



**MEETING OF THE
TEMPLE CITY COUNCIL
MUNICIPAL BUILDING
2 NORTH MAIN STREET
3rd FLOOR – CONFERENCE ROOM
THURSDAY, JULY 6, 2017
3:30 P.M.
AGENDA**

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, July 6, 2017.
2. Receive an overview briefing of the FY2018 Preliminary Budget, including a review of the FY2018 budget process, calendar, and other strategic and budget related policy issues.
3. Receive a presentation regarding and discuss the Request for Proposal process for the redevelopment of the Hawn Hotel and Arcadia Theatre properties.
4. Discuss City of Temple, Texas v. William Bolding, Shannon Bolding, and Tax Appraisal District of Bell County.

Pursuant to Texas Government Code Section 551.071, the City Council may meet in executive session to seek the advice of its attorney about pending or contemplated litigation, a settlement offer, or a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code.

5. Discuss In re Panda Temple Power, LLC, the pending bankruptcy case in which Panda Temple Power has filed for Chapter 11 bankruptcy and the City of Temple has made an appearance.

Pursuant to Texas Government Code Section 551.071, the City Council may meet in executive session to seek the advice of its attorney about pending or contemplated litigation, a settlement offer, or a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code.

REVISED REGULAR AGENDA

5:00 P.M.

MUNICIPAL BUILDING

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

TEMPLE CITY COUNCIL REGULAR MEETING AGENDA

I. CALL TO ORDER

1. Invocation
2. Pledge of Allegiance

II. ELECTION ITEMS

3. Administer the Oath of Office to Judy Morales, the elected Councilmember for District 2.

III. 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.

IV. PROCLAMATION

4. (A) Parks and Recreation Month July 2017
(B) Recognize sponsors of the Bloomin' Temple Festival.

V. CONSENT AGENDA

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

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

Minutes

- (A) [June 15, 2017 Special and Regular Meeting](#)

Contracts, Leases, & Bids

- (B) [2017-8682-R](#): Consider adopting a resolution authorizing the purchase of video detection equipment and software from Texas Highway Products, LTD, of Round Rock in the amount of \$74,664.64.
- (C) [2017-8683-R](#): Consider adopting a resolution authorizing the purchase of right of way necessary for the expansion of Old Howard Road and Moores Mill Road and authorizing closing costs and relocation benefits associated with the purchase in an estimated amount of \$185,000.
- (D) [2017-8684-R](#): Consider adopting a resolution authorizing the purchase of four easements necessary for the construction of the Little Elm Wastewater project, cost of manhole for one property, and authorizing closing costs associated with the purchase, in an estimated amount of \$155,000.
- (E) [2017-8685-R](#): Consider adopting a resolution authorizing a contract with Brockway, Gersbach, Franklin and Niemeier, P.C., for an amount not to exceed \$74,900 to perform the annual City of Temple audit.
- (F) [2017-8686-R](#): Consider adopting a resolution authorizing a Wholesale Water Supply Agreement between the City of Temple and Bell County WCID #2.
- (G) [2017-8687-R](#): Consider adopting a resolution authorizing a lease agreement with American Medical Response Ambulance Service, Inc., for lease of property located at 505 North 3rd Street, Temple.

Misc.

- (H) [2017-8688-R](#): RN-SUL-FY-17-03: Consider adopting a resolution authorizing approval of a Street Use License (SUL) to allow for the encroachment of an existing building onto an existing eight inch sanitary sewer main line, and to allow the encroachment of an existing shed into a sanitary sewer easement and onto an existing eight inch sanitary sewer main line, located on the Scanio Addition Phase II, Block 1, Lot 1, Bell County, Texas, addressed at 3009 Scott Boulevard, Temple.
- (I) [2017-8689-R](#): SUL-FY-17-05: Consider adopting a resolution authorizing approval of a Street Use License to allow for the encroachment of two existing retaining walls and a portion of an existing concrete patio into an existing 20-foot wide sanitary sewer easement, located on Lot 5A, Block 2, Residences at D'Antoni's Crossing #4, Temple, Bell County, Texas, addressed at 2206 Venice Parkway.
- (J) [2017-8690-R](#): A-FY-17-06: Consider adopting a resolution authorizing the abandonment of two separate portions of a 20-foot wide public utility easement encompassing approximately 46.5 square feet (Parcel A) and 1.4 square feet (Parcel B), located on Lot 5A, Block 2, Residences at D'Antoni's Crossing #4, Temple, Bell County, Texas, addressed at 2206 Venice Parkway.
- (K) [2017-8691-R](#): Consider adopting a resolution authorizing the acceptance of a donation of 0.918-acre of right of way from Temple Economic Development Corporation, which is necessary for the expansion of Old Howard Road and Moores Mill Road.

- (L) [2017-8692-R](#): Consider adopting a resolution authorizing the acceptance of a donation of 0.767-acre permanent easement from Temple Economic Development Corporation, which is necessary for the construction of the Little Elm Wastewater project.
- (M) [2017-8693-R](#): Consider adopting a resolution finding that Oncor Electric Delivery Company LLC's application to change rates within the City of Temple should be denied.
- (N) [2017-8694-R](#): Consider adopting a resolution authorizing participation as a Texas Main Street Urban City and designating city participation.
- (O) [2017-8695-R](#): Consider adopting a resolution setting the date, time and place of public hearings on the proposed FY 2017-2018 Budget for August 3, 2017 at 5:00 p.m. and August 25, 2017 at 8:30 a.m. in the City Council Chambers.
- (P) [2017-8696-R](#): Consider adopting a resolution authorizing budget amendments for fiscal year 2016-2017.

VI. REGULAR AGENDA

ORDINANCES – SECOND READING/PUBLIC HEARING

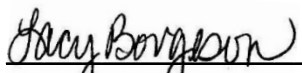
- 6. [2017-4849](#): SECOND READING – PUBIC HEARING - Z-FY-17-18: Consider adopting an ordinance authorizing amendments to the City of Temple's Unified Development Code: Article 6 (Sec. 6.7) related to the Interstate 35 Corridor Overlay zoning district to amend the boundary description, applicability, uses allowed and the development standards including landscaping, architecture and signage.
- 7. [2017-4850](#): SECOND READING – PUBLIC HEARING - Z-FY-17-21: Consider adopting an ordinance authorizing a rezoning from Single Family One zoning district to Planned Development-General Retail zoning district on 27.876 +/- acres located on the southeast corner of South 5th Street and Loop 363. The PD would incorporate certain development and frontage standards from the Temple Medical and Educational zoning district, allow approval of site/development plans in phases, and allow multiple-family dwellings and mini-storage warehouses only as approved by site/development plan.

ORDINANCES – FIRST READING/PUBLIC HEARING

- 8. [2017-4851](#): 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 appropriate additional funding for Crossroads Park @ Pepper Creek Trail in FY 2017.

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 5:00 pm, on Monday, July 3, 2017.



City Secretary, TRMC

SPECIAL ACCOMMODATIONS: *Persons with disabilities who have special communication or accommodation needs and desire to attend this meeting should notify the City Secretary's Office by mail or telephone 48 hours prior to the meeting date.*

I certify that this Notice of Meeting Agenda was removed by me from the outside bulletin board in front of the City Municipal Building on _____ day of _____ 2017.

_____ Title _____



COUNCIL AGENDA ITEM MEMORANDUM

07/06/17
Item #5(A)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Lacy Borgeson, City Secretary

ITEM DESCRIPTION: Approve Minutes:

(A) June 15, 2017 Special and Regular Meeting

STAFF RECOMMENDATION: Approve minutes as presented in item description.

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

FISCAL IMPACT: N/A

ATTACHMENTS:

[June 15, 2017 Special and Regular Meeting](#)



COUNCIL AGENDA ITEM MEMORANDUM

07/06/17
Item #5(B)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Nicole Torralva, P.E., Public Works Director
Kenny Henderson, Transportation Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of video detection equipment and software from Texas Highway Products, LTD, of Round Rock in the amount of \$74,664.64.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Five intersections require video detection capability to improvement operation (Map attached):

South 1st Street at Avenue M
South 25th Street at Avenue H
South 25th Street at Avenue M
South Martin Luther King Drive at Avenue H
Thornton Lane at Oakdale Drive

Currently these intersections operate on fixed timing, which cycles traffic light sequences through all directions, even with cars absent. Video detection will vastly improve functionality and efficiency. The City has done business with Texas Highway Products and finds them to be a responsible bidder.

The equipment purchase includes Gridsmart® fisheye single cameras, dual processors, cable and mounting equipment for each intersection and software.

The proposed purchase of the video equipment will use contract 550A2 awarded to Texas Highway Products, LTD. through TX Smart Buy in the amount of \$69,145. Contracts awarded by TX Smart Buy have been competitively procured and meet the statutory procurement requirements for Texas municipalities.

The proposed purchase of the Gridsmart® software is not covered on the TX Smart Buy contract, however since it is proprietary software it is deemed a single source purchase in the amount of \$5,519.64.

FISCAL IMPACT: Funding is available for the purchase of video detection equipment and software from Texas Highway Products, LTD in the amount of \$74,664.64 in account 365-2800-532-6810, project 101556, as follows:

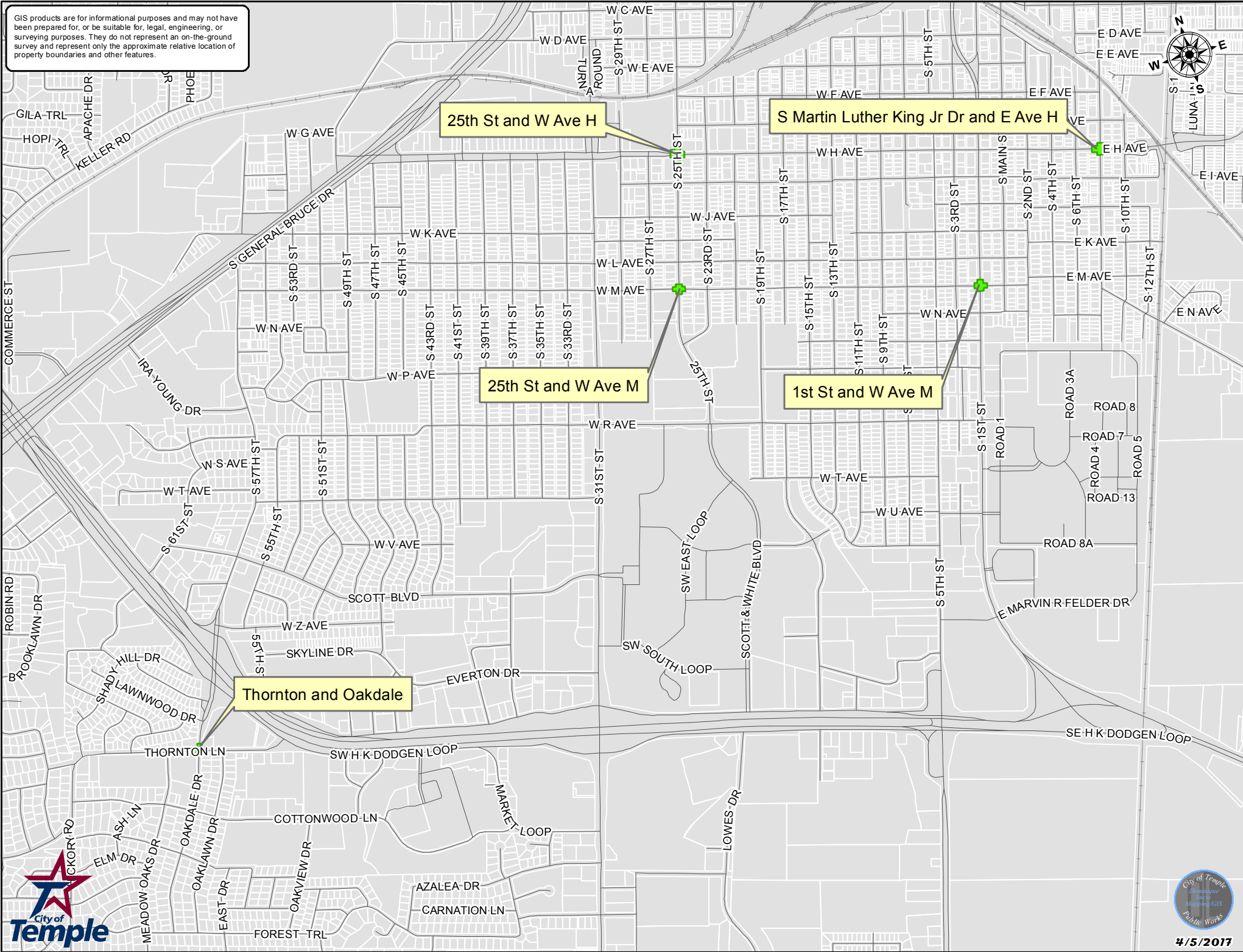
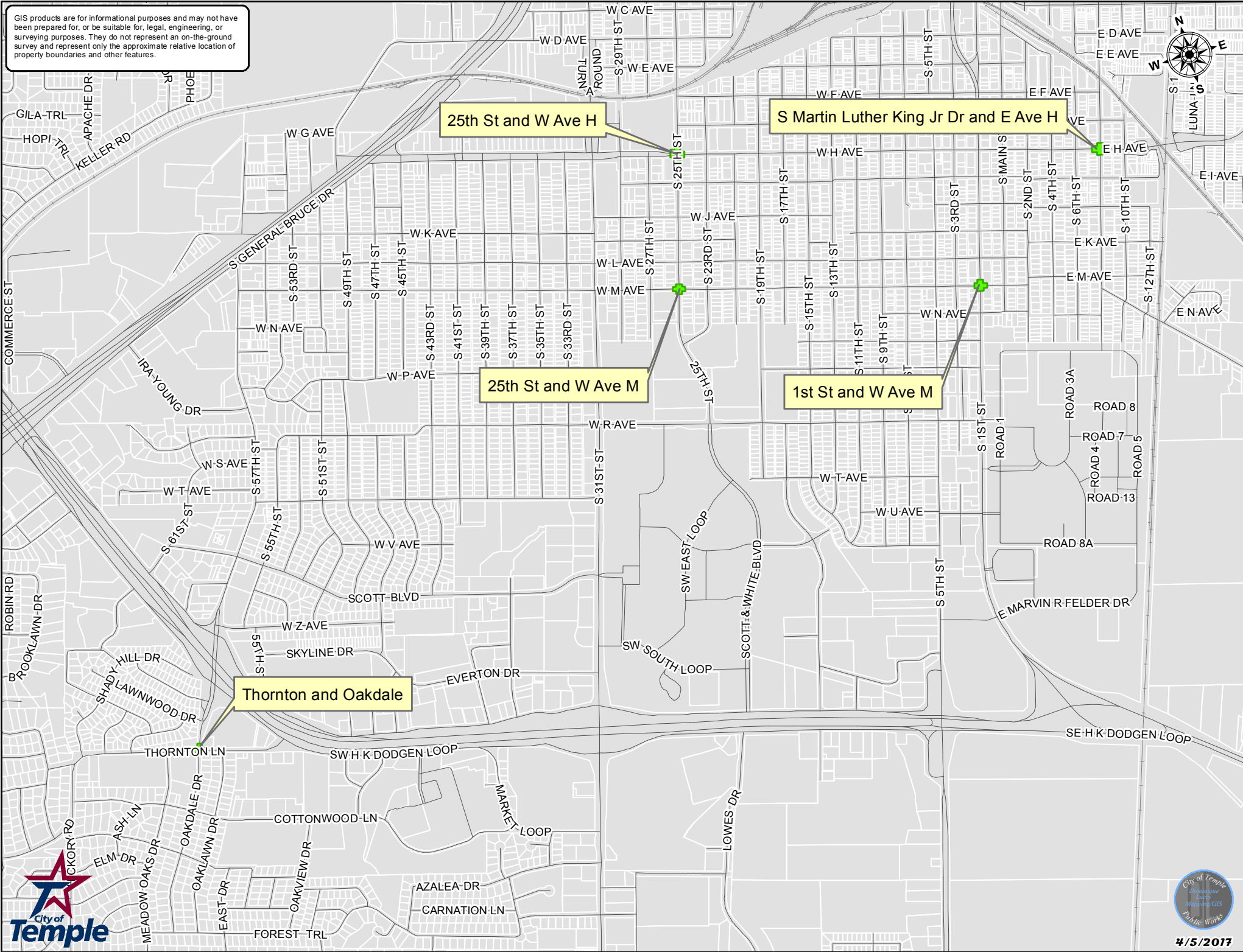
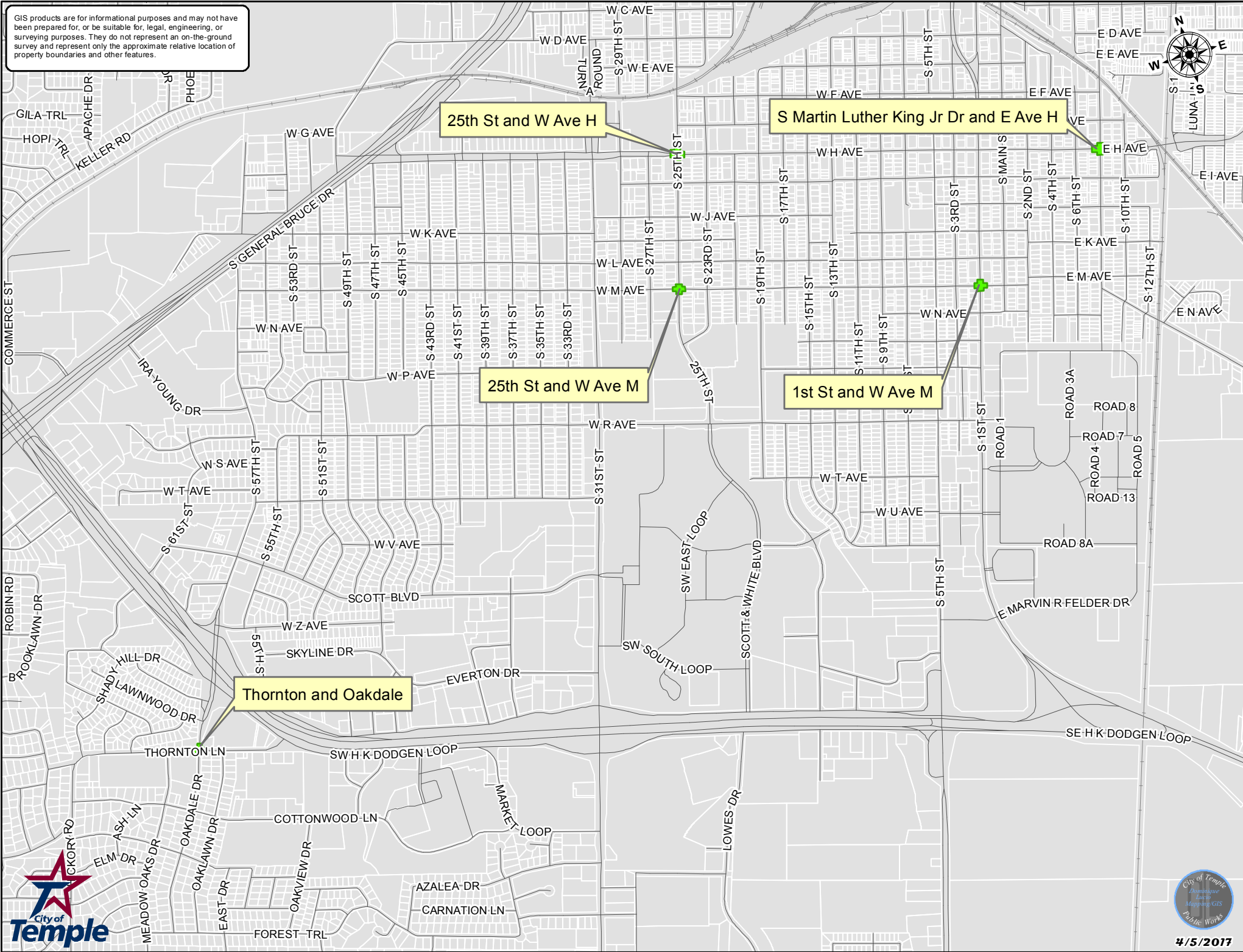
| | | |
|-----------------------------------|----|----------|
| Project Budget | \$ | 75,000 |
| Texas Highway Products, LTD | | (74,665) |
| Remaining Project Funds Available | \$ | 335 |

ATTACHMENTS:

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

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.

City of
Temple



RESOLUTION NO. 2017-8682-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF VIDEO DETECTION EQUIPMENT AND SOFTWARE IN THE AMOUNT OF \$74,664.64, FROM TEXAS HIGHWAY PRODUCTS, LTD. OF ROUND ROCK, TEXAS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, currently, intersections located at South 1st Street at Avenue M, South 25th Street at Avenue H, South 25th Street at Avenue M, South Martin Luther King Drive at Avenue H, and Thornton Lane at Oakdale Drive require video detection capability to improve operations;

Whereas, these intersections operate on fixed timing, which cycles traffic light sequences through all directions, even with cars absent and video detection will vastly improve functionality and efficiency;

Whereas, the equipment purchase includes Gridsmart® fisheye single cameras, dual processors, cable and mounting equipment for each intersection and software;

Whereas, the proposed purchase of the video equipment will use a TXSmartBuy contract procured by Texas Highway Products, Ltd. - contracts awarded by TXSmartBuy have been competitively procured and meet the statutory procurement requirements for Texas municipalities;

Whereas, while the proposed purchase of the Gridsmart® software is not covered on the TXSmartBuy contract, it is proprietary software and is therefore deemed a single source purchase;

Whereas, the City has done business with Texas Highway Products and finds them to be a responsible vendor;

Whereas, funding for this purchase is available in Account No. 365-2800-532-6810, Project No. 101556; 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: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

Part 2: The City Council authorizes the purchase of video detection equipment for five existing signalized locations in the amount of \$74,664.64, from Texas Highway Products, Ltd., utilizing a State of Texas TxSmartBuy contract.

Part 3: The City Council authorizes the Acting City Manager, or her designee, after approval as to form by the City Attorney, to execute any documents that may be necessary for this purchase.

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

PASSED AND APPROVED this the **6th** day of **July**, 2017.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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Item #5(C)
Consent Agenda
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DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney
Christina Demirs, Deputy City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of right of way necessary for the expansion of Old Howard Road and Moores Mill Road and authorizing closing costs and relocation benefits associated with the purchase in an estimated amount of \$185,000.

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

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The City is currently in the design phase for the proposed expansion of Old Howard Road from Central Pointe Parkway to Moores Mill Road, as well as an expansion of Moores Mill Road from Old Howard Road to IH-35, including a realigned intersection at Pegasus Drive. The design requires the acquisition of right-of-way from 21 different property owners. Appraisals have been performed on all of the parcels. 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.

The City has acquired twelve rights of way and has reached agreements with three additional property owners. Three properties will require the use of eminent domain. Staff is actively negotiating with each of the remaining property owners and hopes to reach agreements with each of them this fiscal year. At this time, Staff is asking for authorization to purchase one right of way, pay closing costs, and relocation benefits in an estimated amount of \$185,000.

The address and Bell County Appraisal District ID Numbers of the property is 4295 Old Howard Road, Bell CAD ID #49313.

FISCAL IMPACT: Funding is appropriated for the purchase of the right of way necessary for the expansion of Old Howard Road and Moores Mill Road and authorizing closing costs associated with the purchase the amount of \$185,000 in account 795-9800-531-6864, project #101001.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2017-8683-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF RIGHT OF WAY NECESSARY FOR THE EXPANSION OF OLD HOWARD ROAD AND MOORES MILL ROAD; AUTHORIZING THE PAYMENT OF CLOSING COSTS AND RELOCATION BENEFITS ASSOCIATED WITH THE PURCHASE IN AN ESTIMATED AMOUNT OF \$185,000; 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 rights of way from 21 different property owners;

Whereas, appraisals have been performed on all of the parcels, and 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, the City has acquired twelve rights of way and has reached agreements with three additional property owners and three properties will require the use of eminent domain - Staff is actively negotiating with each of the remaining property owners and hopes to reach agreements with each of them this fiscal year;

Whereas, Staff recommends Council authorize the purchase of right of way on property located at 4295 Old Howard Road, the payment of closing costs and relocation benefits, in an amount not to exceed \$185,000;

Whereas, funding for this purchase is available in Account No. 795-9800-531-6864, Project No. 101001; and

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

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

Part 1: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

Part 2: The City Council authorizes the purchase of right of way on property located at 4295 Old Howard Road which is necessary for the expansion of Old Howard Road and Moores Mill Road, and authorizes the payment of closing costs and relocation benefits associated with this right of way purchase, in an amount not to exceed \$185,000.

Part 3: The City Council authorizes the Interim City Manager, or her designee, after approval as to form by the City Attorney, to execute any documents that may be necessary for these purchases.

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

PASSED AND APPROVED this the **6th** day of **July**, 2017.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney
Christina Demirs, Deputy City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of four easements necessary for the construction of the Little Elm Wastewater project, cost of manhole for one property, and authorizing closing costs associated with the purchase, in an estimated amount of \$155,000.

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

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The Little Elm Wastewater project will service future development in the northern Industrial Park area along the future Research Parkway. This extension of gravity sewer will allow the abandonment of two lift stations.

The City is currently in the design phase for the project and the design requires the acquisition of twelve easements. The City has acquired five easements. Staff, with the assistance of Lone Star Right of Way Services (Lone Star), has made offers to all property owners and continues to negotiate.

With the assistance of Lone Star Right of Way Services (Lone Star), the City has reached an agreement with three property owners. At this time, Staff is asking for authorization to purchase the easements necessary for the Little Elm Wastewater Project, cost of one manhole for one property, authorizing closing costs associated with the purchase, in an estimated amount of \$155,000.

The address and Bell County Appraisal District ID Number of the properties are:

North General Bruce Drive, Temple—Bell CAD ID #79042
Pegasus Drive, Temple—Bell CAD ID #79043
Rural, Temple—Bell CAD ID #350830
4720 Buzzi Court, Temple—Bell CAD ID #460750

FISCAL IMPACT: Funding is available for the purchase of four easements necessary for the construction of the Little Elm Wastewater project in an estimated amount of \$155,000 in account 795-9800-531-6863, project 101000.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2017-8684-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF FOUR EASEMENTS NECESSARY FOR THE CONSTRUCTION OF THE LITTLE ELM WASTEWATER PROJECT; AUTHORIZING THE COST OF A MANHOLE FOR ONE PROPERTY; AUTHORIZING CLOSING COSTS ASSOCIATED WITH THE PURCHASE, IN AN ESTIMATED AMOUNT OF \$155,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Little Elm Wastewater project will service future development in the northern Industrial Park area along the future Research Parkway and will allow the abandonment of two lift stations;

Whereas, the City is currently in the design phase for the project and the design requires the acquisition of twelve easements – five of these easements have been acquired;

Whereas, Staff, with the assistance of Lone Star Right of Way Services (Lone Star), has made offers to all property owners and negotiations continue;

Whereas, agreements have been reached with three of the property owners with the assistance of Lone Star and Staff recommends Council authorize the purchase of four easements necessary for the Little Elm Wastewater Project, authorize the cost of a manhole for one property, and authorize closing costs associated with the purchase, in an estimated amount of \$155,000;

Whereas, the addresses associated with these four easements are:

N. General Bruce Drive (Bell CAD ID #79042)
4720 Buzzzi Court (Bell CAD ID #460750)

Pegasus Drive (Bell CAD ID #79043)
Rural, Temple (Bell CAD ID #350830)

Whereas, funding is available for the purchase of four easements in Account No. 795-9800-531-6863, Project No. 101000; 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: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

Part 2: The City Council authorizes the purchase of four easements necessary for the construction of the Little Elm Wastewater project, authorizes the cost of a manhole for one property, and authorizes closing costs associated with the purchase, in an estimated amount of \$155,000.

Part 3: The City Council authorizes the Interim City Manager, or her designee, after approval as to form by the City Attorney, to execute any documents that may be necessary for the purchase of the easements.

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

PASSED AND APPROVED this the **6th** day of **July**, 2017.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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Consent Agenda
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DEPT./DIVISION SUBMISSION & REVIEW:

Traci L. Barnard, Director of Finance

ITEM DESCRIPTION: Consider adopting a resolution authorizing a contract with Brockway, Gersbach, Franklin and Niemeier, P.C., for an amount not to exceed \$74,900 to perform the annual City of Temple audit.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

BACKGROUND: This item is to engage the audit firm of Brockway, Gersbach, Franklin and Niemeier, P.C. to perform the annual audit of the City of Temple. This will be the third year of a five year contract for audit services. The contract will be renewed annually. Staff anticipates the audit for fiscal year ending September 30, 2017 will be completed and presented to Council in February 2018.

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

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

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

FISCAL IMPACT: \$74,900 is proposed in the FY 2017-2018 preliminary budget filed on June 23, 2017. The fee for FY 2017 audit is 2.04 % higher than the FY 2016 audit fee.

ATTACHMENTS:

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



June 12, 2017

Honorable Mayor and
Members of the City Council
Temple, Texas

We are pleased to confirm our understanding of the services we are to provide City of Temple, Texas (the City) for the year ended September 30, 2017. We will audit the financial statements of the governmental activities, the business-type activities, the aggregate discretely presented component units, each major fund, and the aggregate remaining fund information, including the related notes to the financial statements, which collectively comprise the basic financial statements, of City of Temple, Texas as of and for the year ended September 30, 2017. Accounting standards generally accepted in the United States of America provide for certain required supplementary information (RSI), such as management's discussion and analysis (MD&A), to supplement the City's basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to the City's RSI in accordance with auditing standards generally accepted in the United States of America. These limited procedures will consist of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We will not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance. The following RSI is required by U.S. generally accepted accounting principles and will be subjected to certain limited procedures, but will not be audited:

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

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

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

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

- 1) Introductory Section and
- 2) Statistical Data.

Audit Objectives

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

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

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

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

Audit Procedures—General

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

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

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

Audit Procedures—Internal Control

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

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

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

Audit Procedures—Compliance

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

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

Other Services

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

Management Responsibilities

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

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

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

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

You are responsible for identifying all federal awards received and understanding and complying with the compliance requirements and for the preparation of the schedule of expenditures of federal awards (including notes and noncash assistance received) in conformity with the Uniform Guidance. You agree to include our report on the schedule of expenditures of federal awards in any document that contains and indicates that we have reported on the schedule of expenditures of federal awards. You also agree to include the audited financial statements with any presentation of the schedule of expenditures of federal awards that includes our report thereon. Your responsibilities include acknowledging to us in the written representation letter that (1) you are responsible for presentation of the schedule of expenditures of federal awards in accordance with the Uniform Guidance; (2) you believe the schedule of expenditures of federal awards, including its form and content, is stated fairly in accordance with the Uniform Guidance; (3) the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the schedule of expenditures of federal awards.

You are also responsible for the preparation of the other supplementary information, which we have been engaged to report on, in conformity with U.S. generally accepted accounting principles. You agree to include our report on the supplementary information in any document that contains, and indicates that we have reported on, the supplementary information. You also agree to include the audited financial statements with any presentation of the supplementary information that includes our report thereon. Your responsibilities include acknowledging to us in the written representation letter that (1) you are responsible for presentation of the supplementary information in accordance with GAAP; (2) you believe the supplementary information, including its form and content, is fairly presented in accordance with GAAP; (3) the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the supplementary information.

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

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

Engagement Administration, Fees, and Other

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

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

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

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

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

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

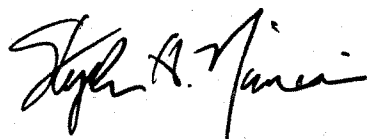
Steve Niemeier is the engagement partner and is responsible for supervising the engagement and signing the reports or authorizing another individual to sign them.

Our fee for these services will be at our standard rates, except we agree that our gross fee, including expenses, will not exceed \$ 74,900. Our standard hourly rates vary accordingly to the degree of responsibility involved and the experience level of the personnel assigned to your audit. Our invoices for these fees will be rendered each month as work progresses and are payable on presentation. In accordance with our firm policies, work may be suspended if your account becomes 30 days or more overdue and may not be resumed until your account is paid in full. If we elect to terminate our services for nonpayment, our engagement will be deemed to have been completed upon written notification of termination, even if we have not completed our report(s). You will be obligated to compensate us for all time expended and to reimburse us for all out-of-pocket costs through the date of termination. The above fee is based on anticipated cooperation from your personnel and the assumption that unexpected circumstances will not be encountered during the audit. If significant additional time is necessary, we will discuss it with you and arrive at a new fee estimate before we incur the additional costs.

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

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

Sincerely,



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

RESPONSE:

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

By: _____ Title: City Manager

Date: _____

By: _____ Title: City Attorney

Date: _____



CPAs • Tax • Audit & Accounting

System Review Report

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

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

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

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

Bumgardner, Morrison & Company, LLP

BUMGARDNER, MORRISON & COMPANY, LLP

July 29, 2015

Bumgardner, Morrison & Company, LLP
Certified Public Accountants

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

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

RESOLUTION NO. 2017-8685-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONTRACT WITH BROCKWAY, GERSBACH, FRANKLIN AND NIEMEIER, P.C., IN AN AMOUNT NOT TO EXCEED \$74,900, TO PERFORM THE ANNUAL CITY OF TEMPLE AUDIT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Brockway, Gersbach, Franklin and Niemeier, P.C. performs the annual audit of the City of Temple - this will be the third year of a 5-year contract for audit services and Staff anticipates the audit will be completed and presented to Council in February, 2018;

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

Whereas, Staff recommends Council authorize the firm of Brockway, Gersbach, Franklin and Niemeier, P.C., to perform the annual audit for fiscal year 2017 for the City of Temple;

Whereas, funds have been budgeted in the fiscal year 2017-2018 preliminary budget which was filed on June 23, 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:

Part 1: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

Part 2: The City Council authorizes the Interim City Manager, or her designee, after approval as to form by the City Attorney, to execute a contract with Brockway, Gersbach, Franklin and Niemeier, P.C., in an amount not to exceed \$74,900, to perform the annual audit for fiscal year 2017 for the City of Temple.

Part 3: It is hereby officially found and determined that the meeting at which this Resolution was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the **6th** day of **July**, 2017.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

ATTEST:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

07/06/17
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DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney
Nicole Torralva, Public Works Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing a Wholesale Water Supply Agreement between the City of Temple and Bell County WCID #2.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Bell County WCID #2 ("WCID") has been a City of Temple ("Temple") wholesale water customer for many years. In 1977, the City entered into a "Water Sale and Purchase Contract" with WCID for a term of 40 years. The Contract will expire in October, 2017.

WCID has been working with City Staff to draft a new Wholesale Water Supply Agreement. Staff is proposing that Council approve a Wholesale Water Supply Agreement with WCID for a term of 30 years. Under the Agreement, WCID will continue to purchase water from Temple and will pay the same rate charged to City customers that have the same sized meter as WCID. WCID will also agree to purchase a minimum of 30,000,000 gallons of water annually during the term of the Agreement. Temple will agree to make available to WCID, on an annual basis, up to 322.6 acre feet of treated water.

FISCAL IMPACT: During FY 2016, Bell County WCID #2 purchased 38,750,100 gallons of water for total revenue of \$134,848.64.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2017-8686-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A WHOLESALE WATER SUPPLY AGREEMENT BETWEEN THE CITY OF TEMPLE AND BELL COUNTY WCID NO. 2; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Bell County WCID No. 2 (“WCID”) has been a City of Temple (“City”) wholesale water customer for many years;

Whereas, in 1977, the City entered into a “Water Sale and Purchase Contract” with WCID for a term of 40 years which will expire in October, 2017;

Whereas, WCID has been working with Staff to draft a new Wholesale Water Supply Agreement;

Whereas, Staff recommends Council approve a Wholesale Water Supply Agreement with Bell County WCID No. 2 for a term of 30 years and under the Agreement, WCID will continue to purchase water from the City and will pay the same rate charged to City customers that have the same sized meter as WCID;

Whereas, WCID will also agree to purchase a minimum of 30,000,000 gallons of water annually during the term of the Agreement and the City of Temple agrees to make available to WCID, on an annual basis, up to 322.6 acre feet of treated water;

Whereas, during 2016, Bell County WCID No. 2 purchased 38,750,100 gallons of water for total revenue of \$134,848.64; 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: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

Part 2: The City Council authorizes the Interim City Manager or her designee, after approval as to form by the City Attorney, to enter into a Wholesale Water Supply Agreement with Bell County WCID No. 2.

Part 3: It is hereby officially found and determined that the meeting at which this Resolution was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the **6th** day of **July**, 2017.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney
Mitch Randles, Fire Chief

ITEM DESCRIPTION: Consider adopting a resolution authorizing a lease agreement with American Medical Response Ambulance Service, Inc., for lease of property located at 505 North 3rd Street, Temple.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: American Medical Response Ambulance Service, Inc. ("AMR") has requested to lease the old Main Fire Station located at 505 North 3rd Street. On October 1, 2017, AMR will be taking over the provision of emergency medical services ("EMS") in the City of Temple. Scott & White EMS, the City's current EMS provider, leases the building and its lease ends on September 30, 2017. AMR has requested to occupy the building on October 1, 2017.

The initial term of the proposed lease is six years with the option to renew for three additional, three-year periods. The EMS Agreement between the City and AMR provides for the same term.

The proposed rental rate is \$7,680 per month. The square footage of the building is 10,240 square feet. The City currently leases various office and building spaces at rates ranging from \$0.55/square foot to \$1.00/square foot. Staff believes that a rate of \$0.75/square foot for the Main Fire Station is fair based on the size and condition of the building.

Staff recommends authorization of this lease agreement.

FISCAL IMPACT: AMR will pay rent in the amount of \$7,680 per month which will be deposited into account 110-0000-461-0253.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2017-8687-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A LEASE AGREEMENT WITH AMERICAN MEDICAL RESPONSE AMBULANCE SERVICES, INC., FOR LEASE OF PROPERTY LOCATED AT 505 NORTH 3RD STREET, TEMPLE, TEXAS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, American Medical Response Ambulance Service, Inc. (“AMR”) has requested to lease the old Main Fire Station located at 505 North 3rd Street as AMR will be taking over the provision of emergency medical services (“EMS”) in the City of Temple on October 1, 2017;

Whereas, Scott & White EMS, the City’s current EMS provider, leases the building and its lease expires September 30, 2017 - AMR has requested to occupy the building on October 1, 2017;

Whereas, the initial term of the proposed lease is six years with the option to renew for three additional, three-year periods – the EMS agreement between the City and AMR provides for the same terms;

Whereas, the building is approximately 10,240 square feet and AMR will pay a rental rate of \$7,680 per month - the City currently leases various office and building spaces at rates ranging from \$0.55 per square foot to \$1 per square foot and Staff believes that a rate of \$0.75/square foot for the Main Fire Station is fair based on the size and condition of the building;

Whereas, AMR will pay rent in the amount of \$7,680 per month which will be realized in Account No. 110-0000-461-0253; 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: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

Part 2: The City Council authorizes the Interim City Manager, or her designee, after approval as to form by the City Attorney, to execute a lease agreement with American Medical Response Ambulance Services, Inc. for property located at 505 North 3rd Street, effective October 1, 2017 at a lease rate of \$7,680 per month.

Part 3: It is hereby officially found and determined that the meeting at which this Resolution was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the **6th** day of **July**, 2017.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

07/06/17
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DEPT. / DIVISION SUBMISSION & REVIEW:

Dessie Redmond, Planner

ITEM DESCRIPTION: RN-SUL-FY-17-03: Consider adopting a resolution authorizing approval of a Street Use License to allow for the encroachment of an existing building onto an existing eight inch sanitary sewer main line, and to allow the encroachment of an existing shed into a sanitary sewer easement and onto an existing eight inch sanitary sewer main line, located on the Scanio Addition Phase II, Block 1, Lot 1, Bell County, Texas, addressed at 3009 Scott Boulevard, Temple.

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

ITEM SUMMARY: The applicant, Philip Scanio, has submitted this request for a SUL to allow for the encroachments.

Per the City Code (the Code), Chapter 32, Section 32-21(e)1: Street Use or Encroachment License – City Council approval is required for newly-created encroachments involving new buildings (whether occupied or unoccupied) or for existing encroachments involving any part of an occupied building (residential, commercial or industrial).

A SUL be granted for a term not to exceed 15 years, unless sooner terminated according to the terms and conditions of Section 32-21, Street Use or Encroachment License of the Code. At the end of the applicable period, the owner may request an extension or renewal of the license.

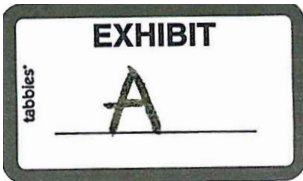
Planning staff worked with the City's Legal Department to draft the SUL. Staff also contacted the City's Public Works Department as well as all outside utility providers. No issues were identified regarding the existing encroachments and potential impacts to existing easements or utilities. No impacts to existing utilities are anticipated. Planning staff also contacted the Fire, Engineering and Park Departments. No objections were identified in these departments as well.

Mr. Scanio (the Licensee) acknowledges that the building is above the eight inch (8") sewer main, and agrees to fund the relocation of the main or to remove the encroachment if the sewer main should fail.

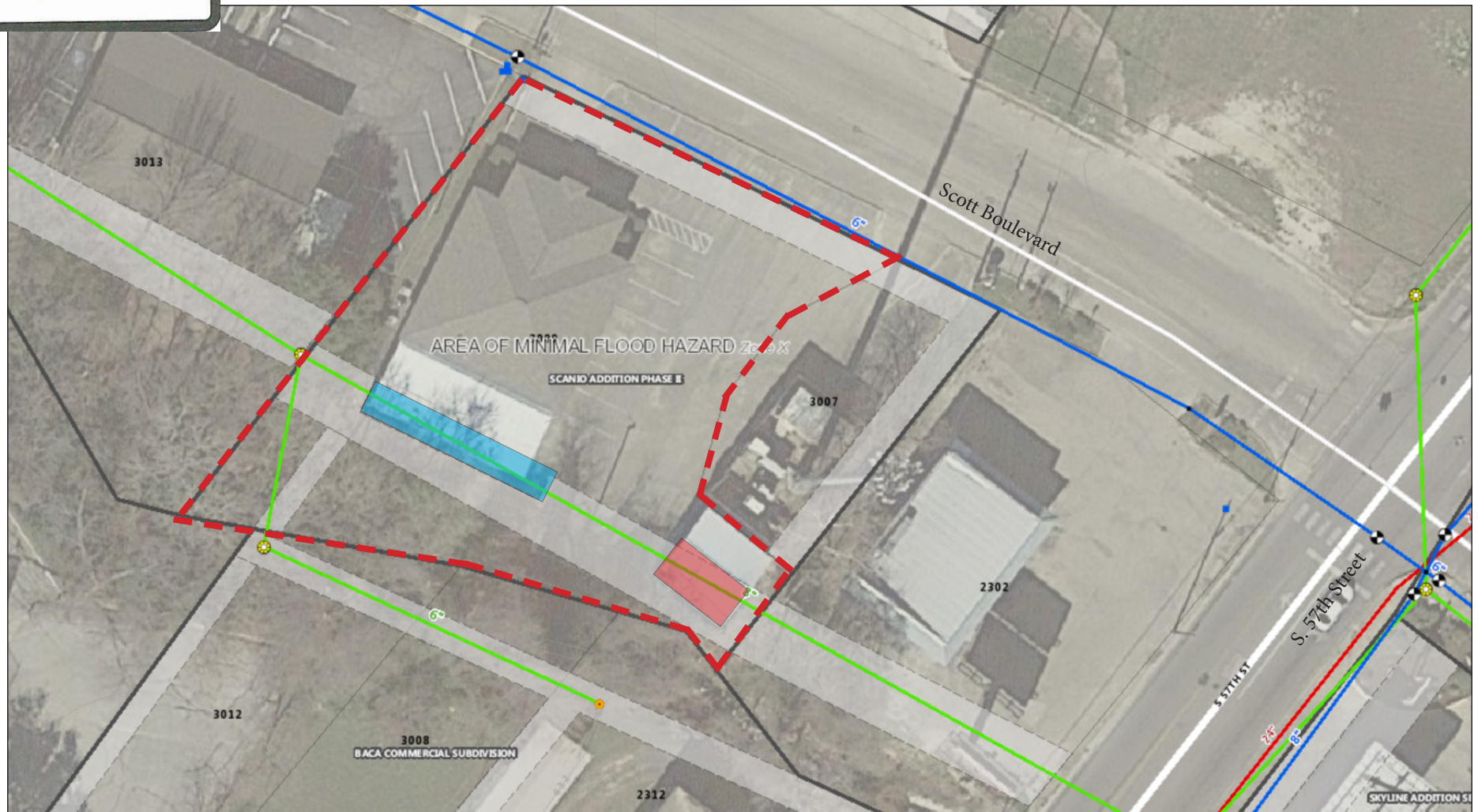
FISCAL IMPACT: Not applicable




ATTACHMENTS:

[Exhibit A](#)
[Resolution](#)



3009 Scott Boulevard Street Use License - Areas of Encroachment



-  Area of encroachment of an existing building onto an existing 8" sanitary sewer main line.
-  Area of encroachment of an existing shed into a sanitary sewer easement and onto an existing 8" inch sanitary sewer main line.
-  Property boundary

↑
For informational
purposes only

RESOLUTION NO. 2017-8688-R

(RN-SUL-FY-17-03)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, GRANTING A STREET USE LICENSE TO PHILIP E. SCANIO, OR ANY SUCCESSORS IN INTEREST, TO OCCUPY, MAINTAIN AND UTILIZE PROPERTY LOCATED IN OUTBLOCK 593-M (3009 SCOTT BOULEVARD), TO ALLOW THE ENCROACHMENT OF AN EXISTING BUILDING ONTO AN EXISTING EIGHT INCH SANITARY SEWER MAIN LINE, AND TO ALLOW THE ENCROACHMENT OF AN EXISTING SHED ONTO A SANITARY SEWER EASEMENT AND ONTO AN EXISTING EIGHT INCH SANITARY SEWER MAIN LINE; PROVIDING FOR THE TERMS AND CONDITIONS OF THIS LICENSE; PROVIDING FOR COMPENSTATION; AND PROVIDEING AN OPEN MEETINGS CLAUSE.

Whereas, a Street Use License has been requested for property located in Outblock 593-M (3009 Scott Boulevard) to allow for the encroachment of an existing building onto an existing eight inch sanitary sewer main line, and to allow the encroachment of an existing shed into a sanitary sewer easement and onto an existing eight inch sanitary sewer main line, as depicted in Exhibit A;

Whereas, the use of the property is not inconsistent, nor will it interfere, with any present City use of the property; and

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

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

Part 1: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

Part 2: A Street Use License is granted to Philip E. Scanio, or any successors in interest, hereinafter "Licensee," to occupy, maintain, and utilize property in Outblock 593-M (3009 Scott Boulevard), to allow the encroachment of an existing building onto an existing eight inch sanitary sewer main line, and to allow the encroachment of an existing shed onto a sanitary sewer easement and onto an existing eight inch sanitary sewer main line, as depicted in Exhibit A, attached hereto and made a part hereof for all purposes. This Street Use License is approved in accordance with the following terms and conditions:

I. Term

This license is granted for a term of fifteen years unless sooner terminated according to the terms and conditions herein contained. At the end of the fifteen year period, the Licensee may request an extension or renewal of the license.

II. Fee

Licensee shall pay to the City of Temple, Texas, the sum of One Hundred Fifty Dollars (\$150.00) for the fifteen year term of the license herein granted upon the execution by Licensee and approval by the City of the agreement.

III. Purpose

The above-described property shall be used by the Licensee to utilize property in Outblock 593-M (3009 Scott Boulevard), to allow the encroachment of an existing building onto an existing sanitary sewer line, and to allow the encroachment of an existing shed onto a sanitary sewer easement.

IV. Conditions of License

The above-described license is granted subject to the following conditions, terms and reservations:

a) Maintenance of Encroachment Area.

1. Licensee shall maintain the encroachment area at all times in a neat, attractive, and orderly manner. A sufficient area of the public street, right of way, alley, sidewalk, or other public property shall remain open after the encroachment, unobstructed and preserved for pedestrian or vehicular traffic (including access for impaired or handicapped persons), as appropriate. No other permanent structure, building, or enclosure shall be installed within the public right of way. Licensee shall at all times, allow access to utilities and trash receptacles located within the encroachment area.
2. Licensee shall restore the encroachment area to its original condition at the end of the license period, unless renewed or extended, or in the event that this license is terminated by the City as provided herein. If Licensee fails to maintain the encroachment area as provided herein, or fails to restore the encroachment area when the license is expired or terminated, the City may cause such work to be done, the costs of which shall be borne by the Licensee.
3. In the event that City requests removal of the encroachment or any other physical improvement in the area of the licensee, Licensee shall remove said improvement at his own expense within thirty days of notice thereof. In the event that Licensee fails to remove the improvements within the required thirty day period, the City reserves the right to remove the improvements, and Licensee agrees to reimburse the City for the expense of removing said improvements, and Licensee further agrees to hold the City harmless for any and all claims arising out of the removal of improvements or maintenance of

the encroachment area. City shall not be required to restore the improvements, which shall be the sole responsibility of Licensee.

4. Licensee acknowledges that the building is above the eight inch sewer main, and agrees to fund the relocation of the main or to remove the encroachment if the sewer main should fail.

b) Right of Cancellation.

1. This license is made subordinate to the right of the City to use said area for a public purpose, and in addition to any other reservations made herein, it is understood and agreed that should the City of Temple deem it in the public interest to use the above area or any portion thereof for a public purpose, or for any utility service which will require the use of said area, then in that event, the City shall give the Licensee thirty (30) days written notice of its intention to cancel this license. Licensee shall likewise have the same right of cancellation upon giving the City thirty days written notice of its intention to cancel.

In either event, upon the termination or cancellation by the City or Licensee, as the case may be, this license shall become null and void, and Licensee or anyone claiming any rights under this instrument shall remove any improvements from said area at Licensee's expense. Failure to do so shall subject Licensee to the provisions of subsection (a) (2) above. All work shall be done at the sole cost of the Licensee and to the satisfaction of the Director of Public Works. The decision of the City Council in this matter shall be final and binding upon all parties insofar as the City's determination as to the public necessity of the use of said area for public use.

- c.) Compliance with Laws.** This license is subject to all State and Federal laws, the provisions of the Charter of the City of Temple as it now exists or as it may hereafter be adopted or amended, and the ordinances of the City of Temple now in effect or those which may hereafter be passed and adopted. The City of Temple shall have the right to increase or decrease the compensation to be charged for the license upon its renewal or extension.

d.) Hold Harmless.

1. As a condition hereof, Licensee agrees and is bound to hold the City whole and harmless against any and all claims for damages, costs, and expenses, to persons or property that may arise out of or be occasioned by the use, occupancy and maintenance of the above-described public property by Licensee, or from any act or omission of any representative, agent, customer, or employee of Licensee, and such indemnity provision shall also cover any personal injury or damage suffered to City property, City employees, agents or officers. This license shall also cover any claim for damages that any utility,

whether publicly or privately owned, may sustain or receive by reason of Licensee's use of said license for Licensee's improvements and equipment located thereon.

2. Licensee shall never make any claim of any kind or character against the City of Temple for damages that it may suffer by reason of installation, construction, reconstruction, operation, and/or maintenance of any public improvement or utility, whether presently in place or which may in the future be constructed or installed, including but not limited to, any water and/or sanitary sewer mains, and/or storm sewer facilities, and whether such damage is due to flooding, infiltration, natural causes or from any other cause of whatsoever kind or nature.
3. It is the intention of this indemnity agreement on the part of the Licensee and a condition of the license, that it shall be a full and total indemnity against any kind or character or claim whatsoever that may be asserted against the City of Temple by reason or a consequence of having granted permission to Licensee to use and maintain the above described public property. Licensee hereby agrees to defend any and all suits, claims, or causes of action brought against the City of Temple on account of same, and discharge any judgement or judgements that may be rendered against the City of Temple in connection herewith.

V. Acceptance by Licensee

Licensee may accept the provisions of this license by signing through its duly authorized officer as indicated below within thirty days after this license shall have become fully effective. In the event said acceptance is not signed as provided for herein, then this license shall be of no further effect and shall be considered as having been cancelled fully.

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 **6th** day of **July**, 2017.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney

License Agreement

TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF TEMPLE,
TEXAS:

The licensee hereby accepts the terms and conditions of Resolution No. 2017-8688-R, granting a street use license to allow the encroachment of an existing building onto an existing eight inch sanitary sewer main line, and to allow the encroachment of an existing shed onto a sanitary sewer easement and onto an existing eight inch sanitary sewer main line.

SIGNED this _____ day of _____, 2017.

By:
Title:



COUNCIL AGENDA ITEM MEMORANDUM

07/06/17
Item #5(I)
Consent Agenda
Page 1 of 1

DEPT. / DIVISION SUBMISSION & REVIEW:

Dessie Redmond, Planner

ITEM DESCRIPTION: SUL-FY-17-05: Consider adopting a resolution authorizing approval of a Street Use License to allow for the encroachment of two existing retaining walls and a portion of an existing concrete patio into an existing 20-foot wide sanitary sewer easement, located on Lot 5A, Block 2, Residences at D'Antoni's Crossing #4, Temple, Bell County, Texas, addressed at 2206 Venice Parkway.

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

ITEM SUMMARY: The applicant, Chuck Lucko, submitted this request on behalf of the property owners Katie and Jonathan Reding.

Per the City Code (the Code), Chapter 32, Section 32-21(e)1: Street Use or Encroachment License – City Council approval is required for newly-created encroachments involving new buildings (whether occupied or unoccupied) or for existing encroachments involving any part of an occupied building (residential, commercial or industrial).

A SUL may be granted for a term not to exceed 15 years, unless sooner terminated according to the terms and conditions of Section 32-21, Street Use or Encroachment License of the Code. At the end of the applicable period, the owner may request an extension or renewal of the license.

Planning staff worked with the City's Legal Department to draft the SUL. Staff also contacted the City's Public Works Department. No issues were identified regarding the existing encroachments and potential impacts to existing easements or utilities. No impacts to existing utilities are anticipated. Planning staff also contacted the Fire, Engineering and Park Departments. No objections were identified in these departments as well.

Mr. and Mrs. Reding acknowledge that the retaining walls and a portion of the existing concrete patio are within an existing sanitary sewer easement, and agree to fund the relocation of the main or to remove the encroachment if the sewer main should fail.

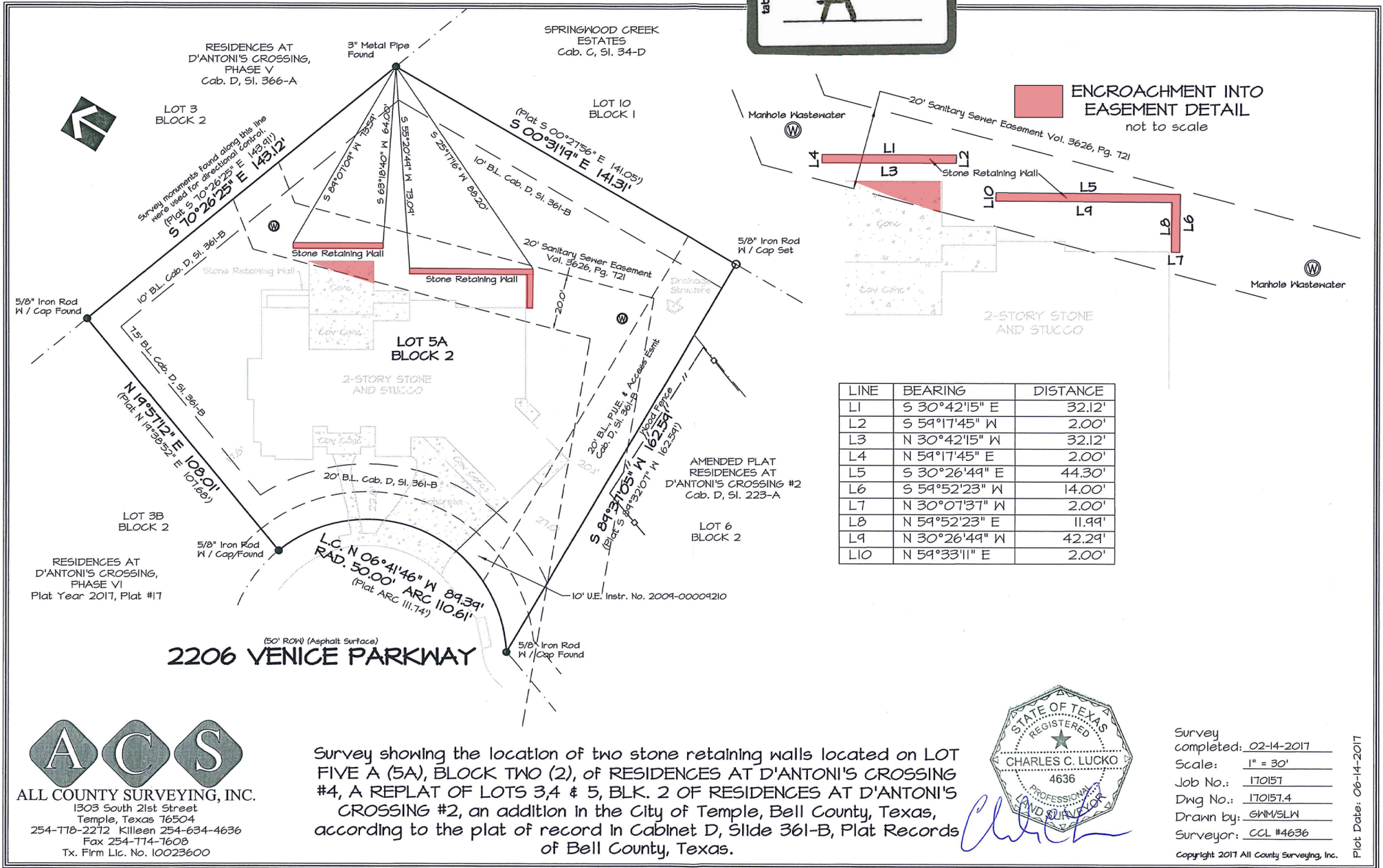
FISCAL IMPACT: Not applicable

ATTACHMENTS:

[Exhibit A](#)
[Resolution](#)

EXHIBIT

A



ACS
ALL COUNTY SURVEYING, INC.
1303 South 21st Street
Temple, Texas 76504
254-778-2272 Killeen 254-634-4636
Fax 254-774-7608
Tx. Firm Lic. No. 10023600



Survey completed: 02-14-2017
Scale: 1" = 30'
Job No.: 170157
Dwg No.: 170157.4
Drawn by: GNM/SLW
Surveyor: CCL #4636
Copyright 2017 All County Surveying, Inc.

Plot Date: 06-14-2017

RESOLUTION NO. 2017-8689-R

(SUL-FY-17-05)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, GRANTING A STREET USE LICENSE TO KATIE AND JONATHAN REDING, OR ANY SUCCESSORS IN INTEREST, TO OCCUPY, MAINTAIN AND UTILIZE A PORTION OF LOT 5A, BLOCK 2, RESIDENCES AT D'ANTONI'S CROSSING NO. 4, TEMPLE, BELL COUNTY, TEXAS, ADDRESSED 2206 VENICE PARKWAY, FOR ENCROACHMENT OF TWO EXISTING RETAINING WALLS AND A PORTION OF AN EXISTING CONCRETE PATIO INTO AN EXISTING 20 FOOT WIDE SANITARY SEWER EASEMENT; PROVIDING FOR THE TERMS AND CONDITIONS OF THIS LICENSE; PROVIDING FOR COMPENSATION; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, a Street Use License has been requested for Lot 5A, Block 2, Residences at D'Antoni's Crossing No. 4, Temple, Bell County, Texas, addressed 2206 Venice Parkway, to allow for the encroachment of two existing retaining walls and a portion of an existing concrete patio into an existing 20 foot wide sanitary sewer easement; as depicted in Exhibit A;

Whereas, the use of the property is not inconsistent, nor will it interfere, with any present City use of the property; and

Whereas, Staff contacted all public and private utility service providers, including the Public Works Department, and confirmed that there are no objections to the encroachment of two existing retaining walls and a portion of an existing concrete patio into an existing 20 foot wide sanitary sewer easement; and

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

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

Part 1: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

Part 2: A Street Use License is granted to Katie and Jonathan Reding, or any successors in interest, hereinafter "Licensee," to occupy, maintain, and utilize a portion of Lot 5A, Block 2, Residences at D'Antoni's Crossing No. 4, Temple, Bell County, Texas, addressed 2206 Venice Parkway, to allow for the encroachment of two existing retaining walls and a portion of an existing concrete patio into an existing 20-foot wide sanitary sewer easement; as depicted in Exhibit A, attached hereto and made a part hereof for all purposes. This Street Use License is approved in accordance with the following terms and conditions:

I. Term

This license is granted for a term of fifteen (15) years unless sooner terminated according to the terms and conditions herein contained. At the end of the fifteen year period, the Licensee may request an extension or renewal of the license.

II. Fee

Licensee shall pay to the City of Temple, Texas, the sum of One Hundred Fifty Dollars (\$150.00) for the fifteen year term of the license herein granted upon the execution by Licensee and approval by the City of the agreement.

III. Purpose

Licensee may occupy, maintain and utilize a portion of Lot 5A, Block 2, Residences at D'Antoni's Crossing No. 4, Temple, Bell County, Texas, addressed 2206 Venice Parkway, for the encroachment of two existing retaining walls and a portion of an existing concrete patio into an existing 20 foot wide sanitary sewer easement.

IV. Conditions of License

The above-described license is granted subject to the following conditions, terms and reservations:

a) Maintenance of Encroachment Area.

1. Licensee shall maintain the encroachment area at all times in a neat, attractive, and orderly manner. A sufficient area of the public street, right of way, alley, sidewalk, or other public property shall remain open after the encroachment, unobstructed and preserved for pedestrian or vehicular traffic (including access for impaired or handicapped persons), as appropriate. No other permanent structure, building, or enclosure shall be installed within the public right of way. Licensee shall at all times, allow access to utilities and trash receptacles located within the encroachment area.
2. Licensee shall restore the encroachment area to its original condition at the end of the license period, unless renewed or extended, or in the event that this license is terminated by the City as provided herein. If Licensee fails to maintain the encroachment area as provided herein, or fails to restore the encroachment area when the license is expired or terminated, the City may cause such work to be done, the costs of which shall be borne by the Licensee.
3. In the event that City requests removal of the encroachment or any other physical improvement in the area of the licensee, Licensee shall remove said improvement at his own expense within thirty days of notice thereof. In the

event that Licensee fails to remove the improvements within the required thirty day period, the City reserves the right to remove the improvements, and Licensee agrees to reimburse the City for the expense of removing said improvements, and Licensee further agrees to hold the City harmless for any and all claims arising out of the removal of improvements or maintenance of the encroachment area. City shall not be required to restore the improvements, which shall be the sole responsibility of Licensee.

4. Licensee acknowledges that the retaining walls and a portion of the existing concrete patio are within an existing sanitary sewer easement, and agrees to fund the relocation of the main or to remove the encroachment if the sewer main should fail.

b) Right of Cancellation.

1. This license is made subordinate to the right of the City to use said area for a public purpose, and in addition to any other reservations made herein, it is understood and agreed that should the City of Temple deem it in the public interest to use the above area or any portion thereof for a public purpose, or for any utility service which will require the use of said area, then in that event, the City shall give the Licensee thirty days written notice of its intention to cancel this license. Licensee shall likewise have the same right of cancellation upon giving the City thirty days written notice of its intention to cancel.

In either event, upon the termination or cancellation by the City or Licensee, as the case may be, this license shall become null and void, and Licensee or anyone claiming any rights under this instrument shall remove any improvements from said area at Licensee's expense. Failure to do so shall subject Licensee to the provisions of subsection (a) (2) above. All work shall be done at the sole cost of the Licensee and to the satisfaction of the Director of Public Works. The decision of the City Council in this matter shall be final and binding upon all parties insofar as the City's determination as to the public necessity of the use of said area for public use.

- c.) Compliance with Laws.** This license is subject to all State and Federal laws, the provisions of the Charter of the City of Temple as it now exists or as it may hereafter be adopted or amended, and the ordinances of the City of Temple now in effect or those which may hereafter be passed and adopted. The City of Temple shall have the right to increase or decrease the compensation to be charged for the license upon its renewal or extension.

d.) Hold Harmless.

1. As a condition hereof, Licensee agrees and is bound to hold the City whole and harmless against any and all claims for damages, costs, and expenses, to

persons or property that may arise out of or be occasioned by the use, occupancy and maintenance of the above-described public property by Licensee, or from any act or omission of any representative, agent, customer, or employee of Licensee, and such indemnity provision shall also cover any personal injury or damage suffered to City property, City employees, agents or officers. This license shall also cover any claim for damages that any utility, whether publicly or privately owned, may sustain or receive by reason of Licensee's use of said license for Licensee's improvements and equipment located thereon.

2. Licensee shall never make any claim of any kind or character against the City of Temple for damages that it may suffer by reason of installation, construction, reconstruction, operation, and/or maintenance of any public improvement or utility, whether presently in place or which may in the future be constructed or installed, including but not limited to, any water and/or sanitary sewer mains, and/or storm sewer facilities, and whether such damage is due to flooding, infiltration, natural causes or from any other cause of whatsoever kind or nature.
3. It is the intention of this indemnity agreement on the part of the Licensee and a condition of the license, that it shall be a full and total indemnity against any kind or character or claim whatsoever that may be asserted against the City of Temple by reason or a consequence of having granted permission to Licensee to use and maintain the above described public property. Licensee hereby agrees to defend any and all suits, claims, or causes of action brought against the City of Temple on account of same, and discharge any judgement or judgements that may be rendered against the City of Temple in connection herewith.

V. Acceptance by Licensee

Licensee may accept the provisions of this license by signing through its duly authorized officer as indicated below within thirty (30) days after this license shall have become fully effective. In the event said acceptance is not signed as provided for herein, then this license shall be of no further effect and shall be considered as having been cancelled fully.

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 **6th** day of **July**, 2017.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney

License Agreement

TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF TEMPLE,
TEXAS:

The licensees hereby accept the terms and conditions of Resolution No. _____,
granting a street use license to allow for the encroachment of two existing retaining walls and a
portion of an existing concrete patio into an existing 20-foot wide sanitary sewer easement.

SIGNED this _____ day of _____, 2017.

Katie Reding

Jonathan Reding



COUNCIL AGENDA ITEM MEMORANDUM

07/06/17
Item #5(J)
Consent Agenda
Page 1 of 1

DEPT. / DIVISION SUBMISSION & REVIEW:

Dessie Redmond, Planner

ITEM DESCRIPTION: A-FY-17-06: Consider adopting a resolution authorizing the abandonment of two separate portions of a 20-foot wide public utility easement encompassing approximately 46.5 square feet (Parcel A) and 1.4 square feet (Parcel B), located on Lot 5A, Block 2, Residences at D'Antoni's Crossing #4, Temple, Bell County, Texas, addressed at 2206 Venice Parkway.

STAFF RECOMMENDATION: Adopt resolution as presented in the item description. This is a recommendation for approval since no outside utility providers or internal staff had concerns with the request.

ITEM SUMMARY: The applicant, Chuck Lucko, submitted this request on behalf of the property owners Katie and Jonathan Reding.

This abandonment is a companion file to a requested Street Use License (SUL-FY-17-05) to allow for the encroachment of two existing retaining walls and a portion of an existing concrete patio into an existing 20-foot wide sanitary sewer easement. This SUL case is located on the same property as this abandonment request.

Planning staff contacted all public and private service providers, including the Public Works Department, whom confirmed that the easement may be abandoned as the providers' responses indicated no objections to abandoning the easement.

FISCAL IMPACT: Not applicable

ATTACHMENTS:

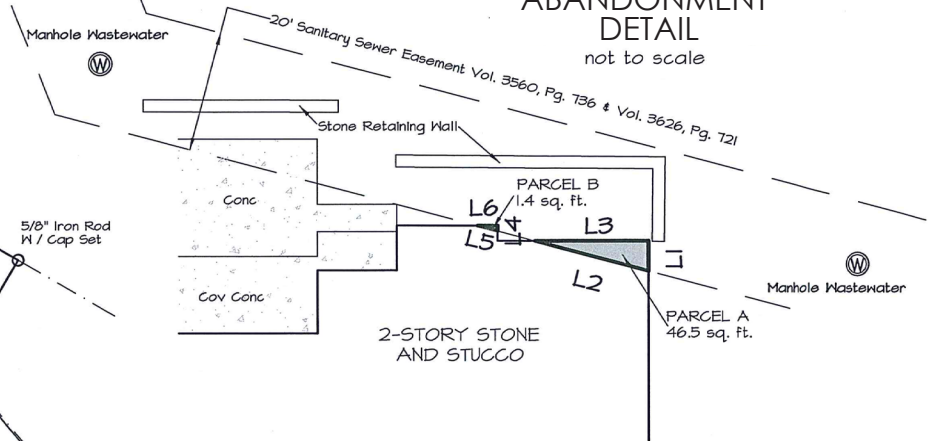
[Exhibit A](#)
[Resolution](#)

EXHIBIT

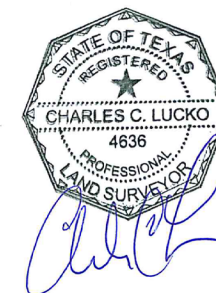
tabbies

A

ABANDONMENT DETAIL not to scale



| LINE | BEARING | DISTANCE |
|------|---------------|----------|
| L1 | S 59°13'24" W | 4.96' |
| L2 | N 15°56'37" W | 19.38' |
| L3 | S 30°46'36" E | 18.74' |
| L4 | S 59°13'24" W | 0.86' |
| L5 | N 15°56'37" W | 3.37' |
| L6 | S 30°46'36" E | 3.26' |



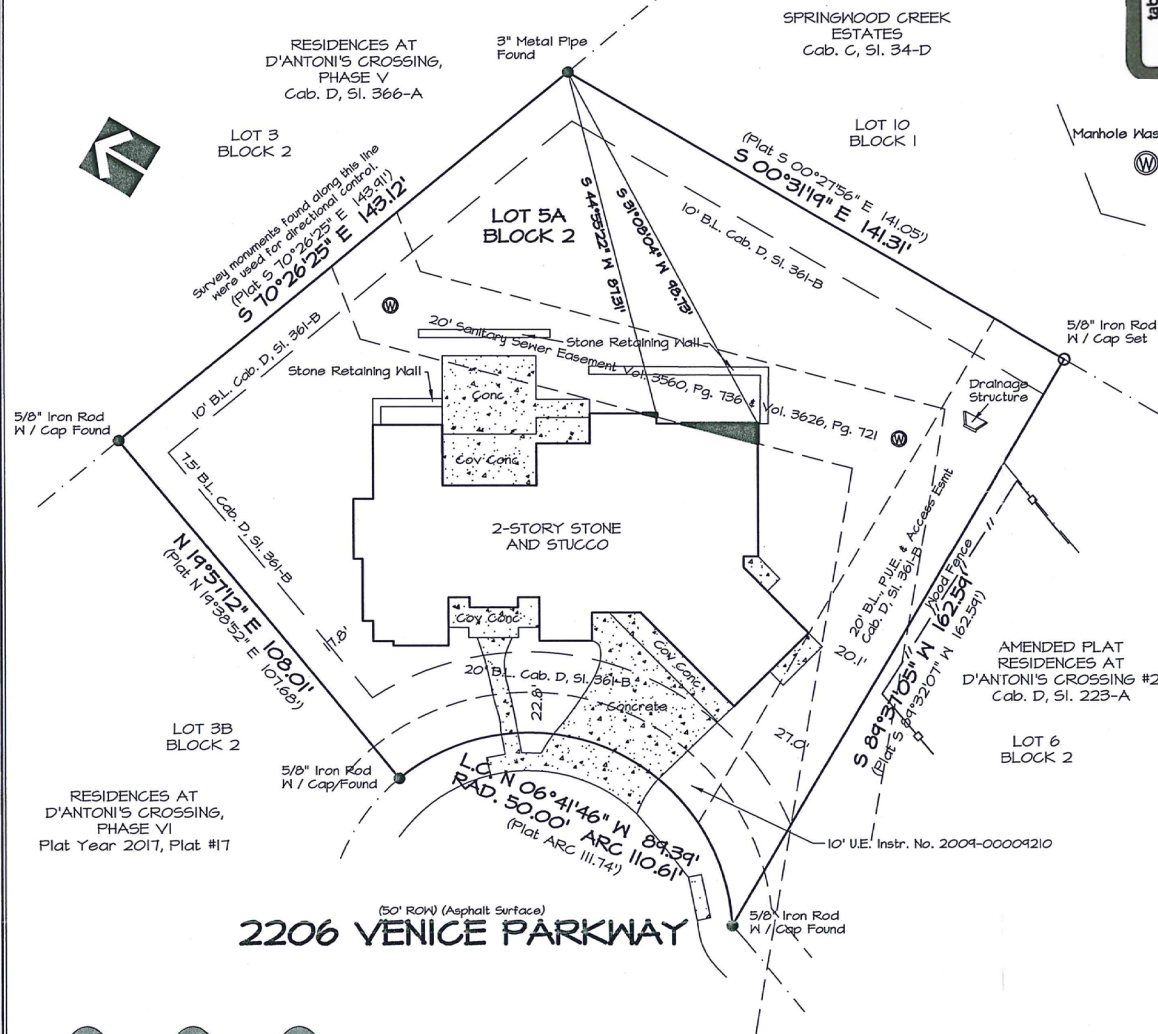
Survey completed: 02-14-2017
Scale: 1" = 30'
Job No.: 170151
Dwg No.: 170151.3
Drawn by: GNM/SLW
Surveyor: CCL #4636
Copyright 2017 All County Surveying, Inc.

Plot Date: 03-28-2017

Survey showing 2 TRACTS, being a portion of LOT FIVE A (5A), BLOCK TWO (2), of RESIDENCES AT D'ANTONI'S CROSSING #4, A REPLAT OF LOTS 3, 4 & 5, BLK. 2 OF RESIDENCES AT D'ANTONI'S CROSSING #2, an addition in the City of Temple, Bell County, Texas, according to the plat of record in Cabinet D, Slide 361-B, Plat Records of Bell County, Texas.

ACS
ALL COUNTY SURVEYING, INC.
1303 South 21st Street
Temple, Texas 76504
254-718-2272 Killeen 254-634-4636
Fax 254-774-7608
Tx. Firm Lic. No. 10023600

2206 VENICE PARKWAY



RESOLUTION NO. 2017-8690-R
(A-FY-17-06)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE ABANDONMENT OF TWO SEPARATE PORTIONS OF A 20-FOOT WIDE PUBLIC UTILITY EASEMENT ENCOMPASSING APPROXIMATELY 46.5 SQUARE FEET AND 1.4 SQUARE FEET, LOCATED ON LOT 5A, BLOCK 2, RESIDENCES AT D'ANTONI'S CROSSING NO. 4, TEMPLE, BELL COUNTY, TEXAS, ADDRESSED 2206 VENICE PARKWAY; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the applicant, Chuck Lucko, submitted a request on behalf of Katie and Jonathan Reding for abandonment of two separate portions of a 20 foot wide public utility easement encompassing approximately 46.5 square feet (Parcel A) and 1.4 square feet (Parcel B), located on Lot 5A, Block 2, Residences at D'Antoni's Crossing No. 4, Temple, Bell County, Texas, addressed as 2206 Venice Parkway, and more particularly described in Exhibit A, attached hereto and made a part hereof for all purposes;

Whereas, the applicants' need for this abandonment is to accommodate encroachment of two parts of a single-family residence into a public utility easement;

Whereas, Staff contacted all public and private utility service providers, including the Public Works Department, and confirmed that the easement may be abandoned, as the providers' responses indicated there are no objections to abandoning the easement; and

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

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

Part 1: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

Part 2: The City Council permanently abandons two separate portions of a 20 foot wide public utility easement encompassing approximately 46.5 square feet and 1.4 square feet, located on Lot 5A, Block 2, Residences at D'Antoni's Crossing No. 4, Temple, Bell County, Texas.

Part 3: Upon request, the City of Temple will provide a copy of this Resolution and any other evidence of abandonment of the utility easement, which may be reasonably required.

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

PASSED AND APPROVED on the 6th day of **July**, 2017.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney

STATE OF TEXAS §

COUNTY OF BELL §

This instrument was acknowledged before me on the _____ day of July, 2017, by Daniel A. Dunn, Mayor of the City of Temple, Texas.

Notary Public, State of Texas

Return Recorded Document to:

*City Attorney's Office
2 North Main Street, Suite 308
Temple, TX 76501*



COUNCIL AGENDA ITEM MEMORANDUM

07/06/17
Item #5(K)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney
Christina Demirs, Deputy City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing the acceptance of a donation of 0.918-acre of right of way from Temple Economic Development Corporation, which is necessary for the expansion of Old Howard Road and Moores Mill Road.

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 as presented in item description.

ITEM SUMMARY: The City is currently in the design phase for the proposed expansion of Old Howard Road from Central Pointe Parkway to Moores Mill Road, as well as an expansion of Moores Mill Road from Old Howard Road to IH-35, including a realigned intersection at Pegasus Drive. The design requires the acquisition of right-of-way from 21 different property owners. Appraisals have been performed on all of the parcels. 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.

The City has acquired twelve rights of way and has reached agreements with three additional property owners. Three properties will require the use of eminent domain. Staff is actively negotiating with each of the remaining property owners and hopes to reach agreements with each of them this fiscal year.

At this time, Staff is seeking authorization for the acceptance of the donation of 0.918-acre of right of way from Temple Economic Development Corporation, which is necessary for the expansion of Old Howard Road and Moores Mill Road.

The address of the property is Moores Mill Road, Temple, Bell CAD ID 410044.

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

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2017-8691-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE ACCEPTANCE OF A DONATION OF AN APPROXIMATELY 0.918 ACRE RIGHT OF WAY FROM TEMPLE ECONOMIC DEVELOPMENT CORPORATION WHICH IS NECESSARY FOR THE EXPANSION OF OLD HOWARD ROAD AND MOORES MILL ROAD; 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 rights of way from 21 different property owners;

Whereas, appraisals have been performed on all of the parcels, and 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, the City has acquired twelve rights of way and has reached agreements with three additional property owners and three properties will require the use of eminent domain - Staff is actively negotiating with each of the remaining property owners and hopes to reach agreements with each of them this fiscal year;

Whereas, Staff recommends Council accept the donation of an approximately 0.918 acre right of way from Temple Economic Development Corporation, which is necessary for the expansion of Old Howard Road and Moores Mill Road;

Whereas, the address associated with this right of way is Moores Mill Road, Temple, Texas (Bell CAD ID #410044);

Whereas, the City will be responsible for future maintenance of the property; 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: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

Part 2: The City Council accepts the donation of an approximately 0.918 acre right of way from Temple Economic Development Corporation, which is necessary for the expansion of Old Howard Road and Moores Mill Road.

Part 3: The City Council authorizes the Interim City Manager, or her designee, after approval as to form by the City Attorney, to execute any documents that may be necessary to accept this donation.

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

PASSED AND APPROVED this the **6th** day of **July**, 2017.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney
Christina Demirs, Deputy City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing the acceptance of a donation of 0.767-acre permanent easement from Temple Economic Development Corporation, which is necessary for the construction of the Little Elm Wastewater project.

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

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The Little Elm Wastewater project will service future development in the northern Industrial Park area along the future Research Parkway. This extension of gravity sewer will allow the abandonment of two lift stations.

The City is currently in the design phase for the project and the design requires the acquisition of twelve easements. The City has acquired five easements. Staff, with the assistance of Lone Star Right of Way Services (Lone Star), has made offers to all property owners and continues to negotiate. Agreements have been reached two owners.

At this time, Staff is seeking authorization for the acceptance of the donation of 0.767-acre permanent easement from Temple Economic Development Corporation, which is necessary for the construction of the Little Elm Wastewater project.

The address of the property is Moores Mill Road, Temple, Bell CAD ID 410044 and 410069.

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

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2017-8692-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE ACCEPTANCE OF A DONATION OF AN APPROXIMATELY 0.767 ACRE PERMANENT EASEMENT FROM TEMPLE ECONOMIC DEVELOPMENT CORPORATION WHICH IS NECESSARY FOR THE CONSTRUCTION OF THE LITTLE ELM WASTEWATER PROJECT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Little Elm Wastewater project will service future development in the northern Industrial Park area along the future Research Parkway and will allow the abandonment of two lift stations;

Whereas, the City is currently in the design phase for the project and the design requires the acquisition of twelve easements – five easements have been acquired;

Whereas, Staff, with the assistance of Lone Star Right of Way Services (Lone Star), has made offers to all property owners and continues the negotiation process;

Whereas, Staff recommends Council accept the donation of an approximately 0.767 acre permanent easement from Temple Economic Development Corporation, which is necessary for the Little Elm Wastewater Project;

Whereas, the address associated with this easement is Moores Mill Road, Temple, Texas (Bell CAD ID #410044 and 410069); 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: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

Part 2: The City Council accepts the donation of an approximately 0.767 acre permanent easement from Temple Economic Development Corporation, which is necessary for the construction of the Little Elm Wastewater project.

Part 3: The City Council authorizes the Interim City Manager, or her designee, after approval as to form by the City Attorney, to execute any documents that may be necessary to accept this donation.

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

PASSED AND APPROVED this the **6th** day of **July**, 2017.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution finding that Oncor Electric Delivery Company LLC's application to change rates within the City of Temple should be denied.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The City, along with 158 other cities served by Oncor Electric Delivery Company LLC ("Oncor" or "Company") is a member of the Steering Committee of Cities Served by Oncor ("Steering Committee"). The Steering Committee has been in existence since the late 1980s. It took on a formal structure in the early 1990s when cities served by the former TXU gave up their statutory right to rate case expense reimbursement in exchange for higher franchise fee payments. Empowered by city resolutions and funded by *per capita* assessments, the Steering Committee has been the primary public interest advocate before the Public Utility Commission, the Courts, and the Legislature on electric utility regulation matters for the last 30 years.

On March 17, 2017, Oncor filed an application to change rates with cities retaining original jurisdiction. In the filing, the Company seeks to increase system-wide transmission and distribution rates by \$317 million or approximately 7.5% over present revenues. The Company asks the City to approve an 11.8% increase in residential rates and a 0.5% increase in street lighting rates. If approved, a residential customer using 1000 kWh per month would see a bill increase of about \$6.68 per month.

In March, the Steering Committee engaged the services of three consultants, Mr. Lane Kollen, Mr. Richard Baudino, and Mr. Karl Nalepa, to review the Company's filing. The consultants identified numerous unreasonable expenses and propose significant reductions to the Company's request. Accordingly, the Steering Committee's attorneys recommend that all members adopt the Resolution denying the rate change. Once the Resolution is adopted, Oncor will have 30 days to appeal the decision to the Public Utility Commission of Texas where the appeal will be consolidated with Oncor's filing (i.e. PUC Docket No. 46957) currently pending at the Commission.

Under the law, cities with original jurisdiction over this matter have 125 days from the initial filing to take final action on the application. By the agreement of the parties, this deadline was suspended until August 19, 2017. As such, all cities with original jurisdiction will need to adopt the proposed resolution no later than August 19.

FISCAL IMPACT: The Company is asking the City to approve an 11.8% increase in residential rates and a 0.5% increase in street lighting rates. If approved, a residential customer using 1000 kWh per month would see a bill increase of about \$6.68 per month. It is staff's recommendation that Oncor Electric Delivery Company LLC's application to change rates within the City of Temple be denied.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2017-8693-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS FINDING THAT ONCOR ELECTRIC DELIVERY COMPANY LLC'S APPLICATION TO CHANGE RATES WITHIN THE CITY SHOULD BE DENIED; FINDING THAT THE CITY'S REASONABLE RATE CASE EXPENSES SHALL BE REIMBURSED BY THE COMPANY; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL.

Whereas, the City of Temple, Texas ("City") is an electric utility customer of Oncor Electric Delivery Company LLC ("Oncor" or "Company"), and a regulatory authority with an interest in the rates and charges of Oncor;

Whereas, City is a member of the Steering Committee of Cities Served by Oncor ("Steering Committee"), a coalition of similarly situated Cities served by Oncor that have joined together to efficiently and cost effectively review and respond to electric issues affecting rates charged in Oncor's service area;

Whereas, on or about March 17, 2017, Oncor filed with the City an application to increase system-wide transmission and distribution rates by \$317 million or approximately 7.5% over present revenues and Company asks the City to approve an 11.8% increase in residential rates and a 0.5% increase in street lighting rates;

Whereas, the Steering Committee is coordinating its review of Oncor's application and working with the designated attorneys and consultants to resolve issues in the Company's filing;

Whereas, through review of the application, the Steering Committee's consultants determined that Oncor's proposed rates are excessive;

Whereas, the Steering Committee's members and attorneys recommend that members deny the Application; 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: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

Part 2: The rates proposed by Oncor to be recovered through its electric rates charged to customers located within the City limits, are hereby found to be unreasonable and shall be denied.

Part 3: The Company shall continue to charge its existing rates to customers within the City.

Part 4: The City's reasonable rate case expenses shall be reimbursed in full by Oncor within 30 days of the adoption of this Resolution.

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

Part 6: A copy of this Resolution shall be sent to Oncor, Care of Howard Fisher, Oncor Electric Delivery Company, LLC, 1616 Woodall Rodgers Freeway, Dallas, Texas 75202 and to Thomas Brocato, Counsel to the Steering Committee, at Lloyd Gosselink Rochelle & Townsend, P.C., P.O. Box 1725, Austin, Texas 78767-1725.

PASSED AND APPROVED this the 6th day of **July**, 2017.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT. /DIVISION SUBMISSION & REVIEW:

Kevin Beavers, Director of Parks and Recreation

ITEM DESCRIPTION: Consider adopting a resolution authorizing participation as a Texas Main Street Urban City and designating city participation.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Downtown revitalization has been a City Administration/Council priority for the past several years. Millions of dollars in Reinvestment Zone funds have been used to support many downtown projects, such as the Santa Fe Plaza Development. Many other similar projects are slated for implementation over the next three to five years.

In an effort to capitalize on the momentum that has been caused by these development projects, a Downtown Development Coordinator was hired in 2016. This position was created to focus on marketing existing businesses, create events to generate more foot traffic, and to actively solicit new merchants to open businesses in vacant buildings. The program has seen much success, but would benefit from participation in the Main Street Program.

The Texas Main Street Urban Program of the Texas Historical Commission has been authorized to assist historic commercial areas in cities with population of 50,001 people or greater to develop a public/private effort to revitalize their target areas. If selected, Temple will begin participation as a Texas Main Street Urban Program in January 2018.

The mission of the TMSP is to provide technical expertise, education, resources and support to designated Main Street communities. Utilizing our individual and collective skills, we shall guide our designated programs in effectively preserving and revitalizing their historic downtowns and commercial neighborhood districts in accord with the National Main Street Four Point Approach™ of organization, design, economic vitality and promotion.

FISCAL IMPACT: None.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2017-8694-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING PARTICIPATION AS A TEXAS MAIN STREET URBAN CITY AND DESIGNATING CITY PARTICIPATION; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Texas Main Street Urban Program of the Texas Historical Commission has been authorized to assist historic commercial areas in cities with populations of 50,001 people or greater to develop a public/private effort to revitalize their target areas;

Whereas, if selected, Downtown Temple will begin participation as a Texas Main Street Urban Program in January 2018; 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: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

Part 2: The City Council authorizes participation as a Texas Main Street Urban City and designates the City's participation.

Part 3: The City Council finds that it is in the public's interest for the City of Temple to support the development and diversification of the economy which will be accomplished by the Texas Main Street Urban Program.

Part 4: The City Council recommends the City of Temple be an applicant for selection to participate in the 2018 Texas Main Street Urban Program with the specific goal of revitalizing a targeted business district within the context of the preservation and rehabilitation of its historic buildings.

Part 5: The City Council authorizes the City's financial support to the Urban Program for staffing, professional development and operations/administration.

Part 6: The City Council understands that downtown revitalization is a long-term effort and that the initial commitment for a Texas Main Street Urban Program is participation for a minimum of five years.

Part 7: The City Council acknowledges that the Temple Parks & Recreation Department and the Convention & Visitors Bureau will be designated to coordinate the Program on behalf of the City and serve as the principal contact in relation to matters involving the City.

Part 8: 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 **6th** day of **July**, 2017.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

Brynn Myers, Interim City Manager
Traci Barnard, Director of Finance

ITEM DESCRIPTION: Consider adopting a resolution setting the date, time and place of public hearings on the proposed FY 2017-2018 Budget for August 3, 2017 at 5:00 p.m. and August 25, 2017 at 8:30 a.m. in the City Council Chambers.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: This proposed resolution will comply with the City Charter requirement that the date, time and place of the public hearing on the proposed budget be set at the first regular Council meeting after the budget is filed. The public hearing is scheduled for the August 3, 2017 Regular Council meeting, to be held at 5:00 p.m. in the Council Chambers, to receive citizen comments on the operating budget. The resolution will also indicate that a supplemental public hearing on the proposed budget will be conducted at the August 25, 2017 Special Council meeting, just prior to the scheduled adoption of the budget.

Additional public hearings for the FY 2017-2018 Proposed Budget may be scheduled relating to statutory requirements for adoption of a tax rate.

FISCAL IMPACT: The proposed Fiscal Year 2017-2018 Budget for the City totals \$146,305,703 for all funds.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2017-8695-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, SETTING THE DATE, TIME AND PLACE OF PUBLIC HEARINGS ON THE PROPOSED FISCAL YEAR 2017-2018 BUDGET FOR AUGUST 3, 2017 AT 5:00 P.M. AND AUGUST 25, 2017, AT 8:30 A.M. IN THE CITY COUNCIL CHAMBERS; DIRECTING THE CITY SECRETARY TO PUBLISH NOTICE SETTING FORTH THE TIME AND PLACE THEREOF; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City Charter directs that the date, time and place of public hearings on the proposed budget be set at the first regular City Council meeting after the annual budget is filed;

Whereas, the public hearings must be scheduled for August 3, 2017 at 5:00 p.m. and August 25, 2017 at 8:30 a.m. in the City Council Chambers located in the Municipal Building at 2 North Main Street, Temple, Bell County, Texas;

Whereas, a supplemental public hearing on the proposed budget will be conducted at the August 25, 2017 Special Council meeting, just prior to the scheduled adoption of the budget;

Whereas, additional public hearings for the fiscal year 2017-2018 Proposed Budget may be scheduled relating to statutory requirements for adoption of a tax rate; 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: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

Part 2: The City Council directs that public hearings on the City of Temple's Fiscal Year 2017-2018 Proposed Budget be held at meetings of the City Council at 5:00 p.m. on August 3, 2017, and at 8:30 a.m. on August 25, 2017, in the City Council Chambers located in the Municipal Building at 2 North Main Street, Temple, Bell County, Texas.

Part 3: The City Council directs the City Secretary to cause the publication of notice of said hearings setting forth the time and place thereof in a newspaper of general circulation within the City.

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

PASSED AND APPROVED this the **6th** day of **July**, 2017.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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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 \$314,895.

ATTACHMENTS:

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

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2017 BUDGET
July 06, 2017

| | | | APPROPRIATIONS | |
|---|------------------|---|-----------------------|-------------------|
| ACCOUNT # | PROJECT # | DESCRIPTION | Debit | Credit |
| 110-2020-521-2514 | | Other Services / Travel & Training | \$ 2,105 | |
| 110-0000-442-0720 | | Police Revenue / Police Revenue | | \$ 2,105 |
| To appropriate travel & training reimbursements to be received from TISD for School Resource Officers attending the Texas Safe Schools Safety Conference. | | | | |
| 110-2020-521-2533 | | Other Services / DARE CJD Expenses | \$ 500 | |
| 110-2041-521-2538 | | Other Services / Crime Victim Expenditures | \$ 225 | |
| 110-0000-442-0722 | | Police Revenue / Police Donations/Gifts | | \$ 225 |
| 110-0000-442-0723 | | Police Revenue / DARE Donations - Unrestricted | | \$ 500 |
| To appropriate a donation received from Knight's Inn for the GREAT Camp, as well as, appropriate donations for the Crime Victim Program related to proceeds received from recycled cell phones. | | | | |
| 110-2385-540-1114 | | Salaries / Trade | \$ 24,150 | |
| 110-2385-540-1119 | | Salaries / Overtime | \$ 2,280 | |
| 110-2385-540-1227 | | Personnel Benefits / AD&D Insurance | \$ 8 | |
| 110-2385-540-1226 | | Personnel Benefits / Life Insurance | \$ 37 | |
| 110-2385-540-1225 | | Personnel Benefits / Dental Insurance | \$ 80 | |
| 110-2385-540-1228 | | Personnel Benefits / Long Term Disability | \$ 64 | |
| 110-2385-540-1221 | | Personnel Benefits / Social Security | \$ 383 | |
| 110-2385-540-1222 | | Personnel Benefits / Health Insurance | \$ 3,892 | |
| 110-2385-540-1220 | | Personnel Benefits / Retirement/Pension | \$ 4,377 | |
| 110-2385-540-1223 | | Personnel Benefits / Worker Compensation | \$ 1,157 | |
| 110-2385-540-2518 | | Other Services / Other- Miscellaneous | \$ 29,402 | |
| 110-2385-540-2611 | | Contracted Services / Insurance & Bonds | \$ 575 | |
| 110-2385-540-2623 | | Contracted Services / Other Contracted Services | \$ 245,660 | |
| 110-0000-444-1052 | | Solid Waste Residential / Residential Recycling | | \$ 156,874 |
| 110-0000-444-2056 | | Solid Waste / Other Recycling-Sales | | \$ 118,500 |
| 110-0000-444-2058 | | Solid Waste / Recycling-Roll Off | | \$ 36,691 |
| To appropriate revenue and expenditures related to the transition of recycling processing services to City operations as of April 1, 2017. | | | | |
| TOTAL AMENDMENTS | | | \$ 314,895 | \$ 314,895 |
| GENERAL FUND | | | | |
| Beginning Contingency Balance | | | \$ - | |
| Added to Contingency Sweep Account | | | - | |
| 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 | | | - | |
| Taken From Judgments & Damages | | | - | |
| Net Balance of Judgments & Damages Contingency Account | | | \$ 5,257 | |
| Beginning Compensation Contingency | | | \$ 560,000 | |
| Added to Compensation Contingency | | | - | |
| Taken From Compensation Contingency | | | - | |
| Net Balance of Compensation Contingency Account | | | \$ 560,000 | |
| 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 | | | \$ - | |

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2017 BUDGET
July 06, 2017

| ACCOUNT # | PROJECT # | DESCRIPTION | APPROPRIATIONS | |
|-----------|-----------|---|----------------|-------------------|
| | | | Debit | Credit |
| | | WATER & SEWER FUND | | |
| | | Beginning Contingency Balance | | \$ 50,000 |
| | | Added to Contingency Sweep Account | | - |
| | | Taken From Contingency | | (41,558) |
| | | Net Balance of Contingency Account | | \$ 8,442 |
| | | Beginning Compensation Contingency | | \$ 112,500 |
| | | Added to Compensation Contingency | | - |
| | | Taken From Compensation Contingency | | - |
| | | Net Balance of Compensation Contingency Account | | \$ 112,500 |
| | | Net Balance Water & Sewer Fund Contingency | | \$ 120,942 |
| | | HOTEL/MOTEL TAX 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 | | \$ 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 |
| | | FED/STATE GRANT FUND | | |
| | | Beginning Contingency Balance | | \$ - |
| | | Carry forward from Prior Year | | 14,947 |
| | | Added to Contingency Sweep Account | | 22,397 |
| | | Taken From Contingency | | - |
| | | Net Balance Fed/State Grant Fund Contingency | | \$ 37,344 |

RESOLUTION NO. 2017-8696-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:

Part 1: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

Part 2: 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.

Part 3: It is hereby officially found and determined that the meeting at which this Resolution was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the 6th day of **July**, 2017.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

07/06/17
Item #6
Regular Agenda
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DEPARTMENT/DIVISION SUBMISSION & REVIEW:

Brian Chandler, Planning Director

ITEM DESCRIPTION: SECOND READING – PUBIC HEARING - Z-FY-17-18: Consider adopting an ordinance authorizing amendments to the City of Temple's Unified Development Code: Article 6 (Sec. 6.7) related to the Interstate 35 Corridor Overlay zoning district to amend the boundary description, applicability, uses allowed and the development standards including landscaping, architecture and signage.

PLANNING & ZONING COMMISSION RECOMMENDATION: At their May 15, 2017 meeting, P&Z unanimously recommended approval per staff recommendation, which included amendments related to uses in the Industrial sub-district.

- After additional stakeholder input and analysis, staff is recommending deferring the use amendments in the Industrial sub-district to Phase 2 of the Amendments, in addition to the Freeway Retail/Commercial sub-district.

STAFF RECOMMENDATION: Staff recommends approval as presented, which includes:

1. Deferring discussion related to land uses within the Freeway Retail/Commercial and Industrial sub-districts to Phase 2 of the Overlay amendments;
2. Deferring discussion related to buffering and screening to Phase 2; and
3. Allowing the use of ACM (Aluminum Composite Material) for freestanding signs if a building has been approved to use ACM as the primary exterior or as an accent material.

BACKGROUND:

Adopted on July 2, 2009, the purpose of the I-35 Corridor Overlay Zoning District according to Sec. 4.3.28 of the UDC is "to exercise greater control over the aesthetic, functional and safety characteristics of development and redevelopment along Interstate 35 within the City where higher development standards can effectively enhance the City's image as a desirable place to live, work and shop. This overlay zoning district is limited to specified areas encompassing land that has already been assigned conventional base zoning district classifications. It supplements the standards of the base zoning districts with new or different standards that are more restrictive."

The standards address:

- Landscaping
- Architecture
- Parking
- Signage
- Lighting
- Land uses

Since adoption, the Planning Department has taken 25 different appeals of the standards cases to City Council (see I-35 Corridor Overlay Appeal Summary). The most frequently appealed standards have been landscaping (16 cases), followed by signs (13), architecture (11) and parking (10).

The Overlay consists of four different sub-districts: City Entry, Freeway Retail/Commercial, Industrial and Civic, which have some variations in the development standards and in the uses allowed.

Based on feedback received by City Council at previous workshop presentations on the topic, staff is proposing to:

- Rename the sub-districts and add zoning prefixes that will attach to the full zoning description for a piece of property (for example, I-35-Convention LI (I-35 Overlay Convention Sub-District Light Industrial District)
- Streamline the submittal process and requirements
- Amend the use table in the Civic and City Entry sub-districts to allow compatible uses in the Convention and to prohibit some inappropriate uses in Gateway
- Clarify the boundary description to alleviate some confusion
- Provide additional flexibility with the development standards
- Make the standards more proportional to the size of the site and to the scope of the project
- Provide additional flexibility for signage design, while also providing a long-range solution to the significant number of non-conforming pole signs in the Corridor

PERMITTED USES:

Planned Development Districts (PDs) are an additional tool that has been utilized to address exceptions to standards within the Overlay, such as for Buc-ee's and the Gateway Center. While most zoning overlay districts are limited to addressing development standards, such as those listed above, the I-35 Overlay also limits land uses beyond what the base zoning district allows, such as Commercial, General Retail or Light Industrial zoning districts. Since appeals related to land use are not an option, a number of PDs have been approved within the Corridor to allow certain uses that are prohibited by the Overlay Code.

STAKEHOLDER INPUT

- Multiple City Council and P&Z Workshops
- TABA (Temple Area Builders Association)
- Temple Economic Development Corporation (TEDC)
- Neal Architectural Group

- DB Commercial Real Estate
- Aldrich-Thomas Group Realtors
- Cultural Activity Center (CAC)
- Magic Graphics (Belton sign company)
- Temple Reinvestment Zone
- Temple Chamber of Commerce

FUTURE CODE AMENDMENT PHASE

Further evaluate boundary description to:

- Permitted uses in the Freeway Retail/Commercial and Industrial sub-districts
- Clarify what is in
- Amendments related to buffering and screening for different land uses
- Work with effected stakeholders
- Clearly map
- Add new maps and other graphics
- Consolidate land use and other tables
- Return to P&Z and City Council

PUBLIC NOTICE: The newspaper printed notice of the Planning and Zoning Commission public hearing on April 6, 2017 in accordance with state law and local ordinance.

FISCAL IMPACT: NA

ATTACHMENTS:

[Proposed Land Use Amendments Summary](#)
[I-35 Corridor Overlay Appeal Summary Table](#)
[UDC Draft Code Amendments \(with “tracked changes”\)](#)
[Ordinance](#)

Proposed Land Use Amendments Summary

Convention

- Childcare facility
- Hotel
- Restaurant (no drive-through)
- Retail shop, gift, apparel, accessory and similar items
- Multiple-family dwelling (apartments)

Gateway

- Childcare facility
- Sexually oriented business
- Shooting range (outdoor)
- Stable (residential or non-commercial)
- Upholstery shop
- Veterinarian hospital (kennels)
- Wrecking or salvage yard

LEGEND

Would require a CUP

Would allow by right if base zoning allows it

Prohibit

I-35 Corridor Overlay Appeal Summary
(As of 4-17-17)

| | Project | Landscaping | Signs | Architecture | Parking | Screening | Lighting | Utilities |
|--------------|----------------------------------|-------------|-----------|--------------|-----------|-----------|----------|-----------|
| 1 | Mueller | | | √ | | | | |
| 2 | Tranum Expansion* | | √ | | | √ | | √ |
| 3 | Johnson Brothers Ford* | √ | √ | √ | | | | |
| 4 | Longhorn International Trucking* | √ | | √ | √ | √ | | |
| 5 | Starbucks* | √ | √ | √ | √ | | | |
| 6 | Mac Haik | √ | | √ | √ | | | |
| 7 | Old Albertsons* | √ | | | √ | | | |
| 8 | Texas Roadhouse* | √ | | | √ | | | |
| 9 | Gateway Center* | √ | √ | | | | | |
| 10 | Garlyn Shelton | √ | | √ | √ | | | |
| 11 | Golden Corral | √ | | √ | √ | √ | √ | |
| 12 | Mattress Firm | √ | | √ | | | √ | |
| 13 | Tem-Tex Solvents* | √ | | √ | | | | |
| 14 | Ashley Furniture* | | √ | | | | | |
| 15 | Hampton Inn* | | √ | | | | | |
| 16 | McDonald's | √ | √ | | | √ | | √ |
| 17 | Garlyn Shelton* | | √ | | | | | |
| 18 | Goodyear* | | √ | | | | | |
| 19 | Caliber Collision* | | √ | | | | | |
| 20 | Ringler Chevrolet and Toyota* | √ | | | √ | √ | | |
| 21 | Automax Hyundai | √ | √ | √ | √ | | √ | |
| 22 | BS&W Distribution Center | √ | | | | | | |
| 23 | BS&W Distribution Center* | | √ | | | | | |
| 24 | Best Quality Meats* | | √ | | | | | |
| 25 | Garlyn Shelton BMW | √ | | √ | | | √ | |
| Total | | 16 | 13 | 11 | 10 | 5 | 4 | 2 |

* = Appeals related to renovations or to a specific element of the project (such as a new sign only)

Sec. 1.1.6.7. I-35, Interstate 35 Corridor Overlay

6.7.1 Purpose Statement (see Sec. 4.3.28)

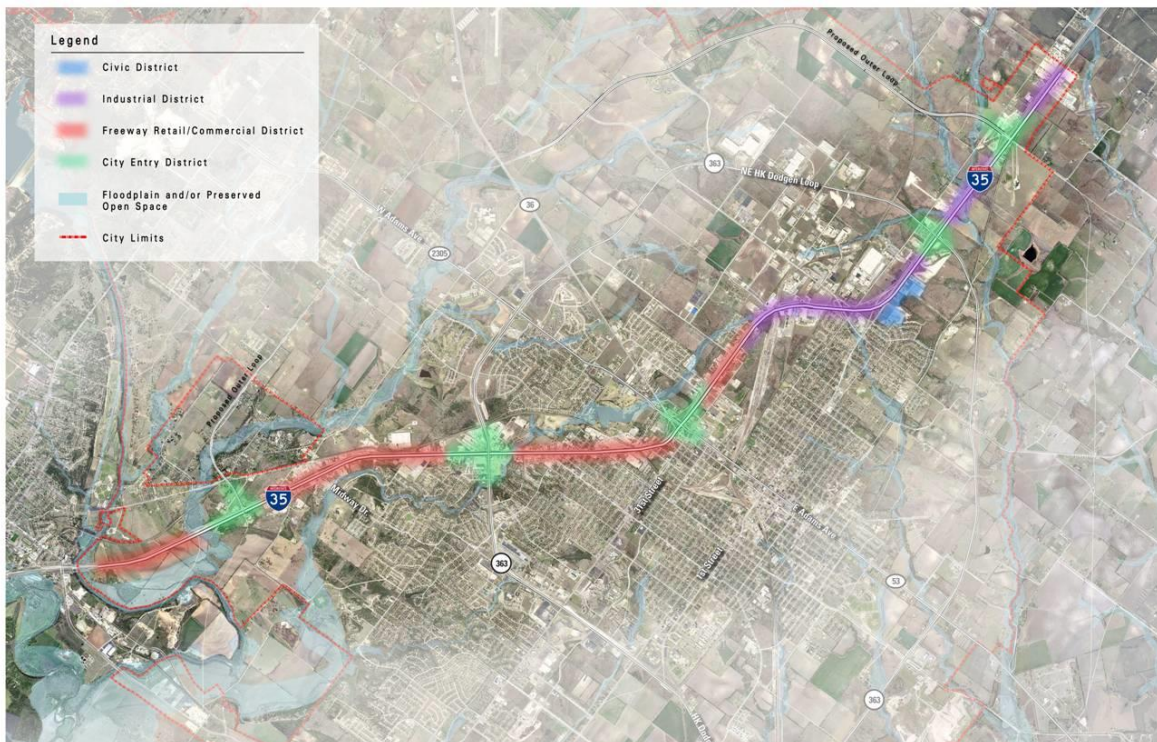
1.1.16.7.2 Boundary

The I-35 Corridor Overlay zoning district applies to the entire length of the Interstate within the City limits. The I-35 Corridor Overlay zoning district is defined as the land including:

- A. Tracts of land that abut ~~or adjoin a public street or an intersection with~~ I-35;
- B. Tracts of land that are developed used, managed, or marketed as a group that includes a tract of land that abuts ~~or adjoins a public or private access street or an intersection with~~ I-35; or

COMMENTARY: The interior portion of a shopping center with pad sites is an example of land that lies within I-35 without abutting the highway.

- C. Tracts of land that shares parking space with a tract of land that abuts ~~or adjoins a public or private access street or an intersection with I-35.~~ I-35.



1.1.26.7.3 Sub-Districts

The I-35 Corridor Overlay zoning district is divided into four sub-districts: Convention, Retail, Industrial and Gateway, which are denoted by a separate zoning prefix, for example I-35-Gateway GR (General Retail) or I-35-Industrial LI (Light Industrial). If a property falls within more than one sub-district, the

more restrictive sub-district standards apply, regardless of how much land area is in the less restrictive sub-district. Each sub-district must comply with the general requirements listed in this Section and the sub-district requirements. Where the Overlay zoning district requirements conflict with the base zoning requirements, the I-35 Overlay District standards apply. See the I-35 Corridor Overlay zoning district map. Those sub-districts are:

A. Civic-Convention Sub-District (prefix of "I-35-Convention")

The boundary extends from the south side of Bellaire North Drive and



approximately 1,000 south to the north side of Bellaire North 2nd Addition.

B. Industrial Sub-District (prefix of "I-35-Industrial")

The boundary extends from the northern city limits, approximately 1,100 feet south of Enterprise Road on the west of I-35 and 560 feet north of



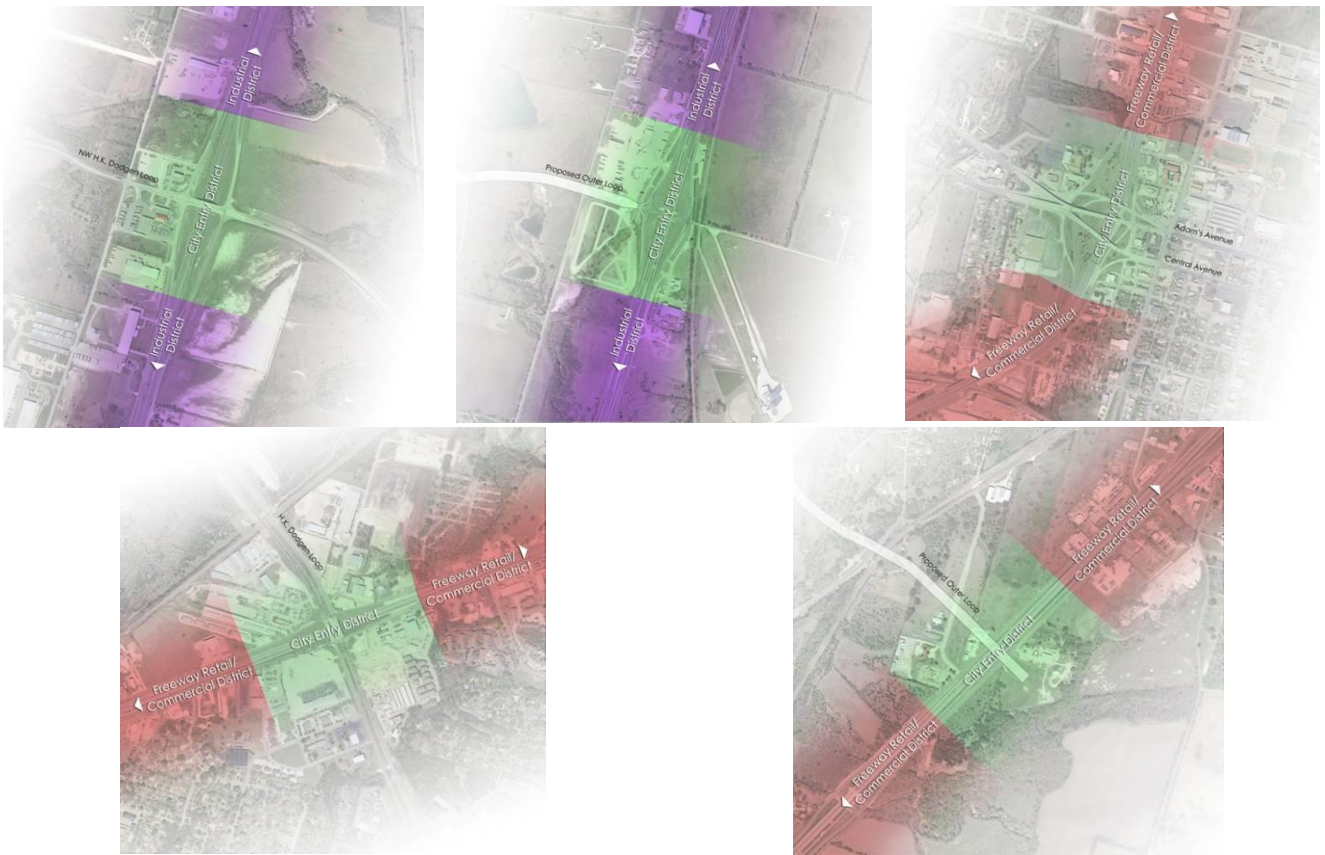
Nugent Avenue on the east. It is interrupted by city entry sub-districts, with stricter standards, at the north outer loop and NE H.K. Dodgen Loop.

C. Freeway-Retail/Commercial Sub-District (prefix of "I-35-Retail")

The boundary extends from south of Enterprise Avenue to the Leon River, the south City limits. It is interrupted by City Entry sub-districts at Adams Avenue, H.K. Dodgen Loop and the proposed South ~~outer~~ Outer loop ~~Loop~~.

D. City-EntryGateway Sub-District (prefix of "I-35-Gateway")

There are five City-EntryGateway sub-districts located at major street locations that access industrial areas, the Central Area, the hospital areas, shopping centers and future retail nodes.



1.1.36.7.4 Applicability

The provisions of I-35 Corridor Overlay zoning district apply to development types in the table below. The table provides a menu of architecture and landscaping requirements that are proportional to the project scope for exterior building renovations or building expansions. ~~Improvements to existing~~

~~buildings are cumulative within a 15-year period when determining which of the following provisions apply. A development type not shown in the table below is not subject to the requirements of the I-35 Corridor Overlay zoning district.~~

The General Design Requirements and the regulations for Sub-Districts apply to new construction and to site modifications that affect tree preservation, parking, fencing, screening, landscape, signs, lighting and utilities.

A. Architectural Design requirements apply in proportion to the project scope for exterior building modifications and expansion of building footprint. Thresholds for proportional compliance apply as shown in the following table:

| PROJECT SCOPE | | Building Materials | Primary Entrance | Architectural Elements |
|---------------------------------|--|--------------------|------------------|------------------------|
| Exterior Building Modifications | Cost equal to 10% - 24% of the assessed value of improvements per the current tax roll | N/A | N/A | N/A |
| | Cost equal to 25% - 49% of the assessed value of improvements per the current tax roll | Applies | N/A | N/A |
| | Cost equal to or greater than 50% of the assessed value of improvements per the current tax roll | Applies | N/A | N/A |
| Increase in Gross Floor Area | 10% - 24% increase in GFA | Applies | N/A | N/A |
| | 25% - 49% increase in GFA | Applies | Applies | N/A |
| | 50% or greater increase in GFA | Applies | Applies | Applies |

B. Landscape design requirements apply in proportion to the project scope for exterior building modifications and expansion of building footprint. The Director of Planning is authorized to approve adjustments to landscaping compliance for a project where unique site characteristics constrain full compliance. The applicant's request and the Director's decision must be made in writing. The Director may substitute one or more inapplicable requirements for one or more applicable requirements, guided by order of priority established in the table below. Options 5 and 6 are appropriate choices only for sites that are too small to achieve Options 1–4.

| PROJECT SCOPE | | OPTIONS IN ORDER OF PRIORITY | | | | | |
|------------------------------|--|------------------------------|---------------------------|------------------------------|------------------------------|---|---------------------|
| | Exterior Building Modifications Excluding Painting | 1 Front landscape buffer* | 2 Side landscape buffers* | 3 Parking Islands with Trees | 4 Front Foundation Plantings | 5 Curbing & Landscaping of Parking Lot <u>Deadspace</u> | 6 ROW Landscaping** |
| Exterior Modifications | Cost equal to 10% - 24% of the assessed value of improvements per the current tax roll | Applies | | | | | |
| | Cost equal to 25% - 49% of the assessed value of improvements per the current tax roll | Applies | Applies | | | | |
| | Cost equal to or greater than 50% of the assessed value of improvements per the current tax roll | Applies | Applies | Applies | | | |
| Increase in Gross Floor Area | 10% - 24% increase in GFA | Applies | Applies | | | | |
| | 25% - 49% increase in GFA | Applies | Applies | Applies | | | |
| | 50% or greater increase in GFA | Applies | Applies | Applies | Applies | | |

*Options 1 and 2 include parking screening when parking screening applies to the type of development.

**Approval by TxDOT is required for landscaping along General Bruce Drive frontage.

6.7.5 Appeal Process

An appeal to any of the development standards requires Planning and Zoning Commission review and City Council approval per Sec. 3.1.3.

1.1.46.7.6 Design Review

The City must review and approve a site development plan prior to construction for all developments within the I-35 Corridor Overlay zoning district as required by this Section.

A. Design Review Process

1. This Section establishes a design review process to ensure that all development within the I-35 Corridor Overlay District meets requirements set forth in these design standards. The review covers site planning, architecture, landscaping, exterior lighting and exterior signage, as well as any changes, additions or renovations to any development on the site.
2. The design review process is divided into ~~four~~ three steps:
 - a. Design Orientation;
 - b. ~~Conceptual~~ Preliminary Design Review;
 - c. ~~Preliminary Design Review~~; and
 - d. ~~Construction Documents Review~~ Permitting.
- ~~3. Formal submittals for design review must be provided at each of the steps in the design review process listed above. Official approvals must be obtained in writing for each of these steps.~~
- ~~4. All requests for design review approvals must be submitted in writing to the City.~~
- ~~5. The applicant must provide all required submittals to the City in a single package that includes the following information:~~
 - ~~a. Property owner's name, mailing address, business telephone and home telephone numbers;~~
 - ~~b. Lot number (location of proposed construction);~~
 - ~~c. Name, address and phone number of architect or owner's representative;~~
 - ~~d. Scale, north arrow, preferably at a scale of 1"=100' or smaller; and~~
 - ~~e. Architectural plans at a scale 1/4" = 1' or smaller.~~

3. It is preferred that the applicant meet with relevant staff at the design orientation step of the process, while the subsequent steps of the process can potentially be addressed via electronic submittals.

6.4. Questions, meetings and informal and partial submittals are encouraged to promote early communication and resolution of issues. Verbal responses are unofficial and are subject to change in written response. Only written approvals from the City are official.

B. Submittal Requirements

Any and all of the information on the plans required below may be combined to reduce the number of sheet submittals, as long as all sheet detail is provided.

1. Design Orientation

Before any design begins, an optional design orientation session is recommended between a representative of the City and the property owner, design architect, landscape architect, engineer and/or contractor. This session includes a discussion of the design concept and design standards for the I-35 Corridor Overlay zoning district, the specific design standards for the particular site and the design review process. This orientation provides valuable information to assist the owner and designers in expediting design review.

2. Conceptual Preliminary Design

a. When the initial design for the project is prepared, ~~two conceptual drawings must be submitted to the~~ minimum of one electronic set of plans should be submitted to the City Planning Department for formal review. This review covers conceptual site planning, architecture, landscape areas, and sign location.

b. The purpose of this conceptual design review is to provide the owner and designer with written assurance that the fundamental designs are acceptable, before requiring plans suitable for City permitting. It also provides a clear list of any issues to be resolved in the Construction Documents Submittal step.

b-c. These plans must include, but are not limited to the following:

~~3.~~ **Preliminary Design**

~~a. Two sets of preliminary design plans must be submitted for this review. These plans must include, but are not limited to the following:~~

i. Preliminary Site Plan

- (A) All property lines, easements, setbacks and buildable area limits;
- (B) Location of water, sewer and electrical connections and conceptual distribution layout;
- (C) All buildings, walls, driveways, parking, walks, pools, patios, terraces, signs and any other above grade development;
- (D) Dimensions between existing and proposed construction and between proposed construction and nearest property lines;
- (E) Building height reference elevation; and
- (F) Vicinity map showing relationships of this site to the rest of the I-35 Corridor Overlay zoning district.

ii. Preliminary Grading

- (A) Existing and proposed ground level contour concepts; and
- (B) Slope treatment and drainage concepts.

iii. Preliminary Roof Plan

- (A) Any unusual conditions or construction requirements; and
- (B) All roof mounted equipment and required screening.

iv. Preliminary Building Elevations

- (A) ~~At least two principal~~ principal exterior elevations of all proposed buildings (in color);
 - (B) Maximum building heights on each elevation drawing; and
 - (C) Conceptual finish materials, colors and textures under consideration.
- v. Preliminary Building Sections
- Grade and building height elevations for slopes greater than seven and one-half percent.
- vi. Preliminary Landscape Plan
- (A) Planting concept, including locations and types of all plant materials; and
 - (B) Demonstration that plant and wall design along the street frontage meets the streetscape design guideline requirements for the I-35 Corridor Overlay District.
- vii. Fence and Wall Plan (if applicable)
- (A) Locations, materials, colors and heights in relation to on-site grades; and
 - (B) Relationships to walls, fences and grades on adjacent parcels.
- viii. Sign Plan (if applicable)
- (A) Locations in relation to on-site grades; and
 - (B) Elevations and details of sign graphics with data table of permitted and proposed.
- ix. Tree Survey (if applicable)
- Location of ~~hardwood~~ trees identified in Sec. 7.4.5.B of the Unified Development Code (approved tree list) measuring six inches or greater in diameter, measured at breast height, ~~not including Bois-D'Arc, Ashe Junipers, Hackberry, Willow, Cottonwood and Mesquite trees.~~

4.3. Construction Documents Permitting

- a. When the preliminary design is further refined and the final construction drawings and specifications for the project have been prepared, they must be submitted to the Chief Building Official-Planning Department for review and final decision-permitting. This review covers all design necessary for construction, including site development, architecture, signage, grading, driveways, parking, walkways, terraces, patios, walls, fences, planter beds, fountains, trellises, utilities, architecture, landscaping, walls, pools, mechanical equipment, plumbing, electrical, exterior lighting and exterior signs.
- ~~b. The purpose of construction documents design review is to provide the owner and designers with written assurance that the final design is acceptable for construction and that any conditions placed on the previous review have been addressed.~~
- ~~c. Two sets of final construction plans must be submitted for this review. They must contain, but are not limited to a Final Site Plan showing:
 - ~~i. Final locations of all structures, terraces, patios, driveways, parking and walk ways;~~
 - ~~ii. Dimensions from buildings and paved areas to setbacks and property lines;~~
 - ~~iii. Water, sewer and electrical connection points and distribution lines;~~
 - ~~iv. Locations of all above-ground mechanical equipment, including electrical transformers, fuel tanks, water tanks, filtration equipment, backflow prevention devices, air-conditioning units and irrigation controllers; and~~
 - ~~v.i. Any other drawings required by the City for construction permitting.~~~~
- ~~d. After the Final Site Plan is approved, an approval letter must be submitted to the owner within 12 working days, giving written assurance the Final Site Plan drawings have been found acceptable for construction. At this time the building plans may be submitted to the City for construction permitting.~~

1.1.56.7.7 General Design Requirements

This Section establishes the ~~site plan review procedure and~~ general design requirements for tree preservation, parking, screening, landscaping, signs, lighting and utilities. All development within the I-35 Corridor Overlay zoning district must comply with these regulations, which supersede all other regulations. Additional standards and requirements apply for each of the sub-districts.

A. Final Site Plan Review

- ~~1. A Final Site Plan must be submitted, reviewed and approved prior to construction for all developments proposed on a tract of land within the I-35 Corridor Overlay zoning district.~~
- ~~2. The Final Site Plan must contain sufficient information demonstrating compliance with all of the applicable requirements of this overlay zoning district and any additional information required by the Director of Planning.~~
- ~~3. In reviewing the Final Site Plan, the City may consider other factors that may be relevant to a particular application, which may include the following:~~
 - ~~a. The relationship to neighboring properties;~~
 - ~~b. The zoning and the uses of nearby properties;~~
 - ~~c. The extent to which the proposed use would substantially harm the value of nearby properties;~~
 - ~~d. The extent to which the proposed use would adversely affect the capacity or safety of that portion of the road network influence by the use, or present parking problems in the vicinity of the property;~~
 - ~~e. The extent to which utilities and services, including, but not limited to, sewer, water service, police and fire protection and are available and adequate to serve the proposed use;~~
 - ~~f. The conformance of the proposed use to the I-35 Corridor Overlay zoning district, the Comprehensive Plan and other adopted planning policies; and~~

~~g. The recommendation of the professional staff.~~

B.A. Tree Preservation

The purpose for these tree preservation standards is to protect the natural beauty of the city, decrease soil erosion, prevent clear cutting and preserve many existing hardwood and canopy trees. Efforts should be made to protect trees on site. All trees over ~~six-eight~~ inches in diameter at breast height (DBH) located within the floodplain plus the area within 300 feet of the floodplain must be protected. A \$100 per caliper-inch fee payable to the Parks Department may be made for trees that cannot be accommodated on-site after the required landscape elements are added. Tree mitigation requirements and fees ~~do not apply to Bois D' Arc, Ashe Junipers, Hackberry, Willow, Cottonwood and Mesquite trees on the site~~ only apply to trees listed in Sec. 7.4.5.B. The tree mitigation requirements within the floodplain do not count toward required landscaping ~~in Sec. DE below.~~ However, tree preservation in areas outside the floodplain can count towards landscaping requirements. Tree mitigation requirements are as follows:

1. A tree survey and preservation plan is required with the preliminary site plan submittal. The tree survey must be signed and sealed by a licensed landscape architect, arborist, engineer or land surveyor.
2. The location, diameter, height and common name of all trees with more than a ~~six~~eight-inch DBH must be shown on the plan.
3. The removal of protected trees must be replaced on the property by planting new trees, found in the Plant List in subsection ~~EEF~~ below, that are equal to the total caliper-inches of the removed trees.
- ~~4. The City has taken inventory of existing vegetation along the IH 35 Corridor to ensure compliance with this Section.~~

C.B. Parking

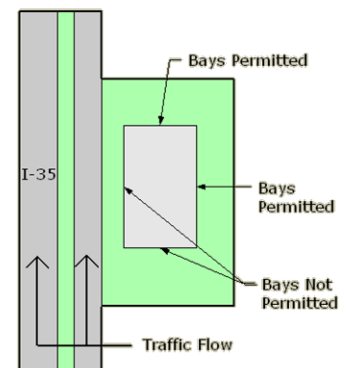
Parking presents one of the greatest challenges in creating an appealing image for public and private property. Parking may be provided in surface lots, parking structures, beneath buildings or below grade, ~~in whatever by any~~ combination that meets the needs for spaces required in Sec. 7.5 ~~and the limits on impervious surface areas set forth in this Section.~~

1. Curb and gutter six inches in height ~~is~~are required around the perimeter of the parking area and all landscaped parking islands.

- ~~2.~~ ~~Parking aisles must be designed to be perpendicular to the front of the principal building.~~
- ~~3.2.~~ Parking to the side and rear of buildings is encouraged and preferred.
- ~~4.3.~~ Parking areas must be planned so that vehicles are not required to back out of parking spaces directly into a public or private street.
- ~~5.4.~~ Parking lots must be designed to preserve the maximum amount of existing trees on site as possible.
- ~~6.5.~~ Parking spaces that face and are adjacent to a building must utilize wheel stops.
- ~~7.6.~~ Wheel stops are required adjacent to all landscaped areas.
- ~~8.7.~~ Wheel stops are required adjacent to all sidewalks, except for raised sidewalks at least 6 feet in width (8 feet if parking spaces front both sides).
- ~~9.8.~~ All parking must be landscaped and screened per the standards set forth in subsection ~~D.12D.11E.12~~ below.
- ~~10.9.~~ No parking is allowed in the landscape buffer.

D.C. Screening and Wall Standards

1. Storage in connexes, shipping containers and semi-trailers is not permitted. Portable buildings may not be made into permanent structures in any form.
2. All garage and service bays, including but not limited to off-street loading bays and service bays used for vehicle repair and servicing, must be located to the rear of the principal building or on the side of the building that is not visible to the traffic flow on the abutting side of I-35. Such bays may be located on the on-coming traffic flow side of the building at the approval of the Director of Planning, but must be screened by a masonry ~~wing~~-wall matching the architectural style and color of the building or an opaque landscape screen containing ~~three~~two-inch DBH caliper hardwood canopy trees, and five-gallon shrubs, as described in the Plant List in subsection ~~EEF~~ below.



3. No outside storage and display, sales, leasing or operation of merchandise outside of sales areas for dealerships for ~~new~~ trucks, cars, [recreational vehicles](#), boats and motorcycles are permitted unless such activity is visually screened with a continuous solid screening device from all streets and adjacent property lines of residentially zoned properties or areas shown as a residential use on the Future Land Use and Character Map.
4. Any public utility stations, such as lift stations and electric sub-stations, must be screened from public view with a masonry wall matching the architectural style and color of the building.
5. A masonry wall matching the architectural style and color of the building must be located between properties when a multiple-family or nonresidential use abuts a residential use or zoning district. Such wall must not be less than six feet or more than eight feet in height, and constructed at grade along the abutting property line. The screening wall is not required if a comparable screening wall in satisfactory condition already exists on the abutting property.
6. Except as provided below, the following site elements must not be clearly visible at eye level from any public street right-of-way or any adjoining residential use or located within 100 feet of any public street right-of-way, unless [adequately screened according to the standards below](#).

a. **Vehicle Loading and Unloading Zones and Service Areas**

Screening for vehicle loading and unloading zones must consist of a continuous solid masonry wall to match the color and style of the building, earthen berms or evergreen opaque landscaping a minimum of six feet in height. Landscape screening must be solid and reach a minimum height of six feet within two years of the issue date of the Certificate of Occupancy for the building or change of use.

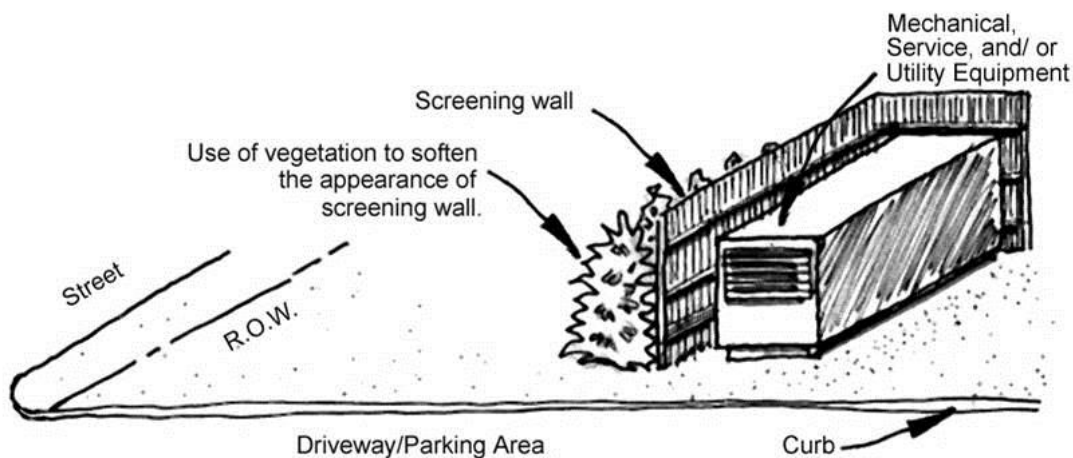
b. **Refuse Storage and Compactors**

Refuse storage and compactors must be enclosed on three sides by a solid [masonry](#) wall ~~of wood or masonry~~ to match the color and style of the building and be a minimum of one foot taller than the equipment being screened. The enclosure must have a minimum eight-foot self-closing gate. The enclosure must be

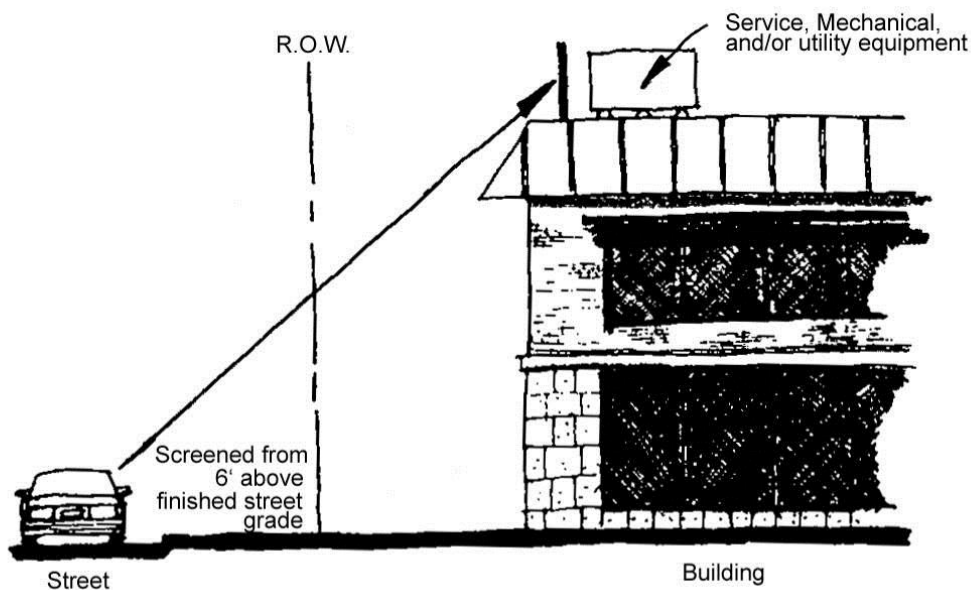
designed to contain all refuse generated on-site between solid waste collections. The refuse storage and compactors must-may not be located in required setbacks.

c. **Mechanical and Utility Equipment**

- i. All ground mounted service equipment such as air conditioners, transformers, trash collection equipment, and other service functions must be located at the rear of buildings, and integrated into the building envelope or enclosed service areas, unless the rear of the building faces I-35, in which case such equipment must be located on the side least visible from a public street right-of-way. Reduce pressure zones are allowed in front of the building if properly landscaped.
- ii. If such equipment is visible from a public street right-of-way, the screening materials must be 100 percent opaque. Screens must incorporate shrubbery with year-round foliage, or a wall, fence, or architectural element of the adjacent building, and be a minimum of one foot taller than the equipment being screened.



- iii. All roof-mounted equipment must be screened from a vantage point that is six feet above finished street grade with materials that are 100 percent opaque. In all cases, screening must be compatible with building color and materials.



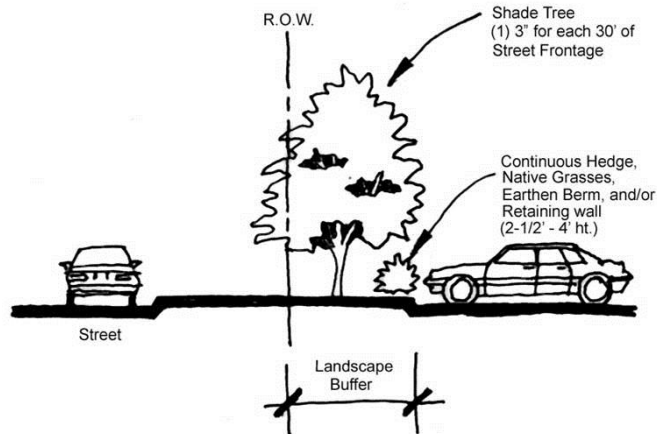
E.D. Landscape

Each site, ~~outside of a City Entry Sub-District,~~ within the I-35 Corridor Overlay must provide a minimum of the following landscape elements per the Applicability Table in Sec. 6.7.4.B.. All required trees, shrubs and groundcovers must be of a species permitted in the Plant List in subsection ~~EEF~~ below unless approved by the Planning Director or City Arborist. Landscape plans must be developed by a landscape contractor, designer or a landscape architect.

1. A total of 15 percent of the total site area must be landscaped with living approved trees, shrubs and groundcovers (except for the Industrial sub-district, which requires 10 percent). Such landscape areas must ~~consist of approved plants and include~~ irrigation covering 100 percent of the required landscaped area for new construction or confirmation of the existence of a hose bib located within 200 feet for projects associated with the renovation of existing buildings.
- ~~1.2.~~ All required landscaping must be maintained in good-living condition after installation. The owner must replace any plant material that becomes diseased, deteriorated or dies ~~within 30 days.~~ The replacement of landscaping must be done within 30 days unless approved by the Planning Director to allow deferral of planting to a more optimal planting season.
- ~~2.3.~~ Areas not covered by building or pavement must be landscaped.

- ~~3.4.~~ Drainage facilities are ~~not~~ allowed within the landscape area ~~except those that are necessary to convey drainage in the shortest possible route to or from the public street right-of-way~~. Drainage facilities include detention ponds, water quality ponds, rain gardens, bioswales, outlet structures, drainage berms or other improvements associated with the drainage improvements. Such drainage facilities must have a natural look with minimum slopes and landscaping.
- ~~4.~~ ~~Vegetation must be used to soften the appearance of walls, including those used for screening. This may include either vines trained up the wall or minimum five-gallon shrubs planted a minimum of thirty inches on-center.~~
5. Foundation plantings are required within a planting area a minimum of six feet in width along ~~70-50~~ percent of the length of any façade visible to the public with the exception of restaurant facades containing a drive-through, garage and service bays and exterior walls adjacent to outdoor patios, which should include perimeter planting. Foundation planting may count toward the required minimum site landscape area required in paragraph 1 above.
- ~~6.~~ All landscape and turf areas must be ~~irrigated and~~ maintained on a regularly scheduled basis.
- ~~6.7.~~ The preservation of existing trees referenced in the City's Approved Tree List Sec. 7.4.5.B can count towards tree planting requirements at a one-to-one ratio of caliper inches preserved to caliper inches required for planting (for example, the preservation of an existing 6-inch DBH (diameter-at-breast-height or measured at 4 feet 5 inches above the ground) live oak tree can be substituted for three two-inch DBH canopy trees).
- ~~7.8.~~ A landscape buffer is required adjacent to any public street right-of-way based on the sub-district's Area Regulations and as follows.
- a. One minimum ~~threetwo~~-inch ~~caliper-DBH~~ canopy tree, as set forth in the City's Approved Tree List found in the City's Plan List Sec. 7.4.5.B., must be planted for each 30 feet of frontage along public street rights-of-way as measured along the lot lines.

- b. Required trees ~~must not be planted in a regular interval, but in clusters~~ can be clustered.
- c. Up to 1 / 3 of total required landscaping may consist of any of the following as long as it abuts grass (in buffers) or includes trees (such as in parking islands):
 - i. A minimum of two-inch river rock
 - (A) Non-irrigated trees require slow release watering bags for 1st year
 - ii. Decomposed granite
 - iii. Stone pavers
 - iv. Stone blocks or boulders
 - v. Mulch
- ~~e.d.~~ Substituting four ornamental trees per one canopy tree is allowed under power lines.
- ~~d.e.~~ A ~~minimum 60 percent of required trees must be~~ mix of evergreen with year around foliage and deciduous trees are encouraged.
- ~~e.~~ A ~~minimum 20 percent of the required landscape buffer must have native grass beds or wildflowers.~~
- f. Berms not less than 24 inches nor more than 48 inches in height at no more than a four to one slope are required-encouraged in the landscape buffer, covering a minimum of 50 percent of the buffer area, and shall result in exemption from parking island requirements adjacent to the berm.
- ~~8.9.~~ Any of the following must be screened by a continuous hedge or shrubs, earthen berms, or retaining walls that are two and one-half to four feet in height:
 - a. Parking lot or vehicle use area;
 - b. Fuel pumps visible from the direction of traffic flow; or
 - c. Vehicle drive-through window facing the street or traffic flow.



~~9.10.~~ Meandering sidewalks Sidewalks a minimum of five feet in width are required in accordance with City standards within the landscape buffer the entire length of the street frontage in the following locations.

- a. Along any street in the Civic Convention Sub-District; ~~and~~
- b. Along any street that intersects or runs immediately parallel with I-35, if the Trails Master Plan recommends a sidewalk adjacent to the property;
- c. Connecting pad retail or office sites to other adjacent retail or office sites; and
- d. All retail centers that are developed, used, managed or marketed as a group must provide sidewalk connections between retail or office pad sites and adjacent multi-family.
- e. Crosswalks from internal sidewalks should be delineated by paint, texture, stain or by a change of material.

~~10.11.~~ The width and composition of a sidewalk required in subsection 10 above must be in accordance with the following standards.

- a. A sidewalk that is a minimum of 10 feet in width is required where the Trails Master Plan shows a Citywide Spine Trail adjacent to the property.
- b. A sidewalk that is a minimum of eight feet in width is required where the Trails Master Plan shows a Community-Wide Connector Trail adjacent to the property.

- c. A sidewalk that is a minimum of six feet in width is required where the Trails Master Plan shows a Local Connector Trail adjacent to the property.

[Ord. 2012-4505]

~~H-12.~~ Landscaped parking islands are required as follows in all parking lots, but are not required adjacent to industrial truck docks. Parking islands may count toward the required minimum landscape area set forth in the sub-district Area Regulations.

a. **Interior Islands**

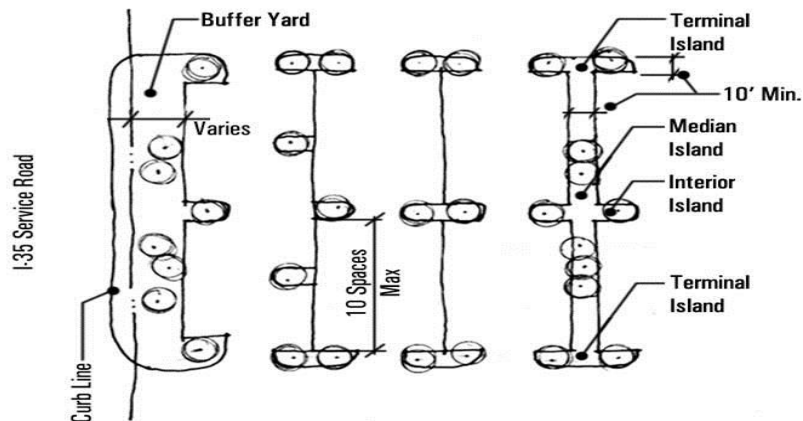
A curbed landscape island must be provided for every 10 parking spaces. Each island must be a minimum of 170 square feet in area and 10 feet in width back-of-curb to back-of-curb and may include a 2 foot wide strip of additional concrete, stone or pavers adjacent to parking spaces for safely stepping out of a vehicle. A minimum three-inch caliper tree is required in each island.

b. **Terminal Islands**

All parking rows must terminate in a curbed landscape island. Each terminal island must be a minimum of 360 square feet in area and contain two minimum ~~three~~two-inch caliper trees.

c. **Median Islands**

A curbed median island a minimum of 10 feet in width back-of-curb to back-of-curb must be located after every third parking bay and along primary internal access drives. Each median island ~~contain one minimum three-inch caliper tree a minimum of every 30 feet on center~~requires a 4-foot sidewalk that connects to the business (trees only required on the Terminal and Interior Islands).



~~12. All landscape areas must accent building features, entryways and driveways.~~

13. Native plants and drought tolerant species [from Sec. 7.4](#) are preferable to reduce water requirements. [Other drought-tolerant or native grass, shrubs and trees can be approved by the Planning Director or by the City Arborist.](#)

F.E. Approved Tree List – See Article 7; General Development Standards; Section 7.4 Landscaping; Subsection 7.4.5. General Planting Criteria; B Approved Tree List.

G.F. Approved Groundcover List – See Article 7; General Development Standards; Section 7.4 Landscaping; Subsection 7.4.5. General Planting Criteria; C Approved Shrub List.

H.G. Approved Shrubs – See Article 7; General Development Standards; Section 7.4 Landscaping; Subsection 7.4.5. General Planting Criteria; D Approved Groundcover List.

I.H. Approved Lawn Grass – See Article 7; General Development Standards; Section 7.4 Landscaping; Subsection 7.4.5. General Planting Criteria; E Approved Lawn Grass.

[Ord. No. 2013-4580]

J.I. Signs

The sign standards in this Section apply to all Sub-Districts in the I-35 Corridor Overlay.

1. Permitted Sign Types

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

| Use | Sign Type | Max. Number of Signs <u>Faces</u> | Max. Height | Max. Area (per sign face) | Min. Setback (from property line) | Min. Spacing Between Signs |
|--|-------------------|---|-----------------------------------|--|---|----------------------------|
| All Permitted Uses | Wall Sign | 1 per public <u>street-facing</u> façade <u>for facades up to 300 feet in length</u> (max. 2) <u>per business; maximum of 2 for facades exceeding 300 feet in length</u> | NA (no projection above building) | 10% of façade face or 300 sq ft max (whichever is greater) | NA | NA |
| All Permitted Uses | Window Sign | NA | NA | 20% of window area | NA | NA |
| All Permitted Uses | Monument Sign | <u>21 per private or public access driveway</u> | 8' | 50 sq ft | 0' | 25' |
| All Permitted Uses | Pylon Sign | <u>21 per public access driveway</u> | <u>25' to 35'*</u> | 200 sq ft | <u>+0'0' (*1 foot height increase for each foot of setback-max of 35' tall)</u> | 50' |
| <u>Travel Related Uses (Fuel Sales, Overnight Accommodations, and Restaurant Uses)</u> | <u>Pylon Sign</u> | <u>2</u> | <u>40'</u> | <u>300 sq ft</u> | <u>+5'</u> | <u>+100'</u> |
| Multi-Tenant Site | Monument Sign | <u>21 per private or public access driveway</u> | 10' | 65 sq ft | 0' | 25' |
| Multi-Tenant Site | Pylon Sign | <u>21 per public access driveway</u> | <u>40'35' to 45'*</u> | 400 sq ft | <u>0' (*1 foot height increase for each foot of setback-max of 45' tall)+5'</u> | 300' |

2. **Maximum Signs per Site**

All sites are permitted one freestanding sign (monument or pylon, single-tenant or multi-tenant) per site-private or public access driveway unless they are part of a development requiring multi-tenant signs.

3. **Multi-Tenant Sign Provisions**

- a. Developments containing three or more businesses, whether in single or multiple buildings, must share freestanding sign structures for advertisement of multiple businesses within the development. This provision applies to businesses located on the same lot upon which the sign is located as well as to businesses located on different lots within the development.
- b. Multi-tenant sites are permitted a to have maximum of one freestanding sign (monument or pylon) per 300 feet of frontage on the I-35 Frontage Road. Both individual business freestanding signs and multi-tenant signs count towards the total for the entire development. one multi-tenant freestanding sign (monument or pylon) per access driveway (or one single-tenant freestanding sign per access driveway, not both). Signs must also comply with the following standards:
 - i. Multi-tenant pylon signs must be oriented to the I-35 Frontage Roads, not to side streets.
 - ii. Multi-tenant monument signs may be used at primary entranceways (spacing permitting) on streets not directly fronting I-35.
 - iii. Businesses may not advertise on both multi-tenant pylon signs and individual single-site pylon signs;
 - iv.i. One monument sign is permitted per individual business advertised on multi-tenant signs.

4. **Freestanding Sign Materials**

Freestanding signs-sign bases must be finished-clad in the either the same masonry material found on the primary building exterior masonry building material, brick or stone. If a building has been approved to

use ACM (Aluminum Composite Material) as the primary exterior or as an accent material, freestanding signs on the site may be clad with ACM to match the building.

5. **Sign Illumination**

~~Monument signs may be externally lit. All other illuminated signs must be internally lit.~~

6. **Pylon Sign Provisions**

All pylon signs in the I-35 Overlay Corridor must have either 1) a minimum height to width ratio of 1 to 0.15 for the masonry or ACM support structure or base or 2) consist of a 2-legged sign clad with masonry that incorporates the following standards:

a. Brick or stone must extend at least 1/3 of the way up a metal pole

i. Stucco or ACM to match the building can be used where applicable and

b. The metal pole must consist of either:

i. A minimum of an 8-inch x 8-inch square pole with a minimum of an 1/2-inch wall or

ii. A round metal pole with a minimum of a 10-inch diameter or

iii. Architectural metal approval by the Planning Director

c. Planter boxes incorporated into the base of the pylon sign with drought-tolerant landscaping are encouraged and:

i. Count towards overall landscaping requirements and

ii. Do not require permanent irrigation

- a.d. Existing pole signs can remain, but the pole(s) must be clad in stone, stucco or brick either a minimum of 20 feet in height or the entire pole height when a sign face is replaced

7. Banner

- a. Must be affixed flush to a façade or attached flush to a fence or wall
- b. Maximum Size: 100 square feet
- c. A sign permit is required in the I-35 Corridor Overlay
- d. Temporary sign limited to 30 days to advertise grand openings, sales or special events
- e. Limited to two per year

8. Pole Banner

- a. Permitted at car dealerships

9. Roof Sign

- a. Permitted only on sites that are 15,000 sf or less to provide needed visibility for smaller businesses
- b. No freestanding sign is permitted on sites with a roof sign
- c. No wall sign is permitted on wall closest to roof sign

7.10. Prohibited Sign Types

The following sign types are prohibited in the I-35 Corridor Overlay.

- a. ~~Roof Sign;~~
- b.a. ~~Banner or Pole Banner;~~
- c.b. ~~Fence Sign;~~
- d.c. ~~Inflatable Device (excluding standard helium balloons but does include hotair balloons used for advertising);~~
- e.d. ~~Message Board; and~~
- f.e. ~~Pole Sign (excludes light pole gas station signs).~~

[Ord. 2012-4507]

K.J. On Premises Lighting

The purpose of these lighting regulations is to permit reasonable uses of outdoor lighting for nighttime safety, utility, security and enjoyment while

preserving the ambiance of the night. By minimizing glare and obtrusive light that is misdirected, excessive or unnecessary, energy and resources are conserved and the natural environment is protected from the damaging effects of night lighting.

1. **Directional Control**

- a. All luminaires ~~of 1,800 or more lumens~~ must be full-cutoff as installed. ~~For luminaires under 1,800 the bulb must be frosted glass or installed behind a translucent cover.~~ Floodlights must be aimed no higher than 45 degrees below horizontal. This can be accomplished by the use of full-cutoff fixture design, shielding, visors, louvers or other devices.
- b. Exterior lighting must have soft, indirect illumination concealed behind landscaping or placed in outdoor lighting fixtures that do not produce direct glare. Lighting must be focused and provide the minimum amount of illumination required for safety.
- c. On-site lighting design must be used to identify and illuminate entries, walks and parking areas. Site lighting used for building illumination must be down wall washing only. ~~No flood lighting or up-lighting is permitted.~~
- d. Security lighting must be designed to avoid glare, and must direct light toward the building or storage area instead of away.

2. **Reasonableness of Intensity**

- ~~a. The maximum allowable total lumens generated on each parcel are 80,000 lumens per net acre with full-cutoff lighting. Parcels less than one net acre are allowed full-cutoff lumens in a portion equal to the parcel's portion of a net acre.~~
- ~~b.a. Lights mounted on the underside of a roof 15 or more feet from any edge of the roof count one-quarter toward the limit. Lights on the underside of a roof less than 15 feet from the edge of the roof count one-half toward total lumens.~~
- ~~c.b.~~ Exterior lighting must have soft, indirect illumination concealed behind landscaping or placed in outdoor lighting fixtures that do not produce direct glare.
- ~~d.c.~~ Lighting must be focused and provide the minimum amount of illumination required for safety.

~~e.d.~~ Outdoor lighting fixtures must be a maximum of 30 feet in height. All light fixtures located within 50 feet of any residential use must not exceed 15 feet in height.

~~f.e.~~ Lighting that flashes, blinks or moves in any way is not allowed.

~~g.f.~~ Mercury vapor lighting is not allowed.

3. **Light Trespass**

- a. ~~The maximum illumination at five feet inside an adjacent residential parcel or public street right-of-way, or beyond, from light emitted from an artificial light source is 0.1 horizontal foot-candles and 0.1 vertical foot-candles. Such illumination at 10 feet inside an adjacent nonresidential parcel or on a public roadway, or beyond, must not exceed 0.1 horizontal foot-candles or 0.1 vertical foot-candles.~~
- b. No line of sight to a bulb is permitted five feet or more beyond a residential property line or public street right-of-way by an observer viewing from a position that is level with or higher than the ground below the fixture. Compliance is achieved with full cutoff fixtures, fixture shielding, directional control designed into the fixture, fixture location, fixture height, fixture aim or a combination of these factors.

4. **Sign Lighting**

All illuminated signs must be lighted internally or lighted by top-mounted lights pointed downward. A sign may not be illuminated with fixtures that are unshielded from upward transmission of light. ~~On-site signs must be turned off upon closing if closing occurs after 10:30p.m.~~ Lights that flash, pulse, rotate, move or simulate motion are not permitted.

5. **Temporary Lighting**

The temporary use of low wattage or low voltage lighting for public festivals, celebrations and the observance of holidays are exempt from regulation except where they create a hazard or nuisance from glare. Light trespass requirements remain in effect. Permits are required for commercial activities such as carnivals and are valid for up to seven consecutive days. Where possible lighting should be full-cutoff.

~~6.~~ **All-Night Lighting**

~~Lighting at places of business or public venues, except for security, must be turned off no later than one hour after closing. The lights of vacant parking lots must not remain lighted except for illuminating entryways by the fixtures closest to building entrances.~~

~~7.6.~~ **Lighting Exemptions**

The following uses or features are exempt from the standards of this Section unless otherwise noted:

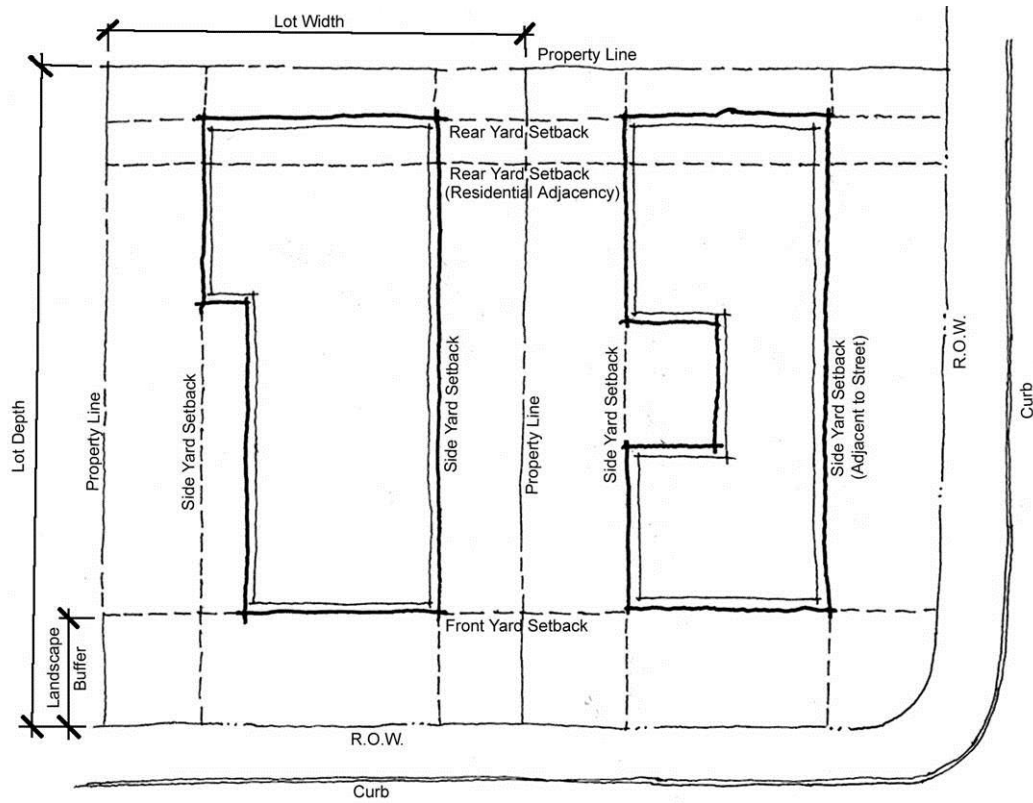
- a. Swimming pools and other water features, monuments, historic structures, or flags;
- b. Stairs and ramps, as required by the Building Code;
- c. Signs must meet the requirements in Sec. ~~7.6.3~~ ~~7.6.3~~ of this UDC, but all signs are recommended to be fully shielded;
- ~~d.~~ Holiday and temporary lighting must meet the requirements in Sec. ~~7.6.8~~ ~~7.6.8~~ of this UDC;
- ~~e.d.~~ Sports lighting is exempt from the lumens per net acre limitations as to the playing field only, but full cutoff fixture design is required and light trespass requirements apply; and
- ~~f.e.~~ Low voltage landscape lighting, but such lighting should be shielded in such a way as to eliminate glare and light trespass.

~~L.K.~~ **Utilities**

~~For new construction, A~~all electric, telephone and cable television wires and cables from the property line to all structures being served on the site must be located underground.

~~1.1.66.7.8~~ **Dimensional Illustration**

The following illustration depicts the typical setbacks, landscape buffer, lot depth and lot width that each sub-district requires in this overlay zoning district.



1.1.76.7.9 Civic Convention Sub-District

The [Civic Convention](#) Sub-District provides a location for important buildings and services that are essentially noncommercial or non-profit in nature and that often serve as community landmarks, gathering places and settings for social interaction. This sub-district is meant to be a destination for events, performances, festivals and other activities related to civic and cultural arts.

A. Permitted and Conditional Uses

The following use table establishes uses allowed by right or by Conditional Use Permit in accordance with [Sec. 3.5](#) in the [Civic Convention](#) Sub-District. Unless otherwise regulated in the standards for this overlay zoning district, permitted uses are governed by the standards of this UDC for the underlying base zoning district. Uses not listed are prohibited.

| Use | Permitted by Right or Permitted Subject to Limitations | Conditional Use | Standards |
|---|--|-----------------|-----------------------|
| Residential | | | |
| Convent or monastery | ✓ | | |
| Single-family attached dwelling | | ✓ | 5.3.5 |
| Single-family detached dwelling | | ✓ | |
| Multiple-family dwelling (apartment) | | <u>✓</u> | |
| Nonresidential | | | |
| Art gallery or museum | ✓ | | |
| Accessory building | ✓ | | |
| Child care facility | <u>✓</u> | | |
| Day camp for children | | ✓ | |
| Community center | ✓ | | |
| Hotel | <u>✓</u> | | |
| Mortuary or funeral home | | ✓ | |
| Park or playground | ✓ | | |
| Place of worship | ✓ | | |
| Personal Wireless Service Facilities Freestanding Facilities | <u>✓</u> | | 5.4.3 |
| Pre-school | ✓ | | 5.3.11 |
| Restaurant (not drive-in) | <u>✓</u> | | |
| Retail shop, gift, apparel, accessory and similar items | <u>✓</u> | | |
| School, elementary or secondary (public or private) | | ✓ | |
| Swimming pool (private) | ✓ | | |

[Ord. 2015-4707]

B. 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 [Civic Convention](#) 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.

| Regulation | Measurement |
|----------------|-------------|
| Min. Lot Area | 12,500 sf. |
| Min. Lot Width | 80 ft. |

| Regulation | Measurement |
|--|---|
| Min. Lot Depth | 80 ft. |
| Min. Front Yard Setback | 25 ft. |
| Min. Side Yard Setback | 10 ft. |
| Min. Side Yard Setback at Street | 25 ft. |
| Min. Rear Yard Setback | 10 ft. (20 ft. adjacent to residential) |
| Min. Landscape | 15% of lot area (for new construction...see Table 6.7.4 for existing buildings) |
| Min. Landscape Buffer Front | <ol style="list-style-type: none"> 1. 5 feet average (for 15,000 sf sites or less) 2. 10 feet average (15,001-1 acre sites) 3. 15 feet average (1.01-2 acres) 4. 20 feet average (2.01-3 acres) 5. 25 feet average (3+ acres) 25 ft. front and adjacent to public street |
| Sides and Rear | <ol style="list-style-type: none"> 1. 5 feet average (2 acres or less) 2. 10 feet average (2+ acres) 10 ft. rear (20 ft. adjacent to residential) |
| Max. FAR | 10 ft. side |
| Max. Building Coverage Max. Building Height | 60% |

C. [Additional LandscapeLandscaping](#)

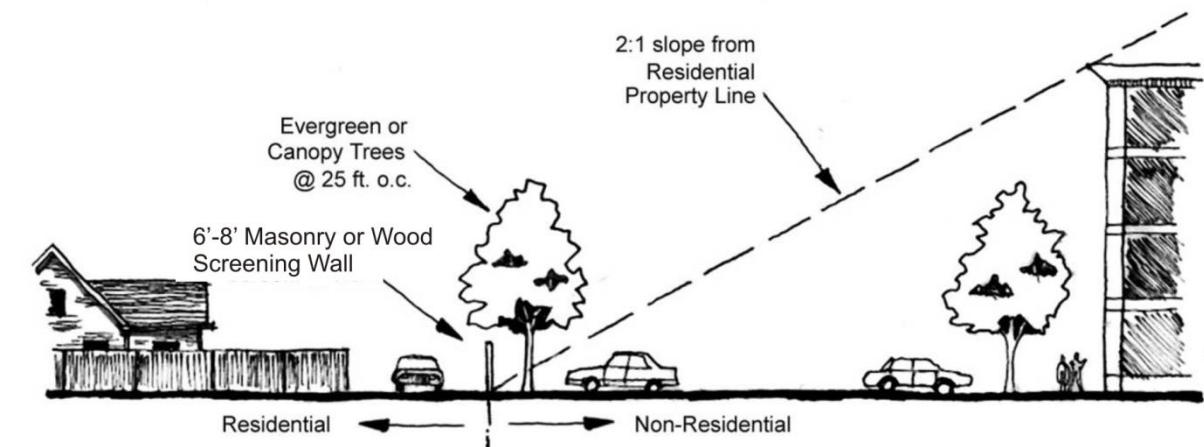
The following landscape requirements are required in addition to those requirements described in Sec. [6.7.7.D.](#), Landscape, above.

- ~~1. An additional 10 percent of vegetation is required above the general landscaping requirements in landscape buffer areas.~~
- ~~1.~~ 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.

D. Architectural Design

1. Site Development

- a. Development must be sited as to maximize street presence.
- b. The location and placement of buildings on individual sites must reflect consideration for roadway access, the preservation of major existing natural vegetation, visual impact and the relationship to surrounding developments.
- c. In order to preserve privacy of residential properties when located adjacent to nonresidential uses in a non-mixed use setting, the building must fit within a 2:1 slope from the residential property line, regardless if distance is greater than that listed in the Dimensions Standards table above.

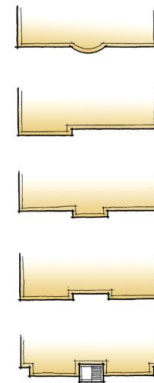


2. Exterior Appearance of Buildings and Structures

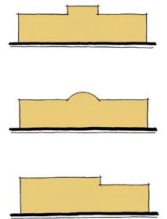
- a. All buildings in the Industrial sub-district must be architecturally finished on the front and side facades with same materials, detailing and features. As long as the rear façade is not visible from a public street or residential property and is painted to match the rest of the building, it is exempt from these architectural requirements.

- a. As an alternative for facades that are not visible from a public street, a single row of trees may be planted along the building or in the landscape buffer on offset 30-foot centers in a minimum 10-foot landscape edge, where 50 percent of the trees are canopy evergreen trees. In this case, the architectural finish must match the remainder of the building in color only.

Possible Building Plans



Possible Building Elevations



- b. Primary building (excluding accessory building) entrances must be articulated and defined to present a strong entry presence. Such entries must include either 1.) an inset or offset from the front building plane by at least four feet; or 2.) a parapet or vertical architectural element at least 3-feet taller than the roof line or display/storefront windows and a metal window canopy or awning.
- c. All buildings must be designed to incorporate no less than three of the following architectural elements. Buildings over 50,000 square feet must include a minimum of five of the following elements. Buildings over 100,000 square feet must include a minimum of seven of the following elements:
- i. Window canopies, window awnings, balconies, porches, stoops or porticos;
 - ii. Minimum of 3-foot roof overhangs;
 - iii. Building wall plane recesses or projections (minimum of 2-feet deep and 10-feet long);
 - iv. Arcades;
 - v. Peaked roof forms;
 - vi. Arches;
 - vii. Outdoor patios;
 - viii. Display/storefront or transom windows;

- ix. Architectural details (such as tile work or moldings) integrated into building facade;
- x. Articulated ground floor levels or base, such as a masonry wainscot;
- xi. Articulated cornice line;
- xii. Integrated planters or wing walls that incorporate landscape and sitting areas;
- xiii. Accent materials (minimum 10 percent of exterior façade).
- xiv. Dormer windows
- xv. Projecting bay or box windows
- xvi. Parapets

All buildings must be designed and constructed in tri-partite architecture to express a base, midsection and top. The heaviest building material must be used as the base. All facades must include:

- xvii. Articulated ground floor levels, such as with a masonry wainscot;
- xviii. A midsection that can be defined by storefront/display windows and window canopies or awnings; and
- xix. A top that can be defined by articulated cornice lines, a change in material, parapet, etc.



- Two-story tripartite example
- No more than 3 exterior wall materials
- Use of deep roof overhangs and eaves, articulated cornice lines, a masonry wainscot, a metal canopy and storefront windows

- d. No uninterrupted length of facade may exceed 50 feet in length without a design element listed in Sec. 2.d.
- e. Windows must comprise a minimum of 15 percent of the front and side elevations. Vegetative screening can be substituted for side elevation window requirements.
- f. All drive-through restaurants must have an outdoor seating area with a 150 sf minimum.

3. Building Materials and Colors

- a. Conceptual facade elevations and color palette must be submitted to staff for preliminary review.
- b. The color of all structures must be generally earth-tone in hue. The Director of Planning may approve accent colors that are not earth tone, but may not approve a façade that displays more than 10 percent of non-earth tone colors. No façade may display neon or florescent colors.
- c. The designer may select a variety of exterior materials for use as the dominant material on the facades of a building, but the number of materials on a single building must be limited to no more than three materials in order to achieve a clean design style.
- d. Windows must not be glazed or re-glazed with mirrored or reflective glass.
- e. Maintenance and durability of materials must be considered as important qualities for every element of the design. Special care must be taken to specify the use of vandal resistant building components.
- f. The following is a list of approved building materials and accent materials per façade (not to exceed 20 percent of materials used). The Director of Planning may approve materials not listed below.
- g. _____

| Primary Materials: Max. 80%, Min. 60% <u>(excluding window %)</u> | Accent Materials: Max. 40%, Min. 20% <u>(excluding window %)</u> |
|--|---|
| Architectural metal Brick Cast stone Color integrated split face block Stone Stucco <u>(EIFS with a minimum of a 3-foot stone or brick wainscot)</u> Smooth insulated wall panel Textured painted tilt wall | Cast Stone Cementitious siding Glass block Granite Marble Textured or patterned concrete Tile Wood All primary materials (other than material used to achieve the min. 80%) |

1-1-86.7.10 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: | | ✓ | 5.3.1 through 5.3.7 |
| Multiple-family dwelling (apartment) | | ✓ | 5.3.3 |
| Recreational vehicle park | ✓ | | |
| Nonresidential | | | |
| Animal feed lot | ✓ | | |
| Animal shelter (public or private) | | ✓ | |

| Use | Prohibited Use | Conditional Use | Standards |
|--|----------------|-----------------|---|
| Auto storage or auto auction | ✓ | | |
| Boat sales or repair | | ✓ | |
| Body Piercing Studio | ✓ | | 5.3.27 |
| Bottling works | | ✓ | |
| Building material sales | | ✓ | |
| Car wash | | ✓ | |
| Child care facility | ✓ | | |
| Contractor storage and equipment yard | | ✓ | |
| Correctional facility | ✓ | | |
| Day camp for children | ✓ | | |
| Drag strip or commercial racing | ✓ | | |
| Flea market (outdoors) | ✓ | | |
| Greenhouse or nursery (retail) | | ✓ | |
| Hatchery, fish or shrimp, fish farm | ✓ | | |
| Hatchery, poultry | ✓ | | |
| Heavy machinery sales, storage and repair | | ✓ | |
| Industrial Uses listed in the use table in Sec. 5.1 | | ✓ | |
| Kennel | | ✓ | |
| Livestock auction | ✓ | | |
| Major vehicle repair | | ✓ | 5.3.22 5.3.22 |
| Milk depot, dairy or ice cream plant | | ✓ | |
| Minor vehicle servicing | | ✓ | 5.3.23 5.3.23 |
| Motorcycle or scooter sales and repair | | ✓ | |
| Open storage of furniture, appliances or machinery | ✓ | | |
| Paint shop | | ✓ | |
| Sexually oriented business | ✓ | | |
| Shooting range (outdoor) | ✓ | | |
| Stable, residential or noncommercial | ✓ | | |
| Tattoo Studio | ✓ | | 5.3.27 |
| Trailer, recreational vehicle, portable building or HUD-Code manufactured home sales or rental | | ✓ | |
| Transitional or emergency shelter | ✓ | | |
| Upholstery shop | | ✓ | |
| Veterinarian hospital (kennels) | | ✓ | |
| Wrecking or salvage yard | ✓ | | 5.3.24 |

[Ord. 2012-4505]

C. Dimensional Standards

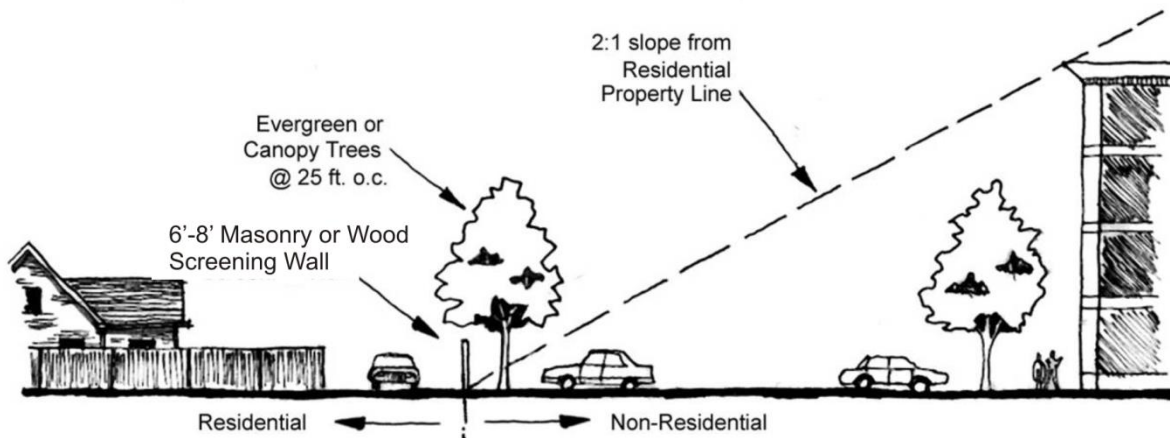
Dimensional standards for the base zoning districts as found in Sec. 4.5 of this UDC apply except that the following regulations supersede such requirements for properties in the Industrial Sub-District. Nonconforming lots of record that are smaller than the minimum required lot area may be developed but all requirements of the I-35 Corridor Overlay District apply.

| Regulation | Measurement |
|----------------------------------|---|
| Min. Lot Area | 1 acre |
| Min. Lot Width | 160 ft. |
| Min. Lot Depth | 160 ft. |
| Min. Front Yard Setback | 50 ft. |
| Min. Side Yard Setback | 20 ft. |
| Min. Side Yard Setback at Street | 50 ft. |
| Min. Rear Yard Setback | 20 ft. (30 ft. adjacent to residential) |
| Min. Landscape | 10% of lot area (for new construction...see Table 6.7.4 for existing buildings) |
| Min. Landscape Buffer | Front 1. 5 feet average (for 15,000 sf sites or less) 2. 10 feet average (15,001-1 acre sites) 3. 15 feet average (1.01-2 acres) 4. 20 feet average (2.01-3 acres) 5. 25 feet average (3.01+ acres) Sides and Rear 1. 5 feet average (2 acres or less) 2. 10 feet average (2+ acres) 10 ft. rear (20 ft. adjacent to residential) 10 ft. side |
| Max. Building Coverage | 50% |
| Max. FAR | 1 to 1 |
| Max. Building Height | 42-50 ft. including mechanical and roof structure (does not apply to a hotel or multi-family use) |

D. Architectural Design

1. Site Development

- a. The location and placement of buildings on individual sites must reflect consideration for roadway access, the preservation of major existing natural vegetation, visual impact and the relationship to surrounding developments.
- b. In order to preserve privacy of residential properties when located adjacent to nonresidential uses in a non-mixed use setting, the building must fit within a 2:1 slope from the residential property line, regardless if distance is greater than that listed in the Dimensions Standards table above.



2. Exterior Appearance of Buildings and Structures

- a. All buildings in the Industrial sub-district must be architecturally finished on all the front and sides facades with same materials, detailing and features, with a higher level of finish on the primary facades. As long as the rear façade is not visible from a public street or residential property and is painted to match the rest of the building, it is exempt from these architectural requirements.
- b. Primary building (excluding accessory building) entrances must be articulated and defined to present a strong entry presence. Such entries must include either 1.) an inset or offset from the front building plane by at least four feet; or 2.) a parapet, vertical architectural element at least 3-feet taller than the roof line or

display/storefront windows and a metal window canopy or awning.

c. All buildings must be designed to incorporate no less than three of the following architectural elements. Buildings over 50,000 square feet must include a minimum of five of the following elements. Buildings over 100,000 square feet must include a minimum of seven of the following elements:

i. Window canopies, window awnings, balconies, porches, stoops or porticos;

ii. Minimum of 3-foot roof overhangs;

iii. Building wall plane recesses or projections (minimum of 2-feet deep and 10-feet long);

iv. Arcades;

v. Peaked roof forms;

vi. Arches;

vii. Outdoor patios;

viii. Display/storefront or transom windows;

ix. Architectural details (such as tile work or moldings) integrated into building facade;

x. Articulated ground floor levels or base, such as a masonry wainscot;

xi. Articulated cornice line;

xii. Integrated planters or wing walls that incorporate landscape and sitting areas;

xiii. Accent materials (minimum 10 percent of exterior façade).

xiv. Dormer windows

xv. Projecting bay or box windows

xvi. Parapets

~~b. Building entrances must be articulated six feet and defined to present a strong entry presence. All buildings must be designed to incorporate no less than one of the following architectural~~

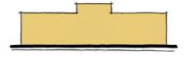
elements. Buildings over 50,000 square feet must include a minimum of two of the following elements. Buildings over 100,000 square feet must include a minimum of three of the following elements.

i. Canopies, awnings or porticos;

Possible Building Plans

Possible Building Elevations

ii. Overhangs;



iii. Recesses or projections;



iv. Arcades;



v. Peaked roof forms;



vi. Arches;



vii. Outdoor patios;



viii. Display windows;

ix. Architectural details (such as tile work or moldings) integrated into building façade;

x. Articulated ground floor levels or base;

xi. Articulated cornice line;

xii. Integrated planters or wing walls that incorporate landscape and sitting areas;

xiii. Offsets, reveals or projecting rib used to express architectural or structural bay; or

xiv. Accent materials.

d. No uninterrupted length of facade may exceed 100 feet in length without a design element listed in Sec. 2.c.

~~e. Building design must incorporate a basic level of architectural variety. All industrial buildings with facades greater than 250 feet in length, visible from a public street right of way, must have wall plane projections or recesses that are a minimum of six feet deep. Projections and recesses must be at least 25 percent of the length of the facade on those sides facing a public street. No uninterrupted length of facade may exceed 200 feet in length. All drive-through restaurants must have an outdoor seating area with a 150 sf minimum. Shared common areas are encouraged.~~

~~e.f.~~

3. **Building Materials and Colors**

~~a. Conceptual facade elevations and color palette must be submitted to staff for preliminary review.~~

~~a. Conceptual facade plans, color palette and sample boards must be submitted with the Preliminary Site Plan application. Final facade plan and sample boards must be submitted with final site plan application for all nonresidential uses.~~

b. The color of all structures must be generally earth-tone in hue. The Director of Planning may approve accent colors that are not earth tone, but may not approve a facade that displays more than 10 percent of non-earth tone colors. No facade may display neon or florescent colors.

c. The designer may select a variety of exterior materials for use as the dominant material on the facades of a building, but the number of materials on a single building must be limited to no more than three materials in order to achieve a clean design style.

d. Windows must not be glazed or re-glazed with mirrored or reflective glass.

e. Maintenance and durability of materials must be considered as important qualities for every element of the design. Special care must be taken to specify the use of vandal resistant building components.

f. The following is a list of approved building materials and accent materials per facade (not to exceed 20 percent of materials used). The Director of Planning may approve materials not listed below.

f.g.

| Primary Materials: Max. 100%, Min. 80% <u>(excluding window %)</u> | Accent Materials: Max. 20% <u>(excluding window %)</u> |
|--|--|
| Architectural metal Stone Brick <u>Cast stone</u> Stucco <u>(EIFS with a 3-foot stone or brick wainscot)</u> Color integrated split face block Painted tilt wall Smooth insulated -wall panel | Cast stone Wood Glass block Tile Granite Marble Textured or patterned concrete <u>Cementitious siding</u> All primary materials (other than material used to achieve the min. 80%) |

1.1.96.7.11 Freeway-Retail / ~~Commercial~~ Sub-District

The ~~freeway~~ retail ~~and commercial~~ locations in Temple have been and should continue to be a major factor in the City's growth and employment efforts. These standards will continue to attract new ~~commercial~~ retail activity to the City and enhance the City's image as a desirable place to live, work and shop on 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 Sec. 5.1 except as follows: | ✓ | | |
| Multiple-family dwelling (apartment) | ✓ | | 5.3.3 |
| Recreational vehicle park | ✓ | | |
| Nonresidential | | | |
| Animal feed lot | ✓ | | |
| Animal shelter (public or private) | | ✓ | |
| Auto storage or auto auction | ✓ | | |
| Boat sales or repair | | ✓ | |
| Body Piercing Studio | ✓ | | 5.3.27 |
| Bottling works | ✓ | | |
| Building material sales (either indoors or to the rear with screening) | | ✓ | |
| Car wash | | ✓ | |
| Child care facility | ✓ | | 5.3.9 and 5.3.10 |
| Contractor storage and equipment yard | ✓ | | |
| Correctional facility | ✓ | | |
| Credit Access Business | ✓ | | 5.3.26 |
| Day camp for children | ✓ | | |
| Drag strip or commercial racing | ✓ | | |
| Flea market (outdoors) | ✓ | | |
| Greenhouse or nursery (retail) | | ✓ | |
| Hatchery, fish or shrimp, fish farm | ✓ | | |
| Hatchery, poultry | ✓ | | |
| Heavy machinery sales, storage and repair | | ✓ | |
| Industrial Uses listed in the use table in Sec. 5.1 | ✓ | | |
| Kennel | ✓ | | |
| Livestock auction | ✓ | | |
| Major vehicle repair | | ✓ | 5.3.22 |
| Milk depot, dairy or ice cream plant | ✓ | | |
| Minor vehicle servicing | | ✓ | |
| Open storage of furniture, appliances or machinery | ✓ | | |
| Paint shop | | ✓ | |
| Sexually oriented business | ✓ | | |
| Shooting range (outdoor) | ✓ | | |
| Stable, residential or noncommercial | ✓ | | |
| Trailer, recreational vehicle | | ✓ | |

| Use | Prohibited Use | Conditional Use | Standards |
|-----------------------------------|----------------|-----------------|-----------|
| sales or rental | | | |
| Transitional or emergency shelter | ✓ | | |
| Upholstery shop | | ✓ | |
| Veterinarian hospital (kennels) | | ✓ | |
| Wrecking or salvage yard | ✓ | | 5.3.24 |

[Ord. 2012-4505]

C. Dimensional Standards

Dimensional standards for the base zoning districts as found in 4.5 of this UDC apply except that the following regulations supersede such requirements for properties in the ~~Freeway-Retail~~ ~~Commercial~~ 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.

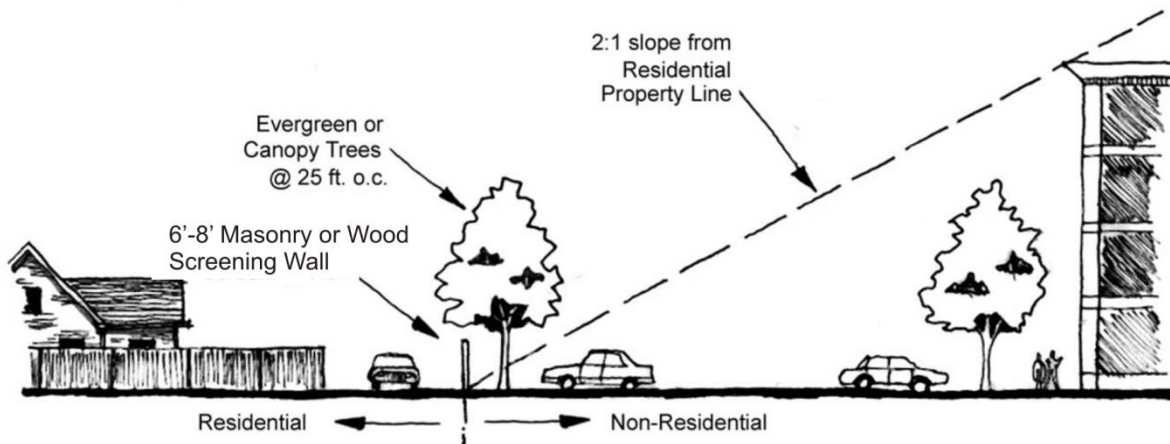
| Regulation | Measurement |
|----------------------------------|--|
| Min. Lot Area | 12,500 sf. |
| Min. Lot Width | 80 ft. |
| Min. Lot Depth | 80 ft. |
| Min. Front Yard Setback | 25 ft. |
| Min. Side Yard Setback | 20 ft. |
| Min. Side Yard Setback at Street | 25 ft. |
| Min. Rear Yard Setback | 10 ft. (20 ft. adjacent to residential) |
| Min. Landscape | 15% of lot area (for new construction...see Table X for existing buildings) |
| Min. Landscape Buffer | <p>Front</p> <ul style="list-style-type: none"> ○ 5 feet average (for 15,000 sf sites or less) ○ 10 feet average (15,001-1 acre sites) ○ 15 feet average (1.01-2 acres) ○ 20 feet average (2-3 acres) ○ 25 feet average (3+ acres) <p>Sides and Rear</p> <ul style="list-style-type: none"> ○ 5 feet average (2 acres or less) ○ 10 feet average (2+ acres) (20 feet adjacent to residential) |

| Regulation | Measurement |
|------------------------|--|
| Max. Building Coverage | 50% |
| Max. FAR | 4 to 1 |
| Max. Building Height | 6 stories or 100 ft. including mechanical and roof structure, except for hotels and apartments |

D. Architectural Design

1. Site Development

- Development must be sited as to maximize street presence.
- The location and placement of buildings on individual sites must reflect consideration for roadway access, the preservation of major existing natural vegetation, visual impact and the relationship to surrounding developments.
- In order to preserve privacy of residential properties when located adjacent to nonresidential uses in a non-mixed use setting, the building must fit within a 2:1 slope from the residential property line, regardless if distance is greater than that listed in the Dimensional Standards table above.

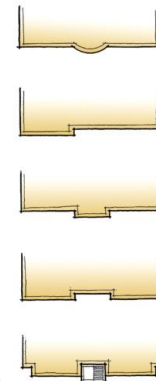


2. Exterior Appearance of Buildings and Structures

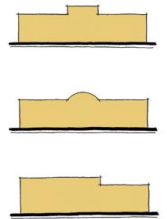
- All buildings, including accessory buildings, must be architecturally finished on all sides with the same materials, detailing and features, with a higher level of finish on the primary facades.

- b. As an alternative for facades that are not visible from a public street, a single row of trees may be planted along the building or in the landscape buffer on offset 30-foot centers in a minimum 10-foot landscape edge, where 50 percent of the trees are canopy evergreen trees. In this case, the architectural finish must match the remainder of the building in color only.

Possible Building Plans



Possible Building Elevations



- c. Primary Building (excluding accessory building) entrances must be articulated and defined to present a strong entry presence. Such entries must include either 1.) be an inset or offset from the front building plane by at least six feet; or 2.) a parapet, vertical architectural element at least 3-feet taller than the roof line or display/storefront windows and a metal window canopy or awning.

- d. All buildings must be designed to incorporate no less than three of the following architectural elements. Buildings over 50,000 square feet must include a minimum of five of the following elements. Buildings over 100,000 square feet must include a minimum of seven of the following elements:

- i. Window Canopies, window awnings, balconies, porches, stoops or porticos;
- ii. Minimum of 3-foot roof Overhangs;
- iii. Building wall plane Recesses-recesses or projections (minimum of 2-feet deep and 10-feet long);
- iv. Arcades;
- v. Peaked roof forms;
- vi. Arches;
- vii. Outdoor patios;
- viii. Display /storefront windows or transom windows;

- ix. Architectural details (such as tile work or moldings) integrated into building facade;
- x. Articulated ground floor levels or base, [such as a masonry wainscot](#);
- xi. Articulated cornice line;
- xii. Integrated planters or wing walls that incorporate landscape and sitting areas;
- ~~xiii. Offsets, reveals or projecting rib used to express architectural or structural bay; or~~
- [xiii. Accent materials \(minimum 10 percent of exterior façade\).](#)
- [xiv. Dormer windows](#)
- [xv. Projecting bay or box windows](#)
- ~~xiv.~~[xvi. Parapets](#)

~~d.e.~~ All buildings must be designed and constructed in tri-partite architecture to express a base, midsection and top. The ~~base and tops of buildings must vary in material, and the~~ heaviest building material must be used as the base. All facades must include:

- i. Articulated ground floor levels, [such as with a masonry wainscot](#);
- ii. ~~Minimum three-foot overhangs at eaves~~[A midsection that can be defined by storefront/display windows and window canopies or awnings](#); and
- iii. [A top that can be defined by A](#)articulated cornice lines, [a change in material, parapet, etc.](#)



- Two-story tripartite example
- No more than 3 exterior wall materials
- Use of deep roof overhangs and eaves, articulated cornice lines, a masonry wainscot, a metal canopy and storefront windows

e.f. All buildings must be designed to be consistent with the purpose of the I-35 Corridor Overlay zoning district. Building design must incorporate a basic level of architectural variety. All retail and commercial buildings with facades greater than 200 feet in length, visible from a public street right-of-way, must incorporate wall plane projections or recesses that are at least six feet deep. Projections and recesses must be at least 25 percent of the length of the facade. No uninterrupted length of facade may exceed 100 50 feet in length without a design element listed in Sec. 2.d.

g. Buildings must contain Windows must comprise a minimum of 40 15 percent and up to a maximum of 80 percent of windows on each building elevation, excluding the rear elevation of the front and side elevations. Vegetative screening can be substituted for side elevation window requirements.

h. All drive-through restaurants must have an outdoor seating area with a 150 sf minimum.

f.i. Shared common areas are encouraged.

3. **Building Materials and Colors**

- a. Conceptual facade ~~plans, elevations and~~ color palette ~~and sample boards~~ must be submitted ~~with the Preliminary Site Plan application to staff for preliminary review. Final facade plan and sample boards must be submitted with final site plan application for all nonresidential uses.~~
- b. The color of all structures must be generally earth-tone in hue. The Director of Planning may approve accent colors that are not earth tone, but may not approve a façade that displays more than 10 percent of non-earth tone colors. No façade may display neon or florescent colors.
- c. The designer may select a variety of exterior materials for use as the dominant material on the facades of a building, but the number of materials on a single building must be limited to no more than three materials in order to achieve a clean design style.
- d. No single building material may cover more than 80 percent of the front of any building, with the exception of on-site utility or service structures.
- e. Windows must not be glazed or re-glazed with mirrored or reflective glass.
- f. Maintenance and durability of materials must be considered as important qualities for every element of the design. Special care must be taken to specify the use of vandal resistant building components.
- g. The following is a list of approved building materials and accent materials per façade (not to exceed 20 percent of materials used). The Director of Planning may approve materials not listed below.

| Primary Materials: Max. 90%, Min. 70% (excluding window %) | Accent Materials: Max. 30%, Min. 10% (excluding window %) |
|---|---|
| Stone Architectural metal Cast stone Brick Stucco Granite Marble Painted Tilt Wall | Cast stone Wood Glass block Tile Granite Marble Textured or patterned concrete Cementitious siding All primary materials (other than material used to achieve the min. 80%) |

E. Vehicle Sales

Where sales inventory aisles exist for an automobile, truck, motorcycle, recreational vehicle or boat sales, [heavy machinery sales](#), leasing or rental establishment, the following standards apply as exceptions to the general landscape provisions in Sec. [6.7.7D6.7.5E](#).

1. Parking lot islands must be located at the end of the inventory aisle, span the width of such aisle and have a minimum depth of 10 feet; and
2. ~~Evergreen-Drought-tolerant~~ shrubs [per Sec. 7.4.C.](#) a minimum of five gallons in size must completely fill the island area.
- 2.3. [Four ornamental trees can be substituted for one canopy tree in landscape buffers abutting vehicle or boat inventory at strategic locations to allow for greater visibility and protection of the inventory from falling leaves and branches.](#)

F. Vehicle Sales in Portion of Sub-district

Where an automobile, [motorcycle](#) or truck sales, leasing or rental establishment is located between North General Bruce Drive and North 31st Street, north of Jack White Boulevard up to 265 feet north of the northern boundary of the public street right-of-way of Bray Street, the following standards apply, as exceptions to the corresponding general and freeway retail commercial standards:

1. **Inventory Parking Lot Islands**

- a. Parking lot islands must be located at the end of the inventory aisle, span the width of such aisle and have a minimum depth of 10 feet.
- b. Evergreen shrubs a minimum of five gallons in size must completely fill the island area.

2. **Landscape Buffer**

- a. A landscape buffer a minimum of 10 feet wide is required adjacent to Jack White Boulevard.
- b. A landscape buffer a minimum of five feet wide is required adjacent to North 31st Street.

3. **Garage and Service Bays**

- a. Garage and service bays, including but not limited to off-street loading bays and service bays used for vehicle repair and servicing, must face Jack White Boulevard and Bray Street.
- b. A wing wall or opaque landscaping is not required to screen garage and service bays as required in ~~Sec. 6.7.7.C. 1.1.6C~~~~6.7.5D~~, if landscaping along north General Bruce Drive and Jack White Boulevard is designed to screen such garages and bays.

~~1.1.106.7.12~~ **City Entry Gateway Sub-District**

This sub-district is the gateway into the city core, hospitals, neighborhoods, shopping, airport and industrial parks. Development should enhance the image of the City and entice people to stop, shop and visit the City. These entries need to create attractive portals to the City.

A. Permitted Uses

Permitted uses are governed by the uses permitted in the use table in ~~Sec. 5.1~~~~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 ~~Sec. 5.1~~~~Sec. 5.1~~, the following uses are prohibited or require a Conditional Use Permit in accordance with ~~Sec. 3.5~~~~Sec. 3.5~~.

July 6, 2017 DRAFT

| Use | Prohibited Use | Conditional Use | Standards |
|---|-------------------|-------------------|--|
| Residential | | | |
| All Residential Uses listed in the use table in Sec. 5.1 Sec. 5.1 except as follows: | ✓ | | |
| Multiple-family dwelling (apartment) | | ✓ | 5.3.3 5.3.3 |
| Recreational vehicle park | ✓ | | |
| Nonresidential | | | |
| Animal feed lot | ✓ | | |
| Animal shelter (public or private) | ✓ | | |
| Auto storage or auto auction | ✓ | | |
| Boat sales or repair | ✓ | | |
| Body Piercing Studio | ✓ | | 5.3.27 |
| Bottling works | ✓ | | |
| Building material sales | ✓ | | |
| Car wash | | ✓ | |
| Child care facility | ✓ | ✓ | 5.3.9 and 5.3.10 |
| Contractor storage and equipment yard | ✓ | | |
| Correctional facility | ✓ | | |
| Credit Access Business | ✓ | | 5.3.26 |
| Day camp for children | ✓ | | |
| Drag strip or commercial racing | ✓ | | |
| Flea market (outdoors) | ✓ | | |
| Greenhouse or nursery (retail) | | ✓ | |
| Hatchery, fish or shrimp, fish farm | ✓ | | |
| Hatchery, poultry | ✓ | | |
| Heavy machinery sales, storage and repair | ✓ | | |
| Industrial Uses listed in the use table in Sec. 5.1 Sec. 5.1 | ✓ | | |
| Kennel | ✓ | | |
| Livestock auction | ✓ | | |
| Major vehicle repair | ✓ | | |
| Milk depot, dairy or ice cream plant | ✓ | | |
| Minor vehicle servicing | | ✓ | 5.3.23 5.3.23 |
| Motorcycle or scooter sales and repair | | ✓ | |
| Open storage of furniture, appliances or machinery | ✓ | | |
| Paint shop | | ✓ | |
| Sexually oriented business | ✓ | | |
| Shooting range (outdoor) | ✓ | | |
| Stable, residential or | ✓ | | |

| Use | Prohibited Use | Conditional Use | Standards |
|--|----------------|-----------------|-----------|
| noncommercial | | | |
| Tattoo Studio | ✓ | | 5.3.27 |
| Trailer, recreational vehicle, portable building or HUD-Code manufactured home sales or rental sales or rental | ✓ | | |
| Transitional or emergency shelter | ✓ | | |
| Upholstery shop | ✓ | | |
| Veterinarian hospital (kennels) | ✓ | | |
| Wrecking or salvage yard | ✓ | | |

[Ord. 2012-4505]

C. Dimensional Standards

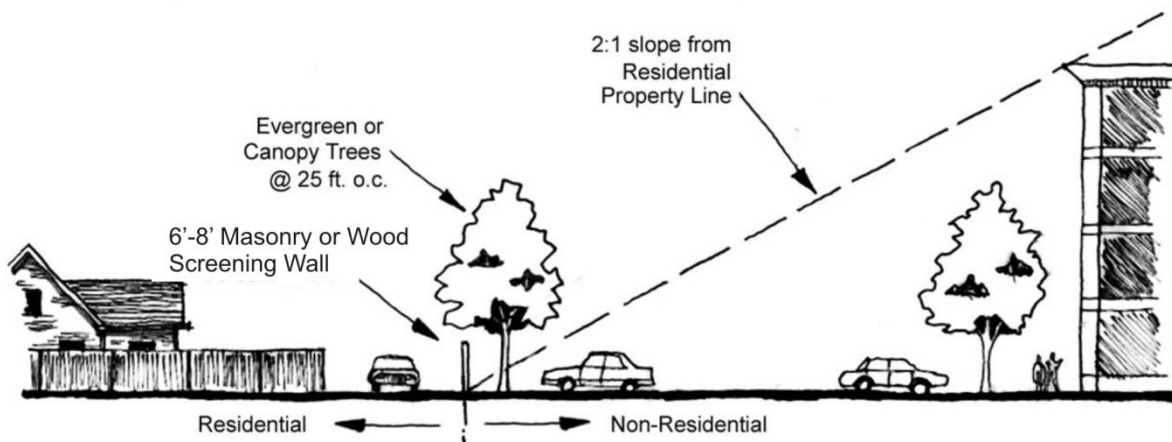
Dimensional standards for the base zoning districts as found in Sec. 4.5 of this UDC apply except that the following regulations supersede such requirements for properties in the [City Entry Gateway](#) Sub-District. Nonconforming lots of record that are smaller than the minimum required lot area may be developed but all requirements of the I-35 Corridor Overlay District apply.

| Regulation | Measurement |
|----------------------------------|---|
| Min. Lot Area | 12,500 sf. |
| Min. Lot Width | 80 ft. |
| Min. Lot Depth | 80 ft. |
| Min. Front Yard Setback | 25 ft. |
| Min. Side Yard Setback | 20 ft. |
| Min. Side Yard Setback at Street | 25 ft. |
| Min. Rear Yard Setback | 10 ft. (20 ft. adjacent to residential) |
| Min. Landscape | 15% of lot area (for new construction...see Table 6.7.4 for existing buildings) |
| Min. Landscape Buffer | Front <ul style="list-style-type: none"> ○ 5 feet average (for 15,000 sf sites or less) ○ 10 feet average (15,001-1 acre sites) ○ 15 feet average (1.01-2 acre sites) ○ 20 feet average (2.01-3 acres) ○ 25 feet average (3+ acres) Sides and Rear <ul style="list-style-type: none"> ○ 5 feet average (2 acres or less) ○ 10 feet average (2+ acres) (20 feet adjacent to residential) |
| Max. Building Coverage | 60% |
| Max. FAR | 4 to 1 |
| Max. Building Height | 6 stories or 100 ft. including mechanical and roof structure except for hotels and multi-family |

D. Architectural Design

1. Site Development

- a. Development must be sited as to maximize street presence.
- b. The location and placement of buildings on individual sites must reflect consideration for roadway access, the preservation of major existing natural vegetation, visual impact and the relationship to surrounding developments.
- c. In order to preserve privacy of residential properties when located adjacent to nonresidential uses in a non-mixed use setting, the building must fit within a 2:1 slope from the residential property line, regardless if distance is greater than that listed in the Dimensional Standards table above.



2. Exterior Appearance of Buildings and Structures

- a. All buildings, including ~~“out”~~ accessory buildings, must be architecturally finished on all sides with same materials, detailing and features, with a higher level of finish on the primary facades.
- b. For facades that are not visible from the public streets, a single row of trees can be planted along the building or in the landscape buffer on offset 25-foot centers in a minimum 10-foot landscape edge, where 50 percent of the trees are canopy evergreen trees. In this case, the architectural finish must match the remainder of the building in color only.

~~c. The principal building wall is to be setback a minimum of 18 and a maximum of 24 feet from the back of the drive curb.~~

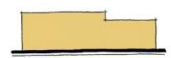
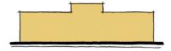
c. Principal Building entrances (excluding accessory buildings)

must be articulated and defined to present a strong entry presence. Such entries must be inset or offset from the front building plane by at least four feet and must include a parapet, a vertical architectural element that is at least 3 feet taller than the roof line, or display/storefront windows and a metal window canopy or awning.

Possible Building Plans



Possible Building Elevations



d. All buildings must be designed to incorporate no less than three of the following architectural elements. Buildings over 50,000 square feet must include a minimum of five of the following elements. Buildings over 100,000 square feet must include a minimum of seven of the following elements.

i. Window canopies, window awnings, balconies, porches, stoops or porticos;

ii. Minimum of 3-foot roof overhangs;

iii. Building wall plane recesses or projections (minimum of 2-feet deep and 10-feet long);

iv. Arcades;

v. Peaked roof forms;

vi. Arches;

vii. Outdoor patios;

viii. Display/storefront or transom windows;

ix. Architectural details (such as tile work or moldings) integrated into building facade;

x. Articulated ground floor levels or base, such as a masonry wainscot;

- xi. Articulated cornice line;
- xii. Integrated planters or wing walls that incorporate landscape and sitting areas;
- xiii. Accent materials (minimum 10 percent of exterior façade).
- xiv. Dormer windows
- xv. Projecting bay or box windows
- xvi. Parapets
 - i. Canopies, awnings or porticos;
 - ii. Overhangs;
 - iii. Recesses or projections;
 - iv. Arcades;
 - v. Peaked roof forms;
 - vi. Arches;
 - vii. Outdoor patios;
 - viii. Display windows;
 - ix. Architectural details (such as tile work or moldings) integrated into building façade;
 - x. Articulated ground floor levels or base;
 - xi. Articulated cornice line;
 - xii. Integrated planters or wing walls that incorporate landscape and sitting areas;
 - xiii. Offsets, reveals or projecting rib used to express architectural or structural bay; and
 - xiv. Accent materials (minimum 10 percent of exterior façade).

- e. All buildings must be designed and constructed in tri-partite architecture to express a base, midsection and top ~~(see Exhibit D)~~. The ~~base and tops of buildings must vary in material, and the~~ heaviest building material must be used as the base. All facades must include:

- i. Articulated ground floor levels, such as with a masonry wainscot;
- ii. A mid-section that can be defined by storefront/display windows and window canopies or awnings; and
- iii. A top that can be defined by articulated cornice lines, a change in material, parapet, etc.



- Two-story tripartite example
- No more than 3 exterior wall materials
- Use of deep roof overhangs and eaves, articulated cornice lines, a masonry wainscot, a metal canopy and storefront windows

- f. No uninterrupted length of facade may exceed 50 feet in length without a design element listed in Sec. 2.d.
- ~~f. All buildings must be designed to be consistent with the purpose of the I-35 Corridor Overlay zoning district. Building design must incorporate a basic level of architectural variety. All retail and commercial buildings with facades greater than 150 feet in length, visible from a public street right-of-way, must incorporate wall plane projections or recesses that are at least six feet deep. Projections and recesses must be at least 25 percent of the length of the facade. No uninterrupted length of facade may exceed 100 feet in length.~~

- g. Windows must comprise a minimum of 15 percent of the front and side elevations. Vegetative screening can be substituted for side elevation window requirements.
- h. All drive-through restaurants must have an outdoor seating area with a 150 sf minimum.
- a. Shared common areas are encouraged.

- ~~g. Buildings must contain a minimum of 40 percent and up to a maximum of 80 percent of windows on each building elevation, excluding the rear elevation.~~

[Ord. No. 2014-4631]

3. **Building Materials and Colors**

- a. Conceptual facade ~~plan~~elevations and, color palettes and sample boards must be submitted ~~with the Preliminary Site Plan application to staff for preliminary review. Final facade plan and sample boards must be submitted with final site plan application for all nonresidential uses.~~
- b. The color of all structures must be generally earth-tone in hue. The Director of Planning may approve accent colors that are not earth tone, but may not approve a façade that displays more than 10 percent of non-earth tone colors. No façade may display neon or florescent colors.
- c. The designer may select a variety of exterior materials for use as the dominant material on the facades of a building, but the number of materials on a single building must be limited to no more than three materials in order to achieve a clean design style.
- d. No single building material may cover more than 80 percent of the front of any building, with the exception of on-site utility or service structures.
- e. Windows must not be glazed or re-glazed with mirrored or reflective glass.

- f. Maintenance and durability of materials must be considered as important qualities for every element of the design. Special care must be taken to specify the use of vandal resistant building components.
- g. The following is a list of approved building materials and accent materials per façade (not to exceed 20 percent of materials used).
The Director of Planning may approve materials not listed below.

| Primary Materials: Max. 90%, Min. 70% <u>(excluding window %)</u> | Accent Materials: Max. 30%, Min. 10% <u>(excluding window %)</u> |
|--|---|
| Stone Brick Painted Tilt Wall | <ul style="list-style-type: none"> • Wood • Cast Stone • Glass Block • Architectural Metal • Tile • Granite • Marble • Textured or Patterned Concrete • <u>Cementitious siding</u> <p>All Primary Materials (other than material used to achieve the min. 70%)</p> |

E. Landscape~~Additional Landscaping~~

The following landscape requirements are required in addition to those requirements described in Sec. ~~6.7.7.D. 1.1.6D~~6.7.5E, Landscape.

1. A minimum of 15 percent of the total site area must be landscaped.
2. All driveways into the site must have enhanced paving of stone, brick or patterned and stained concrete for a minimum of 50 percent of the driveway throat.
- ~~3. An additional 10 percent of vegetation is required above the general landscaping requirements in landscaped buffer areas.~~
- ~~4.3.~~ In addition to those trees already required, small canopy trees must be used in the landscape buffer. One minimum two-inch caliper small canopy tree must be planted for each 30 feet of frontage along public street rights-of-way as measured along the lot lines.
- ~~5.4.~~ One minimum three-inch caliper large or medium canopy tree must be planted for each 25 feet of frontage along public street rights-of-way as measured along the lot lines.

July 6, 2017 DRAFT

F. ~~Lighting~~

~~All on-premises outdoor lighting fixtures in the City Entry Sub-District must be ornamental or decorative where appropriate.~~

G. ~~Utilities~~

~~All electric, telephone and cable television wires along the public street right-of-way must be located underground in the City Entry Sub-District.~~

ORDINANCE NO. 2017-4849

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING TEMPLE UNIFIED DEVELOPMENT CODE ARTICLE 6, SECTION 6.7, RELATED TO THE INTERSTATE 35 CORRIDOR OVERLAY ZONING DISTRICT TO AMEND BOUNDARY DESCRIPTIONS, APPLICABILITY, USES ALLOWED, AND THE DEVELOPMENT STANDARDS INCLUDING LANDSCAPING, ARCHITECTURE AND SIGNAGE; PROVIDING A REPEALER; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on July 2, 2009, the I-35 Corridor Overlay Zoning District was adopted and its purpose, according to Section 4.3.28 of the Unified Development Code is to exercise greater control over the aesthetic, functional and safety characteristics of development and redevelopment along I35 within the City where higher development standards can effectively enhance the City's image as a desirable place to live, work and shop;

Whereas, this overlay zoning district is limited to specified areas encompassing land that has already been assigned conventional base zoning district classifications and it supplements the standards of the base zoning districts with new or different standards that are more restrictive;

Whereas, since adoption, the Planning Department has taken approximately 25 different appeals of the standards cases to City Council with the most frequently appealed standards being landscaping (16 cases), followed by signs (13), architecture (11) and parking (10);

Whereas, the standards are intended to be calibrated to provide additional design flexibility and to make some adjustments to land uses allowed in the Convention and Gateway sub-districts;

Whereas, based on feedback received by Council at previous Council workshop presentations, Staff recommends Council authorize the following amendments to the Unified Development Code:

- Rename sub-districts and add zoning prefixes that will attach to the full zoning description for a piece of property;
- Streamline the submittal process and requirements;
- Amend the use table in the Civic and City Entry sub-districts to allow compatible uses in the Convention and to prohibit some inappropriate uses in Gateway;
- Clarify the boundary description to alleviate some confusion;
- Provide additional flexibility with the development standards;
- Make the standards more proportional to the size of the site and to the scope of the project; and

- Provide additional flexibility for signage design, while also providing a long-range solution to the significant number of non-conforming pole signs in the Corridor; and

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

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

Part 1: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

Part 2: The City Council amends the City of Temple's Unified Development Code Article 6 (Sec. 6.7) related to the Interstate 35 Corridor Overlay zoning district to amend the boundary description, applicability, uses allowed and the development standards including landscaping, architecture and signage, as set forth more fully in Exhibit A, attached hereto and incorporated herein for all purposes.

Part 3: All ordinances or parts of ordinances in conflict with the provisions of this ordinance are to the extent of such conflict hereby repealed.

Part 4: It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such invalid phrase, clause, sentence, paragraph or section.

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

Part 6: 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.

Part 7: The City Council directs the Planning Director to prepare a report for the Planning and Zoning Commission and City Council, approximately one year from the effective date of this Ordinance, for the purpose of evaluating the effectiveness of the Ordinance and making recommendations about retaining or revising its provisions.

PASSED AND APPROVED on First Reading on the **15th** day of **June**, 2017.

PASSED AND APPROVED on Second Reading and Public Hearing on the **6th** day of **July**, 2017.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, MAYOR

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

07/06/17

Item #7

Regular Agenda

Page 1 of 6

DEPARTMENT/DIVISION SUBMISSION & REVIEW:

Brian Chandler, Planning Director

ITEM DESCRIPTION: SECOND READING–PUBLIC HEARING - Z-FY-17-21: Consider adopting an ordinance authorizing a rezoning from Single Family One zoning district to Planned Development-General Retail zoning district on 27.876 +/- acres located on the southeast corner of South 5th Street and Loop 363. The PD would incorporate certain development and frontage standards from the Temple Medical and Educational zoning district, allow approval of site/development plans in phases, and allow multiple-family dwellings and mini-storage warehouses only as approved by site/development plan.

PLANNING & ZONING COMMISSION RECOMMENDATION: At their May 15, 2017 meeting, P&Z unanimously recommended approval per staff recommendation.

STAFF RECOMMENDATION: Staff recommends approval of the Planned Development, including the Phase 1 site/development plan, with the following conditions and development standards:

1. Substantial compliance with the Phase 1 site/development plan and elevations
2. A site/development plan will be required to return to P&Z and City Council for the subsequent phases of development
3. The minimum front yard setback of 15 feet for non-residential uses in a GR District does not apply
4. For future phases:
 - a. Min. front yard setback: 0 feet
 - b. Max. front yard setback: 42 feet
 - c. Min. rear yard setback: 10 feet
 - d. Side yard setback determined by compliance with visibility triangle requirements
5. Landscaping
 - a. 20% minimum landscape area if parking is in the front
 - b. 15% minimum landscape area if parking is completely to the side or rear
 - c. 10% minimum landscape area if parking is completely to the rear
 - d. One landscaped island for every 10 parking spaces (170 square foot minimum with a 2" diameter-at-breast-height (dbh) or 65-gallon tree per Sec. 7.4.5 of Unified Development Code or UDC "Landscaping")
 - e. Foundation planting along at least 50% of facades visible from a street and parking lot screening (if abutting a street) is required
6. Multiple-family dwelling uses are allowed

7. -Per input from the Reinvestment Zone Project Group, staff is no longer recommending approval of this use due to inconsistency with the TMED South Master Plan
8. Drive-throughs are prohibited
9. Architecture
 - a. A minimum of two distinct materials on all facades limited to brick, stone, stucco or cementitious siding for primary materials (max. of 80%) and limited to brick, stone, cementitious siding, architecturally finished concrete block or architectural metal for secondary materials (max. of 30%)
 - b. 15% of any visible façade must consist of windows
 - c. Every 50' of the front or side facades must include one of the following architectural elements:
 - i. Window canopies or window awnings, balconies, porches, stoops or porticos;
 - ii. Building wall plane recesses or projections (minimum of 2-feet deep and 10-feet long);
 - iii. Arcades;
 - iv. Peaked roof forms;
 - v. Arches;
 - vi. Outdoor patios;
 - vii. Display/storefront or transom windows;
 - viii. Integrated planters or wing walls that incorporate landscape and sitting areas;
 - ix. Dormer windows
 - x. Projecting bay or box windows
 - xi. Parapets
10. Common Areas
 - a. A minimum of 5% of the gross floor area of buildings is required for common area for medical, office, hotel and retail uses and must include:
 - i. A water feature;
 - ii. A stone, brick or decoratively paved patio with a seating area (four seat minimum);
 - iii. A pavilion, gazebo or other covered outdoor space; or
 - iv. Tree-lined trails/sidewalks surrounding an irrigated open green/park space
 - b. 50% of required irrigated landscaping can count towards the common area requirements
 - c. Multiple-family dwellings (1 for every 50 units)
 - i. Resident Clubhouse
 - ii. Community Garden Area
 - iii. Swimming Pool
 - iv. Tennis Court
 - v. Basketball Court
 - vi. Volleyball Court
 - vii. Billiards Room
 - viii. Amphitheatre
 - ix. Gazebo or other covered shelter
 - x. Exercise Facility
 - xi. Office Center
 - xii. Media Room – Theatre

- xiii. Sauna
- xiv. Irrigated park with trees and trails (minimum of ¼ acre)
- xv. Racquetball Court
- xvi. Other amenity as approved by Director of Planning
- d. To encourage shared common areas among multiple buildings, the required common area would be a minimum of 4% of the gross floor area of buildings if shared by multiple buildings.

11. Compliance with the following public frontage requirements:

- a. One 2" dbh canopy tree (large or medium) per 25' linear street frontage (and per Sec. 7.4.5 of the UDC) within the planting strip
- b. Benches must be provided at all intersections within the public ROW surrounding the development per the TMED Design Criteria Manual.
- c. Trash receptacles must be placed next to required seating areas per the TMED Design Criteria Manual.
- d. Pedestrian-scale lighting must be provided at all intersections and at 100' intervals along all public and private roadways within the development per the TMED Design Criteria Manual.
- e. Planting strip:
 - i. 6' minimum between the curb and sidewalk
- f. Sidewalks:
 - i. 10' wide minimum along South 1st Street
 - ii. 6' wide minimum along other streets
 - iii. Sidewalks must connect to parking within the lot and to the primary entrance of each nonresidential building
 - iv. Sidewalks must be constructed before the Chief Building Official issues a Certificate of Occupancy.
 - v. Sidewalks must connect to existing adjacent sidewalks, or be designed and placed to allow connection to future adjacent sidewalks.
 - vi. Pedestrian walkways must also connect the principal building entrances to all associated outdoor amenities, such as courtyards and other outdoor gathering places.

12. Signage

- a. Freestanding signs
 - i. Single-tenant signs
 - 1. Maximum height of 10 feet
 - 2. Limited to a masonry clad two-legged base or
 - 3. A monument sign with masonry as the primary material
 - 4. Limited to one per front and one per driveway access if driveways are to the side or rear (choice between a single-tenant or multi-tenant freestanding sign at each location, not both)
 - ii. Multi-tenant signs
 - 1. Maximum height of 20 feet
 - 2. Limited to a masonry clad two-legged base or
 - 3. A monument sign with masonry as the primary material
 - 4. Limited to one per front and one per driveway access if driveways are to the side or rear (choice between a single-tenant or multi-tenant freestanding sign at each location, not both)

- b. Wall signs
 - i. Maximum of 50 percent of each tenant's façade, excluding doors, canopies/awning, windows and vertical architectural elements above the roofline, may be utilized for a wall sign
 - 1. May not exceed 100 square feet
 - ii. Projecting signs are permitted as long as they have a:
 - 1. Minimum clearance of eight feet above the ground
 - 2. Maximum square footage of 100 square feet
- c. Banners
 - i. Must be affixed flush to a façade or attached flush to a fence or wall
 - ii. Maximum Size: 100 square feet
 - iii. A sign permit is required in the I-35 Corridor Overlay
 - iv. Temporary sign limited to 30 days to advertise grand openings, sales or special events
 - v. Limited to two per year
- d. Window signs
 - i. Limited to 25% of window area
 - ii. two per tenant or building
 - iii. Requires a permit
- e. Prohibited signs
 - i. Inflatable devices
 - ii. Message board
 - iii. Pole banners
 - iv. Streamers
 - v. Searchlight
- f. All other signage regulated per Sec. 7.6 of the UDC

ITEM SUMMARY: This 27.876 acre tract was included in the TMED South master planning process funded by the Reinvestment Zone and adopted by City Council in January. The main purpose of the plan was to develop a clear development vision for the area bounded by South 5th Street on the west, Loop 363 on the north, the railroad on the east and the south by working closely with effected property owners and other stakeholders. Phase 1 of the proposed development at the southwest corner of Loop 363 and South 1st Street, which is reflected in the site/development plan, would consist of a rehabilitation hospital called Everest. All other future phases of development would have to return to P&Z and City Council for site/development plan approval. Considering that this is the first rezoning case within the TMED South area, staff's intent is to establish a set of development standards through this PD process that is 1) consistent with TMED, while also 2) creating a template that the City can use for a future TMED South City-initiated rezoning for the entire master plan area.

While the hospital front yard setback is not consistent with the TMED standards of a 4-foot minimum and a 12-foot maximum, the hospital has agreed to move the building as close to South 1st Street as is feasible for them by eliminating a row of parking facing South 1st Street. The hospital has indicated that they need to have pick up/drop off areas along both South 1st and Loop 363. However, the applicant has agreed to move the buildings close to the street for future phases of development.

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

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

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

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

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

Design Review Committee: The Design Review Committee (DRC) reviewed the proposed Development Plan at their May 3, 2017 meeting. All questions by DRC members were adequately addressed by the applicant.

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

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

CP = Comprehensive Plan TMP = Trails Master Plan

Zoning Compatibility

The applicant has requested the ability to allow for the following uses:

1. Multi-family
2. Hotel
3. Rehabilitation hospital
4. Assisted living
5. Office
6. Retail
7. Mini-storage on section abutting the railroad

To be consistent with the TMED standards and with the increased walkability concept, staff is recommending that drive-through restaurants would be prohibited, as well. All other General Retail uses would be allowed.

Availability of Public Infrastructure

Sewer and water are available on the other side of South 5th Street and, therefore, would have to be extended to accommodate proposed development.

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

The site is designated as TMED (Temple Medical Education District); therefore, the proposed development and staff recommended standards would comply with the Plan.

Thoroughfare Plan (CP Map 5.2)

- Loop 363 (Expressway) – Approximate right-of-way width is 300 feet; South 1st Street will extend across Loop 363 and will include sidewalk connectivity
- South 1st Street (Major Arterial) – Approximate right-of-way width is 150 feet; TXDOT is in the process of extending South 1st Street approximately 400 feet to the south to accommodate the proposed future development; this arterial is proposed to be the “front door” of TMED South and will include wide sidewalks and street trees to be consistent with the existing section of roadway to the north in front of Temple College and to encourage walkability
- South 5th Street (Minor Arterial) – Approximate right-of-way width is 110 feet

Temple Trails Master Plan Map and Sidewalks Ordinance

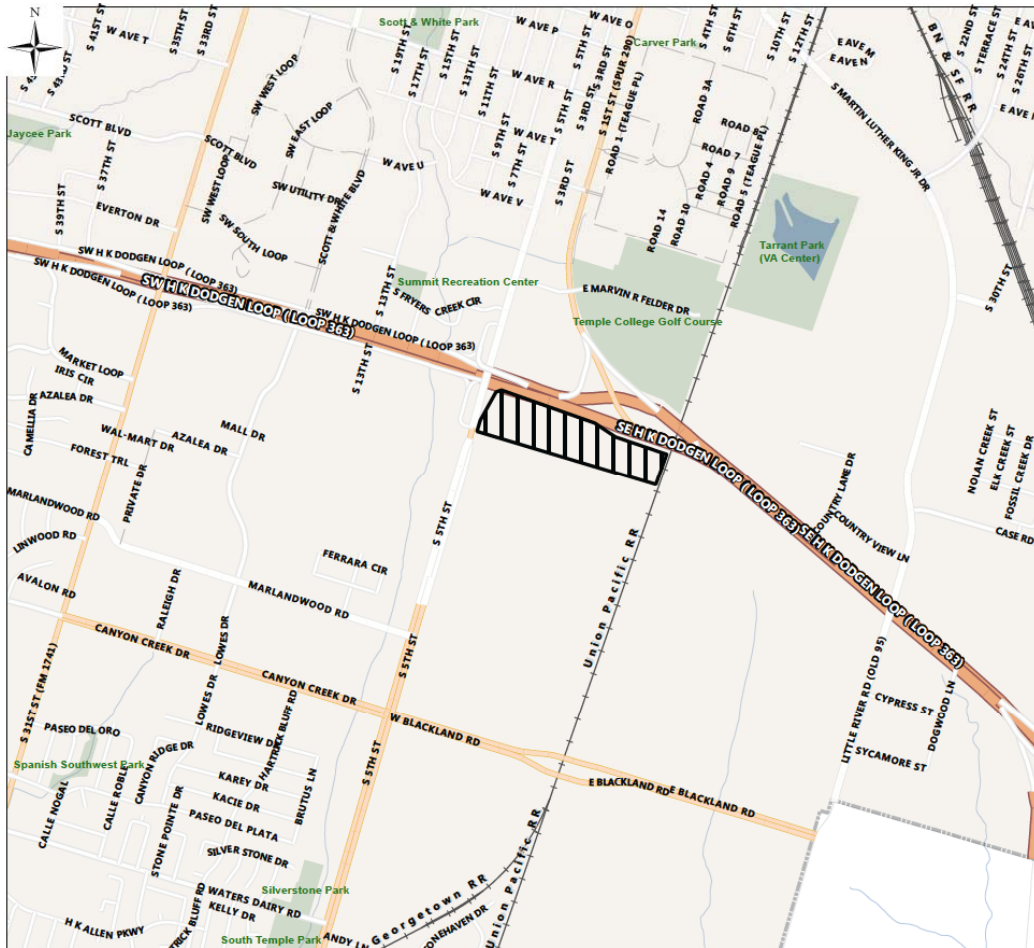
According to the Trails Master Plan, a City-Wide Spine Trail is proposed along South 1st Street that would ultimately connect to the Friar’s Creek Trail across South 5th Street.

PUBLIC NOTICE: Four notices for the Planning and Zoning Commission public hearing were sent out to property owners within 200-feet of the subject property. As of Tuesday June 27, 2017 one comment had been received for approval.

FISCAL IMPACT: N/A

ATTACHMENTS:

[Staff Maps](#)
[Site and Surrounding Photos](#)
[Proposed Site/Development Plan and Elevations \(Phase 1\)](#)
[South 1st Street Plan](#)
[TMED South Master Plan](#)
[Ordinance](#)



SF-1 to PD-GR

LOCATION MAP

Zoning Case :
Z-FY-17-21

Address:
3001 S. 5th Street

CaseArea
Railroad
Temple Municipal Boundary

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.

dredmond
Date: 4/28/2017



SF-1 to PD-GR

AERIAL MAP

Zoning Case :
Z-FY-17-21

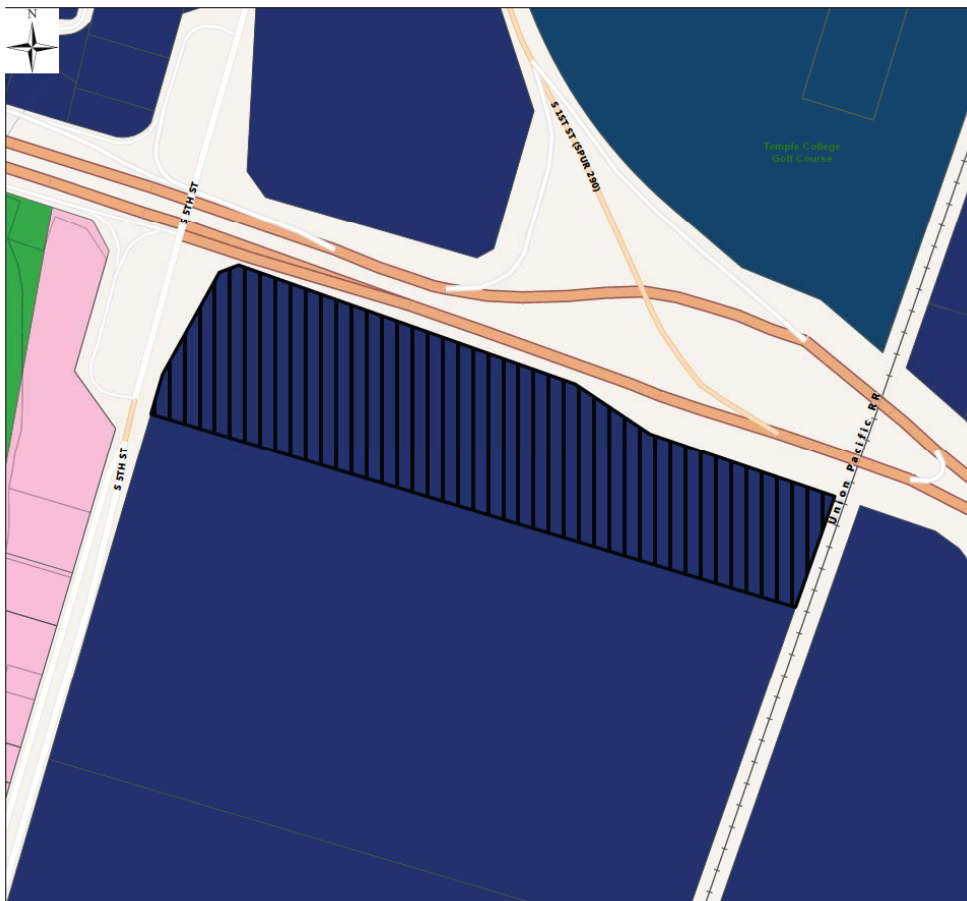
Address:
3001 S. 5th Street

Railroad
Temple Municipal Boundary
Parcel Features
Parcels

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Date: 4/28/2017





SF-1 to PD-GR FUTURE LAND USE MAP

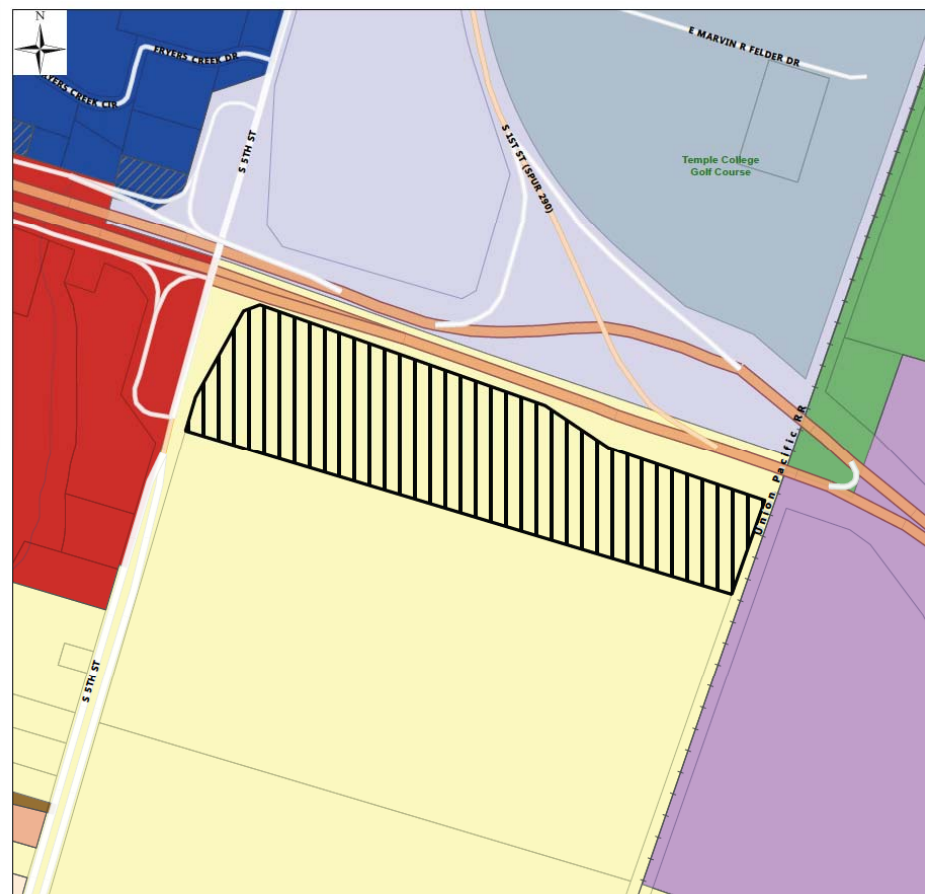
Zoning Case:
Z-FY-17-21

Address:
3001 S. 5th Street

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

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.

dredmond
Date: 4/28/2017



SF-1 to PD-GR ZONING MAP

Zoning Case:
Z-FY-17-21

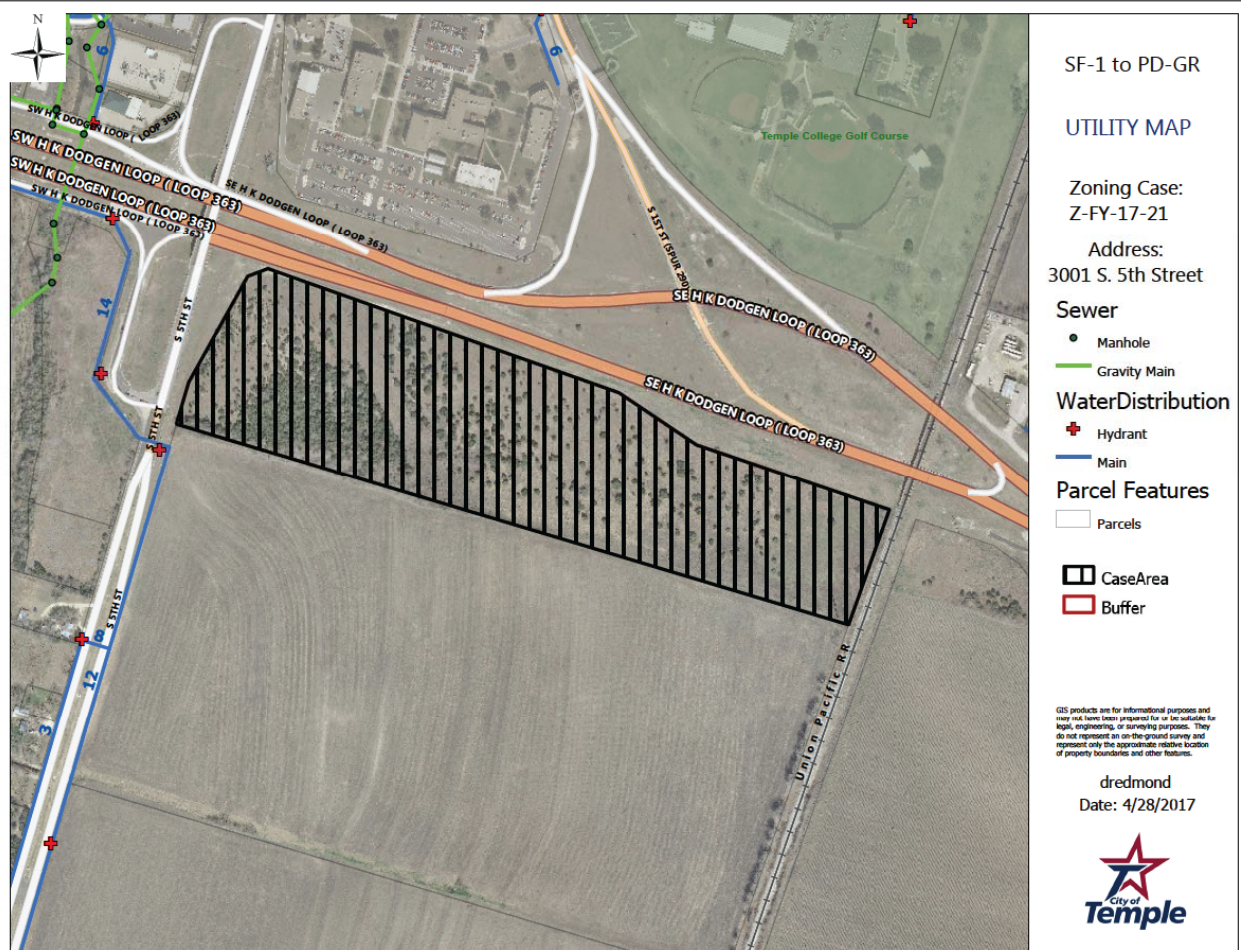
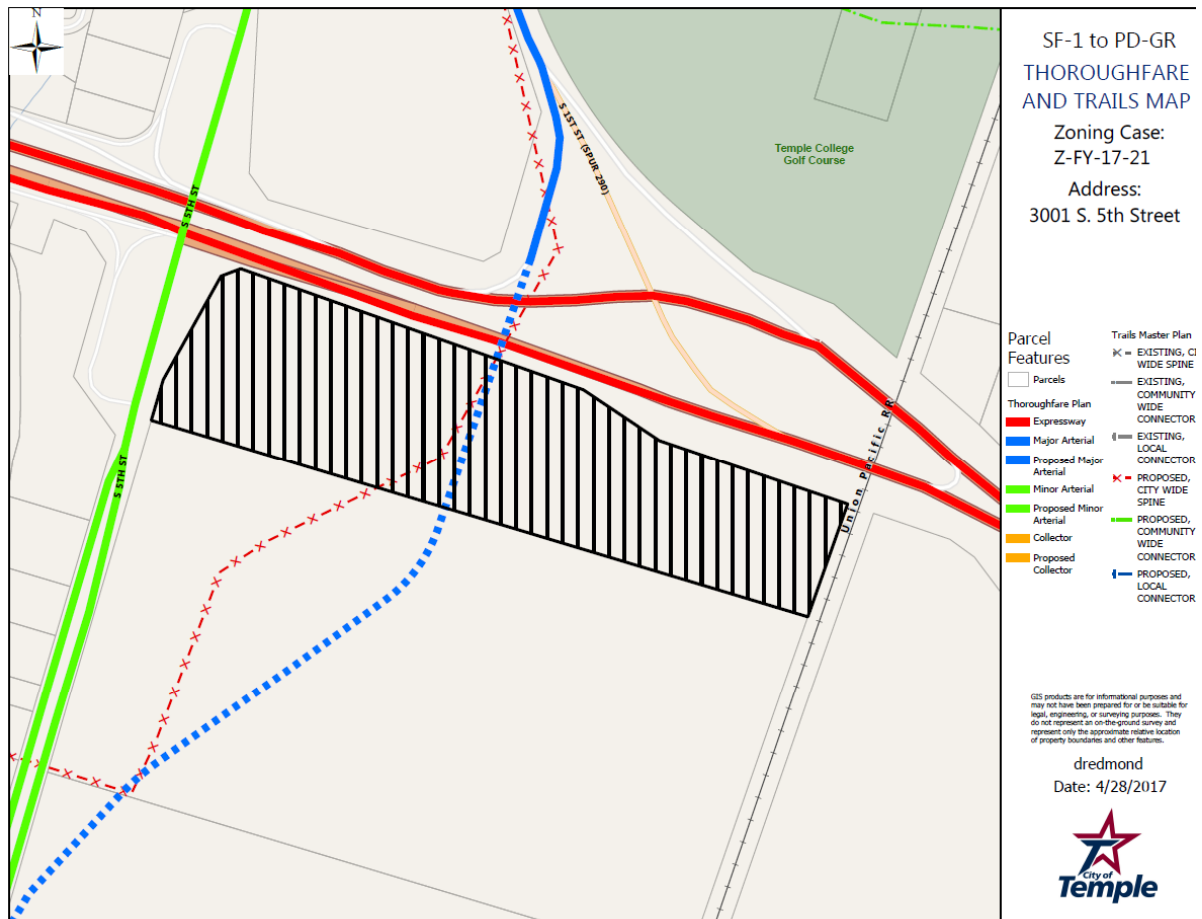
Address:
3001 S. 5th Street

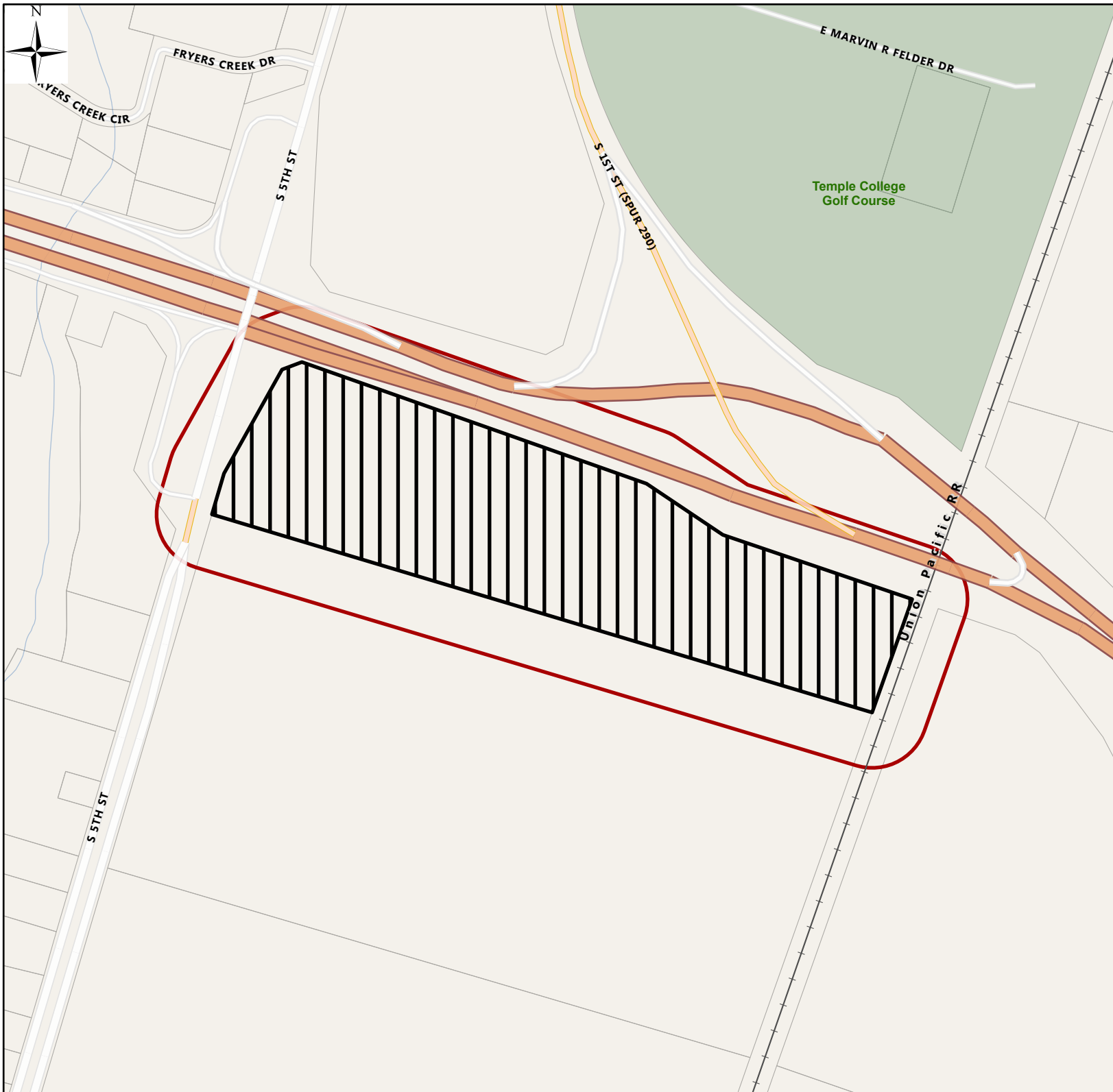
- Current Zoning
 - HI - CUP
 - UE
 - SF-1
 - SF-1 - CUP
 - SF-1 - PD
 - SF-2
 - SF-2 - PD
 - SF-3
 - SF-3 - PD
 - SF-3 - CUP, PD
 - SFA-2
 - SFA-3
 - SFA-3 - PD
 - 2F
 - MF-1
 - MF-1 - PD
 - MF-2
 - MF-2 - CUP
 - MF-2 - PD
- Future Zoning
 - HI - PD
 - AG
 - AG - CUP
 - MH
 - MH - CUP
 - MH - PD
 - MU
 - MU - CUP
 - SD-C
 - SD-C - CUI
 - SD-H
 - SD-I
 - SD-V
 - T4
 - T4 - PD
 - T4 - CUP
 - TS-C
 - TS-C - CUI
 - TS-C - PD
 - TS-E
 - TS-E - CUI
 - TS-E - PD
 - NO BASE
 - CUP
 - PD

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.

dredmond
Date: 4/28/2017







SF-1 to PD-GR

NOTIFIATION MAP

Zoning Case:
Z-FY-17-21

Address:
3001 S. 5th Street

 CaseArea
 Buffer

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

dredmond
Date: 4/28/2017







Property to West



Property to West



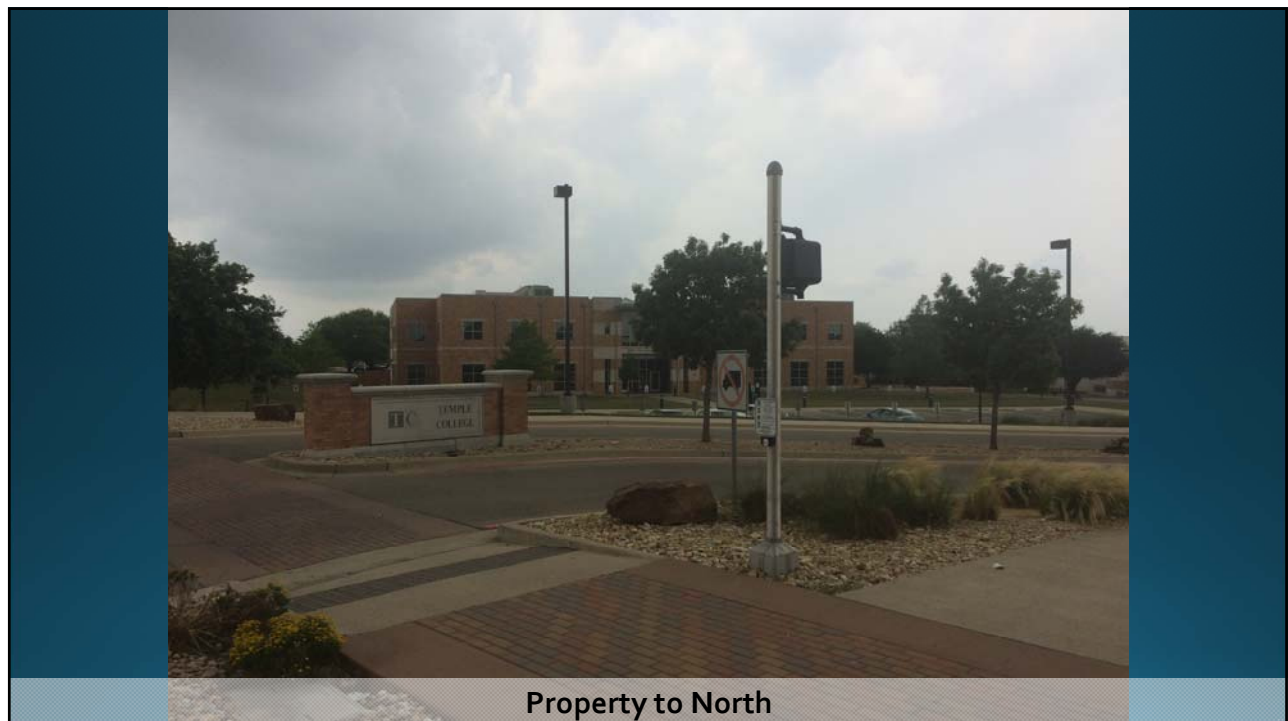
Property to South



Property to East



Property to North



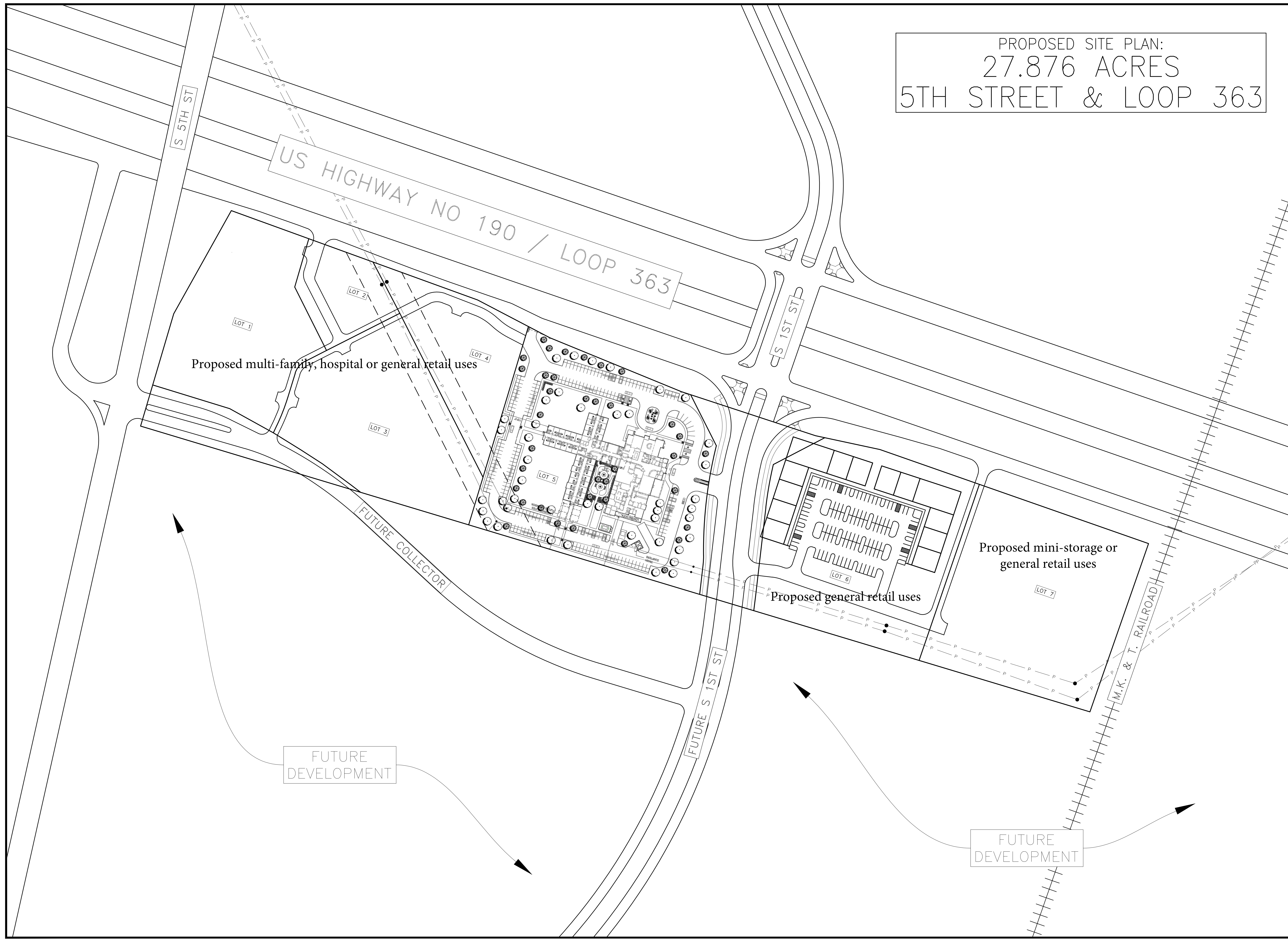
Property to North



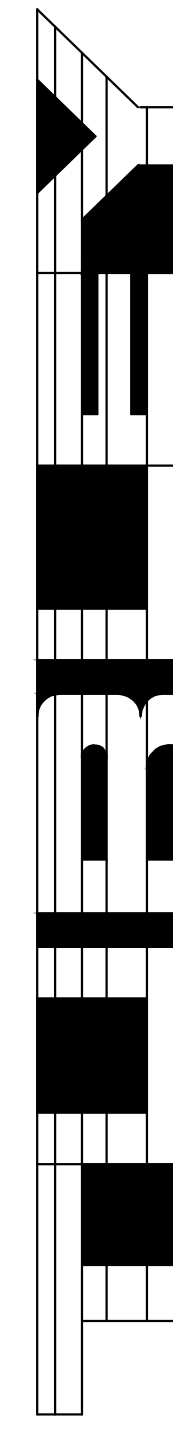
S. 1st Street (cross-section at Temple College)



S. 1st Street (cross-section at Temple College)



PROPOSED SITE PLAN:
27.876 ACRES
5TH STREET & LOOP 363



TURLEY ASSOCIATES, INC.
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PROPOSED SITE PLAN:
27.876 AC 5TH ST & LOOP 363
CITY OF TEMPLE, BELL COUNTY, TEXAS

DEVELOPED BY:
UTEX HOLDING GROUP
3507 KINK CIRCLE
SALT LAKE CITY, UT 84106

| REVISIONS | | |
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FRONT ELEVATION



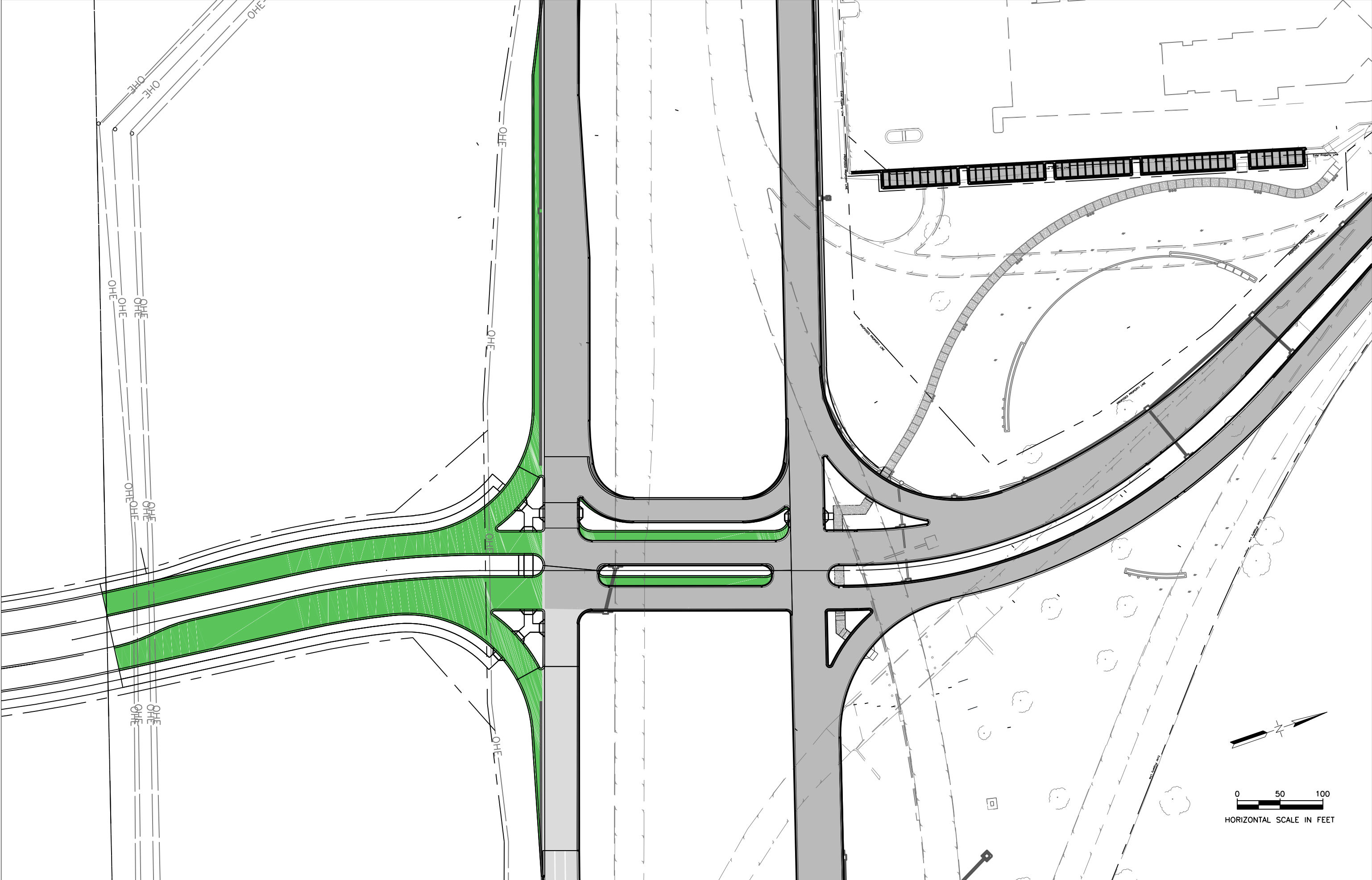
LEFT ELEVATION



REAR ELEVATION



RIGHT ELEVATION



JUNE 2015

TMED SOUTH

YOUNG TEMPLE
CONNECTING
TO HISTORIC TEMPLE

Daily 50¢
\$100



Completed: September 2015

Thank you to all participants in this workshop for helping us explore what makes a great community & laying the foundation to make TMED South an integrated and successful part of Temple!

Client:

City of Temple, Texas
Mayor: Danny Dunn
City Manager: Jonathan Graham

Consultants:



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Prepared by

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INTRODUCTION

The 2015 TMED South Charrette had one major objective: To provide a framework plan to help guide city leaders, property owners and future developers in the creation of an overall unified plan made up of a variety of urban districts. The intent is to identify the best land use options and to provide a cohesive master plan strategy to unify these areas.

The overall intent is to give the city direction in potential future capital improvement projects, potential development and redevelopment areas, and a phasing time line and budget for the possible improvements.

Purpose & Vision

Purpose

The Temple Medical Educational District (TMED) went through a Design Guidelines and Standards process in 2008. Since that document was produced, a number of improvements have been completed, planned and/or funded. As the City of Temple and the medical district has expanded, it is apparent and vital that the City re-evaluates how to manage expansion and growth.

Currently, many employees in the medical district live outside of the city limits of Temple. This redevelopment and planning effort looks to focus on two areas to provide better livability to employees and thus better viability to the city as a whole.

Vision

To improve the viability of the entire medical district by fostering smart development and connectivity in order to provide better livability to medical district employees, professors and students.

Background

Completed, Planned and/or Funded Projects

Temple Medical & Education District has gone through a number of different planning efforts which have resulted in various projects, all of which are at different stages of completion, planning and funded statuses. The following are those projects and their statuses:

Completed

- Temple Comprehensive Plan (2008)
- TMED Design Guidelines
- Temple Form Based Code
- I-35 Overlay District
- 1st & 3rd Street Overlay District
- Downtown Temple Strategic Plan (2013)

- Pepper Creek Trail
- Friar's Creek Trail
- Downtown Safety Zone
- Trails Master Plan
- 1st Street Improvements
- 31st Street Improvements
- District Signage
- TMED Monumentation

Planned and Funded

- Loop 363 Entry
- Avenue R Intersection Improvements (Construction in Progress)
- Avenue U Intersections Improvements
- Santa Fe Plaza (2014)

Planned

- Crossroads Park
- Regional Park (2015) - Planned
- Temple Trails Master Plan



Exhibit 01.Existing Temple Regional Context

Context

Adjacencies and Impacts

The two study areas addressed in this document have complex relationships and adjacencies which are crucial to understand in order to provide the best conceptual plans for the area and the overall community.

Blackland Prairie Research Center

Texas A&M AgriLife Blackland Research and Extension Center (formerly Texas Agricultural Experiment Station) has been part of the Temple Community since 1909 and owns a large portion of the Southern Study Area. The center is at the forefront of land and water solutions to help ensure prosperity and growth for Central Texas farmers. The center also has many programs to help educate the community in gardening, nature preservation and more.

Although the property is open land and the organization is well-rooted in the local and regional community, due to the general rules of research, the area is fenced to maintain a level of control over their research. Despite the segregated land, Blackland Prairie Research representatives, which were involved in the charrette, discussed possibilities of land swaps for nearby properties which would help create a more unified and uninterrupted development.

Temple College

Temple College, founded in 1926, has long played a major role in the viability of Temple, Texas. The once small junior college is now a major campus with over 108 acres, 27 buildings and five off-campus locations. The main campus provides degrees in medicine, law, education, engineering, and similar fields which partner with the hospitals and centers in Temple.

In the past few years, the college has improved the aesthetic quality and master planning. Friars Creek Trail which connects Baylor Scott & White with the college has provided a much needed amenity for students and employees. The trail bifurcates the Northern Study area which has the ability to provide a well connected and walkable community, potentially for students and employees.

Veteran’s Administration Hospital

The Olin E. Teague Veterans’ Medical Center is a full-service, 189-bed teaching hospital that serves as the medical/surgical referral center for all CTVHCS campuses as well as providing outpatient services to Veterans across their 32-county service area. The VA medical center is part of one of the largest integrated healthcare systems in the United States with this center acting as the main campus for the Central Texas Veterans Health Care System. The

centers provide a range of services including but limited to: medical, surgical, psychiatric, and rehabilitation with inpatient medical/surgical hospital beds, a hospice unit, and community living center (CLC) beds.

The VA hospital is a prominent employer in the Temple Community and provides much needed services to central Texas veterans however, the campus is large and due to it’s national and statewide governmental aspects, the hospital is fenced off for approximately ninety percent of it’s borders. This causes some issues with connectivity for the community. However, the disconnected nature of the facility does not directly affect the study areas but the hospital is an important key player in Temple.

Baylor Scott & White

Originally founded in 1897 as a sanitarium, Baylor Scott & White is now the largest not-for-profit health care system in Texas and one of the largest in the United States. Baylor and Scott & White Hospital joined forces in 2013. BS&W includes 49 hospitals, more than 800 patient care sites, more than 5,800 affiliated physicians, 38,000 employees and the Scott & White health plan. It is ranked as one of the top 100 hospitals and one of the top 15 teaching hospitals in the United States.

The hospital has deeply rooted ties to Temple Texas and has remained the largest employer for the city of Temple for a number of years. Physical connections are important to maintain or create to the Hospital which is located to the west of the Northern Study Area. Friars Creek Trail connects Temple College to BS&W.

1st & 3rd Street

The city of Temple adopted an overlay district for South 1st Street and North 3rd Street Corridor in order to improve the public realm along these important corridors and to draw new development and redevelopment to the area.

The public realm enhancements include wider sidewalks, street trees, decorative lighting as well as standards for landscaping and signage. These improvements create an opportunity to build upon enhancement momentum which has already begun to make an impact on the City.

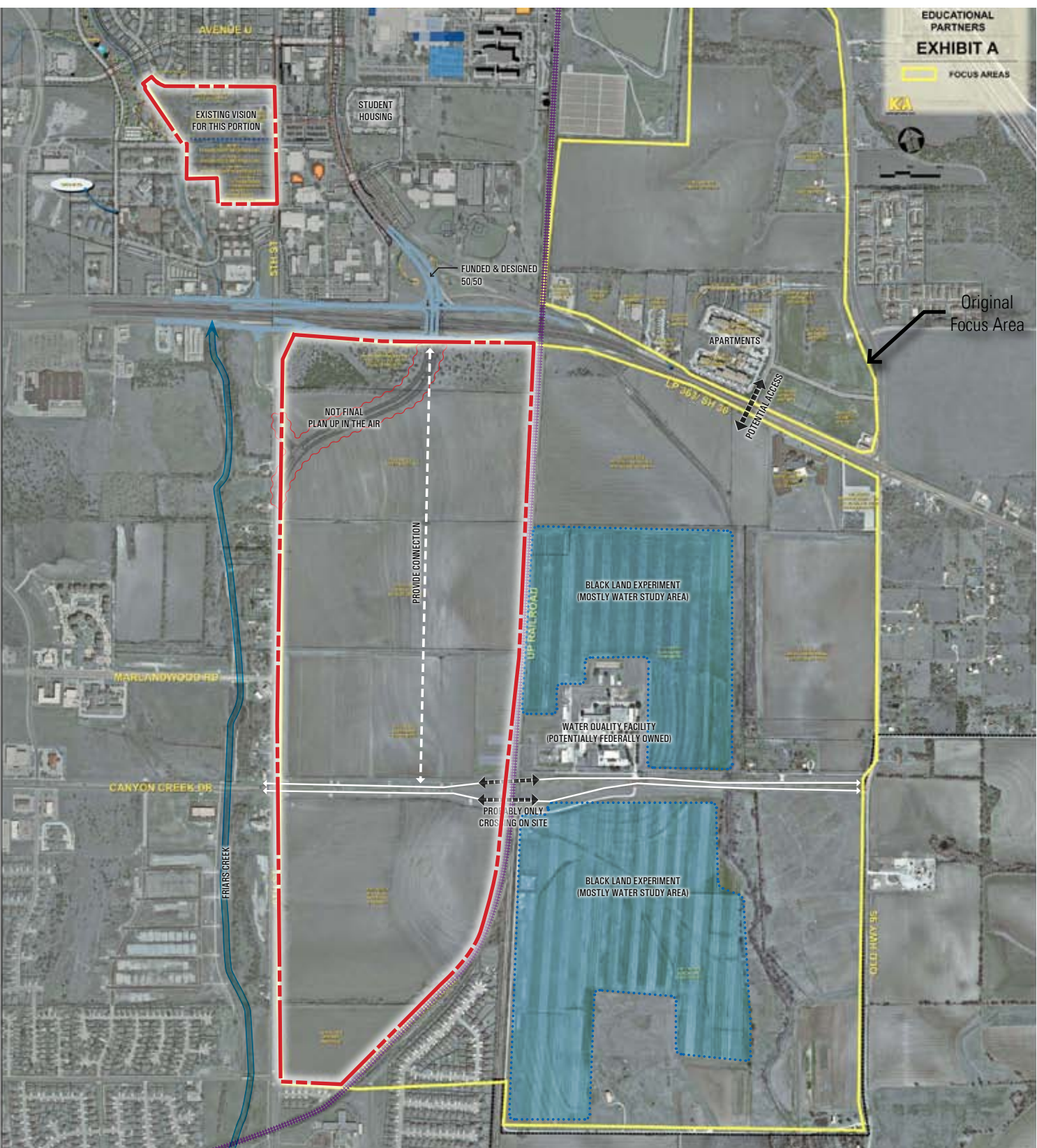


Exhibit 02.Study Areas and Surrounding Context

Charrette

Schedule

| Wednesday, June 3, 2015 | | | |
|-------------------------|----------------------------|-------|---------------------------|
| Time | Agenda | Group | Presenter |
| 8:30-9 | Breakfast | AB | |
| 9- 10:30 | *Presentation | AB | Mark Meyer /David Patrick |
| 10:30-12 | Breakout Session | A | |
| 12-1 | Lunch | A | |
| 1 : 3 0 - 6:30 | Breakout Session | A | |
| 6 : 3 0 - 7:30 | Dinner | A | |
| 7:30-10 | Breakout Session Continues | A | |

| Thursday, June 4, 2015 | | | |
|------------------------|----------------------------|-------|---------------------------|
| Time | Agenda | Group | Presenter |
| 8:30-9 | Breakfast | A | |
| 9- 1 | Presentation Prep | A | |
| 1-2:30 | *Final Presentation | AB | Mark Meyer, David Patrick |
| 2 : 3 0 - 3:30 | Next Steps | A | |

* Further information on activity in this section.

6 DRAFT

Attendees

The TBG charrette process is generally comprised of two separate groups that meet at varying times during the two and a half day process. Team A is mostly comprised of the design team, consultants, city staff and representatives from varying organizations. Stakeholders were encouraged to attend each day in the morning to give valuable insight and critiques.

| Attendees | |
|-----------------------|-------------------|
| A - Design Team | B - Stakeholders |
| Gary Schmidt | Ryan Barker |
| Thomas Baird | Gerald Kurio |
| Jonathan Graham | Nancy Kurio |
| Brynn Myers | Todd Kurio |
| Brian Chandler | Gregg Strasburger |
| Steve Wright | Scott Liles |
| Bob Browder | Barbara Bozon |
| John Kiella | Zoe Rascoe |
| David Patrick - KPA | Ken Mitchell |
| Mark Meyer- TBG | |
| Dean Wilson - TBG | |
| Brent Spraggins - TBG | |
| Sherri Collison - TBG | |
| Travis Crow - TBG | |
| Cecilia Hours - TBG | |
| Mandy Busby - TBG | |

Placemaking

Attendees were asked to pretend as though they were back in school and put a collage together of imagery from magazines that helped to describe the type of community they imagined for the study area. The entire group was divided into three groups which all presented their vision.

Each team had similar elements but differing overall focuses.

Stronger Communities Benefit Everyone



Marketplace and Farming








Happy and Inclusive



Building Blocks

Attendees broke out into two groups to begin working through site constraints, circulation and preliminary planning with the use of legos as various land uses. Both group focused on only one site. Much like children make up their own rules, both teams used different land uses for the legos than originally directed, in order to get the best plan result.

| Block | Land use |
|---|--------------------|
|  | Single Family |
|  | Multi-Family |
|  | Retail |
|  | Civic / Government |
|  | (Marker) |
| | Roadways |
| | Parking |

Friars Creek Neighborhood



The Friars Creek plan shows a continuation of the single family (orange) neighborhood to the north with mixed use and/or retail (pink) along 5th Street. The existing trail which bifurcates the area is shown with residences fronting on the trail to help activate it and create better connectivity for the region. The remainder of the property shows multi-family (brown) with a few amenity areas (blue) throughout.



Southern Study Area



The Southern Study area is shown pulling a major roadway through the center of the site to monopolize on the great amount of investment at the 1st Street and Loop 363 interchange. Urban retail (red) lines that extension into the property with higher density on the right side

of the image (orange and pink) and single family (orange) shown on the left. Discussions of a land swap for the southern (top part of the image) show re-orienting the Blackland Property alongside the rail to allow for development to continue through the remainder of the site.

Breakout Sessions

These sessions were primarily dedicated for the design team to address the solutions and problems presented, through varying graphics. The design team consisted of planners, architects, engineers, landscape architects, economic development advocates, city staff and others. The variety of skills and expertise were a great asset to better diagnose and provide real world solutions.



Presentations

Feedback from attendees is a highly critical part of the charrette process and is imperative to receive at varying intervals during the process. The most prominent presentations were the morning of the second day and afternoon of the third day. The second day presentation discussed two conceptual plans for each study area to receive feedback for preferred plans and the final presentation on the third day.

These presentations focused on not only addressing the issues and opportunities presented but were open to questions, comments and concerns, in order to get the best real world solutions.



REGIONAL TMED

Existing Regional Conditions

The efforts of the TMED Design Guidelines allowed Temple to unify and brand the district as a whole. Beyond the TMED boundaries, Downtown Temple and the remainder of the city is somewhat segregated and disconnected. The rebranding efforts along First Street has helped to tie Downtown and TMED together however there are still missed opportunities.

Key Ideas

1. Leverage TMED to create strong identity
2. 1st street connection as primary linkage to downtown and south Temple
3. Extend Friars Creek Trail to 1st Street and create a pedestrian connection to south Temple
4. Expand Arts/Culture/School and Programs as Heart of Community
5. Partner with Economic Development Corporation and land owners for development opportunities
6. Create Partnership with Blackland Prairie AgriLife Reserach & Extension Center

Key Ideas & Framework Plan

Regionally, the overall goal is to create better connections and a cohesive plan for infill and development south of TMED.

Key Ideas

Leverage TMED to create strong identity

TMED's concentration of hospitals, higher education and close proximity to downtown represent a significant opportunity to leverage the district's sense of place, human capital, facilities and existing activities to attract and nurture research, residents, and additional development in adjacent underinvested neighborhoods. TMED South's proximity and available developable land position the area to dovetail with the larger redevelopment and improvements happening in the district and to become a reinvigorated mixed-use urban neighborhood that would serve the district's businesses, spark economic development, create livability and strengthen the already recognizable identity.

1st street as primary linkage

A great deal of investment has been put into improvements along 1st street in terms of streetscape, landscape and connection as primary linkage to downtown and south Temple. Consideration was given to safely accommodate all forms of mobility—car, transit, bicycle and pedestrian—and encouraging community interaction. Planting

buffers between the curb and sidewalk, widening sidewalks and screening parking are previous measures that have contributed to enriching the public realm within the rights-of-way and that should be built upon as additional development occurs in the district.

Create Friars Creek Trail Corridor

Trail access plays an important role in promoting physical activity, connecting community destinations and providing contact with nature. Because their benefits also extend well beyond fitness and leisure pastimes—as they hold tremendous potential for economic and community development—it is key for redevelopment within the district to expand upon the existing trail network. Central to this expansion is the extension of the Friars Creek Trail corridor, which will connect two important destinations; the trail and open space at the existing Friars Creek with Temple College. This linkage not only provides additional opportunities for off-street pedestrian connectivity by expanding the trail system, it also complements street hierarchies and overall circulation patterns in the District.

Expand Arts/Culture/School and Programs

Education, the arts and culture are an integral part of life in Temple and programs that integrate these should be expanded, embedded in cross-sector revitalization activities and ultimately become the heart of the in TMED South community. Arts, cultural and school programs should be as central to discussions of rebuilding and reinvigorating the district as land use, housing, transportation, and economic development. The deliberate integration of these programs will result in more creative placemaking and positive and enduring economic, physical, and social change in the district.

Create Partnerships

Strategic partnerships between the City of Temple, the City of Temple Economic Development Corporation (Temple EDC) and (1) land owners and (2) Blackland Texas Agrilife Research and Extension Center should be pursued to create development opportunities that benefit all parties. The City of Temple and Temple EDC have been committed to setting in place the fundamental building blocks needed to sustain a resilient and competitive community and economy with the development of TMED. It is imperative that the City of Temple and Temple EDC continue their track record of fostering successful collaborations with the private and public sector to advance the redevelopment of both residential and commercial neighborhoods surrounding the educational and medical campuses. Much like it joined in partnership with Baylor Scott & White, the Veterans Administration, Temple College, Temple Health and Bioscience District, and Texas A&M Health Science Center, the City of Temple and the Temple EDC should pursue a partnership with the Blackland Prairie Research Center to jointly promote education and research activities.

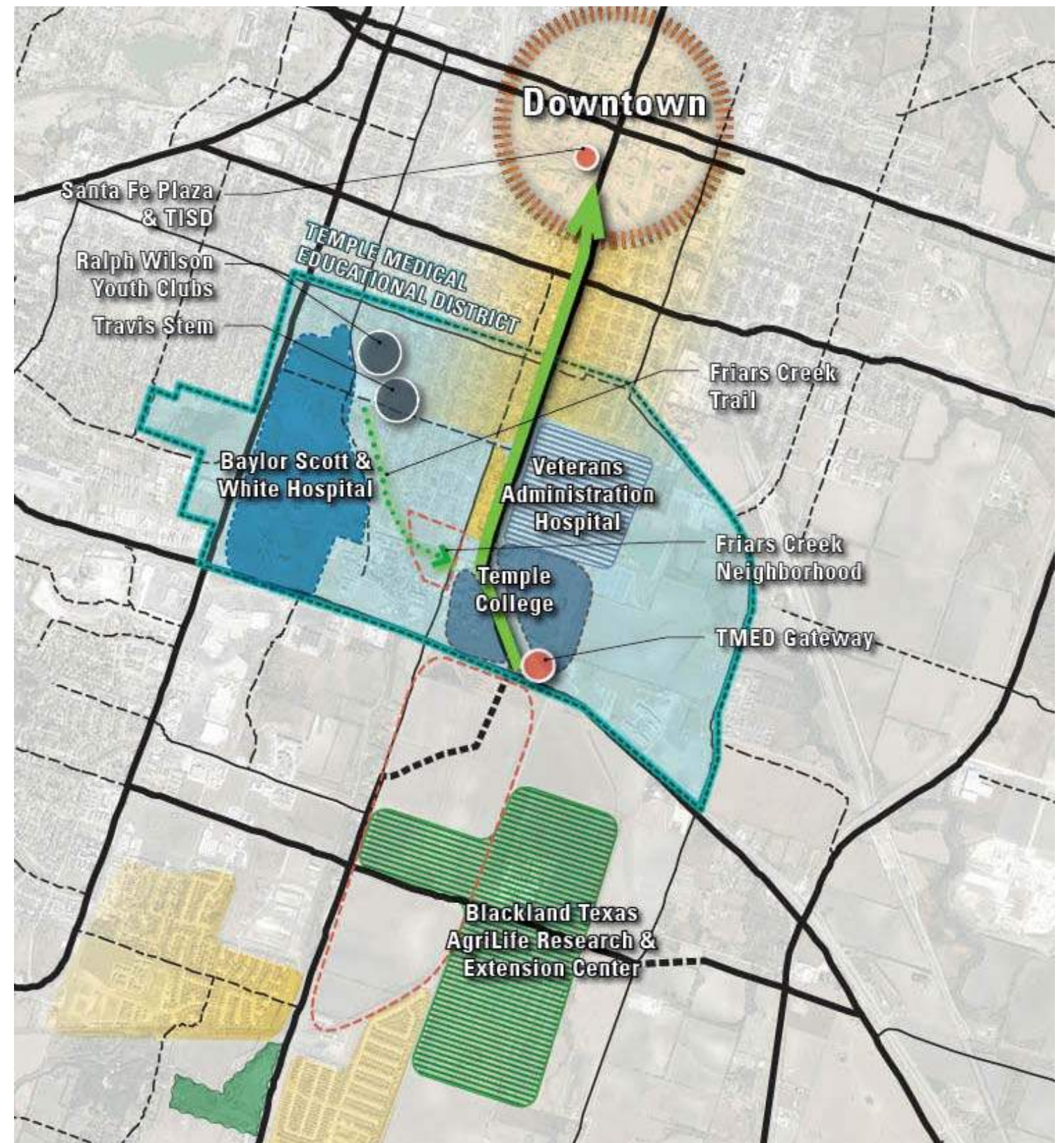


Exhibit 03. Existing TMED Regional Plan

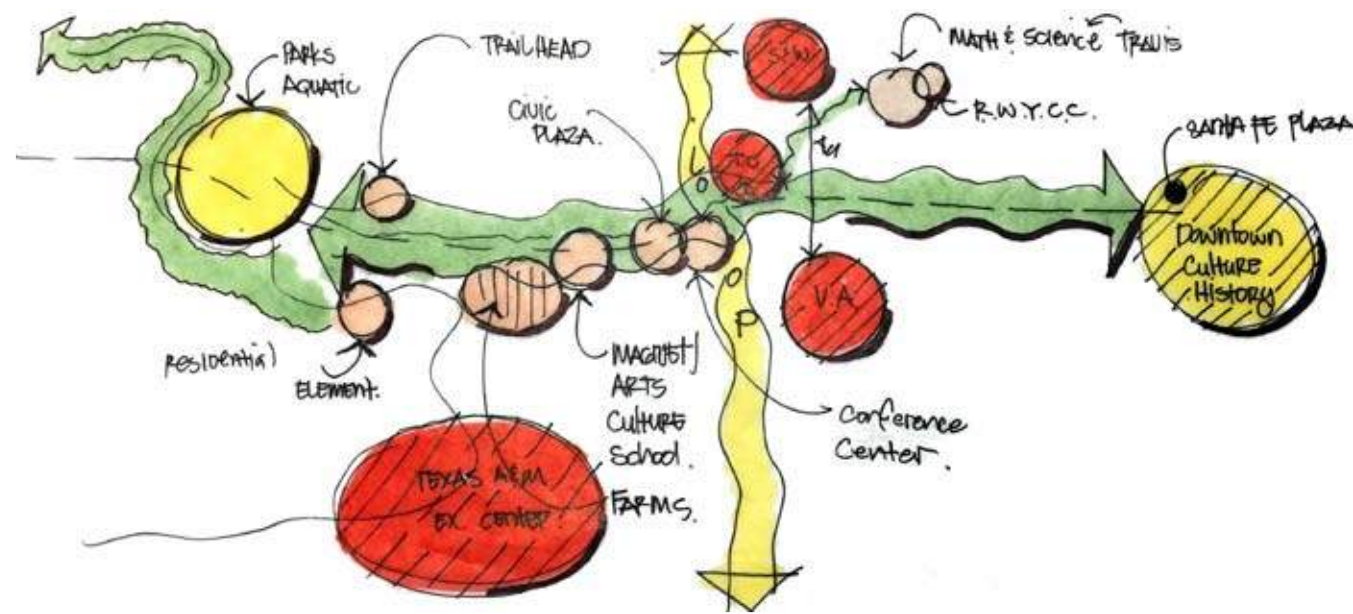


Exhibit 04. Regional TMED Story

The Story

The TMED South strategic plan paints a regional vision of opportunity for a district that has the potential to shift broader development patterns by connecting “new” Temple—TMED and TMED South—with historic downtown Temple. The recommendations in the plan make new connections between proposed neighborhoods and old neighborhoods in the urban core while affirming local history and identity, elevating a conventional landscape of unencumbered land parcels into a vibrant urban district with a gradient of uses that is teeming with art, culture and education. The proposed regional plan overlays the circulation, open space and street frameworks to help link three distinct districts, create complementary experiences and catalyze economic development.

The downtown district is a key factor in the area’s strength, its resurgence is especially promising with the renovation of the Temple Santa Fe Depot which pays homage to Temple’s beginning as a railroad town and demonstrates the city’s renewed pride and optimism in its revival. Downtown is also home to Temple Independent School District offices and employees, the Santa Fe Gardens, Whistlestop Playground, the Temple Visitor’s Center as well as restaurants, offices and shops now occupying repurposed structures that have character and historical significance in the district.

Within a 10 minute walk from downtown is TMED which promotes the educational, medical and research-related activities of Baylor Scott & White, the Veterans Administration, Temple College, Temple

Health and Bioscience District, the Math & Science Travis Stem, the Ralph Wilson Youth Club and Texas A&M Health Science Center. It is these activities that are attracting young professionals from across the globe, these 20- and 30-something professionals now make up 36 percent of the U.S. workforce and will comprise 50 percent by 2020, just 5 ½ years from now. It has been well-chronicled by sociologists and demographers that this young workforce overwhelmingly prefers to live and work in urban areas that provide walkability, social connectivity, proximity to retail and nightlife.

The downtown and TMED districts help attract students, residents, researchers, businesses, visitors and a talented workforce while the TMED South district demonstrates the highest potential in the city to serve their needs and cultivate the “live, work, play, learn” atmosphere they are after. The nodes of activity proposed for TMED South help create a district which includes student and employee housing, shopping, dining, improved public education, research centers, hike and bike trails, amenities, and all of the services necessary for the three districts to function seamlessly.

While TMED South was developed to provide a strategic framework to realize the Friars Creek Neighborhood and the Southern Study Area the overarching goal of the plan is to help create a functional, cohesive, and economically sustainable three-district urban core development that will be an asset to the entire region.

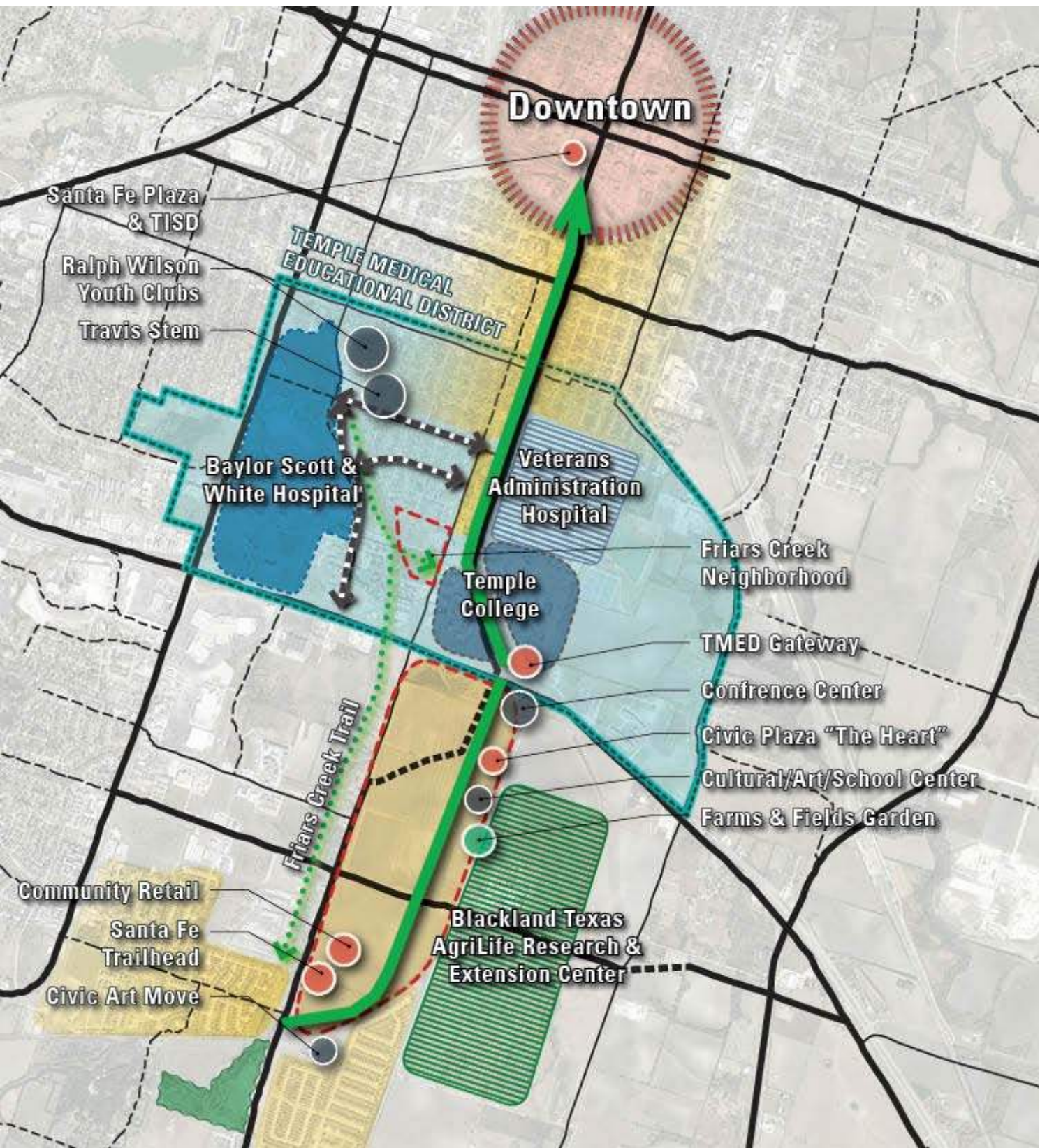


Exhibit 05. Proposed TMED Regional Plan

FRIARS CREEK NEIGHBORHOOD

Analysis

Friars Creek Neighborhood, also referred to as Northern Study Area within this document, is currently a mostly vacant property with a small mid century Housing Authority development to the north and Friars Creek Trail cutting through the center. Refer to Exhibit 06: Existing Land Use Plan. Friars Creek trail extends to the Northwest connecting pedestrians to Baylor Scott & White Hospital Campus and Temple college to the East.

The Neighborhood to the North is fairly stable however the Multifamily on the South and Southwest are dated and struggling. The entire site is disconnected from Friars Creek Trail which is disconnected from it's surroundings but provides a great linkage.

Key Ideas & Framework Plan

The overall goal to create a well-connected residential neighborhood which would be prime location for Temple College students or facility and Baylor Scott & White employees to reside.

Key Ideas

General

- Partner with Temple Housing Authority
- Create Community with connections
- Continue residential neighborhood from North and transition to higher density towards southwest

Circulation

- Face streets on all sides with architecture (No backing)
- Align streets to existing street network
- Flexible retail frontage on 5th
- Create development pattern that extends to south and southwest
- Create better connectivity to Baylor Scott & White

Open Space and Trails

- Connect to open space by bringing development to trail and park by fronting onto these areas
- Allow trail to act as a connector of people rather than a divider to the development
- Create large pedestrian corridor

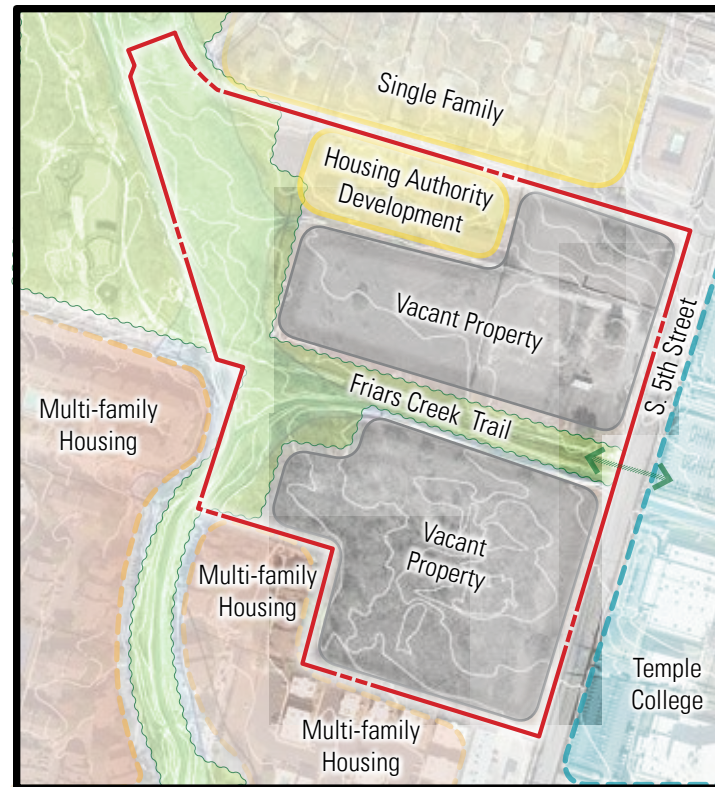


Exhibit 06. Existing Land Use Plan

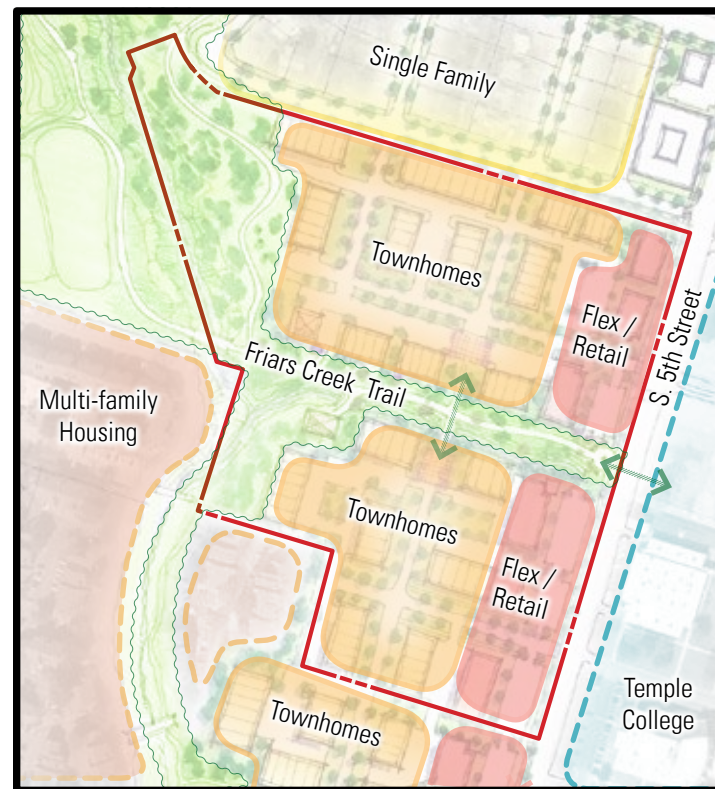


Exhibit 07. Proposed Land Use Plan



Exhibit 08. Friars Creek Conceptual Master Plan

General

The existing land use for the area provides a series of somewhat harsh edges which hinders walkability and future investment. It is important to provide compatible land uses in a layout which supports walkability and growth.

Partner with Temple Housing Authority

Temple Housing Authority currently owns and manages the Willow Brook Apartment complex. Representatives from the Housing Authority specified that a relocation of this property was a possibility and would allow the organization to update facilities for the current residents. These units could be incorporated into the new neighborhood framework or could potentially relocate the property elsewhere. Opening up this property to the overall development, allows the neighborhood to be better connected since the adjacent uses are compatible and the circulation framework can become more connected.

Create Community with connections

With Friars Creek trail already in place, the neighborhood study area is an excellent amenity to potential home buyers and/or renters that work or study at Baylor Scott & White campus or Temple College. The trail provides a regional connection to BS&W and Temple College.

Despite Friars Creek Trail bifurcating the site, street extensions from the surrounding context help to create a more connected and coherent neighborhood. Fryers Creek Drive outside the study area is shown connecting the west which allows better access to the surrounding context, whereas previously, the multi-family was segregated and created a fragmented portion of the region. The residents would also be better connected to the civic theatre and family center through roadway and trail systems along the creek.

South 13th street will be extended north to meet with W Avenue U and SW North Loop at a roundabout. This solution further connects and helps to circulate traffic for residents living and working within this area.

Continue residential into study area and transition to higher density towards southwest

The area lends itself to being a continuation of the residential neighborhood which is located along the Northern boundary. Due to the desirable location of being positioned between BS&W Campus and Temple College, slightly higher density housing such as townhomes or alley-loaded lots are recommended to accommodate both for-sale and rental properties. The intended users would most likely be students and professors of Temple College and employees



Exhibit 09. Friars Creek Trail Corridor at 5th Street

of BS&W. Multifamily uses remain Southwest of the property which makes the townhomes a great option to transition the density of the area.



FRIARS CREEK NEIGHBORHOOD



Circulation Network

How people move in various daily applications is important to creating a viable development in this area where a great trail amenity already exists. It is imperative to build upon and strengthen the trail connection rather than turn backs to it. In order to do this, the overall circulation must support a variety of options for movement.

Face streets on all sides with architecture

Great walkable neighborhoods have as few harsh edges as possible. By fronting residents and retail along roadways and greenways, the neighborhood becomes more open and connected. The architecture also provides additional security to these corridors which encourages activity.

Align streets to existing neighborhood street network

Street extensions from the north boundary into the study area create a more holistic neighborhood which allows greater connectivity to the overall area, trails and TMED district.

Flexible retail frontage on 5th Street

Due to street improvements and the amount of pedestrian activity for Temple College and the trail, retail along 5th street is likely to occur. In order to maintain development flexibility, live/work units or flexible retail spaces would be preferred along the roadway. Suggested uses for these spaces are: neighborhood services, a restaurant(s), small boutique retailers, childcare, etc.

Create development pattern that extends to south and southwest

This study proposes re-development of the southern portion to mitigate disconnectivity and dated developments. Street extensions on the southwestern edge of the study area would allow for connection to the Summit Family Center, Civic theatre and more direct access for residents to Baylor Scott & White campus. The

extension would call for a crossing over the creek but would allow for a more cohesive neighborhood which would drive investment in the area.

Create better connectivity to Baylor Scott & White

Previous efforts have considered connections of Avenue U to the BS&W Campus. With an extension of 13th street northward and SW North Loop connecting to W Avenue U, the neighborhood could have a circulating loop to provide better access for residents to work, school or amenities in the area.

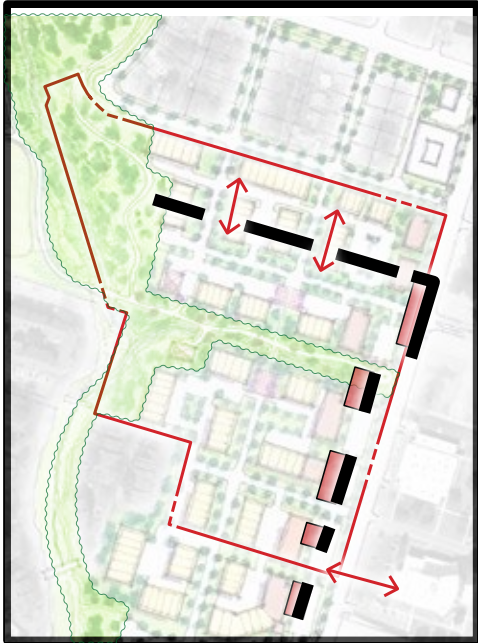


Exhibit 10. Street Alignments



Exhibit 11. Pattern and Connections

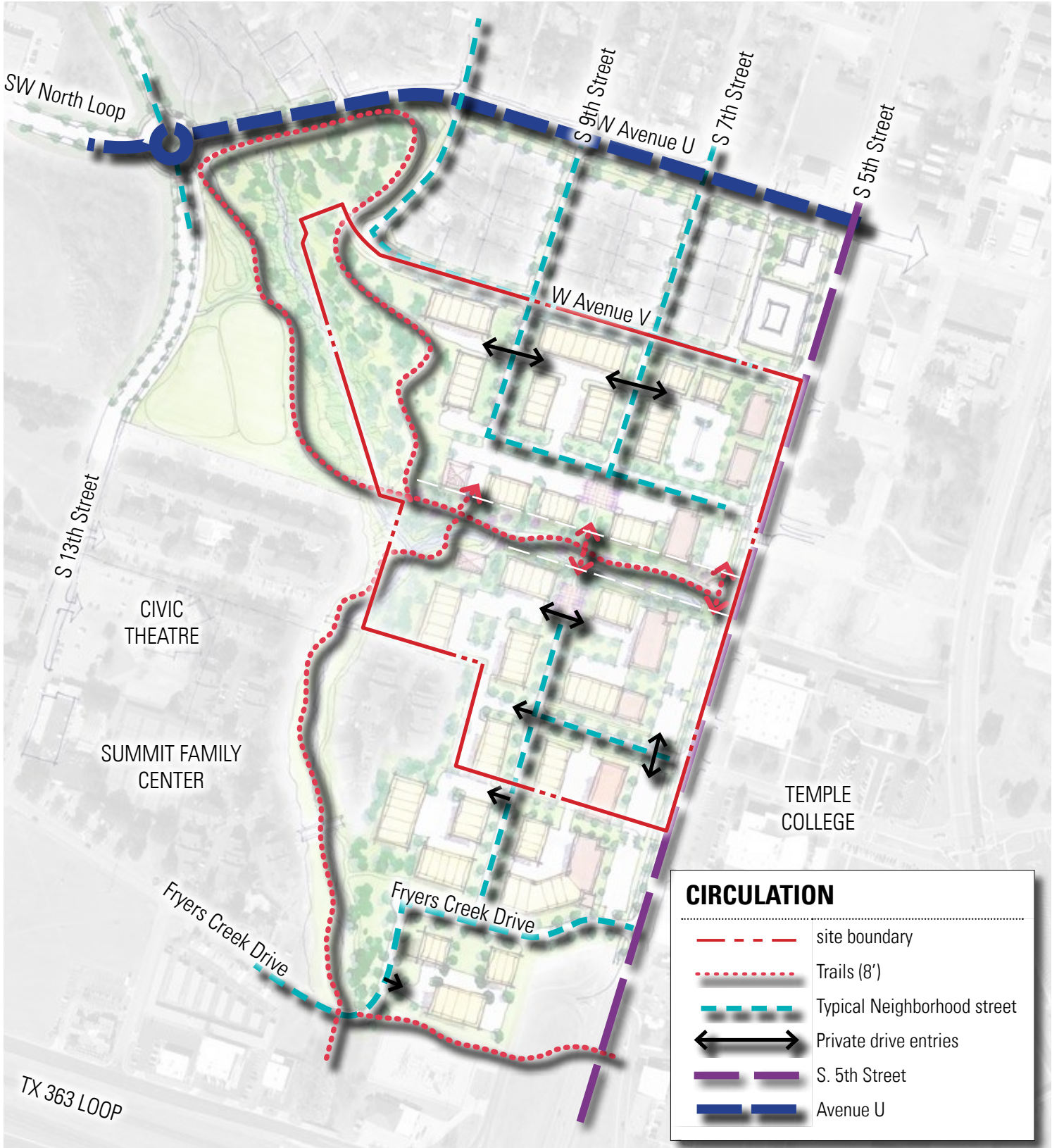


Exhibit 12. Friars Creek Street Network Plan

Open Space Network

In general, this neighborhood would be idealic for short term to medium term residents or students. It is centrally located for students and BS&W employees, as well as walkable. The open space and trail which bifurcate the study area, have great potential if developed properly.

Key Ideas

Connect to Open Space

By fronting development on the park and open space, the active edges of residential and potential retail uses provide a more porous atmosphere. With greater accessibility and active edges, the trail and park become more utilized and thus safer for the neighborhood. The open space then becomes a unifying element for the neighborhood.

The existing multifamily developments towards the southern edge are disconnected due to poor roadway connections and harsh edges to the creek. Development should face along the creek as well and trail amenities should be extended parallel to the creek. This extension has the potential to be an important regional connection to the southern study area.

Connect people to Trail

The greatest amenity for the site is the existing Friar's creek trail which runs along the middle of the site and connects to BS&W and Temple College. If not properly planned and developed, the centralized location of the trail to the study area could potentially act as more of a divider than a connector. It is imperative to create porous edges and trail connectors to support the trail as an amenity for the neighborhood.



Exhibit 13. Development Fronting on Open Space



Exhibit 14. Friar's Creek Open Space Master Plan

SOUTHERN STUDY AREA

Analysis

The southern study area consists of several unencumbered parcels totaling approximately 360 acres, bounded by Loop 363 to the north, the Union Pacific and Georgetown Railroad right-of-ways to the east and south, and 5th street to the west. An extension of 1st Street/ Veteran’s Memorial Drive is planned to connect TMED with the southern study area, although the alignment is not finalized the extension will bend into and terminate at 5th Street. The properties within the area have historic agricultural ties and the land owned by Blackland Research and Extension Center (BREC) serve as agriculture, grassland, soil and water research laboratories.

Regional Ideas & Framework

The overall objective of the framework plan is to appropriate land uses and revitalize the area as a “live, work, play, learn” environment; to connect people and destinations through walkability and public realm space; make 1st street axis a civic icon; utilize resources such as the existing creek and greenways, BREC, and 1st Street; and build upon previous efforts and partnerships with TMED and area medical, education and research facilities. While the Street and Open Space framework sections elaborate on circulation and public realm access, the following paragraphs categorize the Southern Study Area into Key Areas to help establish a clear vision of their character and to best describe how each advances the Key Ideas for Regional TMED.

Regional TMED Key Ideas

- Leverage TMED to create strong identity*
- 1st street connection as primary linkage to downtown and south Temple*
- Create Friars Creek Trail Corridor along 1st from Temple College to Friars Creek Trail*
- Expand Arts/Culture/School and Programs as Heart of Community*
- Partner with the City of Temple, City Temple Economic Development Corporation and land owners to bring in development opportunities*



Exhibit 16. Southern Study Area General Framework



Exhibit 15. Southern Study Area District Master Plan



Exhibit 17. Birdseye of 1st Street Retail Entrance (Facing South)

Key Areas

TMED Gateway

The vision for the TMED Gateway is for a Conference Center based development to become an “entry” for TMED South by providing a strong street presence with architecture fronting Loop 363 and the 1st Street extension, as well as integrated entry signage / monumentation to help reinforce TMED’s identity. Close proximity between buildings, building placement close to the street, and locating unsightly surface parking away from the street will enhance the character of the Gateway. By blending a combination of residential, commercial, cultural and institutional uses, the gateway has the opportunity to become a successful mixed-use development for the community and a hub for visitors. Medium to high density development allows a variety of community services as well. The Conference Center Complex will serve the three districts best by providing hotel, conference and meeting space, which is currently lacking in the urban core.



Exhibit 19. TMED Gateway

5th Street Entry

The 5th Street Entry is the essential medium to high density multifamily development needed to encourage livability on a slightly more urban setting. The density and adjacency to the TMED Gateway encourages greater community interaction. The realignment of 5th Street attracts and shifts development patterns towards a denser, people-oriented destination. The concept stems from the pent-up demand for student and young professional housing needed for TMED employees and students. The multi-family buildings in this area will tuck parking in the back and front a tree-lined neighborhood collector that connects residents to 5th Street, the Friars Creek Trail and neighborhood amenities on 1st Street and the TMED Gateway.



Exhibit 20. 5th Street Entry

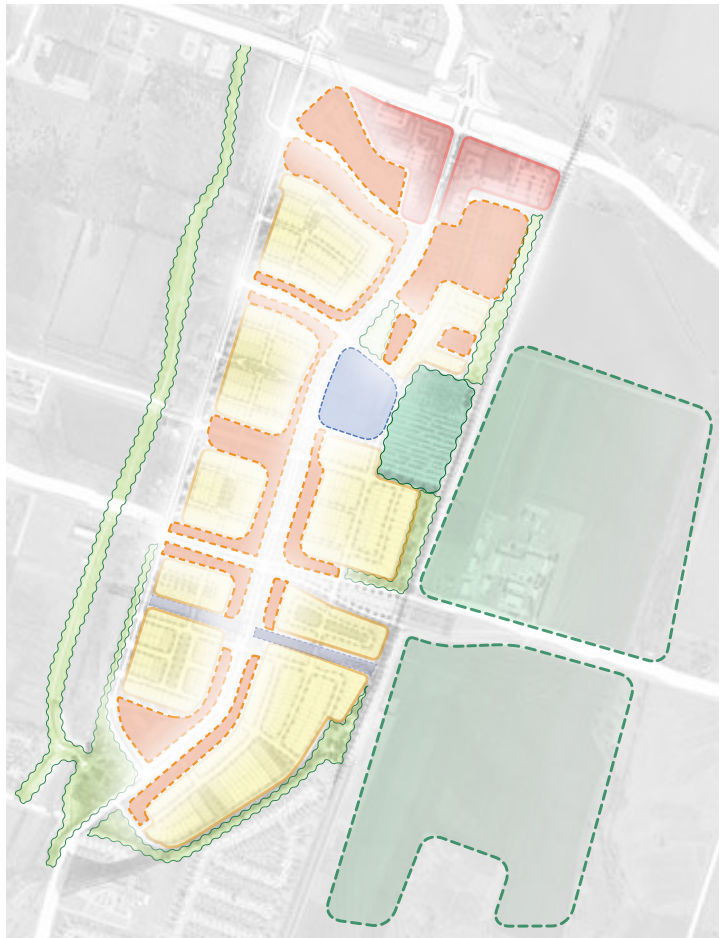


Exhibit 18. Land Use

SOUTHERN STUDY AREA



Exhibit 21. Main Plaza and Community Event Green



Exhibit 22. Farm & Community Garden Hub

Community Heart

The Community's Heart is located within the Residential North Area, east of 1st Street, it serves as the hub of community activities and has the potential of becoming a "third place" for residents and users. The "third place" is one that is separate from the tacit social environments of home and work—the first two places—it contributes to civil society, democracy, civic engagement and creating a sense of place. The Heart consist of the following:

The Civic Plaza is intended to be a major draw for district residents, employees, students, visitors and commuters walking to nearby destinations along 1st Street. It should include an event green and flexible space for the neighborhood to come together to participate in community-inspired activities like concerts, food truck dining and programs uniquely suited for the district. The use of water features, shade, lighting, enhanced planting and a high-performing urban tree canopy are necessary for the comfort of users.

A school with adjoining athletic fields will help forge partnerships, provide context and an environment that will reinforce the values, culture, and learning of the community. A Performing & Fine Arts Magnet School will complement Travis STEM School located within TMED. Additionally, school facilities, fields and playgrounds could be open for recreational use benefiting the entire community.

The Farm and Community Gardens offer a unique setting within the urban landscape to tie to the areas agricultural past and connect the community to current research being conducted by BREC. This program will provide a great opportunity for the community to partner with BREC to come together in research and practice to support public health and stewardship of nature as well as sustainable food production. Facilities should include indoor/outdoor classrooms, space for food preparation and pavilions for outdoor dining.

Residential North

The Residential North area provides an opportunity to create a large tree lined residential community comprised of predominantly traditional single family homes that integrates pocket parks and a landscape buffer along 1st Street. It also provides diverse residential options including attached housing that fronts streets designated as neighborhood collectors. The northeast portion of the development adjacent to TMED Gateway offers higher density housing like flats and lofts as well as flexibility for live-work units along 1st Street and neighborhood collector streets. The southern portion fronting 1st Street linear park is comprised of 3-5 story residential/townhomes/condos. Development of the plan requires a land exchange and partnership with BREC since approximately 70 acres of land within the area is owned by the research center.



Exhibit 23. Community Heart



Exhibit 24. Residential North

Canyon Creek Roadway

The intersection of Canyon Creek and 1st street will become a civic icon within the district for people to orient themselves. Buildings fronting the boulevard along the west portion of the roadway consist of a mix of townhomes, retail and single family residential. Future plans call for a flyover of the railway on the east portion of the road section. Residential development adjacent to this portion of the roadway will back due to grade level changes and to allow privacy for the residents.

Residential South

The Residential South Area consists of predominantly single family housing and attached residential units fronting a series of pocket parks. Three to five story residential/townhomes/condos front 1st street trail. The utility easement which cuts through this portion of the study area will serve as additional open space.

Southern Gateway

The Southern Gateway will serve as another community icon and entry that will strengthen the TMED identity through the use of district signage and mounumentation. The Gateway includes one neighborhood street segment of single family housing and multi-family mixed-use housing. The lofts and flats with ground floor retail are organized along 1st and 5th Streets which intersect at the site of the Friars Creek Trailhead and Park; parking is buffered and planned for low impact to the site. Restricted small parking lots will be nestled between and around buildings. The gateway also promotes a mix of uses which help establish neighborhood character and encourages walking and bicycling, reducing the distance between “home, work play and learn” as it locates essential services close to the community.



Exhibit 26. Canyon Creek Roadway



Exhibit 27. Residential South



Exhibit 28. Southern Gateway



Exhibit 25. Southern Study Area Illustrative Master Plan

SOUTHERN STUDY AREA



Exhibit 29. TMED South Gateway (Facing North)

Street Framework and Sections

The street system in the Southern Study Area incorporates forthcoming infrastructure improvements into one transportation network and specifies several street typologies. They are intended to convey vehicular and pedestrian traffic within the district, while creating a pleasant streetscape experience that connects the community and nodes of activity. Street sections highlight the streetscape elements that help advance the Street Framework Key Ideas.

Key Ideas

Typologies are intended to connect and mediate between the range of land uses and anticipated building types

- Provide a range of experiences in landscape setback areas especially along 1st Street, Canyon Creek, and Neighborhood Collector streets
- Encourage pedestrian movement and reduce automobile dependence by connecting to and providing lighting, public courtyards, and outdoor dining throughout the district in mixed-use areas
- Give consideration to safely accommodate all forms of mobility associated with mixed-use development: auto, public-transit, bicycle, and pedestrian.

Face streets with architecture

- Orient and arrange buildings to provide a pedestrian friendly street level façade composition.
- Locate buildings near street edges to create a lively, pedestrian-oriented street scene.
- Prohibit surface parking between the curb and landscape setback.
- Tuck parking behind buildings and buffer with landscape.

Street plantings located within the street rights of way serve as a tool to utilize the street as a public realm space

- Use landscape strips, buffers, boulevards and setbacks as a way to mitigate vehicular-pedestrian conflict and increase pedestrian comfort.
- Connect to sidewalks, open space, landscaped areas, and other public spaces accessible to pedestrians.
- Provide a safe street environment that facilitates street activity and community interaction.

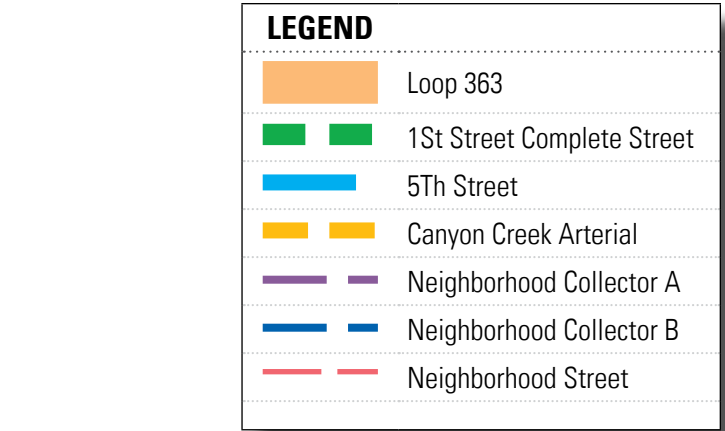


Exhibit 31. Low Impact Development - Bioswale Example

1st Street Connection as primary linkage to downtown and south Temple

- Include 1st Street extension in future infrastructure improvements and modify alignment to bisect entire Southern Study Area.
- Plan ROW to allow for complete street section, including rain gardens, urban canopy, linear park areas and public realm connections to Gateways and Community Heart.
- Line street with and connect to mixed-use, retail, housing, and active public spaces.
- Provide outdoor seating areas, public courtyards, gardens, playgrounds, and public art features along the street.
- Integrate low-impact development (LID) features such as bioswales and rain gardens to mitigate increased storm water volume induced by new development.

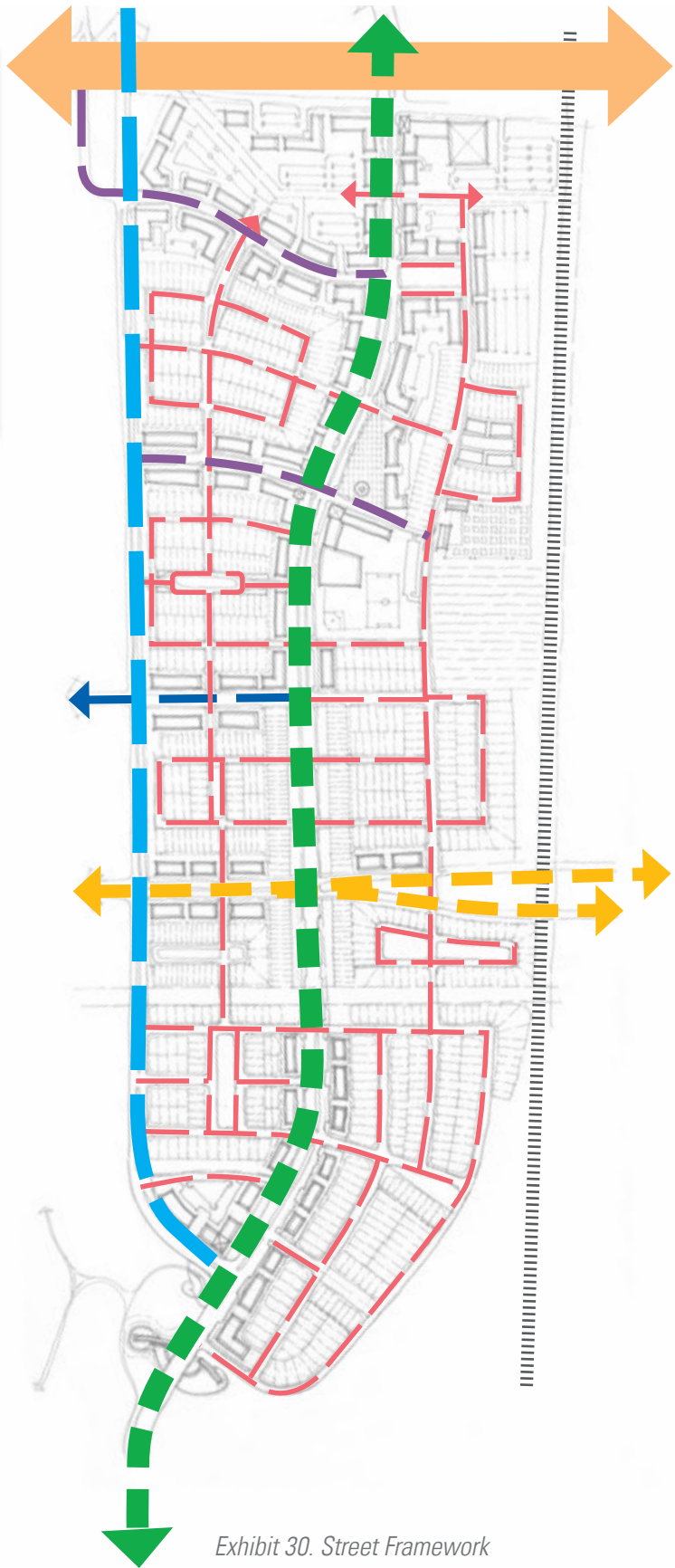
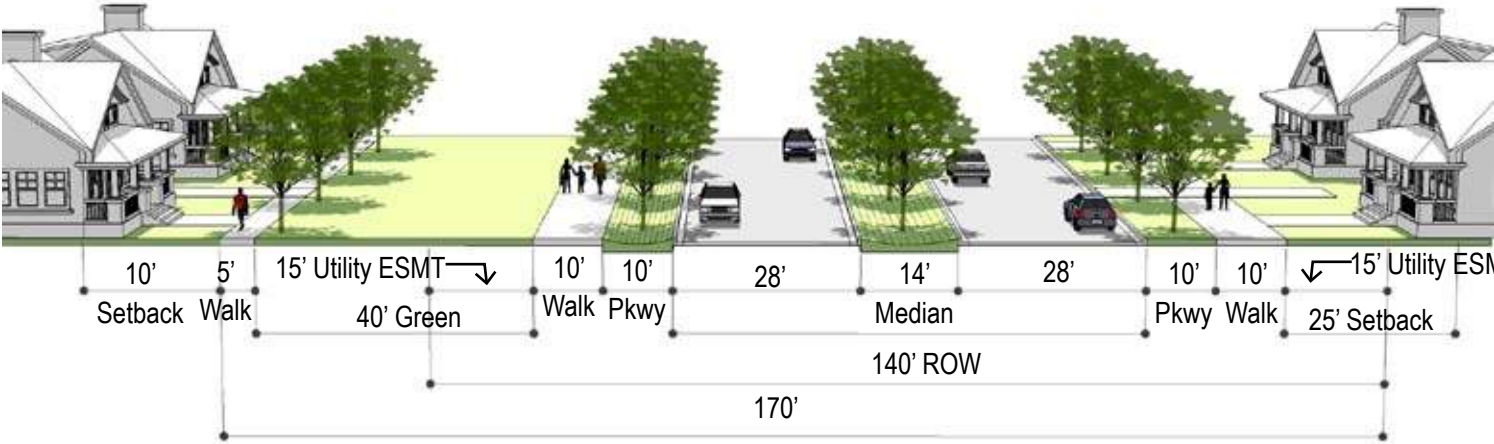
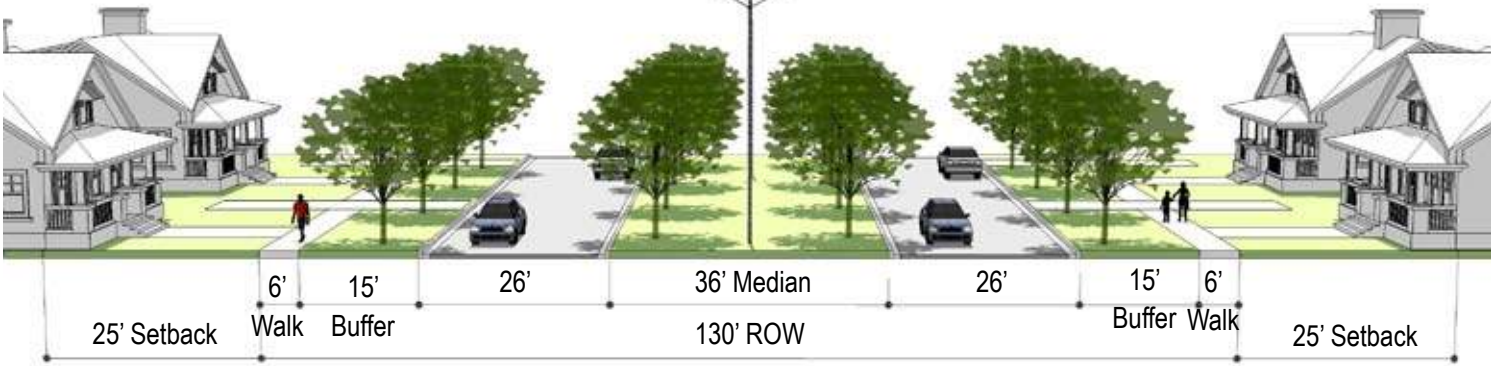


Exhibit 30. Street Framework

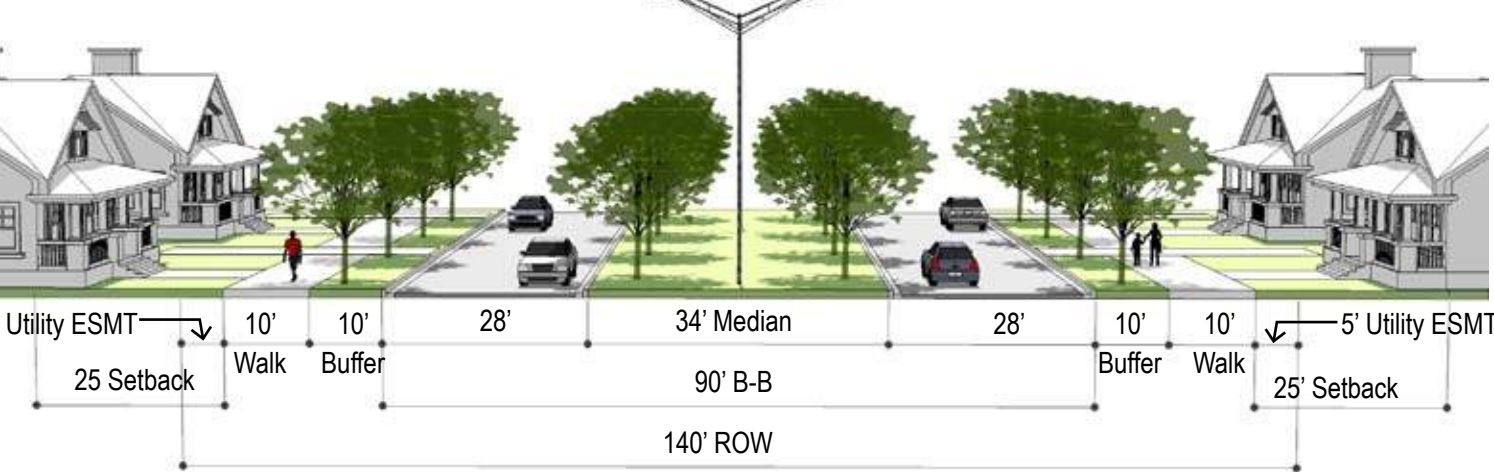
1st Street



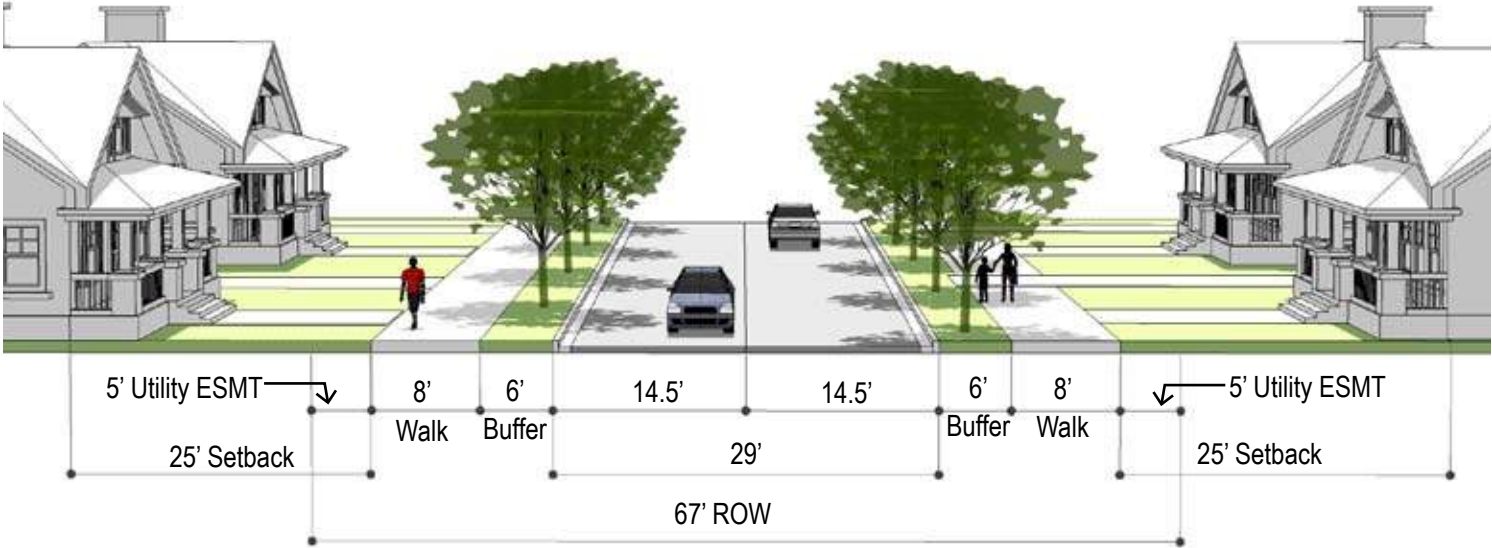
Canyon Creek



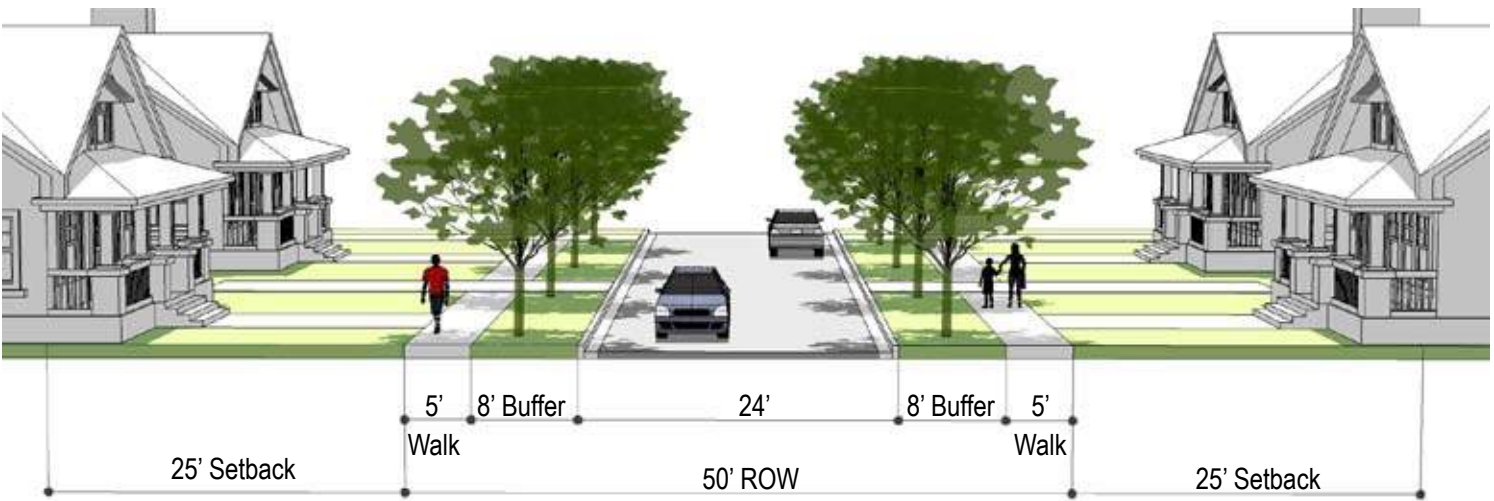
5th Street



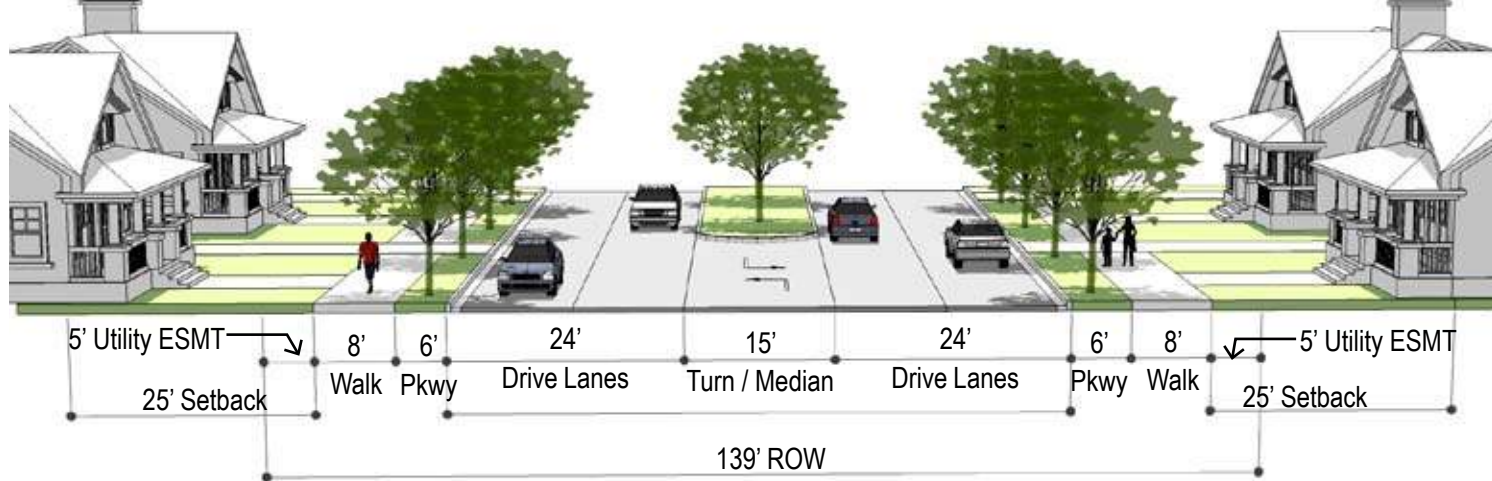
Neighborhood Collector A



Neighborhood Street



Neighborhood Collector B



SOUTHERN STUDY AREA



Open Space Framework

TMED South’s open space network has the ability of providing a great impact on the community by providing opportunities for physical activity, enjoyment of nature, social interaction, respite and escape that help create lasting improvements. Because access to nearby parks and natural settings is associated with improved quality of life, greater connection with people, reduced anxiety, improved physical and mental health among adults and children, this framework is crucial to the future of the TMED as a healthy, happy place.

Key Ideas

Help foster a strong sense of community by providing opportunities to engage in social contact and meaningful experiences

- Expand on arts, culture and education programs in Heart of Community/ Civic Park by setting the right mix of programs uniquely suited to the community.
- Use farm and gardens to create a link between residents, research centers and the TMED South magnet school to increase children’s contact with broader education and heighten

- their interest in higher education.
- Increase access to public art throughout the 1st Street linear park.

Reshape the urban spatial form with pedestrian focused spaces and promote healthy lifestyles

- Provide a multi-use trail for walkers, runners, recreational and commuter bicycles to link to regional trail network.
- Design network to serve as an interface between the street and building realm through the use of water features, lighting, enhanced landscape planting, activity lawns and outdoor dining spaces.
- Buffer and blur unsightly boundaries such as parking and railroad ROW by providing views to nature from within buildings and architecture.
- Provide natural landscapes and urban canopy necessary to link between fragmented habitat necessary for protecting pollinators like birds, bees and butterflies.
- Provide natural buffer zones from pollution run-off and improve water quality through the use of LID features along 1st Street.

| LEGEND | |
|--------|-----------------------------------|
| | Pocket Park |
| | Linear Park |
| | Civic Park |
| | Athletic Fields |
| | Community Garden & Farmers Market |
| | Buffer |
| | Easement |
| | Blackland Research Center |
| | Trail |
| | Trailhead |
| | Node |



Allow trails to act as a connector of people and activity

- Create Trail Corridor along 1st Street from Temple College to Friars Creek Trail to provide pedestrians, and cyclists a safe access to green spaces throughout the region.
- Provide amenities such as trailhead, signage, bathrooms, water fountains, cycle racks, and benches for clear navigation and ease of use along trail system.
- Bisect trails through retail, housing, pocket parks, Gateways and Community Heart to strengthen district wide connectivity and a cohesive public realm.



Exhibit 32. Green Buffers with art, water features, native landscaping



Exhibit 33. Civic Park

SOUTHERN STUDY AREA

Alternative Options

The ability to create a cohesive neighborhood largely depends on whether the Blackland Prairie Research Center is able to find alternative land for their research. The organization is not currently looking to downsize so accommodations should be made in order to have a non-interrupted neighborhood. If this does not happen, there are several alternatives for moving forward.

Alternative 1: Bi-sect Blackland Prairie Property

Key Idea 1

If granted by Blackland Prairie Research Center, the first option for development would be to bi-sect the property with the 1st street extension. This provides a framework that can be developed at a later time when Blackland Prairie no longer has need for the property.

It should be understood that their property is for research and thusly would be fenced off so these properties could not be used for open space. It should also be understood that bi-secting their property is an inconvenience for the research center because it would be fragmented.

Alternative 2: Preserve Blackland Prairie Property

Key Idea 1

If bi-secting the property is not an option, development will need to go around the property. This alternative is not preferred due to the street framework proposed however, as mentioned in the previous alternative, the Blackland Prairie property could still be developed at a later date to provide the cohesive development framework.

This option should only be considered if Blackland Prairie Research Center is unable or not willing to find alternative land for their research.

| LEGEND | |
|--------|-----------------------------------|
| | Conference Center & Hotel |
| | Plaza |
| | Civic / Education |
| | Atheltic Fields |
| | Community Garden & Farmers Market |
| | Blackland Research Center |
| | Blackland Research Facility |
| | Community Park |



Exhibit 34. Preferred Concept Framework



Exhibit 35. Alternative 1 Framework

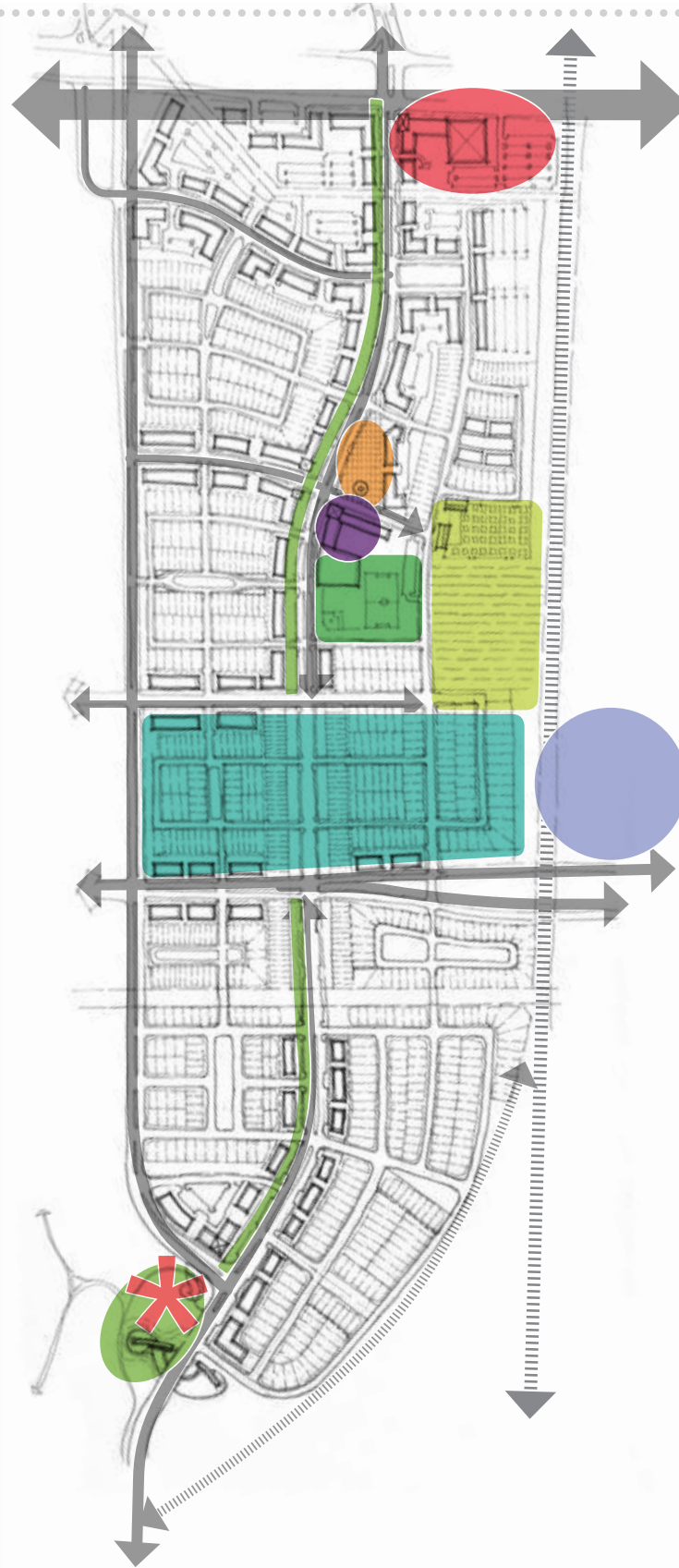


Exhibit 36. Alternative 2 Framework



Exhibit 37. Southern Study Area - Alternative 1



Exhibit 38. Southern Study Area - Alternative 2

NEXT STEPS



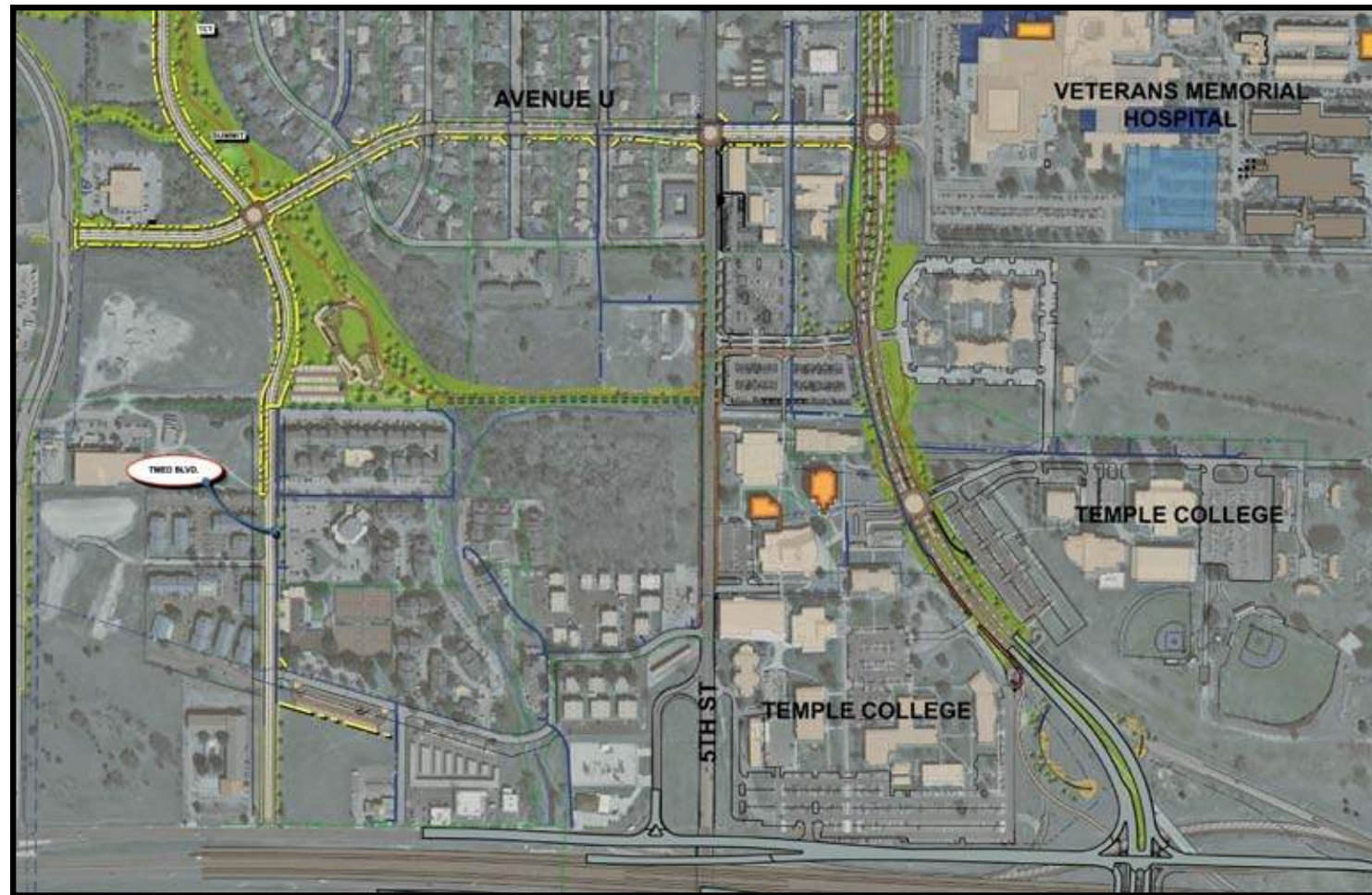


Exhibit 39. Northern public improvements

Proposed Projects

Friar's Creek Neighborhood Projects

1. Find developer to complete Friars Creek Neighborhood Vision
2. Partner with Housing Authority to relocate or redevelop Willow Brook Development
3. Adjust zoning to allow live/work along 5th Street
4. Extend Friars Creek Park to the southwest and Friars Creek Trail to the south
5. Strengthen and extend infrastructure connections
 - Extend S 9th Street and S 7th Street south
 - Connect W Avenue U to SW North Loop
 - Connect S 13th Street and W Avenue U / SW North Loop via roundabout
 - Connect Fryers Creek Drive across Friars Creek

Southern Proposed Projects

1. Construct 1st Street connection to TMED South
2. Find Development Partners for TMED South
 - Blackland Agrilife Research Center Partners
3. Phase road and infrastructure for 1st and 5th Street reconfiguration
4. Reconfigure 5th Street to connect to 1st Street
5. Design and construct TMED South Plaza
6. Design and construct Northern TMED (South) Gateway
7. Design and construct Southern gateway

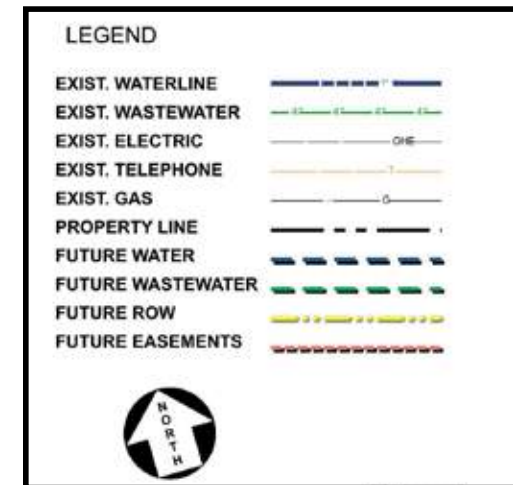


Exhibit 40. Southern Study Area Public Improvements



T M E D SOUTH
CHARRETTE

ORDINANCE NO. 2017-4850
(Z-FY-17-21)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A REZONING FROM SINGLE FAMILY ONE ZONING DISTRICT TO PLANNED DEVELOPMENT-GENERAL RETAIL ZONING DISTRICT ON APPROXIMATELY 27.876 ACRES, LOCATED ON THE SOUTHEAST CORNER OF SOUTH 5TH STREET AND LOOP 363; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Part 1: The City Council approves a rezoning from Single Family One zoning district to Planned Development-General Retail zoning district on approximately 27.876 acres located on the southeast corner of South 5th Street and Loop 363, as outlined in the map attached hereto as Exhibit 'A,' and made a part hereof for all purposes.

Part 2: The City Council approves the Planned Development with the following conditions and development standards:

1. Substantial compliance with the Phase 1 Site/Development Plan (Exhibit B) and Building Elevations (Exhibit C), attached hereto and made a part hereof for all purposes;
2. Substantial compliance with Site/Development Plans approved by the Planning and Zoning Commission and City Council for subsequent phases of development;
3. Setbacks applicable to all land uses:
 - a. Minimum front yard setback: 0 feet
 - b. Maximum front yard setback: 42 feet
 - c. Minimum rear yard setback: 10 feet
 - d. Side yard setback determined by compliance with visibility triangle requirements;
4. Landscaping
 - a. 20% minimum landscape area if parking is in the front
 - b. 15% minimum landscape area if parking is completely to the side or rear
 - c. 10% minimum landscape area if parking is completely to the rear
 - d. One landscaped island for every 10 parking spaces (170 square foot minimum with a 2" diameter-at-breast-height (dbh) or 65-gallon tree from the Approved Tree List in Section 7.4.5 of Unified Development Code)
 - e. Foundation planting along at least 50% of facades visible from a street and parking lot screening (if abutting a street)
5. All land uses permitted in the General Retail base district, except that multiple-family dwellings are allowed and drive-throughs are prohibited
6. Architecture
 - a. A minimum of two distinct materials on all facades, limited to brick, stone, stucco or cementitious siding for primary materials (maximum of 80%) and limited to brick, stone, cementitious siding, architecturally finished concrete block or architectural metal for secondary materials (maximum of 30%)
 - b. 15% of any visible façade must consist of windows
 - c. Every 50' of the front or side facades must include one of the following architectural elements:
 - i. Window canopies or window awnings, balconies, porches, stoops or porticos;
 - ii. Building wall plane recesses or projections (minimum of 2' deep and 10' long);
 - iii. Arcades;

- iv. Peaked roof forms;
- v. Arches;
- vi. Outdoor patios;
- vii. Display/storefront or transom windows;
- viii. Integrated planters or wing walls that incorporate landscape and sitting areas;
- ix. Dormer windows
- x. Projecting bay or box windows
- xi. Parapets

7. Common Areas

- a. A minimum of 5% of the gross floor area of buildings is required for common area for medical, office, hotel and retail uses and must include:
 - i. A water feature;
 - ii. A stone, brick or decoratively paved patio with a seating area (4 seat minimum);
 - iii. A pavilion, gazebo or other covered outdoor space; or
 - iv. Tree-lined trails/sidewalks surrounding an irrigated open green/park space
- b. 50% of required irrigated landscaping counts towards the common area requirements
- c. Multiple-family dwellings (1 for every 50 units)
 - i. Resident clubhouse
 - ii. Community garden area
 - iii. Swimming pool
 - iv. Tennis court
 - v. Basketball court
 - vi. Volleyball court
 - vii. Billiards room
 - viii. Amphitheatre
 - ix. Gazebo or other covered shelter
 - x. Exercise facility
 - xi. Office center
 - xii. Media room – theatre
 - xiii. Sauna
 - xiv. Irrigated park with trees and trails (minimum of ¼ acre)
 - xv. Racquetball court
 - xvi. Other amenity as approved by Director of Planning
- d. To encourage shared common areas among multiple buildings, the required common area is lowered to a minimum of 4% of the gross floor area of buildings if the common area is shared by multiple buildings.

8. Public frontage requirements:

- a. One 2" dbh canopy tree (large or medium) from the Approved Tree List in Section 7.4.5 of Unified Development Code per 25' of linear street frontage, within the planting strip
- b. Benches installed at all intersections within the public right-of-way surrounding the development, per the TMED Design Criteria Manual.
- c. Trash receptacles placed next to required seating areas per the TMED Design Criteria Manual.
- d. Pedestrian-scale lighting provided at all intersections and at 100' intervals along all public and private roadways within the development per the TMED Design Criteria Manual.
- e. Planting strip:
 - i. 6' minimum between the curb and sidewalk
- f. Sidewalks:
 - i. 10' wide minimum along S. 1st Street

- ii. 6' wide minimum along other streets
- iii. Sidewalks must connect to parking within the lot and to the primary entrance of each nonresidential building
- iv. Sidewalks must be constructed before the Chief Building Official issues a Certificate of Occupancy.
- v. Sidewalks must connect to existing adjacent sidewalks, or be designed and placed to allow connection to future adjacent sidewalks.
- vi. Pedestrian walkways must also connect the principal building entrances to all associated outdoor amenities, such as courtyards and other outdoor gathering places.

9. Signage

- a. Freestanding signs
 - i. Single-tenant signs
 - 1. Maximum height of 10' feet
 - 2. Limited to a masonry clad 2-legged base or
 - 3. A monument sign with masonry as the primary material
 - 4. Limited to 1 per front and 1 per driveway access if driveways are to the side or rear (choice between a single-tenant or multi-tenant freestanding sign at each location, not both)
 - ii. Multi-tenant signs
 - 1. Maximum height of 20'
 - 2. Limited to a masonry clad 2-legged base or
 - 3. A monument sign with masonry as the primary material
 - 4. Limited to 1 per front and 1 per driveway access if driveways are to the side or rear (choice between a single-tenant or multi-tenant freestanding sign at each location, not both)
- b. Wall signs
 - i. Maximum of 50% of each tenant's façade, excluding doors, canopies/awning, windows and vertical architectural elements above the roofline, may be utilized for a wall sign
 - 1. May not exceed 100 square feet
 - ii. Projecting signs are permitted as long as they have a:
 - 1. Minimum clearance of 8' above the ground
 - 2. Maximum square footage of 100 square feet
- c. Banners
 - i. Must be affixed flush to a façade or attached flush to a fence or wall
 - ii. Maximum Size: 100 square feet
 - iii. A sign permit is required in the I-35 Corridor Overlay
 - iv. Temporary sign limited to 30 days to advertise grand openings, sales or special events
 - v. Limited to two per year
- d. Window signs
 - i. Limited to 25% of window area
 - ii. 2 per tenant or building
 - iii. Requires a permit
- e. Prohibited signs
 - i. Inflatable devices
 - ii. Message board

- iii. Pole banners
- iv. Streamers
- v. Searchlight
- f. All other signage regulated per Sec. 7.6 of the UDC

Part 3: The City Council directs the Director of Planning to make the necessary changes to the City Zoning Map.

Part 4: It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such phrase, clause, sentence, paragraph or section.

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

Part 6: 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 on the **15th** day of **June**, 2017.

PASSED AND APPROVED on Second Reading and Public Hearing on the **6th** day of **July**, 2017.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

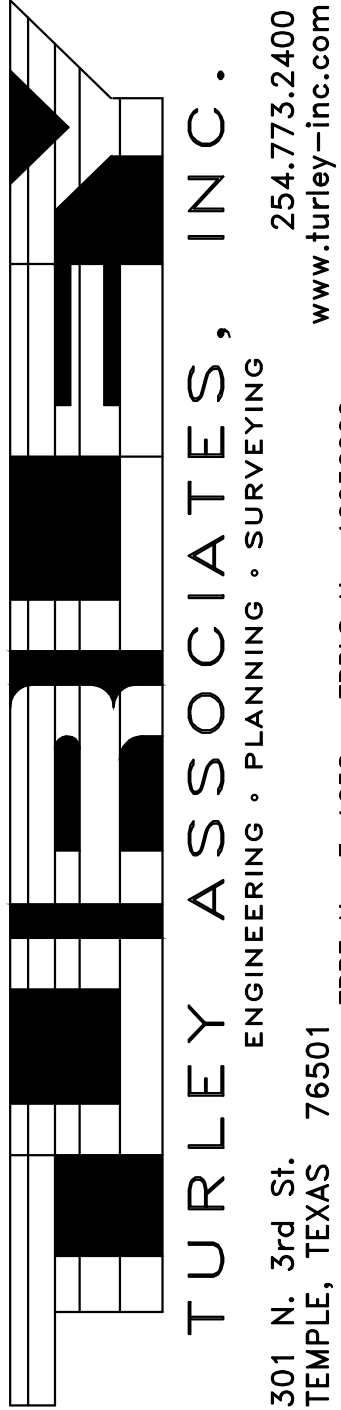
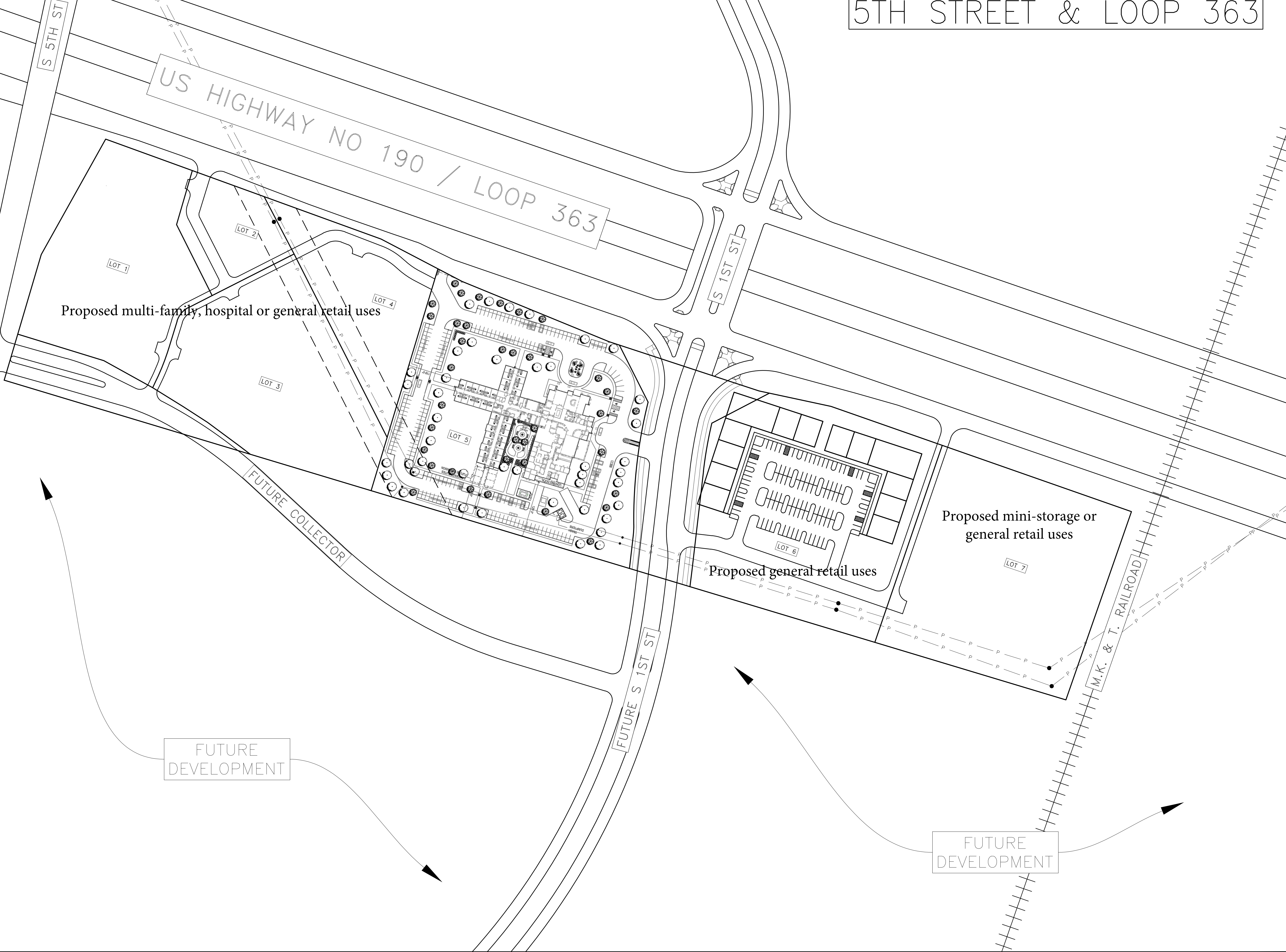
APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney

Exhibit B

PROPOSED SITE PLAN:
27.876 ACRES
5TH STREET & LOOP 363



TURLEY ASSOCIATES, INC.
ENGINEERING • PLANNING • SURVEYING
301 N. 3rd St. 76501
TEMPLE, TEXAS
www.turley-inc.com
TBP# No. F-1658 • TBPLS No. 10056000

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PROPOSED SITE PLAN:
27.876 AC 5TH ST & LOOP 363
CITY OF TEMPLE, BELL COUNTY, TEXAS

DEVELOPED BY:
UTEX HOLDING GROUP
3507 KINK CIRCLE
SALT LAKE CITY, UT 84106

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Exhibit C



FRONT ELEVATION



LEFT ELEVATION



REAR ELEVATION



RIGHT ELEVATION



COUNCIL AGENDA ITEM MEMORANDUM

07/06/17
Item #8
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Traci L. Barnard, Director of Finance

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING: Consider adopting an ordinance authorizing an amendment to the Tax Increment Financing Reinvestment Zone No. 1 Financing and Project Plans to appropriate additional funding for Crossroads Park @ Pepper Creek Trail in FY 2017.

STAFF RECOMMENDATION: Conduct a public hearing and adopt ordinance as presented in item description on first reading, with second and final reading on July 20, 2017.


ITEM SUMMARY: The Reinvestment Zone No. 1 Project Committee met on June 15th to recommend a change to the Financing and Project Plans. The proposed amendment allocates funding for the following project:

- Additional funding of \$750,000 for construction of Crossroads Park @ Pepper Creek Trail

The additional funding is available from the 31st Street/Loop 363 Improvements/Monumentation project. The construction of Phase III – [intersection enhancements] of this project will be deferred to a future year due to new development and temporary traffic routes in the area. Project funding and timing will be evaluated in a future financing plan amendment.

The Reinvestment Zone No. 1 Board approved these amendments at its June 28, 2017 board meeting.

FISCAL IMPACT: The proposed amendment allocates funding within the FY 2017 Financing and Project Plans as shown below:

| Line # | Description | FY 2017 |
|--------|---|--------------|
| 207 | Crossroads Park @ Pepper Creek Trail | \$ 750,000 |
| 459 | 31st Street/Loop 363 Improvements/Monumentation | \$ (750,000) |
| | | |
| | Net change  | \$ - |

ATTACHMENTS:

Financing Plan
Summary Financing Plan with Detailed Project Plan
Ordinance

Financing Plan - 06/28/17 to Zone Board

| | | Revised | | | | | |
|------------------------|---|----------------|----------------|----------------|----------------|----------------|----------------|
| | | Y/E 9/30/17 | Y/E 9/30/18 | Y/E 9/30/19 | Y/E 9/30/20 | Y/E 9/30/21 | Y/E 9/30/22 |
| | | Year 35 | Year 36 | Year 37 | Year 38 | Year 39 | Year 40 |
| DESCRIPTION | | | | | | | |
| 1 | "Taxable Increment" | \$ 435,256,703 | \$ 382,863,680 | \$ 370,649,604 | \$ 377,916,559 | \$ 382,213,195 | \$ 427,532,778 |
| 1 | FUND BALANCE, Begin | \$ 27,838,651 | \$ 3,988,025 | \$ 2,841,256 | \$ 5,576,198 | \$ 1,626,227 | \$ 3,075,793 |
| 2 | Adjustments to Debt Service Reserve | - | - | - | - | - | - |
| 3 | Fund Balance Available for Appropriation | \$ 27,838,651 | \$ 3,988,025 | \$ 2,841,256 | \$ 5,576,198 | \$ 1,626,227 | \$ 3,075,793 |
| SOURCES OF FUNDS: | | | | | | | |
| 4 | Tax Revenues | 19,371,450 | 16,265,121 | 15,459,007 | 15,659,726 | 15,823,016 | 16,519,039 |
| 6 | Allowance for Uncollected Taxes [1.5% of Tax Revenues] | (290,572) | (243,977) | (231,885) | (234,896) | (237,345) | (247,786) |
| 8 | Interest Income-Other | 50,000 | 50,000 | 40,000 | 40,000 | 30,000 | 10,000 |
| 10 | Grant Funds | 1,170,000 | - | - | - | - | - |
| 12 | License Fee - Central Texas Railway | 36,000 | 36,000 | 36,000 | 36,000 | 36,000 | 36,000 |
| 14 | Other Revenues | 150,000 | - | - | - | - | - |
| 17 | Bond Proceeds | 19,000,000 | - | - | - | - | - |
| 20 | Total Sources of Funds | \$ 39,486,878 | \$ 16,107,144 | \$ 15,303,122 | \$ 15,500,830 | \$ 15,651,671 | \$ 16,317,253 |
| 25 | TOTAL AVAILABLE FOR APPROPRIATION | \$ 67,325,529 | \$ 20,095,169 | \$ 18,144,378 | \$ 21,077,028 | \$ 17,277,898 | \$ 19,393,046 |
| USE OF FUNDS: | | | | | | | |
| DEBT SERVICE | | | | | | | |
| 27 | 2009 Bond Refunding | 1,510,150 | 1,488,750 | 1,485,000 | - | - | - |
| 28 | 2008 Bond Issue-Taxable {\$10.365 mil} | 1,240,096 | 1,241,957 | 1,241,173 | 1,237,744 | 1,241,670 | 1,242,422 |
| 29 | Debt Service - 2011A Issue {Refunding} | 912,200 | 908,350 | 915,950 | 2,497,800 | 2,497,550 | 2,494,950 |
| 30 | Debt Service - 2012 Issue {Refunding} | 76,400 | 79,600 | 77,650 | 80,050 | 77,250 | 78,750 |
| 31 | Debt Service - 2013 Issue {\$25.260 mil} | 2,034,894 | 2,047,694 | 2,048,344 | 2,047,944 | 2,046,494 | 2,031,494 |
| 32 | Debt Service - 2017 Issue {\$19 mil} | 344,583 | 1,452,000 | 1,454,500 | 1,451,700 | 1,452,200 | 1,452,100 |
| 35 | Paying Agent Services | 1,700 | 1,700 | 1,700 | 1,700 | 1,700 | 1,700 |
| 40 | Subtotal-Debt Service | 6,120,023 | 7,220,051 | 7,224,317 | 7,316,938 | 7,316,864 | 7,301,416 |
| OPERATING EXPENDITURES | | | | | | | |
| 50 | Prof Svcs/Proj Mgmt | 175,000 | 175,000 | 175,000 | 175,000 | 175,000 | 175,000 |
| 52 | Legal/Audit | 1,300 | 1,300 | 1,300 | 1,300 | 1,300 | 1,400 |
| 54 | Zone Park Maintenance [mowing, utilities, botanical supplies] | 330,000 | 330,000 | 330,000 | 330,000 | 330,000 | 330,000 |
| 56 | Rail Maintenance | 214,390 | 100,000 | 100,000 | 100,000 | 100,000 | 100,000 |
| 58 | Road/Signage Maintenance | 238,243 | 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 |
| 62 | TISD-Reimbursement [per contract] | 26,250 | 27,563 | 27,563 | 27,563 | 28,941 | 28,941 |
| 65 | Subtotal-Operating Expenditures | 1,185,183 | 933,863 | 933,863 | 933,863 | 935,241 | 935,341 |
| 70 | TOTAL DEBT & OPERATING EXPENDITURES | \$ 7,305,206 | \$ 8,153,914 | \$ 8,158,180 | \$ 8,250,801 | \$ 8,252,105 | \$ 8,236,757 |
| 80 | Funds Available for Projects | \$ 60,020,323 | \$ 11,941,256 | \$ 9,986,198 | \$ 12,826,227 | \$ 9,025,793 | \$ 11,156,289 |
| PROJECTS | | | | | | | |
| 150 | Temple Industrial Park | 696,509 | 400,000 | - | - | - | - |
| 200 | Corporate Campus Park | 1,651,520 | - | - | - | - | - |
| 250 | Bioscience Park | 5,564,692 | - | - | - | - | - |
| 350 | Research Parkway | 21,229,812 | 1,000,000 | - | 10,750,000 | - | - |
| 400 | Synergy Park | 501,701 | - | - | - | - | - |
| 450 | Downtown | 17,886,895 | 7,700,000 | 450,000 | 450,000 | 450,000 | 450,000 |
| 500 | TMED | 6,554,245 | - | 3,960,000 | - | - | - |
| 550 | Airport Park | 1,946,924 | - | - | - | - | - |
| 610 | Public Improvements | - | - | - | - | 5,500,000 | 7,000,000 |
| | Subtotal-Projects | 56,032,298 | 9,100,000 | 4,410,000 | 11,200,000 | 5,950,000 | 7,450,000 |
| TOTAL USE OF FUNDS | | \$ 63,337,504 | \$ 17,253,914 | \$ 12,568,180 | \$ 19,450,801 | \$ 14,202,105 | \$ 15,686,757 |
| 700 | FUND BALANCE, End | \$ 3,988,025 | \$ 2,841,256 | \$ 5,576,198 | \$ 1,626,227 | \$ 3,075,793 | \$ 3,706,289 |

| | 2023 | 2024 | 2025 | 2026 | 2027 | 2028 | 2029 | 2030 | 2031 | 2032 |
|--|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|
| | 41 | 42 | 43 | 44 | 45 | 46 | 47 | 48 | 49 | 50 |
| DESCRIPTION | | | | | | | | | | |
| 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 | \$ 3,706,289 | \$ 2,549,157 | \$ 2,589,183 | \$ 2,759,223 | \$ 2,850,949 | \$ 3,161,901 | \$ 3,169,415 | \$ 3,385,358 | \$ 3,794,771 | \$ 3,906,806 |
| 2 Adjustments to Debt Service Reserve | - | - | - | - | - | - | - | - | - | - |
| 3 Fund Balance Available for Appropriation | \$ 3,706,289 | \$ 2,549,157 | \$ 2,589,183 | \$ 2,759,223 | \$ 2,850,949 | \$ 3,161,901 | \$ 3,169,415 | \$ 3,385,358 | \$ 3,794,771 | \$ 3,906,806 |
| SOURCES OF FUNDS: | | | | | | | | | | |
| 4 Tax Revenues | 16,921,830 | 17,628,841 | 18,280,346 | 19,989,672 | 20,474,693 | 20,679,426 | 20,886,206 | 21,095,054 | 21,305,990 | 21,519,035 |
| 6 Allowance for Uncollected Taxes [1.5% of Tax Revenues] | (253,827) | (264,433) | (274,205) | (299,845) | (307,120) | (310,191) | (313,293) | (316,426) | (319,590) | (322,786) |
| 8 Interest Income-Other | 10,000 | 10,000 | 10,000 | 10,000 | 10,000 | 10,000 | 10,000 | 10,000 | 10,000 | 10,000 |
| 10 Grant Funds | - | - | - | - | - | - | - | - | - | - |
| 12 License Fee - Central Texas Railway | 36,000 | 36,000 | 36,000 | 36,000 | 36,000 | 36,000 | 36,000 | 36,000 | 36,000 | 36,000 |
| 14 Other Revenues | - | - | - | - | - | - | - | - | - | - |
| 17 Bond Proceeds | - | - | - | - | - | - | - | - | - | - |
| 20 Total Sources of Funds | \$ 16,714,003 | \$ 17,410,408 | \$ 18,052,141 | \$ 19,735,827 | \$ 20,213,573 | \$ 20,415,235 | \$ 20,618,913 | \$ 20,824,628 | \$ 21,032,400 | \$ 21,242,249 |
| 25 TOTAL AVAILABLE FOR APPROPRIATION | \$ 20,420,292 | \$ 19,959,565 | \$ 20,641,324 | \$ 22,495,050 | \$ 23,064,521 | \$ 23,577,135 | \$ 23,788,328 | \$ 24,209,986 | \$ 24,827,171 | \$ 25,149,056 |
| USE OF FUNDS: | | | | | | | | | | |
| DEBT SERVICE | | | | | | | | | | |
| 27 2009 Bond Refunding | - | - | - | - | - | - | - | - | - | - |
| 28 2008 Bond Issue-Taxable {\$10.365 mil} | - | - | - | - | - | - | - | - | - | - |
| 29 Debt Service - 2011A Issue {Refunding} | - | - | - | - | - | - | - | - | - | - |
| 30 Debt Service - 2012 Issue {Refunding} | - | - | - | - | - | - | - | - | - | - |
| 31 Debt Service - 2013 Issue {\$25.260 mil} | 2,030,094 | 2,026,694 | 2,038,413 | 2,051,613 | 2,059,113 | 2,061,713 | 2,061,713 | 2,069,113 | 2,073,513 | 2,084,913 |
| 32 Debt Service - 2017 Issue {\$19 mil} | 1,454,500 | 1,455,700 | 1,455,700 | 1,454,500 | 1,454,000 | 1,456,500 | 1,451,750 | 1,455,000 | 1,455,750 | 1,454,000 |
| 35 Paying Agent Services | 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 |
| 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] | 330,000 | 330,000 | 330,000 | 330,000 | 330,000 | 330,000 | 330,000 | 330,000 | 330,000 | 330,000 |
| 56 Rail Maintenance | 100,000 | 100,000 | 100,000 | 100,000 | 100,000 | 100,000 | 100,000 | 100,000 | 100,000 | 100,000 |
| 58 Road/Signage Maintenance | 100,000 | 100,000 | 100,000 | 100,000 | 100,000 | 100,000 | 100,000 | 100,000 | 100,000 | 100,000 |
| 60 Contractual Payments [TEDC - Marketing] | 200,000 | 200,000 | 200,000 | 200,000 | 200,000 | 200,000 | 200,000 | 200,000 | 200,000 | 200,000 |
| 62 TISD-Reimbursement [per contract] | 28,941 | 30,388 | 30,388 | 30,388 | 31,907 | 31,907 | 31,907 | 33,502 | 33,502 | 33,502 |
| 65 Subtotal-Operating Expenditures | 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 | \$ 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 | \$ 15,999,157 | \$ 15,539,183 | \$ 16,209,223 | \$ 18,050,949 | \$ 18,611,901 | \$ 19,119,415 | \$ 19,335,358 | \$ 19,744,771 | \$ 20,356,806 | \$ 20,669,041 |
| PROJECTS | | | | | | | | | | |
| 150 Temple Industrial Park | - | - | - | - | - | - | - | - | - | - |
| 200 Corporate Campus Park | - | - | - | - | - | - | - | - | - | - |
| 250 Bioscience Park | - | - | - | - | - | - | - | - | - | - |
| 350 Research Parkway | - | - | - | - | - | - | - | - | - | - |
| 400 Synergy Park | - | - | - | - | - | - | - | - | - | - |
| 450 Downtown | 450,000 | 450,000 | 450,000 | 450,000 | 450,000 | 450,000 | 450,000 | 450,000 | 450,000 | 450,000 |
| 500 TMED | - | - | - | - | - | - | - | - | - | - |
| 550 Airport Park | - | - | - | - | - | - | - | - | - | - |
| 610 Public Improvements | 13,000,000 | 12,500,000 | 13,000,000 | 14,750,000 | 15,000,000 | 15,500,000 | 15,500,000 | 15,500,000 | 16,000,000 | 16,000,000 |
| Subtotal-Projects | 13,450,000 | 12,950,000 | 13,450,000 | 15,200,000 | 15,450,000 | 15,950,000 | 15,950,000 | 15,950,000 | 16,450,000 | 16,450,000 |
| TOTAL USE OF FUNDS | \$ 17,871,135 | \$ 17,370,382 | \$ 17,882,101 | \$ 19,644,101 | \$ 19,902,620 | \$ 20,407,720 | \$ 20,402,970 | \$ 20,415,215 | \$ 20,920,365 | \$ 20,930,015 |
| 700 FUND BALANCE, End | \$ 2,549,157 | \$ 2,589,183 | \$ 2,759,223 | \$ 2,850,949 | \$ 3,161,901 | \$ 3,169,415 | \$ 3,385,358 | \$ 3,794,771 | \$ 3,906,806 | \$ 4,219,041 |

| | 2033 | 2034 | 2035 | 2036 | 2037 | 2038 | 2039 | 2040 | 2041 | 2042 |
|--|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|
| | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 | 59 | 60 |
| DESCRIPTION | | | | | | | | | | |
| 1 "Taxable Increment" | \$ 731,969,985 | \$ 739,289,685 | \$ 746,682,582 | \$ 754,149,408 | \$ 761,690,902 | \$ 769,307,811 | \$ 777,000,889 | \$ 784,770,898 | \$ 792,618,607 | \$ 800,544,793 |
| 1 FUND BALANCE, Begin | \$ 4,219,041 | \$ 4,232,799 | \$ 4,055,537 | \$ 4,594,235 | \$ 4,597,294 | \$ 4,823,108 | \$ 4,975,932 | \$ 4,851,896 | \$ 4,955,097 | \$ 4,787,809 |
| 2 Adjustments to Debt Service Reserve | - | - | - | - | - | - | - | - | - | - |
| 3 Fund Balance Available for Appropriation | \$ 4,219,041 | \$ 4,232,799 | \$ 4,055,537 | \$ 4,594,235 | \$ 4,597,294 | \$ 4,823,108 | \$ 4,975,932 | \$ 4,851,896 | \$ 4,955,097 | \$ 4,787,809 |
| SOURCES OF FUNDS: | | | | | | | | | | |
| 4 Tax Revenues | 21,734,211 | 21,951,539 | 22,171,040 | 22,392,736 | 22,616,650 | 22,842,802 | 23,071,215 | 23,301,913 | 23,534,918 | 23,770,253 |
| 6 Allowance for Uncollected Taxes [1.5% of Tax Revenues] | (326,013) | (329,273) | (332,566) | (335,891) | (339,250) | (342,642) | (346,068) | (349,529) | (353,024) | (356,554) |
| 8 Interest Income-Other | 10,000 | 10,000 | 10,000 | 10,000 | 10,000 | 10,000 | 10,000 | 10,000 | 10,000 | 10,000 |
| 10 Grant Funds | - | - | - | - | - | - | - | - | - | - |
| 12 License Fee - Central Texas Railway | 36,000 | 36,000 | 36,000 | 36,000 | 36,000 | 36,000 | 36,000 | 36,000 | 36,000 | 36,000 |
| 14 Other Revenues | - | - | - | - | - | - | - | - | - | - |
| 17 Bond Proceeds | - | - | - | - | - | - | - | - | - | - |
| 20 Total Sources of Funds | \$ 21,454,198 | \$ 21,668,266 | \$ 21,884,474 | \$ 22,102,845 | \$ 22,323,400 | \$ 22,546,160 | \$ 22,771,147 | \$ 22,998,384 | \$ 23,227,894 | \$ 23,459,699 |
| 25 TOTAL AVAILABLE FOR APPROPRIATION | \$ 25,673,239 | \$ 25,901,064 | \$ 25,940,012 | \$ 26,697,080 | \$ 26,920,694 | \$ 27,369,268 | \$ 27,747,079 | \$ 27,850,280 | \$ 28,182,992 | \$ 28,247,508 |
| USE OF FUNDS: | | | | | | | | | | |
| DEBT SERVICE | | | | | | | | | | |
| 27 2009 Bond Refunding | - | - | - | - | - | - | - | - | - | - |
| 28 2008 Bond Issue-Taxable {\$10.365 mil} | - | - | - | - | - | - | - | - | - | - |
| 29 Debt Service - 2011A Issue {Refunding} | - | - | - | - | - | - | - | - | - | - |
| 30 Debt Service - 2012 Issue {Refunding} | - | - | - | - | - | - | - | - | - | - |
| 31 Debt Service - 2013 Issue {\$25.260 mil} | 2,092,913 | - | - | - | - | - | - | - | - | - |
| 32 Debt Service - 2017 Issue {\$19 mil} | 1,454,750 | 1,452,750 | 1,453,000 | 1,455,250 | 1,454,250 | - | - | - | - | - |
| 35 Paying Agent Services | 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 | | | | | | | | | | |
| 50 Prof Svcs/Proj Mgmt | 175,000 | 175,000 | 175,000 | 175,000 | 175,000 | 175,000 | 175,000 | 175,000 | 175,000 | 175,000 |
| 52 Legal/Audit | 1,400 | 1,400 | 1,400 | 1,400 | 1,400 | 1,400 | 1,400 | 1,400 | 1,400 | 1,400 |
| 54 Zone Park Maintenance [mowing, utilities, botanical supplies] | 330,000 | 330,000 | 330,000 | 330,000 | 330,000 | 330,000 | 330,000 | 330,000 | 330,000 | 330,000 |
| 56 Rail Maintenance | 100,000 | 100,000 | 100,000 | 100,000 | 100,000 | 100,000 | 100,000 | 100,000 | 100,000 | 100,000 |
| 58 Road/Signage Maintenance | 100,000 | 100,000 | 100,000 | 100,000 | 100,000 | 100,000 | 100,000 | 100,000 | 100,000 | 100,000 |
| 60 Contractual Payments [TEDC - Marketing] | 200,000 | 200,000 | 200,000 | 200,000 | 200,000 | 200,000 | 200,000 | 200,000 | 200,000 | 200,000 |
| 62 TISD-Reimbursement [per contract] | 35,177 | 35,177 | 35,177 | 36,936 | 36,936 | 36,936 | 38,783 | 38,783 | 38,783 | 40,722 |
| 65 Subtotal-Operating Expenditures | 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 | \$ 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 | \$ 21,182,799 | \$ 23,505,537 | \$ 23,544,235 | \$ 24,297,294 | \$ 24,523,108 | \$ 26,425,932 | \$ 26,801,896 | \$ 26,905,097 | \$ 27,237,809 | \$ 27,300,386 |
| PROJECTS | | | | | | | | | | |
| 150 Temple Industrial Park | - | - | - | - | - | - | - | - | - | - |
| 200 Corporate Campus Park | - | - | - | - | - | - | - | - | - | - |
| 250 Bioscience Park | - | - | - | - | - | - | - | - | - | - |
| 350 Research Parkway | - | - | - | - | - | - | - | - | - | - |
| 400 Synergy Park | - | - | - | - | - | - | - | - | - | - |
| 450 Downtown | 450,000 | 450,000 | 450,000 | 450,000 | 450,000 | 450,000 | 450,000 | 450,000 | 450,000 | 450,000 |
| 500 TMED | - | - | - | - | - | - | - | - | - | - |
| 550 Airport Park | - | - | - | - | - | - | - | - | - | - |
| 610 Public Improvements | 16,500,000 | 19,000,000 | 18,500,000 | 19,250,000 | 19,250,000 | 21,000,000 | 21,500,000 | 21,500,000 | 22,000,000 | 22,000,000 |
| Subtotal-Projects | 16,950,000 | 19,450,000 | 18,950,000 | 19,700,000 | 19,700,000 | 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 | \$ 21,345,777 | \$ 22,099,786 | \$ 22,097,586 | \$ 22,393,336 | \$ 22,895,183 | \$ 22,895,183 | \$ 23,395,183 | \$ 23,397,122 |
| 700 FUND BALANCE, End | \$ 4,232,799 | \$ 4,055,537 | \$ 4,594,235 | \$ 4,597,294 | \$ 4,823,108 | \$ 4,975,932 | \$ 4,851,896 | \$ 4,955,097 | \$ 4,787,809 | \$ 4,850,386 |

| | 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 | \$ 4,850,386 | \$ 5,183,512 | \$ 5,217,019 | \$ 5,450,771 | \$ 5,388,829 | \$ 5,533,234 | \$ 5,383,913 | \$ 5,445,088 | \$ 5,218,864 | \$ 5,205,121 |
| 2 | Adjustments to Debt Service Reserve | - | - | - | - | - | - | - | - | - | - |
| 3 | Fund Balance Available for Appropriation | \$ 4,850,386 | \$ 5,183,512 | \$ 5,217,019 | \$ 5,450,771 | \$ 5,388,829 | \$ 5,533,234 | \$ 5,383,913 | \$ 5,445,088 | \$ 5,218,864 | \$ 5,205,121 |
| SOURCES OF FUNDS: | | | | | | | | | | | |
| 4 | Tax Revenues | 20,334,364 | 20,537,694 | 20,743,056 | 20,950,473 | 21,159,963 | 21,371,548 | 21,585,250 | 21,801,088 | 22,019,084 | 22,239,261 |
| 6 | Allowance for Uncollected Taxes [1.5% of Tax Revenues] | (305,015) | (308,065) | (311,146) | (314,257) | (317,399) | (320,573) | (323,779) | (327,016) | (330,286) | (333,589) |
| 8 | Interest Income-Other | 10,000 | 10,000 | 10,000 | 10,000 | 10,000 | 10,000 | 10,000 | 10,000 | 10,000 | 10,000 |
| 10 | Grant Funds | - | - | - | - | - | - | - | - | - | - |
| 12 | License Fee - Central Texas Railway | 36,000 | 36,000 | 36,000 | 36,000 | 36,000 | 36,000 | 36,000 | 36,000 | 36,000 | 36,000 |
| 14 | Other Revenues | - | - | - | - | - | - | - | - | - | - |
| 17 | Bond Proceeds | - | - | - | - | - | - | - | - | - | - |
| 20 | Total Sources of Funds | \$ 20,075,349 | \$ 20,275,629 | \$ 20,477,910 | \$ 20,682,216 | \$ 20,888,564 | \$ 21,096,975 | \$ 21,307,471 | \$ 21,520,072 | \$ 21,734,798 | \$ 21,951,672 |
| 25 | TOTAL AVAILABLE FOR APPROPRIATION | \$ 24,925,734 | \$ 25,459,141 | \$ 25,694,929 | \$ 26,132,987 | \$ 26,277,392 | \$ 26,630,209 | \$ 26,691,384 | \$ 26,965,160 | \$ 26,953,662 | \$ 27,156,793 |
| USE OF FUNDS: | | | | | | | | | | | |
| DEBT SERVICE | | | | | | | | | | | |
| 27 | 2009 Bond Refunding | - | - | - | - | - | - | - | - | - | - |
| 28 | 2008 Bond Issue-Taxable {\$10.365 mil} | - | - | - | - | - | - | - | - | - | - |
| 29 | Debt Service - 2011A Issue {Refunding} | - | - | - | - | - | - | - | - | - | - |
| 30 | Debt Service - 2012 Issue {Refunding} | - | - | - | - | - | - | - | - | - | - |
| 31 | Debt Service - 2013 Issue {\$25.260 mil} | - | - | - | - | - | - | - | - | - | - |
| 32 | Debt Service - 2017 Issue {\$19 mil} | - | - | - | - | - | - | - | - | - | - |
| 35 | Paying Agent Services | - | - | - | - | - | - | - | - | - | - |
| 40 | Subtotal-Debt Service | - | - | - | - | - | - | - | - | - | - |
| OPERATING EXPENDITURES | | | | | | | | | | | |
| 50 | Prof Svcs/Proj Mgmt | 175,100 | 175,000 | 175,000 | 175,000 | 175,000 | 175,000 | 175,000 | 175,000 | 175,000 | 175,000 |
| 52 | Legal/Audit | 1,400 | 1,400 | 1,400 | 1,400 | 1,400 | 1,400 | 1,400 | 1,400 | 1,400 | 1,400 |
| 54 | Zone Park Maintenance [mowing, utilities, botanical supplies] | 150,000 | 150,000 | 150,000 | 150,000 | 150,000 | 150,000 | 150,000 | 150,000 | 150,000 | 150,000 |
| 56 | Rail Maintenance | 100,000 | 100,000 | 100,000 | 100,000 | 100,000 | 100,000 | 100,000 | 100,000 | 100,000 | 100,000 |
| 58 | Road/Signage Maintenance | 100,000 | 100,000 | 100,000 | 100,000 | 100,000 | 100,000 | 100,000 | 100,000 | 100,000 | 100,000 |
| 60 | Contractual Payments [TEDC - Marketing] | 200,000 | 200,000 | 200,000 | 200,000 | 200,000 | 200,000 | 200,000 | 200,000 | 200,000 | 200,000 |
| 62 | TISD-Reimbursement [per contract] | 40,722 | 40,722 | 42,758 | 42,758 | 42,758 | 44,896 | 44,896 | 44,896 | 47,141 | 47,141 |
| 65 | Subtotal-Operating Expenditures | 792,222 | 792,122 | 794,158 | 794,158 | 794,158 | 796,296 | 796,296 | 796,296 | 798,541 | 798,541 |
| 70 | TOTAL DEBT & OPERATING EXPENDITURES | \$ 792,222 | \$ 792,122 | \$ 794,158 | \$ 794,158 | \$ 794,158 | \$ 796,296 | \$ 796,296 | \$ 796,296 | \$ 798,541 | \$ 798,541 |
| 80 | Funds Available for Projects | \$ 24,133,512 | \$ 24,667,019 | \$ 24,900,771 | \$ 25,338,829 | \$ 25,483,234 | \$ 25,833,913 | \$ 25,895,088 | \$ 26,168,864 | \$ 26,155,121 | \$ 26,358,252 |
| PROJECTS | | | | | | | | | | | |
| 150 | Temple Industrial Park | - | - | - | - | - | - | - | - | - | - |
| 200 | Corporate Campus Park | - | - | - | - | - | - | - | - | - | - |
| 250 | Bioscience Park | - | - | - | - | - | - | - | - | - | - |
| 350 | Research Parkway | - | - | - | - | - | - | - | - | - | - |
| 400 | Synergy Park | - | - | - | - | - | - | - | - | - | - |
| 450 | Downtown | 450,000 | 450,000 | 450,000 | 450,000 | 450,000 | 450,000 | 450,000 | 450,000 | 450,000 | 450,000 |
| 500 | TMED | - | - | - | - | - | - | - | - | - | - |
| 550 | Airport Park | - | - | - | - | - | - | - | - | - | - |
| 610 | Public Improvements | 18,500,000 | 19,000,000 | 19,000,000 | 19,500,000 | 19,500,000 | 20,000,000 | 20,000,000 | 20,500,000 | 20,500,000 | 20,500,000 |
| | Subtotal-Projects | 18,950,000 | 19,450,000 | 19,450,000 | 19,950,000 | 19,950,000 | 20,450,000 | 20,450,000 | 20,950,000 | 20,950,000 | 20,950,000 |
| TOTAL USE OF FUNDS | | | | | | | | | | | |
| 700 | FUND BALANCE, End | \$ 5,183,512 | \$ 5,217,019 | \$ 5,450,771 | \$ 5,388,829 | \$ 5,533,234 | \$ 5,383,913 | \$ 5,445,088 | \$ 5,218,864 | \$ 5,205,121 | \$ 5,408,252 |

| | DESCRIPTION | 2053 71 | 2054 72 | 2055 73 | 2056 74 | 2057 75 | 2058 76 | 2059 77 | 2060 78 | 2061 79 | 2062 80 |
|------------------------|---|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|
| 1 | "Taxable Increment" | \$ 893,142,486 | \$ 902,073,910 | \$ 911,094,650 | \$ 920,205,596 | \$ 929,407,652 | \$ 938,701,729 | \$ 948,088,746 | \$ 957,569,633 | \$ 967,145,330 | \$ 976,816,783 |
| 1 | FUND BALANCE, Begin | \$ 5,408,252 | \$ 5,330,426 | \$ 5,471,475 | \$ 5,335,970 | \$ 5,426,145 | \$ 5,241,781 | \$ 5,287,634 | \$ 5,566,005 | \$ 5,576,621 | \$ 5,324,427 |
| 2 | Adjustments to Debt Service Reserve | - | - | - | - | - | - | - | - | - | - |
| 3 | Fund Balance Available for Appropriation | \$ 5,408,252 | \$ 5,330,426 | \$ 5,471,475 | \$ 5,335,970 | \$ 5,426,145 | \$ 5,241,781 | \$ 5,287,634 | \$ 5,566,005 | \$ 5,576,621 | \$ 5,324,427 |
| SOURCES OF FUNDS: | | | | | | | | | | | |
| 4 | Tax Revenues | 22,461,639 | 22,686,241 | 22,913,089 | 23,142,206 | 23,373,614 | 23,607,336 | 23,843,395 | 24,081,814 | 24,322,618 | 24,565,830 |
| 6 | Allowance for Uncollected Taxes [1.5% of Tax Revenues] | (336,925) | (340,294) | (343,696) | (347,133) | (350,604) | (354,110) | (357,651) | (361,227) | (364,839) | (368,487) |
| 8 | Interest Income-Other | 10,000 | 10,000 | 10,000 | 10,000 | 10,000 | 10,000 | 10,000 | 10,000 | 10,000 | 10,000 |
| 10 | Grant Funds | - | - | - | - | - | - | - | - | - | - |
| 12 | License Fee - Central Texas Railway | 36,000 | 36,000 | 36,000 | 36,000 | 36,000 | 36,000 | 36,000 | 36,000 | 36,000 | 36,000 |
| 14 | Other Revenues | - | - | - | - | - | - | - | - | - | - |
| 17 | Bond Proceeds | - | - | - | - | - | - | - | - | - | - |
| 20 | Total Sources of Funds | \$ 22,170,714 | \$ 22,391,947 | \$ 22,615,393 | \$ 22,841,073 | \$ 23,069,010 | \$ 23,299,226 | \$ 23,531,744 | \$ 23,766,587 | \$ 24,003,779 | \$ 24,243,343 |
| 25 | TOTAL AVAILABLE FOR APPROPRIATION | \$ 27,578,967 | \$ 27,722,373 | \$ 28,086,868 | \$ 28,177,043 | \$ 28,495,154 | \$ 28,541,007 | \$ 28,819,378 | \$ 29,332,592 | \$ 29,580,399 | \$ 29,567,770 |
| USE OF FUNDS: | | | | | | | | | | | |
| DEBT SERVICE | | | | | | | | | | | |
| 27 | 2009 Bond Refunding | - | - | - | - | - | - | - | - | - | - |
| 28 | 2008 Bond Issue-Taxable {\$10.365 mil} | - | - | - | - | - | - | - | - | - | - |
| 29 | Debt Service - 2011A Issue {Refunding} | - | - | - | - | - | - | - | - | - | - |
| 30 | Debt Service - 2012 Issue {Refunding} | - | - | - | - | - | - | - | - | - | - |
| 31 | Debt Service - 2013 Issue {\$25.260 mil} | - | - | - | - | - | - | - | - | - | - |
| 32 | Debt Service - 2017 Issue {\$19 mil} | - | - | - | - | - | - | - | - | - | - |
| 35 | Paying Agent Services | - | - | - | - | - | - | - | - | - | - |
| 40 | Subtotal-Debt Service | - | - | - | - | - | - | - | - | - | - |
| OPERATING EXPENDITURES | | | | | | | | | | | |
| 50 | Prof Svcs/Proj Mgmt | 175,000 | 175,000 | 175,000 | 175,000 | 175,000 | 175,000 | 175,000 | 175,000 | 175,000 | 175,000 |
| 52 | Legal/Audit | 1,400 | 1,400 | 1,400 | 1,400 | 1,400 | 1,400 | 1,400 | 1,400 | 1,400 | 1,400 |
| 54 | Zone Park Maintenance [mowing, utilities, botanical supplies] | 150,000 | 150,000 | 150,000 | 150,000 | 150,000 | 150,000 | 150,000 | 150,000 | 150,000 | 150,000 |
| 56 | Rail Maintenance | 100,000 | 100,000 | 100,000 | 100,000 | 100,000 | 100,000 | 100,000 | 100,000 | 100,000 | 100,000 |
| 58 | Road/Signage Maintenance | 100,000 | 100,000 | 100,000 | 100,000 | 100,000 | 100,000 | 100,000 | 100,000 | 100,000 | 100,000 |
| 60 | Contractual Payments [TEDC - Marketing] | 200,000 | 200,000 | 200,000 | 200,000 | 200,000 | 200,000 | 200,000 | 200,000 | 200,000 | 200,000 |
| 62 | TISD-Reimbursement [per contract] | 47,141 | 49,498 | 49,498 | 49,498 | 51,973 | 51,973 | 51,973 | 54,572 | 54,572 | 54,572 |
| 65 | Subtotal-Operating Expenditures | 798,541 | 800,898 | 800,898 | 800,898 | 803,373 | 803,373 | 803,373 | 805,972 | 805,972 | 805,972 |
| 70 | TOTAL DEBT & OPERATING EXPENDITURES | \$ 798,541 | \$ 800,898 | \$ 800,898 | \$ 800,898 | \$ 803,373 | \$ 803,373 | \$ 803,373 | \$ 805,972 | \$ 805,972 | \$ 805,972 |
| 80 | Funds Available for Projects | \$ 26,780,426 | \$ 26,921,475 | \$ 27,285,970 | \$ 27,376,145 | \$ 27,691,781 | \$ 27,737,634 | \$ 28,016,005 | \$ 28,526,621 | \$ 28,774,427 | \$ 28,761,798 |
| PROJECTS | | | | | | | | | | | |
| 150 | Temple Industrial Park | - | - | - | - | - | - | - | - | - | - |
| 200 | Corporate Campus Park | - | - | - | - | - | - | - | - | - | - |
| 250 | Bioscience Park | - | - | - | - | - | - | - | - | - | - |
| 350 | Research Parkway | - | - | - | - | - | - | - | - | - | - |
| 400 | Synergy Park | - | - | - | - | - | - | - | - | - | - |
| 450 | Downtown | 450,000 | 450,000 | 450,000 | 450,000 | 450,000 | 450,000 | 450,000 | 450,000 | 450,000 | 450,000 |
| 500 | TMED | - | - | - | - | - | - | - | - | - | - |
| 550 | Airport Park | - | - | - | - | - | - | - | - | - | - |
| 610 | Public Improvements | 21,000,000 | 21,000,000 | 21,500,000 | 21,500,000 | 22,000,000 | 22,000,000 | 22,000,000 | 22,500,000 | 23,000,000 | 28,311,798 |
| | Subtotal-Projects | 21,450,000 | 21,450,000 | 21,950,000 | 21,950,000 | 22,450,000 | 22,450,000 | 22,450,000 | 22,950,000 | 23,450,000 | 28,761,798 |
| TOTAL USE OF FUNDS | | | | | | | | | | | |
| 700 | FUND BALANCE, End | \$ 5,330,426 | \$ 5,471,475 | \$ 5,335,970 | \$ 5,426,145 | \$ 5,241,781 | \$ 5,287,634 | \$ 5,566,005 | \$ 5,576,621 | \$ 5,324,427 | \$ (0) |

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

Project Plan - 06/28/17 - to Zone Board

\$ 19,000,000
Bond Proceeds

| SUMMARY FINANCING PLAN | | | | | | |
|--|---------------|---------------|--------------|---------------|--------------|---------------|
| | Revised 2017 | 2018 | 2019 | 2020 | 2021 | 2022 |
| 1 Beginning Available Fund Balance, Oct 1 | \$ 27,838,651 | \$ 3,988,025 | \$ 2,841,256 | \$ 5,576,198 | \$ 1,626,227 | \$ 3,075,793 |
| 20 Total Sources of Funds | 39,486,878 | 16,107,144 | 15,303,122 | 15,500,830 | 15,651,671 | 16,317,253 |
| 2 Adjustments to Debt Service Reserve | | - | - | - | - | - |
| 25 Net Available for Appropriation | 67,325,529 | 20,095,169 | 18,144,378 | 21,077,028 | 17,277,898 | 19,393,046 |
| 50/52 General Administrative Expenditures | 176,300 | 176,300 | 176,300 | 176,300 | 176,300 | 176,400 |
| 54 Zone Park Maintenance [mowing, utilities, botanical supplies] | 330,000 | 330,000 | 330,000 | 330,000 | 330,000 | 330,000 |
| 56 Rail Maintenance | 214,390 | 100,000 | 100,000 | 100,000 | 100,000 | 100,000 |
| 58 Road/Signage Maintenance | 238,243 | 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 |
| 62 TISD-Reimbursement [per contract] | 26,250 | 27,563 | 27,563 | 27,563 | 28,941 | 28,941 |
| 27 Debt Service - 2009 Issue {Refunding} | 1,510,150 | 1,488,750 | 1,485,000 | - | - | - |
| 28 Debt Service - 2008 Taxable Issue {\$10.365 mil} | 1,240,096 | 1,241,957 | 1,241,173 | 1,237,744 | 1,241,670 | 1,242,422 |
| 29 Debt Service - 2011A Issue {Refunding} | 912,200 | 908,350 | 915,950 | 2,497,800 | 2,497,550 | 2,494,950 |
| 30 Debt Service - 2012 Issue {Refunding} | 76,400 | 79,600 | 77,650 | 80,050 | 77,250 | 78,750 |
| 31 Debt Service - 2013 Issue {\$25.260 mil} | 2,034,894 | 2,047,694 | 2,048,344 | 2,047,944 | 2,046,494 | 2,031,494 |
| 32 Debt Service - 2017 Issue {\$19 mil} | 344,583 | 1,452,000 | 1,454,500 | 1,451,700 | 1,452,200 | 1,452,100 |
| 33 Paying Agent Services | 1,700 | 1,700 | 1,700 | 1,700 | 1,700 | 1,700 |
| 70 Total Debt & Operating Expenditures | 7,305,206 | 8,153,914 | 8,158,180 | 8,250,801 | 8,252,105 | 8,236,757 |
| 80 Funds Available for Projects | \$ 60,020,323 | \$ 11,941,256 | \$ 9,986,198 | \$ 12,826,227 | \$ 9,025,793 | \$ 11,156,289 |

| PROJECT PLAN | | | | | | |
|--|--------------|--------------|--------------|--------------|--------------|--------------|
| | Revised 2017 | 2018 | 2019 | 2020 | 2021 | 2022 |
| TEMPLE INDUSTRIAL PARK: | | | | | | |
| 101 Receiving & Delivery {R&D} Tracks | 107,500 | 400,000 | - | - | - | - |
| 102 North Lucius McCelvey Extension | 186,655 | | | | | |
| 108 31st Street Sidewalks Grant Match | 52,354 | - | - | - | - | - |
| 109 31st Street Sidewalks | 350,000 | - | - | - | - | - |
| 150 Total North Zone/Rail Park (including Enterprise Park) | 696,509 | 400,000 | - | - | - | - |
| CORPORATE CAMPUS PARK: | | | | | | |
| 155 Pepper Creek Trail Hwy 36 to McLane Parkway | 1,651,520 | - | - | - | - | - |
| 200 Total Corporate Campus Park | 1,651,520 | - | - | - | - | - |
| BIOSCIENCE PARK: | | | | | | |
| 207 Cross Roads Park @ Pepper Creek Trail | 5,564,692 | - | - | - | - | - |
| 250 Total Bio-Science Park | 5,564,692 | - | - | - | - | - |
| RESEARCH PARKWAY | | | | | | |
| 305 Research Pkwy (IH 35 to Wendland Ultimate) STAG grant | 1,925,000 | - | - | - | - | - |
| 305 Research Pkwy (IH 35 to Wendland Ultimate) | 1,202,056 | 1,000,000 | - | - | - | - |
| 305 Research Pkwy (IH 35 to Wendland Ultimate) {bond funded} | 13,500,000 | - | - | - | - | - |
| 310 Research Pkwy (Wendland to McLane Pkwy) | 1,081,176 | - | - | - | - | - |
| 315 Research Pkwy (McLane Pkwy to Central Point Pkwy) | 1,021,580 | - | - | - | - | - |
| 320 Outer Loop (I35 South) | 400,000 | - | - | 10,750,000 | - | - |
| 320 Outer Loop (I35 South) {bond funded} | 2,100,000 | - | - | - | - | - |
| 350 Total Research Parkway | 21,229,812 | 1,000,000 | - | 10,750,000 | - | - |
| SYNERGY PARK: | | | | | | |
| 351 Lorraine Drive (Southeast Industrial Park) - [\$1.5M total project cost] | 13,975 | - | - | - | - | - |
| 352 Entry Enhancement | 487,726 | - | - | - | - | - |
| 400 Total Synergy Park | 501,701 | - | - | - | - | - |
| DOWNTOWN: | | | | | | |
| 401 Downtown Improvements {Transformation Team} | 681,100 | 450,000 | 450,000 | 450,000 | 450,000 | 450,000 |
| 404 Santa Fe Plaza | 8,039,332 | 1,500,000 | - | - | - | - |
| 404 Santa Fe Plaza {bond funded} | 1,900,000 | - | - | - | - | - |
| 406 Intersection Improvements at Central & North 4th Street | - | 750,000 | - | - | - | - |
| 407 Santa Fe Market Trail | 716,463 | | | | | |
| 407 Santa Fe Market Trail {bond funded} | 1,500,000 | - | - | - | - | - |
| 408 MLK Festival Fields | 50,000 | - | - | - | - | - |
| 409 TISD-Obligation per Contract | 5,000,000 | 5,000,000 | - | - | - | - |
| 450 Total Downtown | 17,886,895 | 7,700,000 | 450,000 | 450,000 | 450,000 | 450,000 |
| TMED: | | | | | | |
| 458 Loop 363 Frontage Rd (UPRR to 5th TIRZ portion) | 182,935 | - | - | - | - | - |
| 459 31st Street/Loop 363 Improvements/Monumentation | 1,287,205 | - | - | - | - | - |
| 460 Ave U TMED Ave. to 1st Street | 2,884,670 | - | - | - | - | - |
| 461 TMED Master Plan (Health Care Campus) | 20,150 | - | - | - | - | - |
| 462 TMED Master Plan & Thoroughfare Plan | 55,000 | - | - | - | - | - |
| 464 Veteran's Memorial Blvd. Phase II | 804,285 | | 3,960,000 | | | |
| 465 1st Street @ Temple College Pedestrian Bridge | - | - | - | - | - | - |
| 466 South 1st Street | 1,320,000 | - | - | - | - | - |
| 500 Total TMED | 6,554,245 | - | 3,960,000 | - | - | - |
| AIRPORT PARK: | | | | | | |
| 507 Taxiway for Airport | 63,700 | - | - | - | - | - |
| 508 Corporate Hangar Phase II | 263,224 | - | - | - | - | - |
| 509 Airport RAMP Grant | - | - | - | - | - | - |
| 510 Corporate Hangar | 1,620,000 | | | | | |
| 550 Total Airport Park | 1,946,924 | - | - | - | - | - |
| 610 Public Improvements | - | - | - | - | 5,500,000 | 7,000,000 |
| Total Planned Project Expenditures | 56,032,298 | 9,100,000 | 4,410,000 | 11,200,000 | 5,950,000 | 7,450,000 |
| 700 Available Fund Balance at Year End | \$ 3,988,025 | \$ 2,841,256 | \$ 5,576,198 | \$ 1,626,227 | \$ 3,075,793 | \$ 3,706,289 |

ORDINANCE NO. 2017-4851

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 APPROPRIATE ADDITIONAL FUNDING FOR CROSSROADS PARK AT PEPPER CREEK TRAIL IN FISCAL YEAR 2017; 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, 2008; 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. 2010-4373 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 17, 2015; Ordinance No. 2016-4789 on July 21, 2016; Ordinance No. 2016-4809 on October 20, 2016; Ordinance No. 2017-4838 on April 20, 2017; Ordinance No. 2017-4851 on July 20, 2017;

Whereas, the Board of Directors of the Zone has adopted an additional amendment to the Reinvestment Zone Financing and Project Plans for the Zone and forwarded such amendment to the Council for appropriate action;

Whereas, the Council finds it necessary to amend the Reinvestment Zone Financing and Project Plans for the Zone to include financial information as hereinafter set forth;

Whereas, the Council finds that such amendment to the Reinvestment Zone Financing and Project Plans is feasible and conforms to the Comprehensive Plan of the City, and that this action will promote economic development within the City of Temple; and

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

Part 1: Findings. The statements contained in the preamble of this Ordinance are true and correct and are adopted as findings of fact hereby.

Part 2: Reinvestment Zone Financing and Project Plans. The amendment to the Tax Increment Financing Reinvestment Zone No. 1 Financing and Project Plans, heretofore adopted by the Board of Directors of the Zone and referred to in the preamble of this ordinance, is hereby approved and adopted, as set forth in the Amendments to Reinvestment Zone Number 1, City of Temple, Texas, attached hereto as Exhibits A and B.

Part 3: Plans Effective. The Financing Plan and Project Plans for the Zone heretofore in effect shall remain in full force and effect according to the terms and provisions thereof, except as specifically amended hereby.

Part 4: Severability. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such invalid phrase, clause, sentence, paragraph or section.

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

Part 6: Open Meetings. It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meeting Act.

PASSED AND APPROVED on First Reading and Public Hearing on the **6th** day of **July**, 2017.

PASSED AND APPROVED on Second Reading on the **20th** day of **July**, 2017.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney