining required parking to be placed behind or below buildings, with the option of a small amount of "teaser" parking visible from the street in more automobile-oriented areas. [Ord. 2010-4415]
- **Telephone Exchange.** Switching relay and transmitting equipment, but not including public business facilities, storage or repair facilities.
- **Temporary Field or Construction Office.** A structure or shelter used in connection with a development or building project for housing on the site of temporary administrative and supervisory functions and for sheltering employees and equipment.
- **Temporary Use.** A non-permanent use permitted in a particular zoning district only upon showing that such use in a specified location can comply with all the conditions and standards for the location, duration, or operation of such a temporary use as specified in this UDC.

[Ord. 2015-4701]

- **Thoroughfare Plan.** A general graphic presentation, accompanied by written text, describing the proposed arrangement of various classes of streets in the City at some future date. A thoroughfare plan is a component of the City's adopted Comprehensive Plan.
- **Townhouse.** A structure on an individual lot, that is one of a series of three or more dwelling units designed for single-family occupancy, with dwelling units that are structurally connected or immediately adjacent to and abutting each other between individual dwelling units. An apartment in a condominium may be deemed a townhouse if no other dwelling unit or use of any kind exists immediately above or below it. Any project including three or more such condominiums or townhouses is deemed a "Townhouse Project".
- **Trail.** A walking path composed of concrete, crushed granite or improved natural surfaces that traverses land, does not generally run parallel with a street and that is located in a public right-of-way or a public access easement. [Ord. 2011-4430]

Temple, Texas Unified Development CodeEffective 12/16/10• Last Amended 0204/0516/1511-25

HEALTH AND SAFETY CODE

TITLE 2. HEALTH

SUBTITLE G. LICENSES

CHAPTER 146. TATTOO AND CERTAIN BODY PIERCING STUDIOS

Sec. 146.001. DEFINITIONS. In this chapter:

(1) "Body piercing" means the creation of an opening in an individual's body, other than in an individual's earlobe, to insert jewelry or another decoration.

(1-a) "Body piercer" means a person who performs body
piercing.

(2) "Body piercing studio" means a facility in which body piercing is performed.

(3) "Tattoo" means the practice of producing an indelible mark or figure on the human body by scarring or inserting a pigment under the skin using needles, scalpels, or other related equipment. The term includes the application of permanent cosmetics.

(4) "Tattooist" means a person who performs tattooing.

(5) "Tattoo studio" means an establishment or facility in which tattooing is performed.

(6) "Temporary location" means a fixed location at which an individual operator performs tattooing or body piercing for a specified period of not more than seven days in conjunction with a single event or celebration, where the primary function of the event or celebration is tattooing or body piercing.

Added by Acts 1993, 73rd Leg., ch. 580, Sec. 1, eff. Sept. 1, 1993. Amended by Acts 1995, 74th Leg., ch. 936, Sec. 2, eff. Sept. 1, 1995; Acts 1999, 76th Leg., ch. 516, Sec. 2, eff. Sept. 1, 1999; Acts 2003, 78th Leg., ch. 1226, Sec. 1, eff. Sept. 1, 2003.

Sec. 146.002. LICENSE REQUIRED. (a) A person may not conduct, operate, or maintain a tattoo studio unless the person holds a license issued by the department to operate the tattoo studio. Except as provided by Section 146.0025, a person may not conduct, operate, or 11/16/2015

HEALTH AND SAFETY CODE CHAPTER 146. TATTOO AND CERTAIN BODY PIERCING STUDIOS

maintain a body piercing studio unless the person holds a license issued by the department to operate the body piercing studio.

(b) Except as provided by Section 146.0025, a person may not practice tattooing or body piercing at a temporary location unless the person holds a temporary location license for tattooing or body piercing, as appropriate, issued by the department.

(c) The license must be displayed in a prominent place in the tattoo or body piercing studio or temporary location.

(d) Tattooing and body piercing are permitted only at a location that is in compliance with this chapter and rules adopted under this chapter.

Added by Acts 1993, 73rd Leg., ch. 580, Sec. 1, eff. Sept. 1, 1993. Amended by Acts 1995, 74th Leg., ch. 936, Sec. 3, eff. Sept. 1, 1995; Acts 1999, 76th Leg., ch. 516, Sec. 3, eff. Sept. 1, 1999.

Sec. 146.0021. EMPLOYMENT OF TATTOOISTS AND BODY PIERCERS; REGISTRATION REQUIRED. A tattoo studio or a body piercing studio may not employ a tattooist or a body piercer unless the person is registered with the department under this chapter.

Added by Acts 2003, 78th Leg., ch. 1226, Sec. 2, eff. Sept. 1, 2003.

This section was amended by the 84th Legislature. Pending publication of the current statutes, see S.B. 219, 84th Legislature, Regular Session, for amendments affecting this section.

Sec. 146.0025. EXEMPTIONS FROM LICENSING REQUIREMENTS; EAR PIERCING ESTABLISHMENTS EXEMPT. (a) This chapter does not apply to:

(1) a medical facility licensed under other law;

(2) an office or clinic of a person licensed by the TexasState Board of Medical Examiners;

(3) a person who performs only ear piercing; or

(4) a facility in which only ear piercing is performed.

(b) A person who conducts, operates, or maintains a facility, office, or clinic described by Subsection (a)(1), (2), or (4) is not required to obtain a license under this chapter to operate that facility.

HEALTH AND SAFETY CODE CHAPTER 146. TATTOO AND CERTAIN BODY PIERCING STUDIOS

Added by Acts 1999, 76th Leg., ch. 516, Sec. 3, eff. Sept. 1, 1999.

This section was amended by the 84th Legislature. Pending publication of the current statutes, see S.B. 219, 84th Legislature, Regular Session, for amendments affecting this section.

Sec. 146.003. LICENSE APPLICATION. (a) To receive a tattoo studio license, body piercing studio license, or temporary location license, a person must submit a signed, verified license application to the department on a form prescribed by the department and must submit an application fee. In addition, the person must submit evidence from the appropriate zoning officials in the municipality or county in which the studio is proposed to be located that confirms that the studio is in compliance with existing zoning codes applicable to the studio.

Text of subsec. (b) as amended by Acts 1999, 76th Leg., ch. 516, Sec.

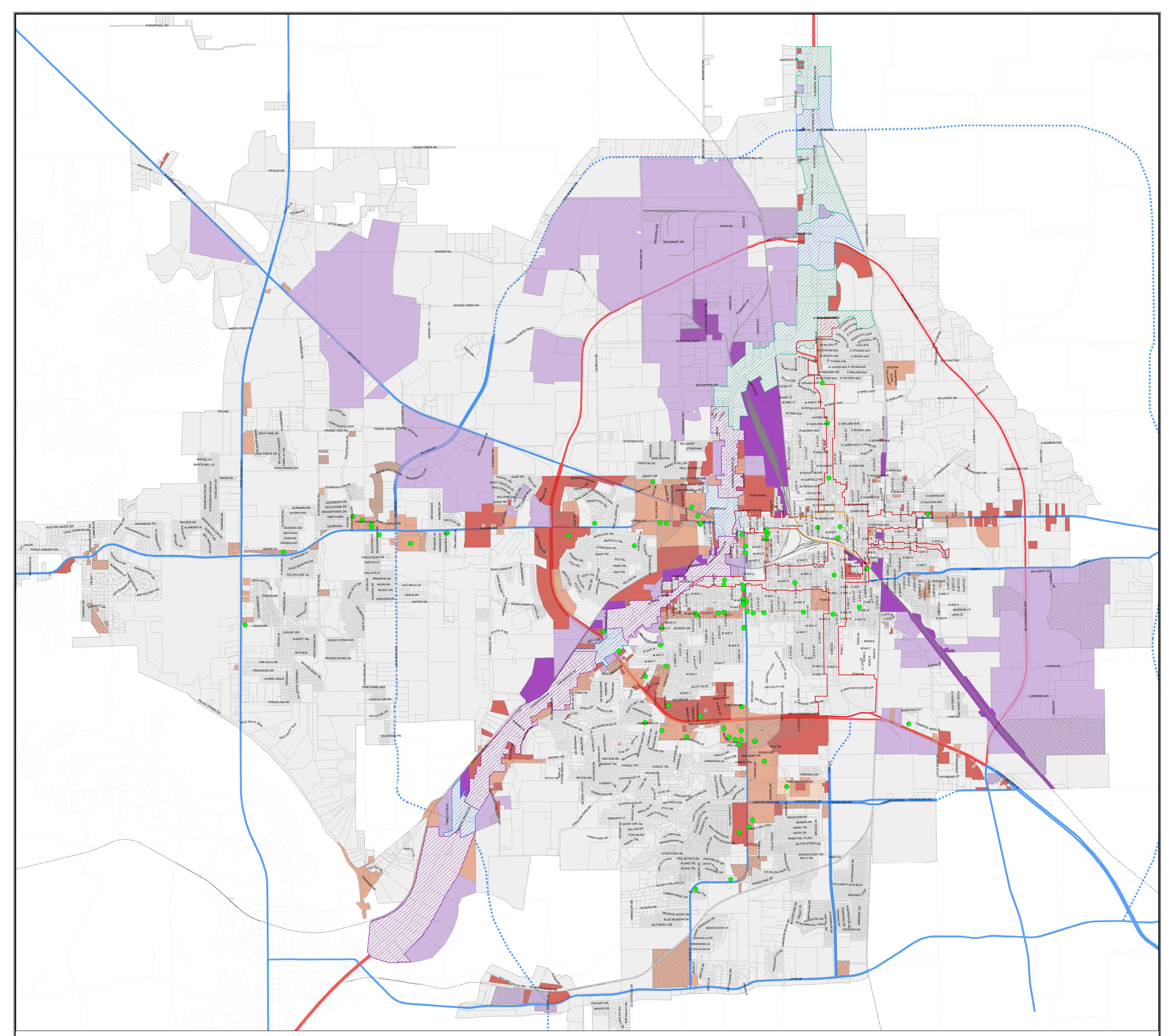
4

(b) On receipt of a tattoo studio or body piercing studio license application, the department shall inspect the proposed tattoo or body piercing studio to determine compliance with this chapter and rules adopted by the board under this chapter. In addition, the department shall request confirmation from the appropriate building and zoning officials in the municipality or county in which the studio is proposed to be located to determine compliance with existing building and zoning codes applicable to the studio. The department may issue a license for a tattoo or body piercing studio after determining that the studio is in compliance with applicable statutes, rules, and building and zoning codes.

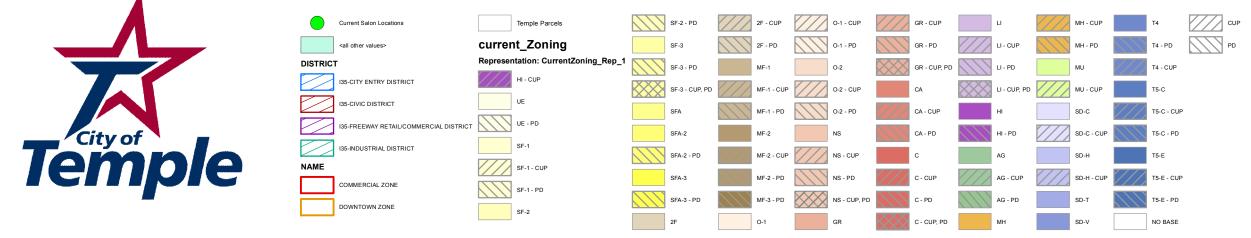
Text of subsec. (b) as amended by Acts 1999, 76th Leg., ch. 1528, Sec.

1

(b) The department may issue a license or temporary location license for a tattoo studio after determining that the studio is in compliance with applicable statutes, rules, and zoning codes. file://P:/Tattoo%20Parlors/HEALTH%20AND%20SAFETY%20CODE%20CHAPTER%20146.%20TATTOO%20AND%20CERTAIN%20BODY%20PIERCI... 3/20



Industrial, Commercial, and General Retail

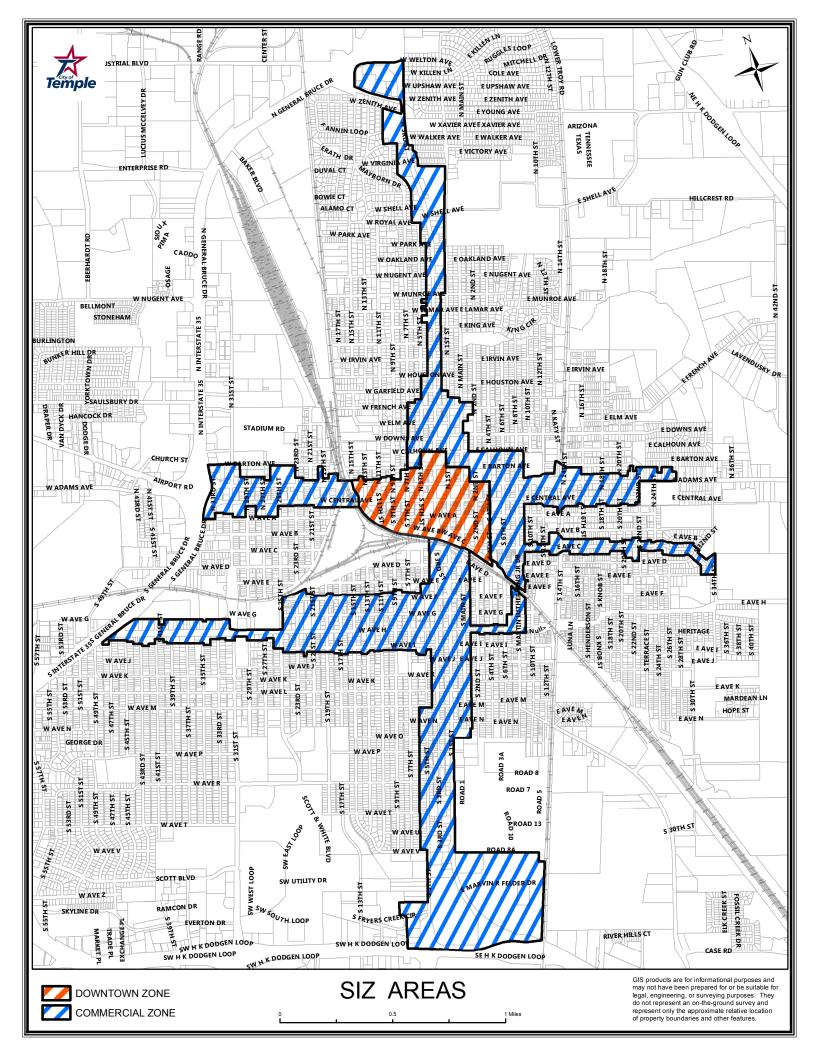








GIS products are for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries and other features.



ORDINANCE NO. _____ [Z-FY-16-23]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS. AUTHORIZING AMENDMENTS TO TEMPLE UNIFIED DEVELOPMENT CODE, ARTICLE 5 – USE OF STANDARDS, DELETING 'TATTOO PARLOR' AS A PROHIBITED USE: ALLOWING BODY PIERCING STUDIOS AND TATTOO STUDIOS BY RIGHT IN LIGHT INDUSTRIAL, HEAVY INDUSTRIAL, GENERAL RETAIL AND COMMERCIAL ZONING DISTRICTS AND PROVIDING CERTAIN LIMITATIONS: AMENDING ARTICLE 6 – SPECIAL PURPOSE AND OVERLAY ZONING DISTRICTS: PROHIBITING BODY PIERCING STUDIOS AND TATTOO STUDIOS IN THE INTERSTATE 35 CORRIDOR OVERLAY; AND AMENDING ARTICLE 11 – DEFINITIONS; PROVIDING DEFINITIONS FOR BODY PIERCING, BODY PIERCING STUDIO, TATTOO, AND TATTOO STUDIO; PROVIDING A REPEALER; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, tattoo studios are currently prohibited in the City limits according to Section. 5.1.1.C. "Prohibited Uses" of the Temple Unified Development Code ("UDC");

Whereas, at its April 18, 2016 meeting, the Planning and Zoning Commission voted unanimously to amend Article 5, Article 6, and Article 11 of the UDC - the recommended changes are as follows:

- ARTICLE 5: USE STANDARDS: The amendment will allow for both body piercing and tattoo studios, by right, in General Retail, Commercial, Light Industrial and Heavy Industrial zoning districts with the following limitations:
- ARTICLE 5, SECTION 5.3.27 Body Piercing Studio and Tattoo Studio Standards:
 - a body piercing studio or tattoo studio may not be located within 1000 feet of another body piercing studio or tattoo studio;
 - A body piercing studio or tattoo studio may not be located within 1000 feet of a School, Public or Private, as that term is defined in this Code;
 - for purposes of this section, measurements are made in a straight line, without regard to intervening structures or objects, from property line to property line;
 - a body piercing studio or tattoo studio may not be located on property that falls within the Interstate 35 Corridor Overlay or any designated Strategic Investment Zone Corridor; and
 - o a handwashing sink is required that is separate from restroom sinks.
- ARTICLE 11: DEFINITIONS Article 11 has been amended to add a definition for:
 - Body Piercing The creation of an opening in an individual's body, other than in an individual's earlobe, to insert jewelry or another decoration;
 - *Body Piercing Studio A facility in which body piercing is performed;*

- Tattoo The practice of producing an indelible mark or figure on the human body by scarring or inserting a pigment under the skin using needles, scalpels, or other related equipment. The term includes the application of permanent cosmetics; and
 Tattoo Studio – An astablishment or facility in which tattooing is performed.
- *Tattoo Studio An establishment or facility in which tattooing is performed.*

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

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

<u>**Part 1:**</u> The City Council approves amendments to Temple Unified Development Code Article 5, Article 6, and Article 11, as set forth more fully in Exhibit A, attached hereto and incorporated herein for all purposes.

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

<u>Part 3</u>: 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.

<u>**Part 4**</u>: 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.

<u>Part 5</u>: 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 6th day of October, 2016.

PASSED AND APPROVED on Second Reading on the 20th day of October, 2016.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, MAYOR

APPROVED AS TO FORM:

ATTEST:

Lacy Borgeson City Secretary Kayla Landeros City Attorney