



TEMPLE CITY COUNCIL

MUNICIPAL BUILDING

2 NORTH MAIN STREET

TEMPLE, TX

NOTICE OF MEETING

THURSDAY, JULY 5, 2007

4:00 P.M.

3RD FLOOR CONFERENCE ROOM

WORKSHOP AGENDA

1. Receive a briefing on the Proposed FY 2007-2008 City of Temple budget.
2. Receive a briefing on the City's Water and Wastewater Master Plan.
3. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, July 5, 2007 as follows:

5:00 P.M.
CITY COUNCIL CHAMBERS – 2ND FLOOR
REGULAR MEETING AGENDA

I. CALL TO ORDER

1. Invocation
2. Pledge of Allegiance

II. PUBLIC APPEARANCE

3. Receive comments from Mike Ringstaff, A+ Mobile Home Sales, regarding the ability to move a [single section home](#) into a rental community.

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

IV. PROCLAMATIONS & SPECIAL RECOGNITIONS

4. [Parks and Recreation Month](#) [July, 2007](#)

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 for each of the following:

Minutes:

- (A) [June 21, 2007 Special Called Meeting](#)
- (B) [June 21, 2007 Regular Meeting](#)

Contracts, Leases & Bids:

- (C) [2007-5078-R](#): Consider adopting a resolution authorizing a month to month lease with Focus on Hope Outreach Services at Casa Hispanica located at 801 South Main Street.
- (D) [2007-5079-R](#): Consider adopting a resolution authorizing a lease agreement with Mr. Kyle McQueen to include property and construction of an aircraft hangar at the Draughon-Miller Central Texas Regional Airport.
- (E) [2007-5080-R](#): Consider adopting a resolution authorizing a contract with BW Fabricators, LP, of Wichita Falls for the replacement of Aerator Rotor Shaft Bearings at the Doshier Farm Wastewater Treatment Plant in the amount of \$225,000.
- (F) [2007-5081-R](#): Consider adopting a resolution authorizing a contract with TTG Utilities of Gatesville for the replacement of Pump #2 and three variable frequency drives (VFDs) at the Williamson Creek Lift Station in the amount of \$209,965.
- (G) [2007-5082-R](#): Consider adopting a resolution authorizing a construction contract with TTG Utilities, Inc. of Gatesville for construction services required for Phase I of the 2007 City of Temple Community Development Block Grant (CDBG) Martin Luther King, Jr. (MLK) Drive Sidewalk and Lighting Improvements in the amount of \$175,255.50.
- (H) [2007-5083-R](#): Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick & Associates, LP, (KPA) for engineering services, including design, construction administration, on-site representation, and right-of-way (ROW) acquisition services, required for the expansion of West Temple water and wastewater utilities north of FM 2305, Phase I, in an amount not to exceed \$327,090.
- (I) [2007-5084-R](#): Consider adopting a resolution authorizing an agreement with CenturyTel Fiber Company II, LLC d/b/a LightCore, A CenturyTel company, for the purpose of constructing, maintaining and operating a data/communications line in the public rights-of-way in the City of Temple.
- (J) [2007-5085-R](#): Consider adopting a resolution authorizing a development agreement with the owners of a 26.547 acre tract located at the northwest corner of FM 2305 and Hilliard Road.

Ordinances – Second & Final Reading:

- (K) [2007-4148](#): SECOND READING - Z-FY-07-31: Consider adopting an ordinance authorizing a zoning change from Agricultural District to Light Industrial District on approximately 142.978 acres out of land commonly known as Outblocks 1162-A and B, City Addition, located on the south side of Moore's Mill Road, adjacent to and west of the Burlington Northern and Santa Fe Railroad.

- (L) [2007-4149](#): SECOND READING – Z-FY-07-32: Consider adopting an ordinance authorizing a zoning change from Agricultural District to Light Industrial District on approximately 28.348 acres out of land commonly known as Outblock 1143-A, City Addition, located at the southwest corner of Eberhardt Road and Enterprise Road.
- (M) [2007-4150](#): SECOND READING – Z-FY-07-33: Consider adopting an ordinance authorizing a zoning change from Agricultural District to Light Industrial District on approximately 87.396 acres out of land commonly known as Outblocks 1165-A, B, and C, City Addition, located at the southeast corner of Moore's Mill Road and Wendland Road.
- (N) [2007-4151](#): SECOND READING - Z-FY-07-37: Consider adopting an ordinance authorizing a zoning change from Agricultural District to Light Industrial District on approximately 76.921 acres of land commonly known as Outblock 1158-A and 1160-A, City Addition, located south of Moore's Mill Road, north of NW Loop 363 and west of Pegasus Drive.
- (O) [2007-4152](#): SECOND READING - Z-FY-07-38: Consider adopting an ordinance authorizing a zoning change from Agricultural District to Light Industrial District on approximately 25.15 acres of land commonly known as Outblock 991-A, City Addition, located at 2601 East Avenue H.
- (P) [2007-4153](#): SECOND READING - Z-FY-07-39: Consider adopting an ordinance authorizing a zoning change from Agricultural District to Light Industrial District on approximately 98 acres commonly known as Outblocks 1164-A, B, D, City Addition, located on the south side of Moore's Mill Road, east of the BN&SF Railroad across from Brewster Road.
- (Q) [2007-4154](#): SECOND READING – Z-FY-07-42: Consider adopting an ordinance amending the Thoroughfare Plan to realign a portion of the collector sized road known as Hartrick Bluff Road, south of Waters Dairy Road and north of Allen Way.

Misc:

- (R) [2007-5086-R](#): Consider adopting a resolution authorizing the renewal of a Cooperative Working Agreement (CWA) with Bell County for the Bell County Crime Coalition project that is administered by the Bell County Juvenile Probation Department.
- (S) [2007-5087-R](#): Consider adopting a resolution authorizing the renewal of an Interlocal Agreement with the City of Killeen and Bell County to establish the rights, duties, administration and division of funds received under the 2007 Byrne Justice Assistance Grant program award.
- (T) 1. [2007-5088-R](#): Consider adopting a resolution authorizing the purchase of an approximately 10 acre tract with improvements located at 5217 Wendland Road in the City's Tax Increment Financing Reinvestment Zone No. 1 for economic development purposes.

2. [2007-5089-R](#): Consider adopting a resolution authorizing the purchase of an approximately 10 acre tract of unimproved property located on the east side of Wendland Road, about one-half mile south of Moores Mill Road, in the City's Tax Increment Financing Reinvestment Zone No. 1 for economic development purposes.

3. [2007-5090-R](#): Consider adopting a resolution authorizing the purchase of an approximately 6 acre tract located at 2005 Moores Mill Road in the City's Tax Increment Financing Reinvestment Zone No. 1 for economic development purposes.

Executive Session. The City Council may go into executive session pursuant to Section 551.072 of the Texas Government Code to discuss the purchase, exchange, lease, or sale of this real property.

- (U) [2007-5091-R](#): Consider adopting a resolution denying Atmos Energy Corporation's (Mid-Tex Division) request for an interim rate adjustment in the City of Temple.
- (V) [2007-5092-R](#): Consider adopting a resolution setting the date, time and place of public hearings on the proposed FY 2007-2008 budget for August 2, 2007 and August 23, 2007 at 5:00 p.m. in the City Council Chambers.
- (W) [2007-5093-R](#): Consider adopting a resolution authorizing budget amendments for fiscal year 2006-2007.

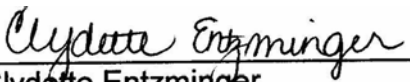
V. REGULAR AGENDA

ORDINANCES

- 6. [2007-4155](#): FIRST READING – PUBLIC HEARING – Consider adopting an ordinance amending the Tax Increment Financing Reinvestment Zone No. 1 Financing Plan for FY 2007 in the amount of \$125,000 to fund acquisition of land in the North Zone.
- 7. [2007-4156](#): FIRST READING – PUBLIC HEARING – Z-FY-07-40: Consider adopting an ordinance authorizing the approval of a Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption in a future restaurant to be located on proposed Lot 5, Block 1, Wildflower Court II.

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

I hereby certify that a true and correct copy of this Notice of Meeting was posted in a public place at 2:40 PM, on June 29, 2007.


Clydette Entzminger
City Secretary

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 _____ 2007. _____



COUNCIL AGENDA ITEM MEMORANDUM

07/05/07
Item #3
Regular Agenda
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DEPT./DIVISION SUBMISSION & REVIEW:

William A. Jones, III, Mayor

ITEM DESCRIPTION: Receive comments from Mike Ringstaff, A+ Mobile Home Sales, regarding the ability to move a single section home into a rental community.

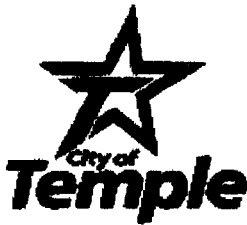
STAFF RECOMMENDATION: Receive public appearances as indicated in item description.

ITEM SUMMARY: Mr. Ringstaff filed a Request for Placement on the Agenda to discuss the ability to place a single section home into a rental community.

FISCAL IMPACT: None

ATTACHMENTS:

[Request for Placement on Agenda](#)



CITY OF TEMPLE, TEXAS

CITY COUNCIL MEETINGS

REQUEST FOR PLACEMENT ON AGENDA

Priority

NAME OF PRESENTER: MIKE RINGSTAFF

ADDRESS: 6102 S. GENERAL BRUCE DR

TELEPHONE NO. 939-9886

DATE REQUESTED TO APPEAR BEFORE THE COUNCIL: (Note - The City Council meets the first and third Thursdays of each month.) JULY 6 July 6

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

MOVE A SINGLE SECTION HOME INTO A RENTAL COMMUNITY.

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

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

SIGNATURE OF PRESENTER

6/26/07
DATE

For Office Use:

RECEIVED

JUN 26 2007

CITY OF TEMPLE, TX
CITY SECRETARY



COUNCIL AGENDA ITEM MEMORANDUM

07/05/07
Item #4
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

William A. Jones, III, Mayor

ITEM DESCRIPTION: Presentation of Proclamations:

Parks and Recreation Month

July, 2007

STAFF RECOMMENDATION: Present proclamation as presented in item description.

ITEM SUMMARY: This proclamation was requested by Ken Cicora and will be received by representatives from the Parks and Leisure Services Department.

FISCAL IMPACT: None

ATTACHMENTS: None



COUNCIL AGENDA ITEM MEMORANDUM

07/05/07
Item #5(A)-(B)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Clydette Entzminger, City Secretary

ITEM DESCRIPTION: Approve Minutes:

- (A) June 21, 2007 Special Called Meeting
- (B) June 21, 2007 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 21, 2007 Special Called Meeting
June 21, 2007 Regular Meeting

SPECIAL CALLED MEETING

TEMPLE CITY COUNCIL

JUNE 21, 2007

The Temple City Council conducted a Special Called Meeting on Thursday, June 21, 2007 at 3:30 p.m. in the Third Floor Conference Room, Municipal Building, 2 North Main Street, Temple, TX.

City Council & Staff Present:

Mayor William A. Jones, III
Mayor Pro Tem Martha Tyroch
Councilmember Tony Jeter
Councilmember Patsy E. Luna
Councilmember Russell Schneider

David Blackburn, City Manager
Jonathan Graham, City Attorney
Traci Barnard, Director of Finance
Clydette Entzminger, City Secretary

The agenda for this meeting was posted on the bulletin board at the Municipal Building on June 15, 2007 at 9:00 am in compliance with the Open Meetings Law.

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

Mayor Jones called the Special Called Meeting of the Temple City Council to order at 3:30 p.m. in the Third Floor Conference Room, Municipal Building.

1. Receive an update on the City's Tourism program.

Ken Cicora, Parks and Leisure Services Director, provided the City Council with this update. He listed the Convention Center & Tourism Advisory Board members, as well as the subcommittees that have been formed. He discussed the reasons why visitors come to Temple. Mr. Cicora then reviewed the staffing in both the Tourism and Mayborn Center divisions, and their budgets for marketing and operations.

Mr. Cicora presented some of the significant accomplishments of their visitor attraction marketing efforts, which include the Discover Temple Program, redesigned Visitor Guide, Meeting Planner Guide and Tear-Off map/newsletter. The Mayborn Center has increased weekday bookings, increased catering revenues and have seen a 15% increase in facility rentals year to date. Mr. Cicora explained what they are doing better now, what they have learned and what the primary tourism markets are for Temple, which include sports and hobby organizations, and state associations with regional and board meetings with local representation. For the Mayborn Center, the primary markets are business/corporate meetings and indoor sporting and hobbyist events.

Mr. Cicora concluded with a review of the Community Tourism Assessment conducted in February by the Office of the Governor, Economic Development & Tourism Division and the Texas Historical Commission. This revealed the strengths, weaknesses and opportunities for our community.

2. Receive an update on Parks & Leisure Services G.O. Bond Capital Improvement Projects.

Mr. Cicora provided the City Council with an update on the Parks and Leisure Services proposed G.O. Bond capital improvement projects, which total \$7,575,000. He discussed the proposals for each of the following projects:

- | | |
|---|-------------|
| • Lions Park Swimming Pool Replacement | \$4,500,000 |
| • Summit Expansion | 1,500,000 |
| • West Temple Park Spray Park | 475,000 |
| • Lions Park Lighted Soccer Practice Fields | 400,000 |
| • Miller Park Playground/Spray Park | 400,000 |
| • Ferguson Park Picnic/Parking/Playground | 300,000 |

Representatives from Kimley-Horn and Associates, Inc. were present to discuss the proposed replacement of the Lions Park Swimming Pool. The consultants designing the Summit expansion, PBS&J, were also present.

Councilmember Schneider expressed concern with the fault line at Lion's Park and the location where the new swimming pool is proposed to be constructed. The representatives from Kimley-Horn stated they would provide the results of the soils testing that was done and discuss this issue further with Councilmember Schneider.

3. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, June 21, 2007.

Regarding item 12, the Thoroughfare Plan amendment for the realignment of Hartrick Bluff Road, Councilmember Schneider stated he didn't feel the City could stray too far off the existing alignment due to the current and proposed developments. He added he was concerned with the fence right at the curve when traveling south from Water's Dairy Road and suggested straightening that area just slightly. He also agreed with constructing medians and landscaping to help slow the traffic through the turns.

Vic Turley, Turley & Associates, showed a proposed road alignment with traffic calming devices, including traffic circles, medians and stop signs.

There being no further business, Mayor Jones adjourned the Special Called Meeting at 4:55 pm.

William A. Jones, III, Mayor

ATTEST:

Clydette Entzminger
City Secretary

REGULAR MEETING OF THE TEMPLE CITY COUNCIL

JUNE 21, 2007

The City Council of the City of Temple, Texas conducted a Regular Meeting on Thursday, June 21, 2007 at 5:00 PM in the Council Chambers, Municipal Building, 2nd Floor, 2 North Main Street.

Present:

Councilmember Tony Jeter
Mayor Pro Tem Martha Tyroch
Councilmember Patsy E. Luna
Councilmember Russell Schneider
Mayor William A. Jones, III

I. CALL TO ORDER

1. Invocation

Robert Matson, Choir Director at Memorial Baptist Church, voiced the Invocation.

2. Pledge of Allegiance

Zoe Rascoe, Keep Temple Beautiful, Inc. Board Member, led the Pledge of Allegiance.

II. PRESENTATIONS

3. Presentation of the Tree City USA designation.

Ken Cicora, Parks and Leisure Services Director, gave a brief presentation to the City Council on this item. He stated this designation was actually received in December but the signs have just been received.

Zoe Rascoe, Keep Temple Beautiful, made a presentation to the Council regarding the Tree City USA designation. She discussed the four standards that must be met to receive this designation. The signs and flags were placed this morning. Mrs. Rascoe noted that the City must meet the four standards annually to retain the Tree City USA designation.

III. PUBLIC COMMENTS

Betty Elliott, 305 East Xavier, addressed the City Council regarding the City employees parking on both sides of the Municipal Building and taking up customer parking spaces. She felt this should not be allowed.

Mayor Pro Tem Tyroch expressed her appreciation for the speed bumps that were installed

on Forest Trail this week. She showed a photo of the Street Department crew that did the work.

IV. BUDGET ITEMS

- 4. 2007-5070-R: PUBLIC HEARING - Conduct a final public hearing and consider adopting a resolution approving the 2007-2008 Action Plan and Community Development Block Grant (CDBG) budget.**

Traci Barnard, Director of Finance, introduced Mr. Gary Traylor, Traylor and Associates.

Mr. Traylor stated a very detailed presentation was made to the City Council at their May 17th meeting. This is the fifth and last opportunity for citizen comments on the proposed 2007 Action Plan.

Mayor Jones declared the public hearing open with regard to agenda item 4 and asked if anyone wished to address this item.

There being no comments, Mayor Jones closed the public hearing.

Motion by Mayor Pro Tem Martha Tyroch to adopt resolution, seconded by Councilmember Patsy E. Luna.

Motion passed unanimously.

V. CONSENT AGENDA

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

(A) June 6, 2007 Special Called Meeting

(B) June 7, 2007 Special Called Meeting

(C) June 7, 2007 Regular Meeting

(D) 2007-5071-R: Consider adopting a resolution authorizing a construction contract with Bell Contractors, Inc. of Belton for emergency replacement of a 6-inch sewer line in the area of Avenue P from 51st Street to Live Oak Drive and Live Oak Drive to 57th Street in the amount of \$136,088.95.

(E) 2007-5072-R: Consider adopting a resolution authorizing a contract with Advanced Equipment Corporation from Fullerton, California to replace the divider walls in the main hall at The Frank W. Mayborn Civic and Convention Center (3303 N. 3rd Street) in the amount of \$124,500.

(F) 2007-5073-R: Consider adopting a resolution authorizing a contract with Atlas Enterprises, Inc. of Fort Worth for the purchase and shooting of the fireworks for July 4th in the amount of \$25,000.

(G) 2007-4145: SECOND READING - Z-FY-07-27: Consider adopting an ordinance authorizing a zoning change from Two-Family (2F) to Office One (O-1) Zoning Districts on Lots 7, 8, and the North ½ of Lot 9, Block 29, Freeman Heights Addition, located at 302 and 304 South 25th Street.

(H) 2007-4146: 1. SECOND READING - Z-FY-07-41: Consider adopting an ordinance amending the Future Land use Plan Map from Medium Density Residential to Regional Commercial for the Clem Mikeska Addition, Block 1, north 100' of Lot 3.

(I) 2007-5074-R: Consider adopting a resolution authorizing the conveyance of up to 250 acres of City-owned land located in the southeast industrial park to the Temple Economic Development Corporation.

(J) 2007-5075-R: Consider adopting a resolution setting the compensation for Council-appointed employees.

(K) 2007-5068-R: Consider adopting a resolution authorizing budget amendments for fiscal year 2006-2007.

Motion by Councilmember Patsy E. Luna to adopt resolution approving Consent Agenda items, seconded by Councilmember Russell Schneider.

Motion passed unanimously.

VI. REGULAR AGENDA

ORDINANCES

- 6. 2007-4148: FIRST READING - PUBLIC HEARING - Z-FY-07-31: Consider adopting an ordinance authorizing a zoning change from Agricultural District to Light Industrial District on approximately 142.978 acres out of land commonly known as Outblocks 1162-A and B, City Addition, located on the south side of Moore's Mill Road, adjacent to and west of the Burlington Northern and Santa Fe Railroad.**
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Eberhardt Road and Enterprise Road.

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- 10. 2007-4152: FIRST READING - PUBLIC HEARING - Z-FY-07-38: Consider adopting an ordinance authorizing a zoning change from Agricultural District to Light Industrial District on approximately 25.15 acres of land commonly known as Outblock 991-A, City Addition, located at 2601 East Avenue H.**
- 11. 2007-4153: FIRST READING - PUBLIC HEARING - Z-FY-07-39: Consider adopting an ordinance authorizing a zoning change from Agricultural District to Light Industrial District on approximately 98 acres commonly known as Outblocks 1164-A, B, D, City Addition, located on the south side of Moore's Mill Road, east of the BN&SF Railroad across from Brewster Road.**

Tim Dolan, Planning Director presented items 6-11 to the City Council. These are related zoning cases, which are City-initiated for industrial uses. The properties are all located in industrial parks. Mr. Dolan showed the locations of these properties noting the approximate acreage in each tract.

Ten notices were received in support of the requested rezonings. The Planning & Zoning Commission unanimously approved the rezonings, as well.

Mayor Jones declared the public hearing open with regard to agenda items 6 -11 and asked if anyone wished to address these items.

There being no comments, Mayor Jones closed the public hearing.

Motion by Mayor Pro Tem Martha Tyroch to adopt ordinances presented in items 6-11, with second readings set for July 5, 2007, seconded by Councilmember Patsy E. Luna.

Motion passed unanimously.

- 12. 2007-4154: FIRST READING - PUBLIC HEARING - Z-FY-07-42: Consider adopting an ordinance amending the Thoroughfare Plan to realign a portion of the collector known as Hartrick Bluff Road, south of Waters Dairy Road and**

north of Allen Way.

Tim Dolan, Planning Director, gave a brief presentation of this item to the City Council. He showed the location of this collector and provided some platting chronology for the development in this area. Mr. Dolan presented the original design, the Planning and Zoning Commission recommendation, which mirrors the current alignment, and the alignment that was proposed in 2004 for which the amendment to the Thoroughfare Plan was not brought forward for Council approval. This collector will provide many points of ingress and egress to the developments in this area. He also presented the Staff recommendation that reflects the action taken in 2004.

Mayor Jones stated the Council has expressed concern with the speed on this roadway and how that affects public safety. He asked that Exhibit D, with the proposed traffic calming measures, be reviewed by Mr. Dolan.

Mr. Dolan showed Exhibit D, noting the two traffic circles proposed to slow traffic. He also showed a proposed revised alignment to ensure as much vehicular safety as possible. This road will be widened to at least 36 feet.

Mayor Jones asked when Hartrick Bluff Road might be improved.

Mr. Blackburn replied it is not in the current CIP.

Mayor Jones stated he is concerned that whatever is discussed today not be lost in the future. He asked what can be done to ensure the safety features discussed today are included.

Mr. Blackburn stated the Thoroughfare Plan is a conceptual plan that does not detail the technical specifications of the road or traffic features. Comments can be offered to address the safety issues. These will be taken into consideration as the property in this location continues to develop.

Mr. Graham agreed with Mr. Blackburn's comments. This plan only shows the general location of roads and is not a place to put specific design criteria. These will need to be addressed in the platting process, including traffic calming measures.

Mayor Jones declared the public hearing open with regard to agenda item 12 and asked if anyone wished to address this item.

Mr. Victor Turley, 301 North 3rd Street, addressed the City Council. He stated these same issues were discussed during the June 4, 2007 Planning and Zoning Commission meeting. The City has the right of way to meet the Planning Commission's recommendation. He agreed the speed needs to be lowered immediately, before the proposed development is completed. Mr. Turley also agreed with installing traffic calming devices, including stop signs on both sides of the Georgetown Railroad. He asked that the Council approve the Planning Commission recommendation.

Mayor Pro Tem Tyroch thanked Mr. Turley for addressing their issues of concern.

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

Motion by Mayor Pro Tem Martha Tyroch to adopt ordinance B, as recommended by the Planning & Zoning Commission, with second reading set for July 5, 2007, seconded by Councilmember Patsy E. Luna.

Motion passed unanimously.

RESOLUTIONS

13. **2007-5076-R: P-FY-07-31: Consider adopting a resolution authorizing the revised preliminary plat of Country Lane Addition, a 55.386 acres commercial and residential subdivision, located at the northwest corner of SE H K Dodgen Loop and Martin Luther King Jr. Drive, subject to the applicant's requested exceptions to Subdivision Ordinance Section 33-93 regarding the maximum allowed cul-de-sac length of 500 feet for proposed River Hills Court and Pleasant Ridge Court.**

Tim Dolan, Planning Director, gave a brief presentation of this item to the City Council. He showed an aerial map denoting the location of this property. He also showed the proposed preliminary plat. Mr. Dolan reviewed the applicant's requested exception to the Subdivision Ordinance for the cul-de-sac length of two proposed streets, River Hills Court and Pleasant Ridge Court. He explained the Homeowner's Association will maintain the private roadways, easements and utilities within this development.

Ken Mitchell, developer of this property, addressed the Council. After three years of planning, Country Lane Seniors is now open. The demand is far more than he anticipated, with more than 300 seniors on the waiting list for an apartment in this complex. The road will be extended all the way to Martin Luther King, Jr. Drive. The next phase will include the construction of duplexes and he showed some photos of similar construction in McKinney. This allows homeownership to senior citizens with no maintenance responsibilities. Mr. Mitchell also discussed the two proposed commercial areas along SH 36.

Motion by Councilmember Patsy E. Luna to adopt resolution, seconded by Mayor Pro Tem Martha Tyroch.

Motion passed unanimously.

14. **2007-5077-R: P-FY-07-36: Consider adopting a resolution authorizing the final plat of Wildflower Court II, a 11.37 acre, 7 lot commercial subdivision located at the northeast corner of SE H K Dodgen Loop and South General Bruce Drive (I-35), subject to the applicant's requested exception to Subdivision Ordinance,**

Section 33-92(b) pertaining to access to Lot 4.

Tim Dolan, Planning Director, gave a brief presentation of this item to the City Council. This area is being redeveloped into a planned shopping center. Mr. Dolan showed an aerial map of this property, as well as the proposed plat. He reviewed the applicant's requested exceptions pertaining to access to Lot 4. This lot does have access from two access easements that are acceptable. Both the Planning and Zoning Commission and Staff recommended approval of the plat with the applicant's requested exceptions.

Motion by Councilmember Patsy E. Luna to adopt resolution, seconded by Mayor Pro Tem Martha Tyroch.

Motion passed unanimously.

William A. Jones, III, Mayor

ATTEST:

Clydette Entzminger
City Secretary



COUNCIL AGENDA ITEM MEMORANDUM

07/05/07
Item #5(C)
Consent Agenda
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DEPT./DIVISION SUBMISSION & REVIEW:

Donna McClain, Right of Way Agent
Ken Cicora, Director of Parks and Leisure Services

ITEM DESCRIPTION: Consider adopting a resolution authorizing a month to month lease with Focus on Hope Outreach Services at Casa Hispanica located at 801 South Main Street.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Focus on Hope Outreach Services, a nonprofit corporation based in Killeen, is anticipating grant approval through USDA before the Council meeting on July 5th to provide meals for children during the summer months.

The Coordinator has asked to use Casa Hispanica as their base of operations in Temple for providing breakfast and lunch to children under the USDA grant. No food will be cooked at Casa Hispanica. The meals will be served at Jeff Hamilton and Ferguson Parks and will also be delivered free of charge to families with children in several apartment complexes. Under the lease the group will pay \$600 per month, on a month to month basis, with the City of Temple paying all utilities. The group has already started using the Casa Hispanica facility to set up their operation in anticipation of lease approval. The lease will terminate when the school year begins.

FISCAL IMPACT: The group will utilize the facility for approximately 8 weeks. \$1,200 is anticipated to be received in gross rent and will be deposited in account 260-0000-461-0830 as program income for the Community Development Block Grant (CDBG) program. The Casa Hispanica building was funded with CDBG dollars when originally constructed.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH TTG UTILITIES, LP, OF GATESVILLE, TEXAS, FOR PHASE I OF THE MLK SIDEWALK AND LIGHTING IMPROVEMENTS PROJECT, FOR AN AMOUNT NOT TO EXCEED \$175,255.50; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on June 19, 2007, the City received 1 bid for Phases I of the 2007 City of Temple Community Development Block Grant (CDBG) Martin Luther King, Jr., (MLK) Drive sidewalk and lighting improvements project;

Whereas, the Staff recommends accepting the bid (\$175,255.50) received from TTG Utilities, LP, of Gatesville, Texas;

Whereas, funds are available for this project in Account No. 260-6100-571-6317; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute a construction contract, not to exceed \$175,255.50, with TTG Utilities, LP, of Gatesville, Texas, after approval as to form by the City Attorney, for Phase I of the 2007 City of Temple Community Development Block Grant (CDBG) Martin Luther King, Jr., (MLK) Drive sidewalk and lighting improvements project.

Part 2: It is hereby officially found and determined that the meeting at which this Resolution is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the 5th day of **July**, 2007.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

07/05/07
Item #5(D)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Sharon Rostovich, Airport Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing a lease agreement with Mr. Kyle McQueen to include property and construction of an aircraft hangar at the Draughon-Miller Central Texas Regional Airport.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Kyle McQueen currently hangars an aircraft at the Temple Airport and plans to purchase a larger size aircraft; however, our T-hangars will not accommodate his needs. Mr. McQueen wishes to construct a 66' X 60' insulated metal hangar with bi-fold doors, restroom and office facilities on a 70' X 80' plot of land located adjacent to the Wings Over Texas' hangar. There were no objections from the neighboring tenants of the proposed hangar location. The Federal Aviation Administration has reviewed the proposed site and finds no objections from an airspace utilization standpoint and the Texas Department of Transportation, Aviation Division made the determination that no adverse environmental impacts will occur. In addition, Leslie Sagar & Associates, the consultant contracted to update the Airport/RZ Development Plan concurred the location is conducive for an additional hangar site.

The term of the land lease shall be for twenty years from August 1, 2007 through July 31, 2027.

FISCAL IMPACT: The Airport will receive fair market value for unimproved land of \$0.10 per square foot per year in the amount of \$560.00. Lessee's rental rates may be adjusted at the end of each lease year computed accordingly to the Consumer Price Index (CPI).

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A LEASE AGREEMENT WITH KYLE MCQUEEN FOR A 70 FOOT X 80 FOOT PLOT OF LAND AND CONSTRUCTION OF A 66 FOOT X 60 FOOT AIRCRAFT HANGAR AT THE DRAUGHON-MILLER CENTRAL TEXAS REGIONAL AIRPORT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Kyle McQueen desires to construct a 66 foot x 60 foot insulated metal hangar with bi-fold doors, office and restroom facilities on a 70 foot x 80 foot plot of land located adjacent to the Wings Over Texas' hangar at the Airport;

Whereas, there are no objections from the existing tenants of the proposed hangar location;

Whereas, the Federal Aviation Administration has reviewed the proposed site and finds no objections from an airspace utilization standpoint, and the Texas Department of Transportation, Aviation Division, made the determination that no adverse environmental impact will occur;

Whereas, the Airport will receive fair market value for unimproved land of .10 cents per square foot per year in the amount of \$560 – lessee's rental rates may be adjusted at the end of each lease year of the 20-year lease, computed accordingly with the Consumer Price Index (CPI), after which time the hangar will become the property of the City; and

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

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

Part 1: The City Council authorizes the City Manager to execute a lease agreement between the City of Temple and Kyle McQueen, after approval as to form by the City Attorney, for the lease of a 70 foot x 80 foot plot of land and construction of a 66 foot x 60 foot aircraft hangar at the Draughon-Miller Central Texas Regional Airport.

Part 2: It is hereby officially found and determined that the meeting at which this Resolution is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the **5th** day of **July**, 2007.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

07/05/07
Item #5(E)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Bruce A. Butscher, P.E., Director of Public Works

ITEM DESCRIPTION: Consider adopting a resolution authorizing a contract with BW Fabricators, LP, of Wichita Falls for the replacement of Aerator Rotor Shaft Bearings at the Doshier Farm Wastewater Treatment Plant in the amount of \$225,000.

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

ITEM SUMMARY: The Doshier Farm Wastewater Treatment Plant currently has sixteen (16) sets of aerator rotor shaft bearings attached to aerator units that mechanically add dissolved oxygen into the wastewater for treatment. These sixteen sets are currently twelve years old and are beginning to fail. All bearings in each of the fourteen shafts need to be replaced in order to fill requirements of our Wastewater Permit and remain in compliance with TCEQ regulations.

Per the attached bid tabulation, one bid was received for this project from BW Fabricators in the amount of \$225,000, with \$885.50 each for any additional bearing housing needed, and a quoted hourly rate of \$100 for additional work that may be needed as authorized through a change order. BW Fabricators has agreed to a one year warranty on all parts and labor after final written acceptance. The work will be completed within 45 calendar days of BW Fabricators' receipt on site of all materials.

BW Fabricators has provided service on several past and current projects at Doshier Farm for OMI, operators of the wastewater treatment plant for the City, and staff finds them to be a responsible vendor. Accordingly, staff recommends award of this contract to BW Fabricators, LP.

FISCAL IMPACT: Partial funding for this project was authorized in the current adopted CIP Plan with financing through the 2006 Utility Revenue Bond Issue, account 561-5500-535-6903 project #100046, in the amount of \$110,000. Additional funding in the amount of \$40,000 is being recommended to be reallocated from the savings on the Williamson Creek Lift Station VFD and Pump Replacement project that was budgeted for \$260,000, with only \$220,000 in anticipated expenses necessary. Staff is recommending that the remaining \$100,000 of necessary funding for the Doshier Farm bearing replacement project, which allows for a contingency of \$25,000 for housing replacements, be financed from accumulated interest earnings in the Utility Revenue Bonds account.

A Budget Amendment is attached for Council's approval appropriating \$100,000 of interest earnings from the 2006 Revenue Utility Bonds, account 561-0000-461-0111, and re-allocating \$40,000 from the savings on the Williamson Creek Lift Station VFD and Pump replacement project, account 561-5400-535-6905, project #100226, to account 561-5500-535-6903, project # 100046, to fund the additional amount needed for this project.

ATTACHMENTS:

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

Tabulation of Bids Received
on May 29, 2007 at 2:30 p.m.
Replacement of Doshier Farm Wastewater Treatment Plant
Aerator Rotor Shaft Bearings

Bidders	
BW Fabricators LP Wichita Falls, Texas	
Description	
Total Bid Price	\$225,000.00
Hourly Rate for Work Not Specified	\$100.00
Unit Price for Morse Bearing Housing PN# ERPB307 C2	\$885.50
Unit Price for Morse Bearing Housing PN# ERPB407 C4	\$2,070.00
Unit Price Each for Endrex Disk Hdr Drawing 341-40016	\$750.00
Exceptions	Yes
CKQ Form	Yes
Bid Bond	5%
Bond Affidavit	Yes
Insurance Affidavit	Yes
Credit Check Authorization Form	Yes

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

Belinda Matkke

Belinda Matkke, Director of Purchasing

29-May-07

Date

Note: Highlighted bid is recommended
for Council approval.

FY **2007****BUDGET ADJUSTMENT FORM**

Use this form to make adjustments to your budget. All adjustments must balance within a Department.

Adjustments should be rounded to the nearest \$1.

+

-

ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE	DECREASE
561-5500-535-69-03	100046	Capital Improvement/Doshier Farm	\$ 140,000	
561-5400-535-69-05	100226	Capital Improvement/Lift Stations		40,000
561-0000-461-01-11		Interest Income-2006 UR Bond Fund	100,000	
TOTAL.....			\$ 240,000	\$ 40,000

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

To appropriate additional funding for the bearing project that is needed at Doshier Farm. There is \$40,000 in savings on the Williamson Creek Lift Station project that is being recommended for re-allocation to this project. In addition, there is approximately \$600,000 in unappropriated interest earnings from the 2006 UR Bonds, of which \$100,000 is being requested to fund this project.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒ Yes☐ No

DATE OF COUNCIL MEETING

7/5/2007

WITH AGENDA ITEM?

☒ Yes☐ No


Department Head/Division Director

6-25-07

Date

☐ Approved☐ Disapproved

Finance

Date

☐ Approved☐ Disapproved

City Manager

Date

☐ Approved☐ Disapproved

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT BETWEEN THE CITY OF TEMPLE AND BW FABRICATORS, LP, OF WICHITA FALLS, TX, FOR THE REPLACEMENT OF AERATOR ROTOR SHAFT BEARINGS AT THE DOSHIER FARM WASTEWATER TREATMENT PLANT, IN AN AMOUNT NOT TO EXCEED \$225,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on May 29, 2007, the City received 1 bid for the replacement of aerator rotor shaft bearings at the Doshier Farm Wastewater Treatment Plant;

Whereas, the Staff recommends accepting the bid (\$225,000) received from BW Fabricators, LP, of Wichita Falls, Texas, for this project;

Whereas, funds for this project are available for this project but an amendment to the FY2006-07 budget needs to be approved to transfer the funds to the appropriate expenditure account; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute a contract, not to exceed \$225,000, between the City of Temple, Texas, and BW Fabricators, LP, of Wichita Falls, Texas, after approval as to form by the City Attorney, for the replacement of aerator rotor shaft bearings at the Doshier Farm Wastewater Treatment Plant.

Part 2: The City Council approves an amendment to the FY2006-07 budget, substantially in the form of the copy attached as Exhibit A, for this service.

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

PASSED AND APPROVED this the **5th** day of **July**, 2007.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

07/05/07
Item #5(F)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Bruce A. Butscher, P.E., Director of Public Works

ITEM DESCRIPTION: Consider adopting a resolution authorizing a contract with TTG Utilities of Gatesville for the replacement of Pump #2 and three variable frequency drives (VFDs) at the Williamson Creek Lift Station in the amount of \$209,965.

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

ITEM SUMMARY: The Williamson Creek Lift Station was built in 1974 and has a direct impact on the Doshier Farms Wastewater Treatment Plant because it is less than a mile from the plant. The last improvements to this facility were done in 1994. In order to maintain operability of the station and minimize increased treatment costs at Doshier, the VFDs and Pump #2 need to be replaced at this critical station so that we stay in compliance with TCEQ regulations.

Per the attached bid tabulation, two bids were received for this project. The low bid was received from TTG Utilities, LP, in the amount of \$209,965, with a quoted hourly rate of \$55 for additional work that may be needed as authorized through a change order. TTG has agreed to a one year warranty on all parts and labor after final written acceptance. The work will be completed within 45 calendar days of TTG's receipt of all materials.

TTG Utilities has done numerous projects for the City and staff finds them to be a responsible vendor. Accordingly, staff recommends award of this contract to TTG Utilities.

FISCAL IMPACT: Funding for this project was authorized in the current adopted CIP Plan with financing through the 2006 Utility System Revenue Bond Issue, account 561-5400-535-6905 project #100226, in the amount of \$260,000. Included in the \$260,000 project budget is funding for an air conditioning unit, which will be installed under a separate contract by a HVAC contractor at an estimated cost of \$7,500.

ATTACHMENTS:

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

Tabulation of Bids Received
on June 12, 2007 at 2:30 p.m.
Replacement of Williamson Creek Lift Station Pump #2 and Three VFDs

	Bidders	
	Matous Construction Belton	TTG Utilities Gatesville
Description		
Total Bid Price	\$236,800.00	\$209,965.00
Hourly Rate for Work Not Specified	\$85.00	\$55.00
Cost Plus Percentage Rate for Parts Other than those Specified	20%	20%
Exceptions	None	None
CIQ Form	Yes	Yes
Bid Bond	5%	5%
Bond Affidavit	Yes	Yes
Insurance Affidavit	Yes	Yes
Acknowledge Addendum	Yes	Yes
Credit Check Authorization Form	Yes	Yes

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

Belinda Mattke

12-Jun-07

Belinda Mattke, Director of Purchasing

Date

*Note: Highlighted bid is recommended
for Council approval.*

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH TTG UTILITIES, LP, OF GATESVILLE, TEXAS, FOR THE REPLACEMENT OF PUMP #2 AND THREE VARIABLE FREQUENCY DRIVES (VFD'S) AT THE WILLIAMSON CREEK LIFT STATION, FOR AN AMOUNT NOT TO EXCEED \$209,965; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on June 12, 2007, the City received 2 bids for the replacement of Pump #2 and three variable frequency drives (VFD's) at the Williamson Creek Lift Station;

Whereas, the Staff recommends accepting the bid (\$209,965) received from TTG Utilities, LP, of Gatesville, Texas;

Whereas, funds are available for this project in Account No. 561-5400-535-6905; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute a construction contract, not to exceed \$209,965, with TTG Utilities, LP, of Gatesville, Texas, after approval as to form by the City Attorney, for the replacement of Pump #2 and three variable frequency drives (VFD's) at the Williamson Creek Lift Station.

Part 2: It is hereby officially found and determined that the meeting at which this Resolution is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the 5th day of **July**, 2007.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

07/05/07
Item #5(G)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Bruce Butscher, P.E., Director of Public Works

ITEM DESCRIPTION: Consider adopting a resolution authorizing a construction contract with TTG Utilities, Inc. of Gatesville for construction services required for Phase I of the 2007 City of Temple Community Development Block Grant (CDBG) Martin Luther King, Jr. (MLK) Drive Sidewalk and Lighting Improvements in the amount of \$175,255.50.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The Fiscal Year 2006-2007 CDBG Annual Action Plan reflects the City of Temple's funding priorities and identifies projects for neighborhood revitalization, public improvements, and public service activities. The associated funds enhance the City of Temple's community development programs supporting safe, well planned residential and business districts. CDBG financed projects respond to the most urgent needs of limited income residents.

For more than 30 years, the CDBG program has been assisting metropolitan cities and urban counties across this country to fund their community and economic development activities. The City of Temple is one of 76 entitlement communities located in the State of Texas.

This project has been identified as MLK Sidewalk and Lighting Improvements Project in the Fiscal Year 2006-2007 CDBG Annual Action Plan. Project limits for these improvements are along MLK within the boundaries of Adams Avenue to Avenue E and will include new pedestrian flatwork and handicap accessibility improvements, general site lighting plans, retaining walls, pavement striping for pedestrian access, and signage.

FISCAL IMPACT: Funding in the amount of \$244,158 was designated for this project in the Fiscal Year 2006-2007 Action Plan and CDBG budget adopted by Council on August 3, 2006. After design costs, \$212,109.21 of funding is available for construction. Funding for this proposed \$175,255.50 construction contract is available in account 260-6100-571-6317, Project 100178. The remaining \$36,853.71 will be combined with \$143,488 allocated for this project in the Fiscal Year 2007-2008 CDBG Annual Action Plan to continue the project with phase II through IV.

ATTACHMENTS:

Engineer's Letter of Recommendation
Map showing project location for Phases I through IV
Resolution



Beach & Clark, Inc.

Engineers | Civil Consultants | Planners

15 West Central Avenue
Temple, Texas 76501
(254) 774-9611
Fax (254) 774-9676
www.beachengineers.com

June 20, 2007

City of Temple
Salvador Rodriguez, P.E.
Water Administration
Temple, Texas 76501

Re: City of Temple, CDBG MLK Sidewalk and Lighting Improvements Project

Dear Mr. Rodriguez,

We have reviewed the bids for the above referenced project. TTG, Inc. submitted a Base Bid of \$175,255.50 and Alternate #1 Bid of \$96,248.50, an Alternate #2 Bid of \$55,658.00, and an Alternate #3 Bid of \$82,269.00. Please see the enclosed Bid Tabulation Sheet for detailed information. We are recommending that you award the contract to TTG, Inc. We believe, through personal experience, that TTG, Inc. is qualified and is capable of providing the sidewalk and lighting improvements as required in this project.

TTG, Inc is a proven company with many successfully completed projects and we look forward to working with them on this project.

Please advise us as to which contractor and project phases you select.

Sincerely,

Monty Clark, P.E.



6-20-07

Cc: Belinda Mattke, City of Temple, Purchasing

BID SUMMARY

City of Temple

CDBG MLK Sidewalk and Lighting Improvements Project

Bid Date - June 19, 2007

Bidders	Base Bid	Bid Alt. #1	Bid Alt. #2	Bid Alt. #3
TTG Utilities, LP	\$ 175,255.50	\$ 96,248.50	\$ 55,658.00	\$ 82,269.00

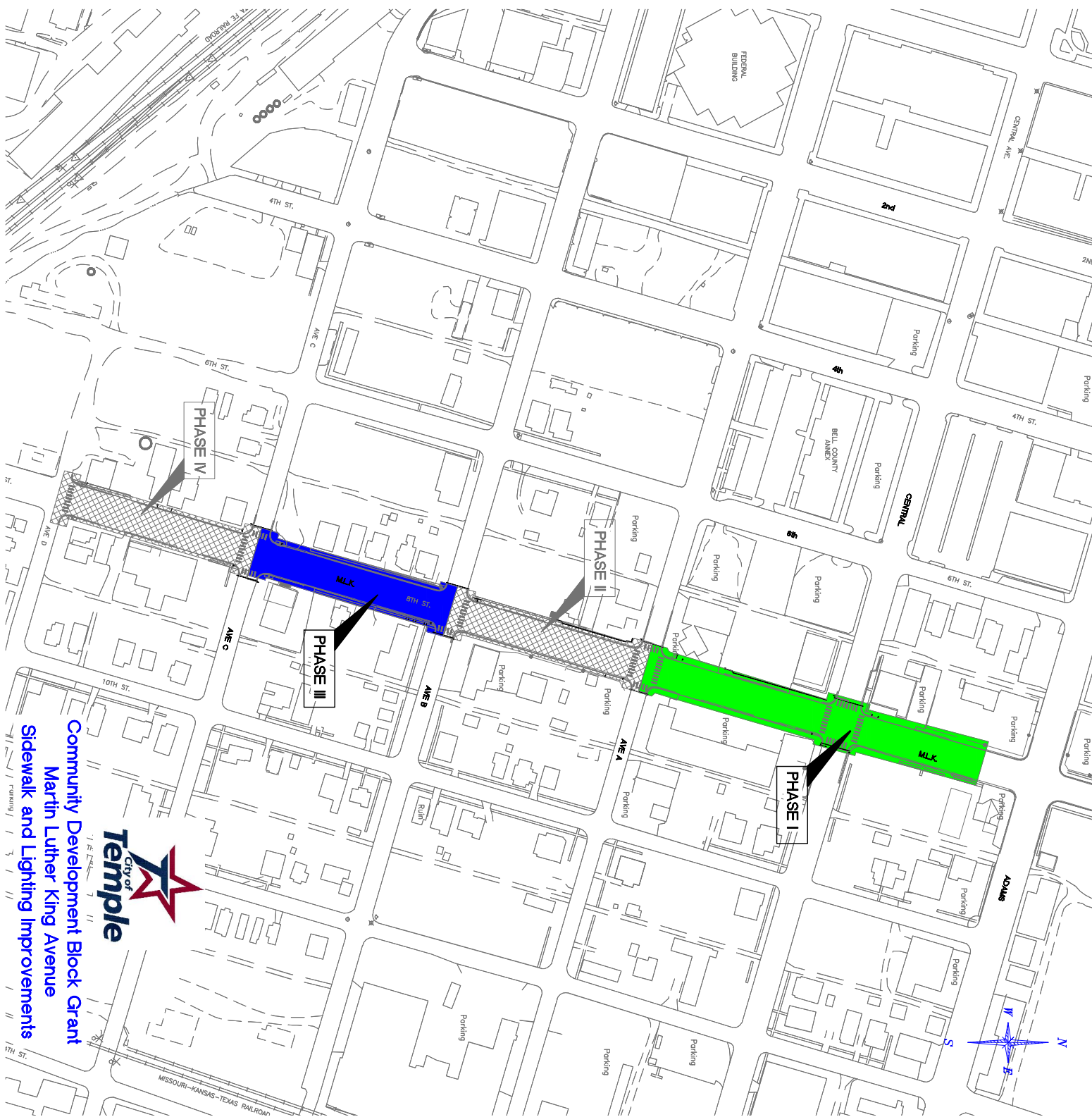
Bid Tabulation Sheet

CDBG MLK Sidewalk and Lighting Improvements

City of Temple

Bid Date - June 19, 2007				TTG Utilities, LP	
No	Item Descr.	Est. Quan.	UOM	Unit Price	Total Cost
Base Bid Phase I Improvements					
1	Site Preparation & Clearing	7	STA	\$ 800.00	\$ 5,600.00
2	Provide Mobilization, Bonds & Permits	100%	LS	\$ 13,150.00	\$ 13,150.00
3	Saw Cut, Removal & Replace, Exist. Concrete Flatwork	176	SY	\$ 19.00	\$ 3,344.00
4	Remove & Replace Exist. Concrete Pavement Section	207	SY	\$ 16.00	\$ 3,312.00
5	Sawcut & Remove Existing HMAC Pavement Section	351	SY	\$ 9.50	\$ 3,334.50
6	Sawcut & Remove Concrete Curb & Gutter	305	LF	\$ 11.00	\$ 3,355.00
7	Demolish & Remove Existing Sign & Concrete Foundation	1	EA	\$ 330.00	\$ 330.00
8	Demolish & Remove Existing Concrete Light Pole Base	2	EA	\$ 350.00	\$ 700.00
9	Remove & Relocate Existing Street Light & Power Pole	1	EA	\$ 1,660.00	\$ 1,660.00
10	Remove Existing Street Light Pole	2	EA	\$ 1,000.00	\$ 2,000.00
11	Salvage & Remove Existing Fire Hydrant Assembly	1	EA	\$ 1,660.00	\$ 1,660.00
12	Salvage & Remove Existing Water Meter Assembly	1	EA	\$ 335.00	\$ 335.00
13	Provide New Reinforced Concrete Pavement Section	148	SY	\$ 55.00	\$ 8,140.00
14	Provide New Concrete Flatwork Section	305	SY	\$ 45.00	\$ 13,725.00
15	Provide New Brick Paver Concrete Flatwork Section	37	SY	\$ 75.00	\$ 2,775.00
16	Provide New Concrete Curb & Gutter	305	LF	\$ 25.00	\$ 7,625.00
17	Provide New Directional Curb Ramp	7	EA	\$ 880.00	\$ 6,160.00
18	Provide New Diagonal Handicap Curb Ramp	6	EA	\$ 825.00	\$ 4,950.00
19	Provide New Luminaire Light Pole Concrete Base & Found.	12	EA	\$ 500.00	\$ 6,000.00
20	Provide New Luminaire Light Poles	100%	LS	\$ 50,000.00	\$ 50,000.00
21	Provide New Fire Hydrant Assembly	1	EA	\$ 3,200.00	\$ 3,200.00
22	Provide New Water Meter Assem., Traffic Rated Vaults	1	EA	\$ 1,550.00	\$ 1,550.00
23	Provide Adjustment of Existing Water Service	2	EA	\$ 740.00	\$ 1,480.00
24	Provide New Concrete Retaining Wall	210	LF	\$ 62.00	\$ 13,020.00
25	Provide New 2" PVC Schedule 40 Utility Sleeve	186	LF	\$ 25.00	\$ 4,650.00
26	Provide New Pedestrian & Traffic Striping	100%	LS	\$ 7,500.00	\$ 7,500.00
27	Provide New Traffic Control Plan & Implementation	100%	LS	\$ 3,250.00	\$ 3,250.00
28	Provide New Street & Pedestrian Signage	100%	LS	\$ 2,450.00	\$ 2,450.00
Total Phase I-Base Bid CDBG MLK Sidewalk & Lighting Improvements					\$ 175,255.50
Bid Alternate #1 Phase II Improvements					
29	Site Preparation & Clearing	4	STA	\$ 415.00	\$ 1,660.00
30	Provide Mobilization, Bonds & Permits	100%	LS	\$ 8,400.00	\$ 8,400.00
31	Saw Cut, Removal & Replace, Exist. Concrete Flatwork	67	SY	\$ 19.00	\$ 1,273.00
32	Remove & Replace Exist. Concrete Pavement Section	16	SY	\$ 16.00	\$ 256.00
33	Sawcut & Remove Existing HMAC Pavement Section	317	SY	\$ 9.50	\$ 3,011.50
34	Sawcut & Remove Concrete Curb & Gutter	110	LF	\$ 11.00	\$ 1,210.00
35	Demolish & Remove Existing Concrete Light Pole Base	2	EA	\$ 330.00	\$ 660.00
36	Demolish & Remove Existing Res. Chain Link Fencing	20	LF	\$ 17.00	\$ 340.00
37	Salvage & Remove Existing Street Light & Pole	2	EA	\$ 990.00	\$ 1,980.00
38	Salvage & Remove Existing Water Meter Assembly	3	EA	\$ 330.00	\$ 990.00
39	Provide New Reinforced Concrete Pavement Section	23	SY	\$ 55.00	\$ 1,265.00
40	Provide 8" Gravel Pavement Section & Driveway Grading	13	SY	\$ 11.00	\$ 143.00
41	Provide New Concrete Flatwork Section	375	SY	\$ 45.00	\$ 16,875.00
42	Provide New Brick Paver Concrete Flatwork Section	25	SY	\$ 75.00	\$ 1,875.00
43	Provide New Concrete Curb & Gutter	110	LF	\$ 25.00	\$ 2,750.00
44	Provide New Diagonal Handicap Curb Ramp	4	EA	\$ 860.00	\$ 3,440.00
45	Provide New Luminaire Light Pole Concrete Base & Found.	8	EA	\$ 500.00	\$ 4,000.00
46	Provide New Luminaire Light Poles	100%	LS	\$ 20,000.00	\$ 20,000.00
47	Provide New Water Meter Assem., Traffic Rated Vaults	3	EA	\$ 1,550.00	\$ 4,650.00
48	Provide Adjustment of Existing Water Service	4	EA	\$ 500.00	\$ 2,000.00
49	Provide New Concrete Retaining Wall	160	LF	\$ 62.00	\$ 9,920.00
50	Provide New Intruder Resistant Chain Link Fence	20	LF	\$ 40.00	\$ 800.00
51	Provide new 2" PVC Schedule 40 Utility Sleeve	84	LF	\$ 25.00	\$ 2,100.00
52	Provide New Pedestrian & Traffic Striping	100%	LS	\$ 1,800.00	\$ 1,800.00
53	Provide New Traffic Control Plan & Implementation	100%	LS	\$ 3,200.00	\$ 3,200.00
54	Provide New Street & Pedestrian Signage	100%	LS	\$ 1,650.00	\$ 1,650.00
Total Phase II-Base Bid Alternate #1					\$ 96,248.50

	Bid Alternate #2 Phase III Improvements				
55	Site Preparation & Clearing	4	STA	\$ 415.00	\$ 1,660.00
56	Provide Mobilization, Bonds & Permits	100%	LS	\$ 6,000.00	\$ 6,000.00
57	Saw Cut, Removal & Replace, Exist. Concrete Flatwork	122	SY	\$ 19.00	\$ 2,318.00
58	Demolish & Remove Existing Concrete Light Pole Base	1	EA	\$ 330.00	\$ 330.00
59	Salvage & Remove Existing Street Light & Pole	1	EA	\$ 995.00	\$ 995.00
60	Provide New Reinforced Concrete Pavement Section	38	SY	\$ 55.00	\$ 2,090.00
61	Provide New Concrete Flatwork Section	122	SY	\$ 45.00	\$ 5,490.00
62	Provide New Brick Paver Concrete Flatwork Section	13	SY	\$ 75.00	\$ 975.00
63	Provide New Directional Handicap Curb Ramp	2	EA	\$ 875.00	\$ 1,750.00
64	Provide New Diagonal Handicap Curb Ramp	2	EA	\$ 880.00	\$ 1,760.00
65	Provide New 6" Concrete Risers	6	EA	\$ 115.00	\$ 690.00
66	Provide New Handicap Railing	24	LF	\$ 100.00	\$ 2,400.00
67	Provide New Luminaire Light Pole Concrete Base & Found.	4	EA	\$ 500.00	\$ 2,000.00
68	Provide New Luminaire Light Poles	100%	LS	\$ 20,000.00	\$ 20,000.00
69	Provide New 2" PVC Schedule 40 Utility Sleeve	80	LF	\$ 25.00	\$ 2,000.00
70	Provide New Pedestrian & Traffic Striping	100%	LS	\$ 1,000.00	\$ 1,000.00
71	Provide New Traffic Control Plan	100%	LS	\$ 3,200.00	\$ 3,200.00
72	Provide New Street & Pedestrian Signage	100%	LS	\$ 1,000.00	\$ 1,000.00
	Total Phase III-Bid Alternate #2				\$ 55,658.00
	Bid Alternate #3 Phase IV Improvements				
73	Site Preparation & Clearing	4	STA	\$ 415.00	\$ 1,660.00
74	Provide Mobilization, Bonds & Permits	100%	LS	\$ 7,500.00	\$ 7,500.00
75	Saw Cut, Removal & Exist. Concrete Flatwork	351	SY	\$ 19.00	\$ 6,669.00
76	Sawcut & Remove Existing HMA Pavement Section	37	SY	\$ 10.00	\$ 370.00
77	Salvage & Remove Existing Street Light & Pole	2	EA	\$ 995.00	\$ 1,990.00
78	Salvage & Remove Existing Fire Hydrant Assembly	1	EA	\$ 1,660.00	\$ 1,660.00
79	Salvage & Remove Existing Water Meter Assembly	2	EA	\$ 330.00	\$ 660.00
80	Provide New Concrete Flatwork Section	410	SY	\$ 45.00	\$ 18,450.00
81	Provide New Brick Paver Concrete Flatwork Section	25	SY	\$ 75.00	\$ 1,875.00
82	Provide New Diagonal Handicap Curb Ramp	4	EA	\$ 880.00	\$ 3,520.00
83	Provide New 6" Concrete Riser	65	LF	\$ 11.00	\$ 715.00
84	Provide New Luminaire Light Pole Concrete Base & Found.	8	LS	\$ 500.00	\$ 4,000.00
85	Provide New Luminaire Light Poles	100%	LS	\$ 20,000.00	\$ 20,000.00
86	Provide New Fire Hydrant Assembly	1	EA	\$ 3,200.00	\$ 3,200.00
87	Provide New Water Meter Assem., Traffic Rated Vaults	2	EA	\$ 1,550.00	\$ 3,100.00
88	Provide New Pedestrian & Traffic Striping	100%	LS	\$ 1,500.00	\$ 1,500.00
89	Provide New Traffic Control Plan	100%	LS	\$ 3,200.00	\$ 3,200.00
90	Provide New Street & Pedestrian Signage	100%	LS	\$ 2,200.00	\$ 2,200.00
	Total Phase IV-Bid Alternate #3				\$ 82,269.00



City of Temple
Community Development Block Grant
Martin Luther King Avenue
Sidewalk and Lighting Improvements

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH TTG UTILITIES, LP, OF GATESVILLE, TEXAS, FOR PHASE I OF THE MLK SIDEWALK AND LIGHTING IMPROVEMENTS PROJECT, FOR AN AMOUNT NOT TO EXCEED \$175,255.50; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on June 19, 2007, the City received 1 bid for Phases I of the 2007 City of Temple Community Development Block Grant (CDBG) Martin Luther King, Jr., (MLK) Drive sidewalk and lighting improvements project;

Whereas, the Staff recommends accepting the bid (\$175,255.50) received from TTG Utilities, LP, of Gatesville, Texas;

Whereas, funds are available for this project in Account No. 260-6100-571-6317; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute a construction contract, not to exceed \$175,255.50, with TTG Utilities, LP, of Gatesville, Texas, after approval as to form by the City Attorney, for Phase I of the 2007 City of Temple Community Development Block Grant (CDBG) Martin Luther King, Jr., (MLK) Drive sidewalk and lighting improvements project.

Part 2: It is hereby officially found and determined that the meeting at which this Resolution is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the 5th day of **July**, 2007.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

07/05/07
Item #5(H)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Bruce A. Butscher, P.E., Director of Public Works
Michael Newman, P.E., CFM, City Engineer

ITEM DESCRIPTION: Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick & Associates, LP, (KPA) for engineering services, including design, construction administration, on-site representation, and right-of-way (ROW) acquisition services, required for the expansion of West Temple water and wastewater utilities north of FM 2305, Phase I, in an amount not to exceed \$327,340.

STAFF RECOMMENDATION: Adopt resolution as presented in item discussion.

ITEM SUMMARY: Current and anticipated growth in West Temple is placing an excessive burden on the 2305 pump station and the delivery system in the area. In addition, there is no sewer service from FM 2305 to the intersection of FM 2483.

The project, "Expansion of West Temple Water and Wastewater Utilities North of FM 2305" will consist of two phases. This project is Phase I and will provide sewer service from 2305 to the intersection of FM 2483 and SH 317. Also, water service will be extended from 317 along FM 2483 to loop an existing 10" west of the city limits.

The second phase of the project will include a pump station at the Draughton-Miller Central Texas Regional Airport, a 14" diameter pipeline and an elevated storage tank in the vicinity of the intersection of 317 and FM 2483. This will provide a second feed route to the west side of the water system. The design for the second phase will be funded in FY 2007-08, with construction in FY 2008-09, and final completion by August 2009.

Estimated cost for Phase II design, ROW acquisition and construction is \$3.9 million.

The engineering services authorized under this resolution will provide design, construction administration, on-site representation, and ROW acquisition services for water and wastewater utilities for Phase I of this project.

The opinion of probable cost for construction of Phase I is \$1,200,000, not including acquisition of ROW. Acquisition of ROW is currently estimated to be \$200,000.

The proposed timeline for the design phase of the project is 200 days. Per the attachment, the engineering services contracted for relative to this project are as follows:

Basic Services

Plans and Specifications	\$ 99,000
Bidding	\$ 6,000
Construction Administration	<u>\$ 34,000</u>
	\$ 139,000

Additional Services

Design Surveys	\$ 32,000
Construction Staking	<u>\$ 21,000</u>
	\$ 53,000

Special Services

Daily On-Site Representation	\$ 31,600
Archaeological Assessment	\$ 22,150
Environmental Assessment	<u>\$ 4,500</u>
	\$ 58,250

ROW Acquisition Services

\$ 77,090

TOTAL \$ 327,340

FISCAL IMPACT: The cost of this professional services contract is \$327,340. This cost includes engineering fees of \$139,000, additional survey services of \$53,000, special services of \$58,250, and ROW acquisition services of \$77,090.

Funding in the amount of \$1,500,000 has been appropriated for design and construction of Phase I in the 2006 Utility Revenue Bond Issue. Funding for this professional services agreement is available in account 561-5200-535-6928, project # 100172.

ATTACHMENTS:

[KPA Proposal](#)
[Maps](#)
[Resolution](#)



KASBERG, PATRICK & ASSOCIATES, LP

CONSULTING ENGINEERS

One South Main

Temple, Texas 76501

(254) 773-3731

Fax (254) 773-6667

mail@kpaengineers.com

RICK N. KASBERG, P.E.

R. DAVID PATRICK, P.E., C.F.M.

THOMAS D. VALLE, P.E.

RECEIVED JUN 15 2007

EWB/PW

June 15, 2007

Mr. Bruce Butscher, P.E.
Director of Public Works
3210 E. Avenue H
Building A
Temple, Texas 76501

Re: City of Temple
West Temple Utilities North of FM 2305

Dear Mr. Butscher:

This letter proposal is in response to your request for engineering services required to provide water and wastewater service to the southwest corner of the intersection of FM 2483 and SH 317.

As seen on the attached Exhibit A-1 the proposed wastewater line will connect to the existing 10" wastewater line north of FM 2305 and extend in a northwesterly direction to SH 317 and continue north along SH 317 to FM 2483. Exhibit A-2 shows the proposed water line which will connect to the existing 6" water line near Prairie View Road and extend in a northerly direction along SH 317 to FM 2483 then westerly along FM 2483 to the existing 10" water line serving Morgan's Point Resort. Because of the future expansion of SH 317 we propose to place both the wastewater and water lines in private easements along SH 317. Also we propose to place the water line in private easements along FM 2483.

As you know, the proposed water line will not provide for adequate fire protection in this area without additional improvements as shown in the City's Water Master Plan. Additional pumping capacity and elevated storage will be required to meet ultimate demands and provide adequate fire protection. These improvements are outlined as Phase I and II Improvements in the 2000 Master Plan and FM 2305/Pepper Creek Service Area Report. The improvements consist of a pump station located adjacent to the Airport Elevated Tank, extension of a water transmission line and construction of an elevated storage tank along FM 2483, west of SH 317.

Our Opinion of Probable Construction Cost for this project is \$ 1.2 million and the Total Project Cost is \$ 1.45 million, not including purchase of right-of-way.

In order for us to provide services required for completion of this project, the following not-to-exceed lump sum amounts will be applicable:

Basic Services

• Plans and Specifications	\$ 99,000.
• Bidding	\$ 6,000.
• Construction Administration	\$ 34,000.
Sub-Total Basic Services	\$ 139,000.

Additional Services

• Design Surveys	\$ 32,000.
• Construction Staking	\$ 21,000.
Sub-Total Additional Services	\$ 53,000.

Special Services

• Daily On-Site Representation	\$ 31,600.
• Archeological Assessment	\$ 22,150.
• Environmental Assessment	\$ 4,500.
Sub-Total Special Services	\$ 58,250.

TOTAL ENGINEERING SERVICES \$ 250,250.

Attachment B outlines the rates which would be used to charge for special or additional services authorized beyond the scope. Attachment C shows a breakdown of our cost for the water and wastewater portions of this project.

KPA will utilize the services of Lone Star Right of Way Services Inc. (LSR) of Belton, TX to perform the requested easement acquisitions. KPA will provide project management services, including coordination with City Staff and sub-consultants, preparation of initial property maps and scheduling and attending bi-monthly status meetings. Attachment D, Statement of Work, details the scope of work proposed for this project. The fees associated with each Statement of Work item are summarized in the attached Attachment E, Acquisition Fee Schedule. The following are items contained within the Statement of Work and associated Fee Schedule that should be given special consideration:

1. Attachment D, 1.1.4.2 – Bi-monthly meetings are included in the per parcel fee. Additional meetings will be billed at an hourly rate. This pertains to sub-consultants only. KPA personnel will attend all required meetings with no additional compensation requested.

2. Attachment D, 1.2 –Title Services can be provided with or without the involvement of a Title Company. This proposal assumes that title insurance is not required.
 - a. 1.2.1 – If Title Insurance **is not** required, LSR will perform the preliminary title search and secure vesting Deed and five year sales history in order to determine current ownership and identify any curative issues to be addressed. The title will be cleared to the extent required by the City for easement and/or fee acquisition of parcel. LSR will also update run sheets immediately before the offer is made to ensure current information is obtained.
 - b. 1.2.2 – If Title Insurance **is** required, LSR will provide the title company with a legal description of the parcel in order to secure preliminary title commitment to establish current ownership. LSR will also attempt to secure all documents to clear any defects in title and will work with title company to remove any exceptions from “Schedule C” of the title policy that are not considered standard exception in order to provide City of Temple clear title to property.
 - i. 1.2.3 – All fees charged by the Title Company will be “passed through” to the City of Temple. These fees **are not** included in the per parcel costs provided in this proposal.
3. Attachment D, 1.3 – Appraisals, on this project, will only be performed if the initial negotiations determine that they will be required. Appraisals will be performed only after authorization from the City of Temple. The attached Fee Schedule includes a range for each type of property. The final amount will be presented to the City prior to performing any work. Appraisal fees will be “passed through” to the City of Temple. These fees **are not** included in the per parcel costs provided in this proposal. Appraiser’s expert testimony, if required, is not included in the per parcel costs and will be billed on an hourly rate as noted in the fee schedule.
4. Attachment D, 1.5.10.2 – Negotiation Fees include up to three (3) counter proposals between property owner and the City. Additional negotiations, as requested by the City, will be billed at the hourly rate included in the Fee Schedule.
5. Attachment E – Professional Testimony by the Engineer is not included in the scope and will be billed at the hourly rate included in the Fee Schedule.

In order for us to provide the right-of-way acquisition services detailed in this proposal, a not to exceed lump sum amount of \$ 77,090 will be applicable. As noted above and as shown in Attachments D and E, this amount does not include those items that will be “passed through” to the City nor does it include the actual purchase price for the individual easements and parcels.

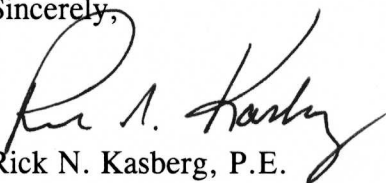
Mr. Bruce Butscher, P. E.
June 15, 2007
Page Four

In Summary, our total fees are as follows:

Engineering Services	\$ 250,250.
Right-of-Way Acquisition Services (LSR)	<u>\$ 77,090.</u>
Total	\$ 327,340.

KPA will begin work once a written notice to proceed is received in our office. The Contract Documents and Specifications will be completed within a 200 calendar day period once right of entry is obtained. We are available to address any questions or comments that you may have about this proposal.

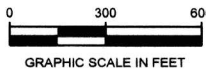
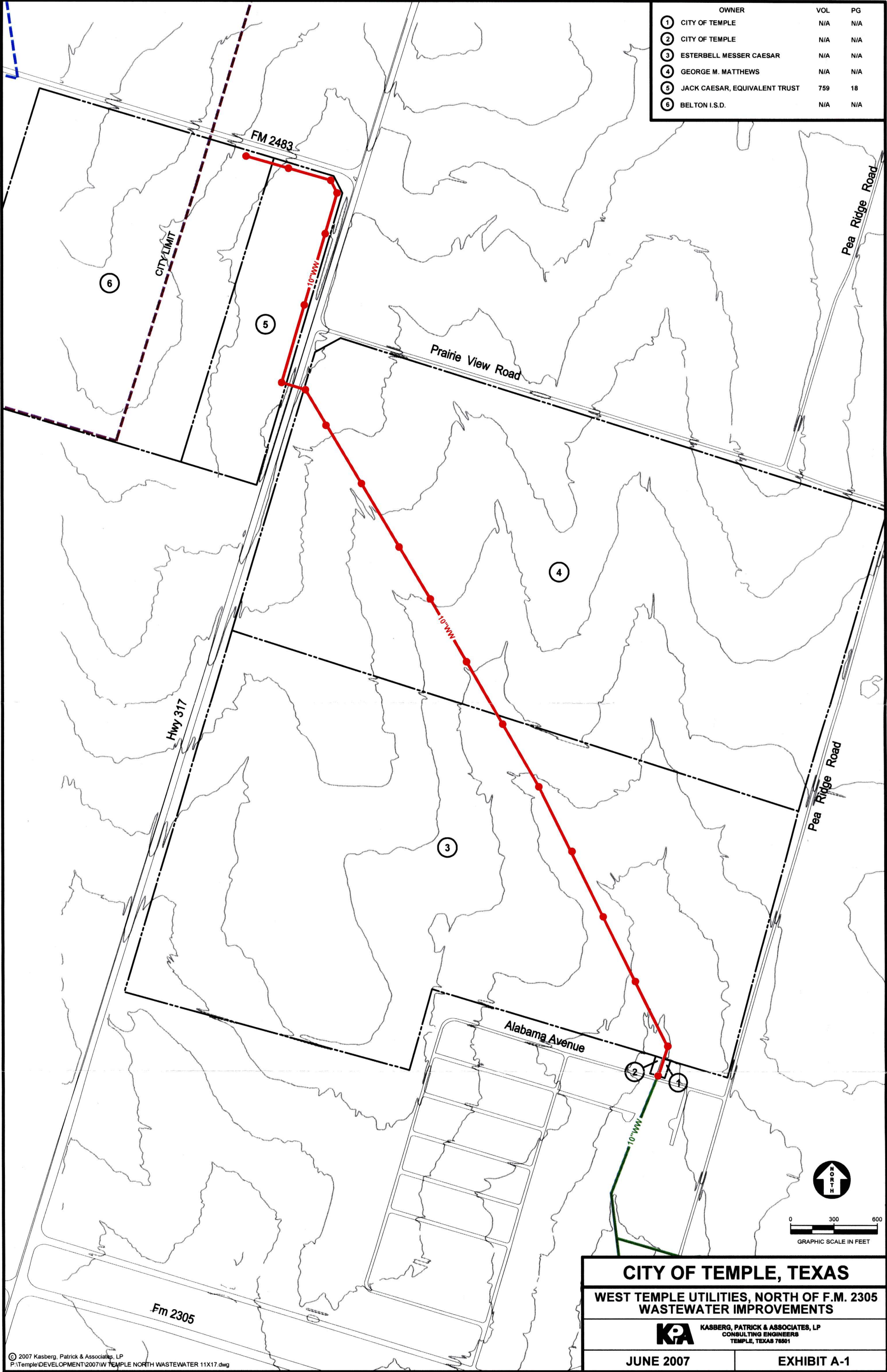
Sincerely,



Rick N. Kasberg, P.E.

GRT/

	OWNER	VOL	PG
①	CITY OF TEMPLE	N/A	N/A
②	CITY OF TEMPLE	N/A	N/A
③	ESTERBELL MESSER CAESAR	N/A	N/A
④	GEORGE M. MATTHEWS	N/A	N/A
⑤	JACK CAESAR, EQUIVALENT TRUST	759	18
⑥	BELTON I.S.D.	N/A	N/A



CITY OF TEMPLE, TEXAS

**WEST TEMPLE UTILITIES, NORTH OF F.M. 2305
WASTEWATER IMPROVEMENTS**



KASBERG, PATRICK & ASSOCIATES, LP
CONSULTING ENGINEERS
TEMPLE, TEXAS 76501

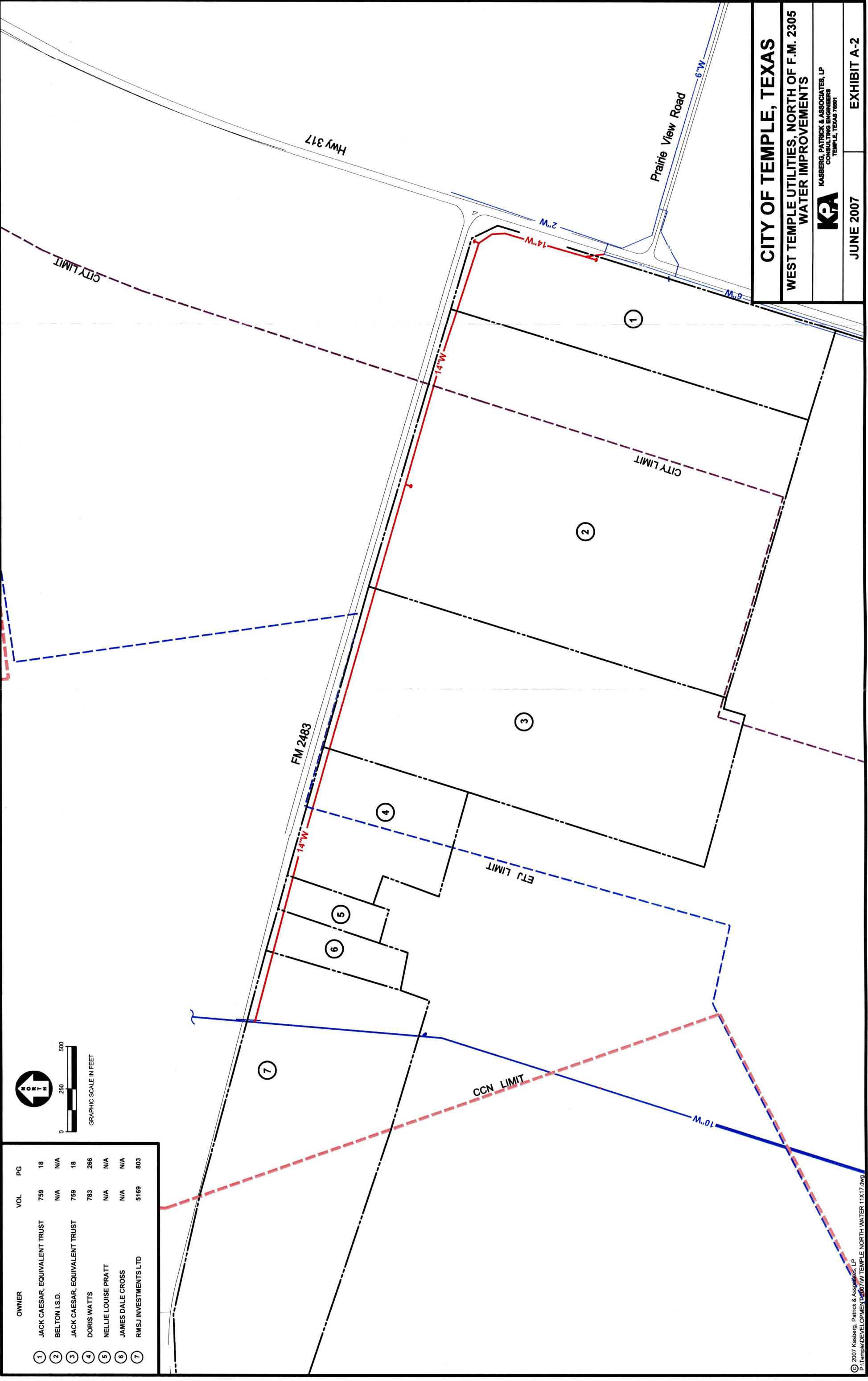
JUNE 2007

EXHIBIT A-1

	OWNER	VOL	PG
①	JACK CAESAR, EQUIVALENT TRUST	759	18
②	BELTON I.S.D.	N/A	N/A
③	JACK CAESAR, EQUIVALENT TRUST	759	18
④	DORIS WATTS	783	266
⑤	NELLIE LOUISE PRATT	N/A	N/A
⑥	JAMES DALE CROSS	N/A	N/A
⑦	RMSJ INVESTMENTS LTD	5169	803




GRAPHIC SCALE IN FEET



CITY OF TEMPLE, TEXAS

WEST TEMPLE UTILITIES, NORTH OF F.M. 2305
WATER IMPROVEMENTS



KASBERG, PATRICK & ASSOCIATES, LP
CONSULTING ENGINEERS
TEMPLE, TEXAS 76701

JUNE 2007

EXHIBIT A-2

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF TEMPLE, TEXAS, AND KASBERG, PATRICK & ASSOCIATES, L.P., FOR ENGINEERING SERVICES REQUIRED FOR THE EXPANSION OF THE WEST TEMPLE WATER AND WASTEWATER UTILITIES NORTH OF FM 2305, PHASE I, FOR AN AMOUNT NOT TO EXCEED \$327,340; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, current and anticipated growth in West Temple is placing an excessive burden on the 2305 pump station and the delivery system in the area – Phase I of the West Temple Water and Wastewater Utilities north of FM 2305 will provide sewer service from FM 2305 to the intersection of FM 2483 and SH 317, and water service from FM 317 along FM 2483 to loop an existing 10 feet west of the city limits;

Whereas, Kasberg, Patrick & Associates, L.P., submitted a proposal for \$327,340 for engineering services, including design, construction administration, on-site representation, and right-of-way acquisition services for this project, and the Staff recommends accepting it;

Whereas, funds are available in Account No. 561-5200-535-6928 for this project; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute a professional services agreement, not to exceed \$327,340, between the City of Temple, Texas, and Kasberg, Patrick & Associates, L.P., after approval as to form by the City Attorney, for engineering services, including design, construction administration, on-site representation, and right-of-way acquisition services required for the expansion of the West Temple Water and Wastewater Utilities North of FM 2305, Phase I.

Part 2: It is hereby officially found and determined that the meeting at which this Resolution is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the **5th** day of **July**, 2007.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

07/05/07
Item #5(I)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing an agreement with CenturyTel Fiber Company II, LLC d/b/a LightCore, A CenturyTel company, for the purpose of constructing, maintaining and operating a data/communications line in the public rights-of-way in the City of Temple.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: CenturyTel proposes to place one 24-count fiber optic cable and two 1.25" high density polyethylene conduits, with 30" x 40" x 36" handholes, from SH 53 and Guy Road to Dodge Road and Hancock Road, utilizing two routs for service diversity. Construction will include a combination of open trenching and directional boring for the underground portions. Aerial portions will be attached to existing poles. Underground portions will be placed at 42" cover, 24" below any storm sewers.

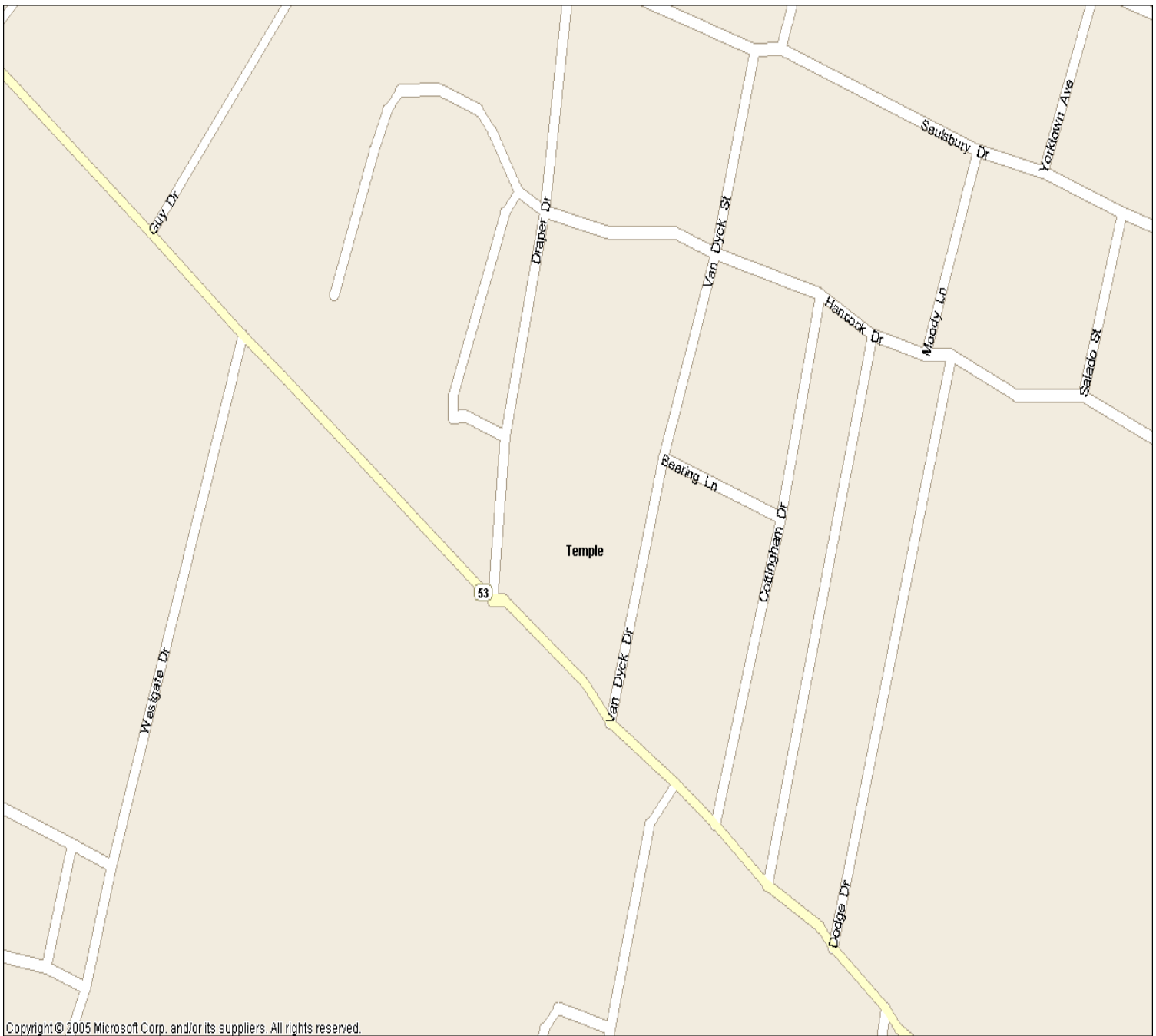
An agreement is needed to establish compensation and other terms for use of City property. The proposed facilities will not serve end-use customers in Temple, so CenturyTel will not pay access line charges to the City, as AT&T and other Certified Telecommunications Providers (CTP) do. A provider that is not a CTP may be charged compensation that reflects the fair market rental of the space used for its facilities—typically an annual fee based on the lineal feet of facilities installed.

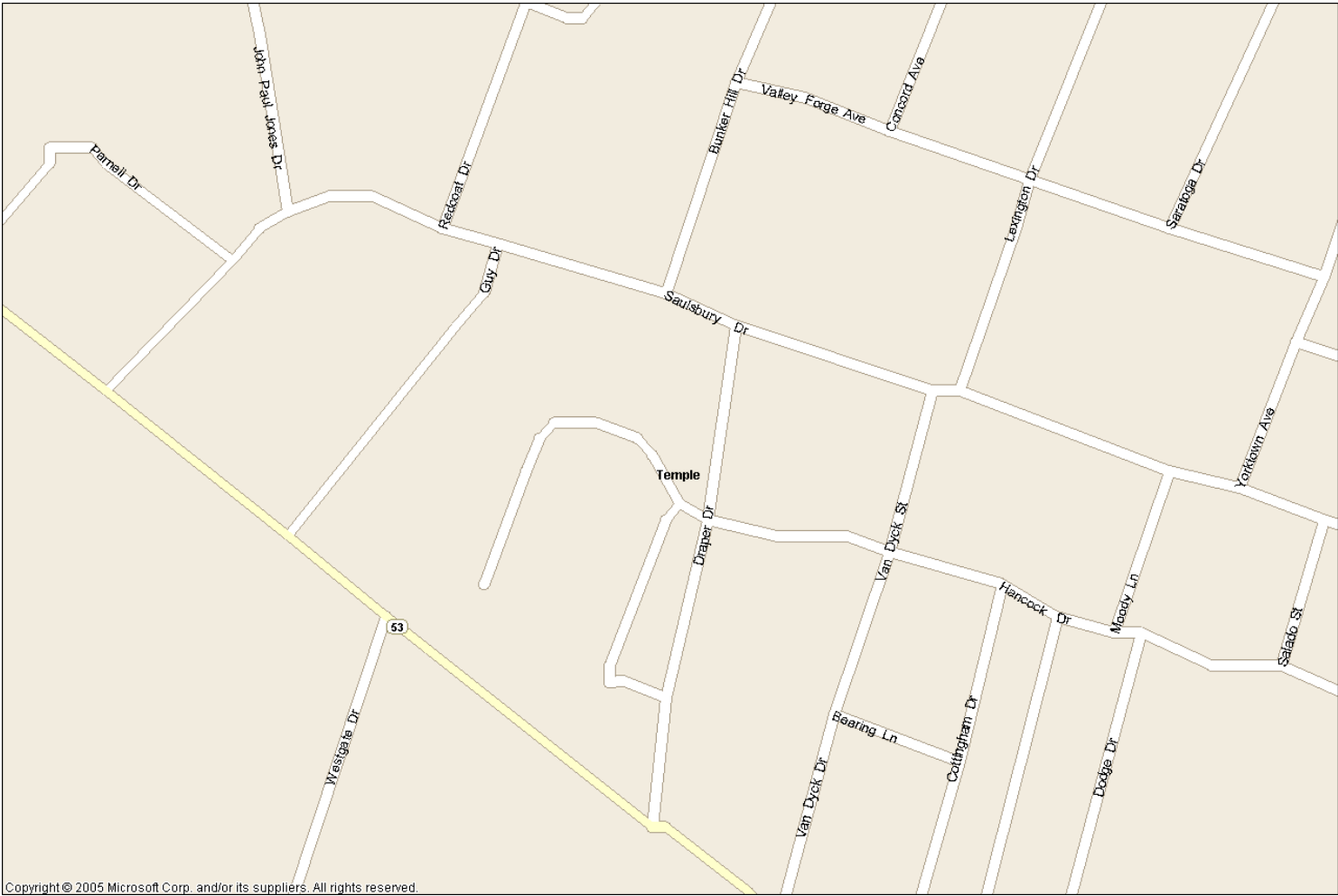
The proposed agreement sets a term of six years and a fee of \$1.10 per lineal foot. The agreement allows CenturyTel to use certain public rights-of-way, subject to the City's review of engineering plans, relocating its facilities at no cost to the City, if necessary for City infrastructure projects.

FISCAL IMPACT: Estimated annual fee of \$4,613.40, based on \$1.10 x approximately 4,194 lineal feet of cable.

ATTACHMENTS:

[CenturyTel - Route maps](#)
[CenturyTel - Resolution](#)





RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN AGREEMENT WITH CENTURYTEL FIBER COMPANY II, d/b/a LIGHTCORE, a CENTURYTEL COMPANY, FOR THE PURPOSE OF CONSTRUCTING, MAINTAINING AND OPERATING A DATA/COMMUNICATIONS LINE IN THE PUBLIC RIGHTS-OF-WAY IN THE CITY OF TEMPLE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, CenturyTel proposes to place one 24-count fiber optic cable and two 1.25” high density polyethylene conduits, with 30 inch x 40 inch x 36 inch handholes, from SH 53 and Guy Road to Dodge Road and Hancock Road, utilizing two routs for service density;

Whereas, an agreement is needed to establish compensation and other terms for use of City property – the proposed agreement sets a term of six years and a fee of \$1.10 per lineal foot and allows CenturyTel to use certain public rights-of-way, subject to the City’s review of engineering plans, relocating its facilities at no cost to the City, if necessary for City infrastructure projects;

Whereas, the estimated annual fee for the company is \$4,613.40, based on \$1.10 x approximately 4,194 lineal feet of cable; and

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

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

PART 1: The City Council authorizes the City Manager, or his designee, to execute an agreement with CenturyTel Fiber Company II d/b/a LightCore, a CenturyTel company, after approval as to form by the City Attorney, for the purpose of constructing, maintaining and operating a data/communications line in the public rights-of-way in the City of Temple.

PART 2: It is hereby officially found and determined that the meeting at which this Resolution is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the 5th day of **July**, 2007.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

07/05/07
Item #5(J)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing a development agreement with the owners of a 26.547 acre tract located at the northwest corner of FM 2305 and Hilliard Road.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The owners of a 26.547 acre tract at the northwest corner of FM 2305 (West Adams) and Hilliard Road have proposed entering into a development agreement with the City regarding their proposed development of that tract as a retail center.

The owners propose to develop the site as a retail center with a grocery store, additional retail space and at least one restaurant pad site. Under the terms of the agreement the property owners commit to use their best efforts to attract a “nationally-recognized grocery store” to the site with at least 135,000 square feet of retail space and to provide additional retail and restaurant space. The property owners have also agreed to donate to the City 1.62 acres for the widening of Hilliard Road, a .74 utility easement, and a .39 drainage easement. The Hilliard Road right-of-way will facilitate construction of Phase II of the proposed “Outer Loop,” and the .39 acre drainage easement will allow the City to complete the connection from the Westfield regional detention pond to a storm water outlet under FM 2305.

The City’s commitment under the Agreement is to complete construction of Phase II of the Outer Loop project which is close to construction, to provide signalization at the intersection of Hilliard Road and FM 2305, and to contribute up to \$150,000 toward the cost of a box culvert bridge across the Westfield Detention pond drainage channel contingent upon the owners of the 26.547 acre tract or the owners of the adjacent tract to the west of the subject property constructing an extension of a Meadowbrook Lane north of FM 2305 to a point north of the Westfield drainage channel. The City also agrees to complete construction of the Westfield Detention Pond and Channel—a project that is already under construction.

FISCAL IMPACT: Funds for the completion of Phase II of the Outer Loop (Hilliard Road) widening project are available in account # 795-9500-531-6773, project # 100150 and in account 795-9600-531-6773, project # 100150. The Outer Loop Phase II project is funded with the Reinvestment Zone No. 1 funds.

Installation costs of the traffic signals for the intersection at Hilliard Road and FM 2305 are estimated to be \$160,000. Funding for the traffic signals will come from the proposed FY 2008 CIP anticipated to be funded with 2007 Certificates of Obligation to be issued in the late fall 2008.

A budget amendment is presented for Council's approval to fund the City's contingent obligation to contribute \$150,000 towards the construction of a box culvert bridge across the Westfield Detention Pond drainage channel. Funding for this box culvert bridge is available from the remaining funds on the Westfield Subdivision Drainage Improvements, account. The budget amendment proposes to decrease the Westfield Subdivision Drainage Improvements account, 361-2900-534-6815, project #100125, and increase funding in account 361-2900-534-6820, project #290002, Drainage Improvements in the amount of \$150,000 to fund the City's share of the box culvert bridge.

ATTACHMENTS:

[Budget Amendment
Resolution](#)

FY **2007****BUDGET ADJUSTMENT FORM**

Use this form to make adjustments to your budget. All adjustments must balance within a Department.

Adjustments should be rounded to the nearest \$1.

+

-

ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE		DECREASE	
361-2900-534-68-20	290002	Drainage Improvements	\$ 150,000			
361-2900-534-68-15	100125	Westfield Drainage Improvements			150,000	
TOTAL.....			\$ 150,000		\$ 150,000	

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

This budget amendment appropriates funds in the amount of \$150,000 for the City's share of cost of a box culvert bridge across the Westfield detention pond drainage channel. These funds are being reallocated from the 2006 Certificate of Obligation bonds sold to fund the FY 2007 CIP. The funds were originally designated for Westfield Subdivision drainage improvements. Funds are available for reallocation.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒

Yes

☐

No

DATE OF COUNCIL MEETING

7/5/2007

WITH AGENDA ITEM?

☒

Yes

☐

No

Department Head/Division Director

Date

☐

Approved

☐

Disapproved

Finance

Date

☐

Approved

☐

Disapproved

City Manager

Date

☐

Approved

☐

Disapproved

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A DEVELOPMENT AGREEMENT WITH THE OWNERS OF A 26.547 ACRE TRACT LOCATED AT THE NORTHWEST CORNER OF FM 2305 AND HILLIARD ROAD; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the owners of a 26.547 acre tract of land located at the northwest corner of FM 2305 (West Adams) and Hilliard Road have proposed entering into a development agreement with the City regarding their proposed development of that tract as a retail center with a grocery store, additional retail space and at least one restaurant pad site;

Whereas, the property owners have also agreed to donate to the City 1.62 acres for the widening of Hilliard Road, a .74 utility easement, and a .39 drainage easement – the Hilliard Road right-of-way will facilitate construction of Phase II of the proposed “Outer Loop,” and the .39 acre drainage easement will allow the City to complete the connection from the Westfield regional detention pond to a storm water outlet under FM 2305;

Whereas, the City’s commitment under the Agreement is to complete construction of Phase II of the Outer Loop project which is close to construction, to provide signalization at the intersection of Hilliard Road and FM 2305, and to contribute up to \$150,000 toward the cost of a box culvert bridge across the Westfield Detention pond drainage channel contingent upon the owners of the 26.547 acre tract or the owners of the adjacent tract to the west of the subject property constructing an extension of a Meadowbrook Lane north of FM 2305 to a point north of the Westfield drainage channel – the City also agrees to complete construction of the Westfield Detention Pond and Channel—a project that is already under construction;

Whereas, funds are available for this project but an amendment to the FY2006-07 budget needs to be approved to transfer the funds to the appropriate expenditure account; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute a development agreement, after approval as to form by the City Attorney, with the owners of a 26.547 acre tract of land located at the northwest corner of FM 2305 and Hilliard Road.

Part 2: The City Council approves an amendment to the FY2006-07 budget, substantially in the form of the copy attached as Exhibit A, for this project.

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

PASSED AND APPROVED this the **5th** day of **July**, 2007.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

07/05/07
Item #5(K)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Tim Dolan, AICP, Planning Director

ITEM DESCRIPTION: SECOND READING - Z-FY-07-31: Consider adopting an ordinance authorizing a zoning change from Agricultural District to Light Industrial District on approximately 142.978 acres out of land commonly known as Outblocks 1162-A and B, City Addition, located on the south side of Moore's Mill Road, adjacent to and west of the Burlington Northern and Santa Fe Railroad.

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

ITEM SUMMARY: The subject area is part of a series of zoning cases for City owned properties to change the zoning district from Agriculture (A) to Light Industrial (LI). Staff recommends the Council consider this and the following items, #6 - #11, at the same time. Separate public hearings and votes may be made for each zoning case or they may be considered collectively.

Please refer to the Staff Report and draft minutes of case Z-FY-07-31 from the Planning and Zoning Commission meeting on June 4, 2007.

FISCAL IMPACT: N/A

ATTACHMENTS:

[Land Use](#)
[Zoning Map](#)
[Notice Map](#)
[Location Map](#)
[P&Z Staff Report](#)
[P&Z Minutes](#)
[Ordinance](#)



Z-FY-07-31

1789 Moore's Mill Rd.

OB #1162-A & B

142.978 AC

AGRICULTURAL

Agricultural
(A)

RESIDENTIAL

Low Density
(0-2 DU/ACRE)
(UE)

Moderate Density
(2-6 DU/ACRE)
(SF-1, SF-2, SF-3, MH, 2-F)

Medium Density
(6-12 DU/ACRE)
(MH, 2-F, TH, MF-1)

High Density
(12-25 DU/ACRE)
(MF-2)

COMMERCIAL

Neighborhood and
Community Retail
(NS, GR)

Office
(O-1, O-2)

Regional Commercial
(C, CA)

MIXED USE

Mixed Use Areas

INDUSTRIAL

Light and Heavy
Industrial
(LI, HI)

**COMMUNITY
FACILITIES**

CF-E (Schools)

CF-G (General)

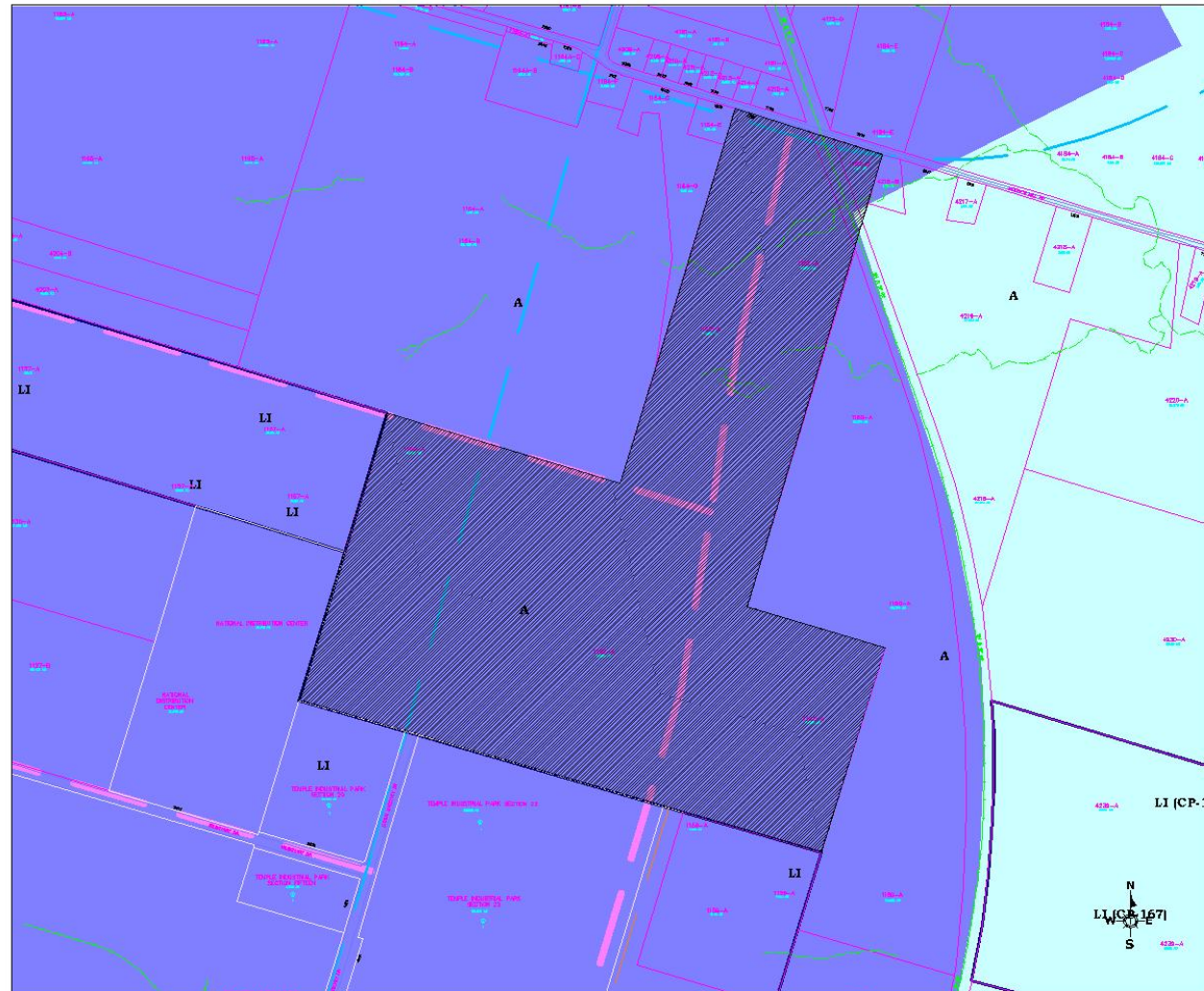
CF-M (Medical)

CF-R (Religious)

PARKS



**Proposed
Rezone**



A - LI

**S. Vybiral/GIS Mapping
05-08-07**

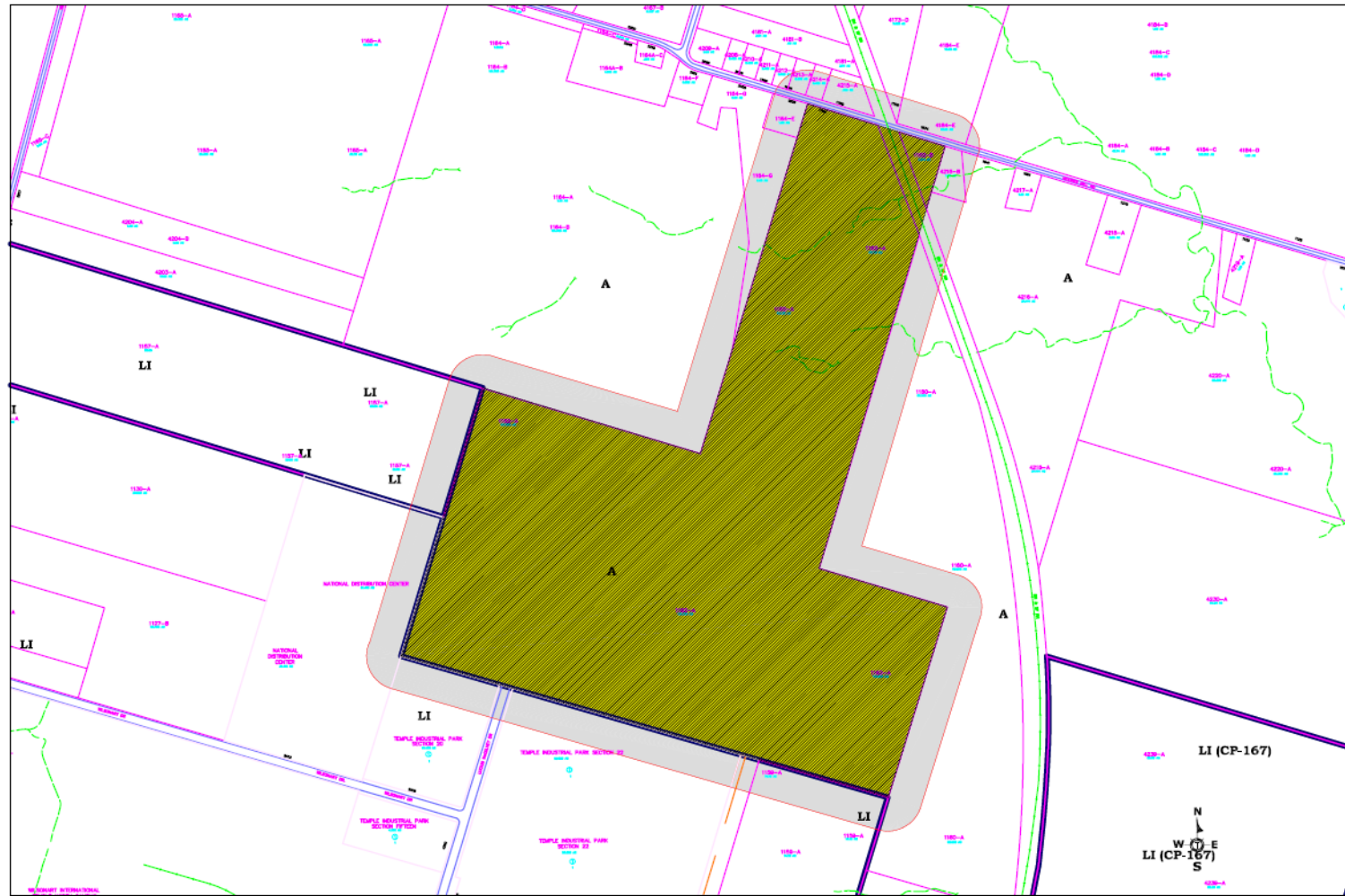


Z-FY-07-31

1789 Moores Mill Rd.

OB #1162-A

141.734 AC

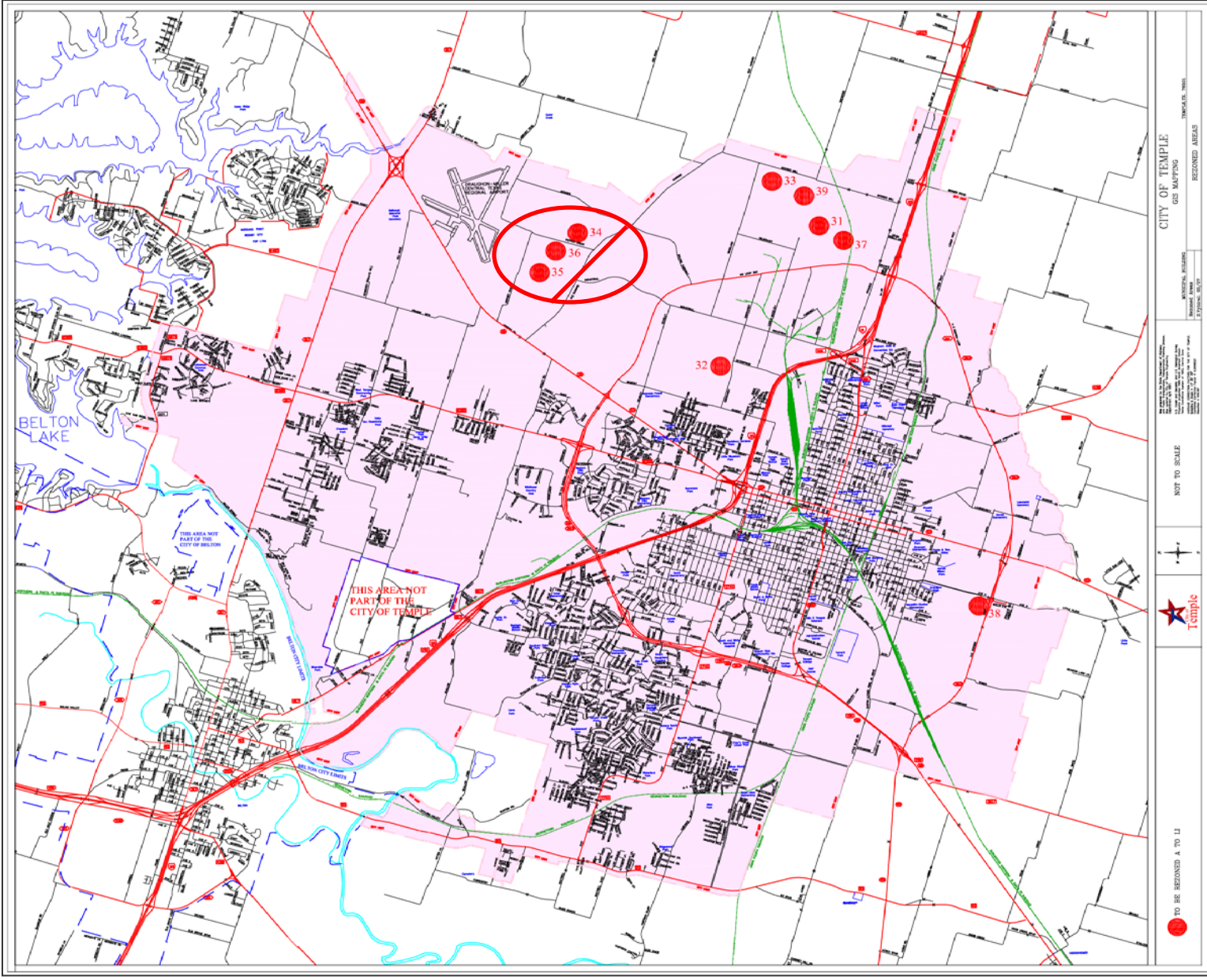


**PROPOSED
REZONE**

200' Radius

A - LI

**S. Vybral/GIS Mapping
05-08-07
Scale: 1"=800'**





PLANNING AND ZONING COMMISSION AGENDA ITEM

06/0407
Item 3
Page 1 of 2

APPLICANT / DEVELOPMENT: (City of Temple/Staff)

CASE MANAGER: Tim Dolan, AICP, Planning Director

ITEM DESCRIPTION:

PUBLIC HEARING - Z-FY-07-31: Consider a zone change from Agricultural District to Light Industrial District on approximately 142.978 acres out of land commonly known as Outblocks 1162-A and B, City Addition, located on the south side of Moore's Mill Road, adjacent to and west of the Burlington Northern and Santa Fe Railroad.

BACKGROUND:

The subject area is part of a series of zoning cases for City owned properties to change the zoning district from Agriculture (A) to Light Industrial (LI). Staff recommends the Commission consider this Item and Items 2-11, with the exception of Items 6-8, at the same time; it should have a separate public hearing for each zoning case with a separate motion, second and vote for each individual zoning case.

Surrounding Property and Uses

The subject area is surrounded by properties that are zoned Agriculture (A) and Light Industrial (LI) and undeveloped.

Future Land Use Plan

The subject area complies with the Future Land Use Plan as an Industrial Use.

Thoroughfare Plan

The subject area complies with the Thoroughfare Plan, with access to Industrial Drive, a Minor Arterial Roadway.

Adequacy of Public Facilities

This area will be served by water and sewer as part of the CIP and RZ projects.

Development Regulations

The purpose of the Light Industrial District serves a transition from other commercial or retail areas to industrial uses. The LI area should be isolated from planned areas of residential development.

The land uses allowed are manufacturing and assembly, subject to performance standards of odor, noise, glare, smoke, air contaminants, vibration, and open storage.

The maximum lot coverage for LI is 55% for a main building, and maximum lot coverage of 65% for a main building and all accessory buildings. The front setback requirements are thirty feet (30.0') from the centerline of a road, no side or rear yard setback for industrial uses, and a ten foot (10.0') setback from properties adjacent to a residential district.

Public Notice

A total of 12 notices were sent out. As of May 31, 2007 at 5:00 PM, only one notice was returned, stating the owner did not own the property. The letters were mailed and the newspaper printed the public hearing on May 25, 2007 in accordance with state law and local ordinance

STAFF RECOMMENDATION:

Staff recommends approval of Z-FY-07-31 since the subject area complies with:

1. The Future Land Use Plan Map showing the area as Industrial
2. The Thoroughfare Plan showing Industrial as a Minor Arterial Roadway, and
3. The Adequacy of Public Facilities shows the area as part of the CIP and RZ areas for water and wastewater improvements.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Zoning Map

Land Use Map

Aerial

EXCERPTS FROM THE
PLANNING & ZONING COMMISSION MEETING
MONDAY, JUNE 4, 2007

ACTION ITEMS

ZONE CHANGE

3. **Z-FY-07-31** Hold a public hearing and consider a zone change from Agricultural District to Light Industrial District on approximately 142.978 acres out of land commonly known as Outblocks 1162-A and B, City Addition, located on the south side of Moore's Mill Road, Adjacent to and west of the Burlington Northern and Santa Fe Railroad. (Applicant: City of Temple/Staff)
4. **Z-FY-07-32** Hold a public hearing and consider a zone change from Agricultural District to Light Industrial District on approximately 28.348 acres out of land commonly know as Outblock 1143-A, City Addition, located at the southwest corner of Eberhardt Road and Enterprise Road. (Applicant: City of Temple/Staff)
5. **Z-FY-07-33** Hold a public hearing and consider a zone change from Agricultural District to Light Industrial District on approximately 87.396 acres out of land commonly known as Outblocks 1165-A, B, and C, City Addition, located at the southeast corner of Moore's Mill Road and Wendland Road. (Applicant: City of Temple/Staff)
9. **Z-FY-07-37** Hold a public hearing and consider a zone change from Agricultural District to Light Industrial District on approximately 76.921 acres of land commonly known as Outblock 1158-A and 1160-A, City Addition, located south of Moore's Mill Road, north of NW Loop 363 and west of Pegasus Drive. (Applicant: City of Temple/Staff)
10. **Z-FY-07-38** Hold a public hearing and consider a zone change from Agricultural District to Light Industrial District on approximately 25.15 acres of land commonly known as Outblock 991-A, City Addition, located at 2601 East Avenue H. (Applicant: City of Temple/Staff)
11. **Z-FY-07-39** Hold a public hearing and consider a zone change from Agricultural District to Light Industrial District on approximately 98 acres of land commonly known as Outblocks 1164-A, B, and D, City Addition, located on the south side of Moore's Mill Road, east of the BN&SF Railroad across from Brewster Road. (Applicant: City of Temple/Staff)

Mr. Tim Dolan, Planning Director, presented all six (6) zone changes consecutively. He said the Comprehensive Plan shows all of the above areas, which are now zoned Agricultural, to be Industrial uses. He said the purpose of presenting all the case together is so they can be done collectively. Mr. Dolan said staff recommends approval of this zone change. He said all of the properties are part of the Planned Industrial Parks as shown on the Future Land Use Plan and are also being considered as part of CIP projects for road, water and sewer extensions or for the reinvestment zone programs. Mr. Dolan suggested opening the public hearing for these cases, collectively, close the public hearing and proceed with a vote on each one. He said for zone case Z-FY-07-31 one (1) response letter was returned in favor of the request and none in opposition to the request; zone case Z-FY-07-32 one (1) response letter was returned in favor and three (3) in opposition to the request; zone case Z-FY-07-33 one (1) response letter was

returned in favor of the request and three (3) in opposition to the request; and zone case Z-FY-07-37 one (1) response letter was returned in favor and none in opposition to the request.

Chair Thomas opened the public hearing asking anyone wishing to speak in favor or in opposition to the above zone change requests, to address the Commission. Seeing no one, Chair Thomas closed the public hearing.

Motion to recommend approval for Z-FY-07-31 by Commissioner Hurd; seconded by Vice-Chair Luck.

Motion passed (8/0).

Motion to recommend approval for Z-FY-07-32 by Commissioner Kjelland; seconded by Commissioner Hurd.

Motion passed (8/0).

Motion to recommend approval for Z-FY-07-33 by Commissioner Hurd; seconded by Commissioner Pilkington.

Motion passed (8/0).

Motion to recommend approval for Z-FY-07-37 by Commissioner Kjelland; seconded by Commissioner Hurd.

Motion passed (8/0).

Motion to recommend approval for Z-FY-07-38 by Commissioner Kjelland; seconded by Commissioner Hurd.

Motion passed (8/0).

Motion to recommend approval for Z-FY-07-39 by Commissioner Kasberg; seconded by Commissioner Hurd.

Motion passed (8/0).

ORDINANCE NO. _____
(ZONING NO. Z-FY-07-31)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A ZONING CHANGE FROM AGRICULTURAL DISTRICT (A) TO LIGHT INDUSTRIAL DISTRICT (LI) ON APPROXIMATELY 142.978 ACRES OUT OF LAND COMMONLY KNOWN AS OUTBLOCKS 1162-A AND B, CITY ADDITION, LOCATED ON THE SOUTH SIDE OF MOORE'S MILL ROAD, ADJACENT TO AND WEST OF THE BURLINGTON NORTHERN AND SANTA FE RAILROAD; 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 zoning change from Agricultural District (A) to Light Industrial District (LI) on approximately 142.978 acres out of land commonly known as Outblocks 1162-A and B, City Addition, located on the south side of Moore's Mill Road, adjacent to and west of the Burlington Northern and Santa Fe Railroad, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

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

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **21st** day of **June**, 2007.

PASSED AND APPROVED on Second Reading on the **5th** day of **July**, 2007.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydetta Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

07/05/07
Item #5(L)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Tim Dolan, AICP, Planning Director

ITEM DESCRIPTION: SECOND READING – Z-FY-07-32: Consider adopting an ordinance authorizing a zoning change from Agricultural District to Light Industrial District on approximately 28.348 acres out of land commonly known as Outblock 1143-A, City Addition, located at the southwest corner of Eberhardt Road and Enterprise Road.

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

ITEM SUMMARY: The subject area is part of a series of zoning cases for City owned properties to change the zoning district from Agriculture (A) to Light Industrial (LI). Staff recommends the Council consider this and the following items, #6 - #11, at the same time. Separate public hearings and votes may be made for each zoning case or they may be considered collectively.

Please refer to the Staff Report and draft minutes of case Z-FY-07-32 from the Planning and Zoning Commission meeting on June 4, 2007.

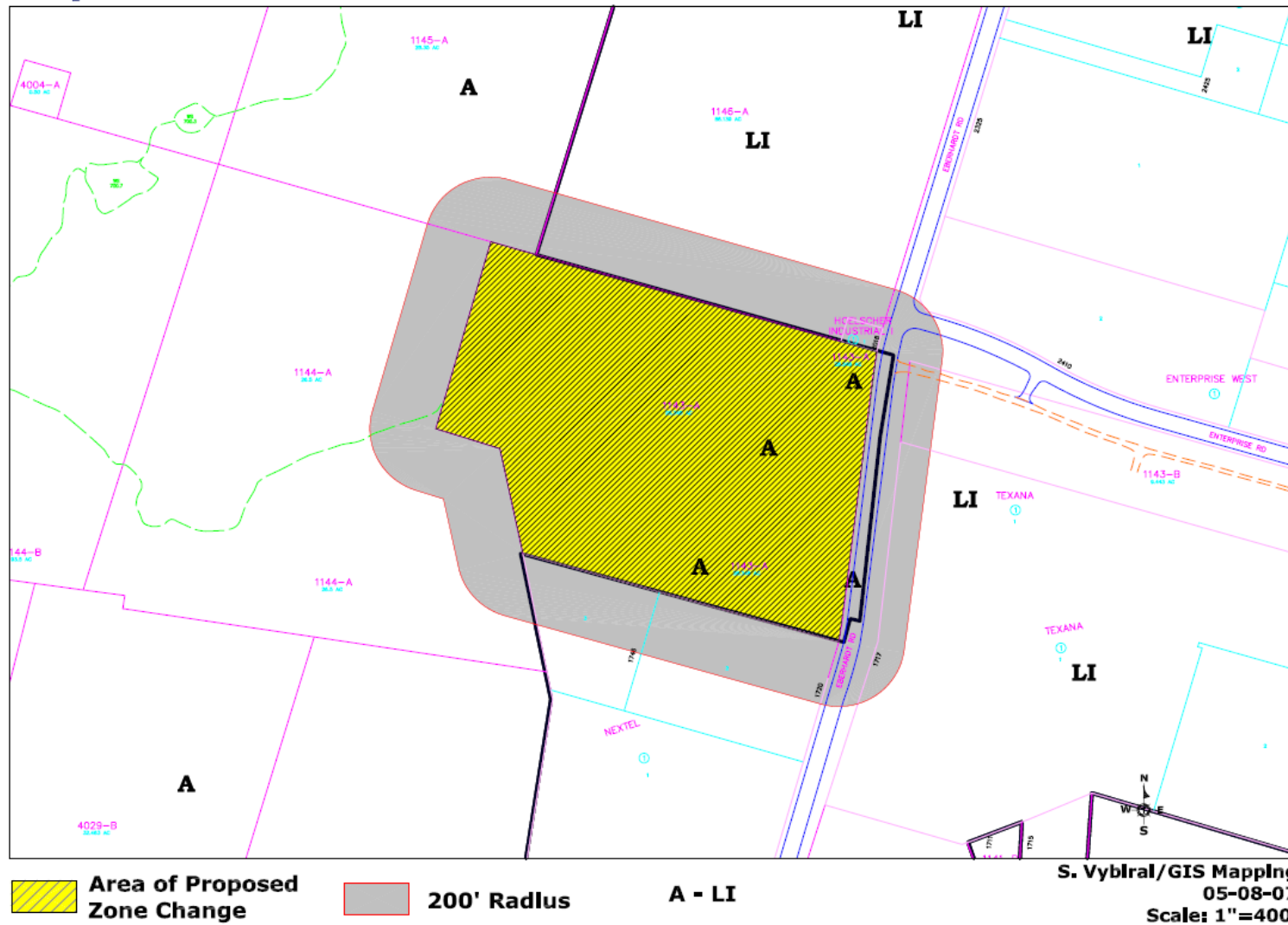
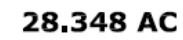
FISCAL IMPACT: N/A

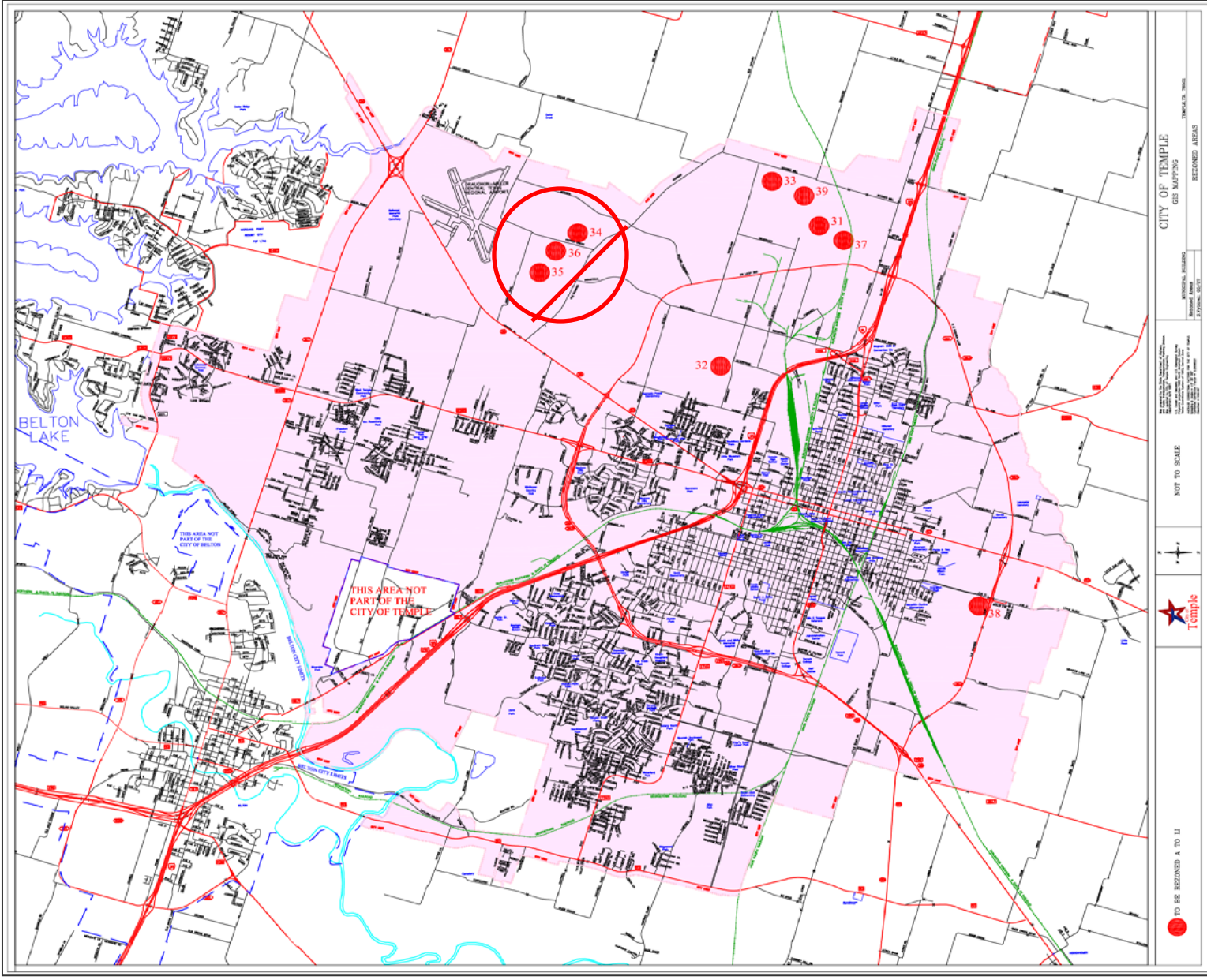
ATTACHMENTS:

[Land Use Map](#)
[Zoning Map](#)
[Notice Map](#)
[Location Map](#)
[P&Z Staff Report](#)
[P&Z Minutes](#)
[Ordinance](#)



S. Vybiral/GIS Mapping
05-08-07







PLANNING AND ZONING COMMISSION AGENDA ITEM

06/04/07
Item 4
Page 1 of 2

APPLICANT / DEVELOPMENT: (City of Temple/Staff)

CASE MANAGER: Tim Dolan, AICP, Planning Director

ITEM DESCRIPTION:

Public Hearing- Z-FY-07-32: Consider a zone change from Agricultural District to Light Industrial District on approximately 28.348 acres out of land commonly known as Outblock 1143-A, City Addition, located at the southwest corner of Eberhardt Road and Enterprise Road. (City of Temple/Staff)

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Public Notice

A total of six (6) notices were sent out. As of May 31, 2007 at 5:00 PM, none were returned. The letters were mailed and the newspaper printed the public hearing on May 25, 2007 in accordance with state law and local ordinance

STAFF RECOMMENDATION:

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FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Zoning Map

Land Use Map

Aerial

**EXCERPTS FROM THE
PLANNING & ZONING COMMISSION MEETING
MONDAY, JUNE 4, 2007**

ACTION ITEMS

ZONE CHANGE

3. **Z-FY-07-31** Hold a public hearing and consider a zone change from Agricultural District to Light Industrial District on approximately 142.978 acres out of land commonly known as Outblocks 1162-A and B, City Addition, located on the south side of Moore's Mill Road, Adjacent to and west of the Burlington Northern and Santa Fe Railroad. (Applicant: City of Temple/Staff)
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Motion to recommend approval for Z-FY-07-31 by Commissioner Hurd; seconded by Vice-Chair Luck.

Motion passed (8/0).

Motion to recommend approval for Z-FY-07-32 by Commissioner Kjelland; seconded by Commissioner Hurd.

Motion passed (8/0).

Motion to recommend approval for Z-FY-07-33 by Commissioner Hurd; seconded by Commissioner Pilkington.

Motion passed (8/0).

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Motion passed (8/0).

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Motion passed (8/0).

Motion to recommend approval for Z-FY-07-39 by Commissioner Kasberg; seconded by Commissioner Hurd.

Motion passed (8/0).

ORDINANCE NO. _____
(ZONING NO. Z-FY-07-32)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A ZONING CHANGE FROM AGRICULTURAL DISTRICT (A) TO LIGHT INDUSTRIAL DISTRICT (LI) ON APPROXIMATELY 28.348 ACRES OUT OF LAND COMMONLY KNOWN AS OUTBLOCK 1143-A, CITY ADDITION, LOCATED ON THE SOUTHWEST CORNER OF EBERHARDT ROAD AND ENTERPRISE ROAD; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Part 1: The City Council approves a zoning change from Agricultural District (A) to Light Industrial District (LI) on approximately 28.348 acres out of land commonly known as Outblock 1143-A, City Addition, located on the southwest corner of Eberhardt Road and Enterprise Road, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **21st** day of **June**, 2007.

PASSED AND APPROVED on Second Reading on the **5th** day of **July**, 2007.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydetta Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

07/05/07
Item #5(M)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Tim Dolan, AICP, Planning Director

ITEM DESCRIPTION: SECOND READING – Z-FY-07-33: Consider adopting an ordinance authorizing a zoning change from Agricultural District to Light Industrial District on approximately 87.396 acres out of land commonly known as Outblocks 1165-A, B, and C, City Addition, located at the southeast corner of Moore's Mill Road and Wendland Road.

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

ITEM SUMMARY: The subject area is part of a series of zoning cases for City owned properties to change the zoning district from Agriculture (A) to Light Industrial (LI). Staff recommends the Council consider this and the following items, #6 - #11, at the same time. Separate public hearings and votes may be made for each zoning case or they may be considered collectively.

Please refer to the Staff Report and draft minutes of case Z-FY-07-33 from the Planning and Zoning Commission meeting on June 4, 2007.

FISCAL IMPACT: N/A

ATTACHMENTS:

[Land Use Map](#)
[Zoning Map](#)
[Notice Map](#)
[Location Map](#)
[P&Z Staff Report](#)
[P&Z Minutes](#)
[Ordinance](#)



Z-FY-07-33 Cor. of Moore's Mill Rd. & Wendland Rd. OB #1165-A, B & C 87.396 AC

AGRICULTURAL

Agricultural
(A)

RESIDENTIAL

Low Density
(0-2 DU/ACRE)
(UE)

Moderate Density
(2-6 DU/ACRE)
(SF-1, SF-2, SF-3, MH, 2-F)

Medium Density
(6-12 DU/ACRE)
(MH, 2-F, TH, MF-1)

High Density
(12-25 DU/ACRE)
(MF-2)

COMMERCIAL

Neighborhood and
Community Retail
(NS, GR)

Office
(O-1, O-2)

Regional Commercial
(C, CA)

MIXED USE

Mixed Use Areas

INDUSTRIAL

Light and Heavy
Industrial
(LI, HI)

COMMUNITY FACILITIES

CF-E (Schools)

CF-G (General)

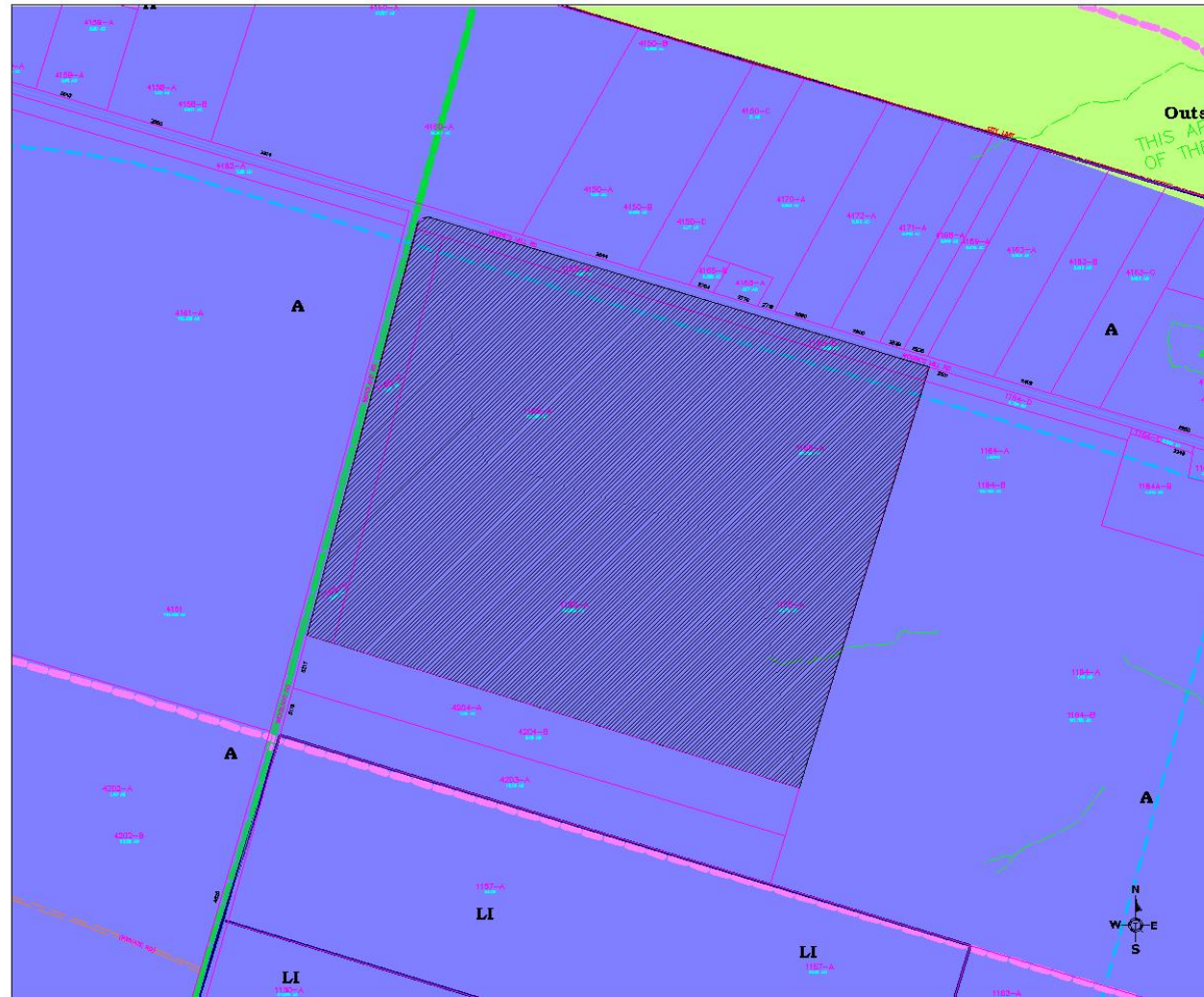
CF-M (Medical)

CF-R (Religious)

PARKS



**Proposed
Rezone**



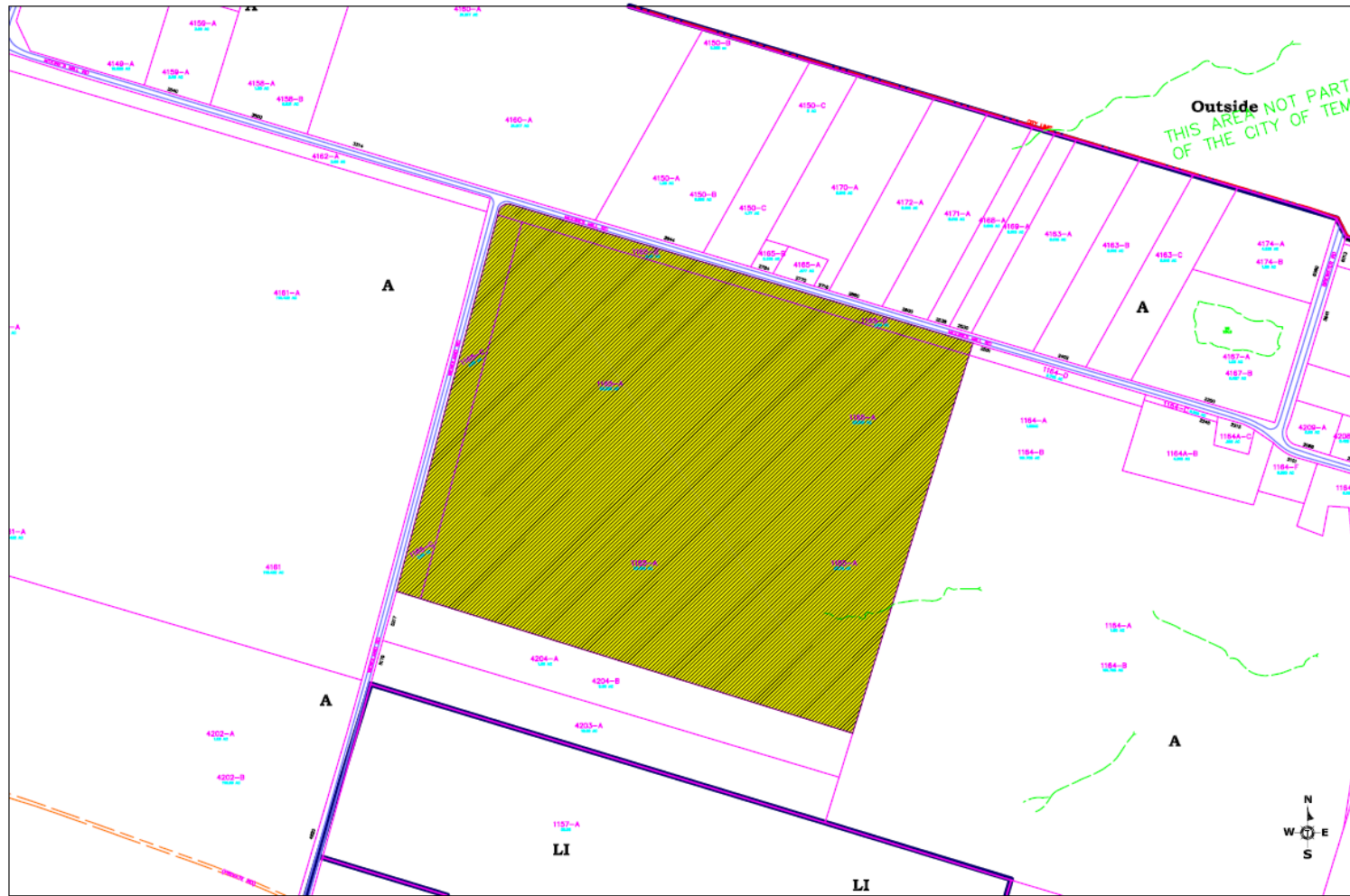
A - LI

**S. Vybiral/GIS Mapping
05-08-07**



Z-FY-07-33

Cor. of Moore's Mill Rd. & Wendland Rd. OB #1165-A, B & C 87.396 AC



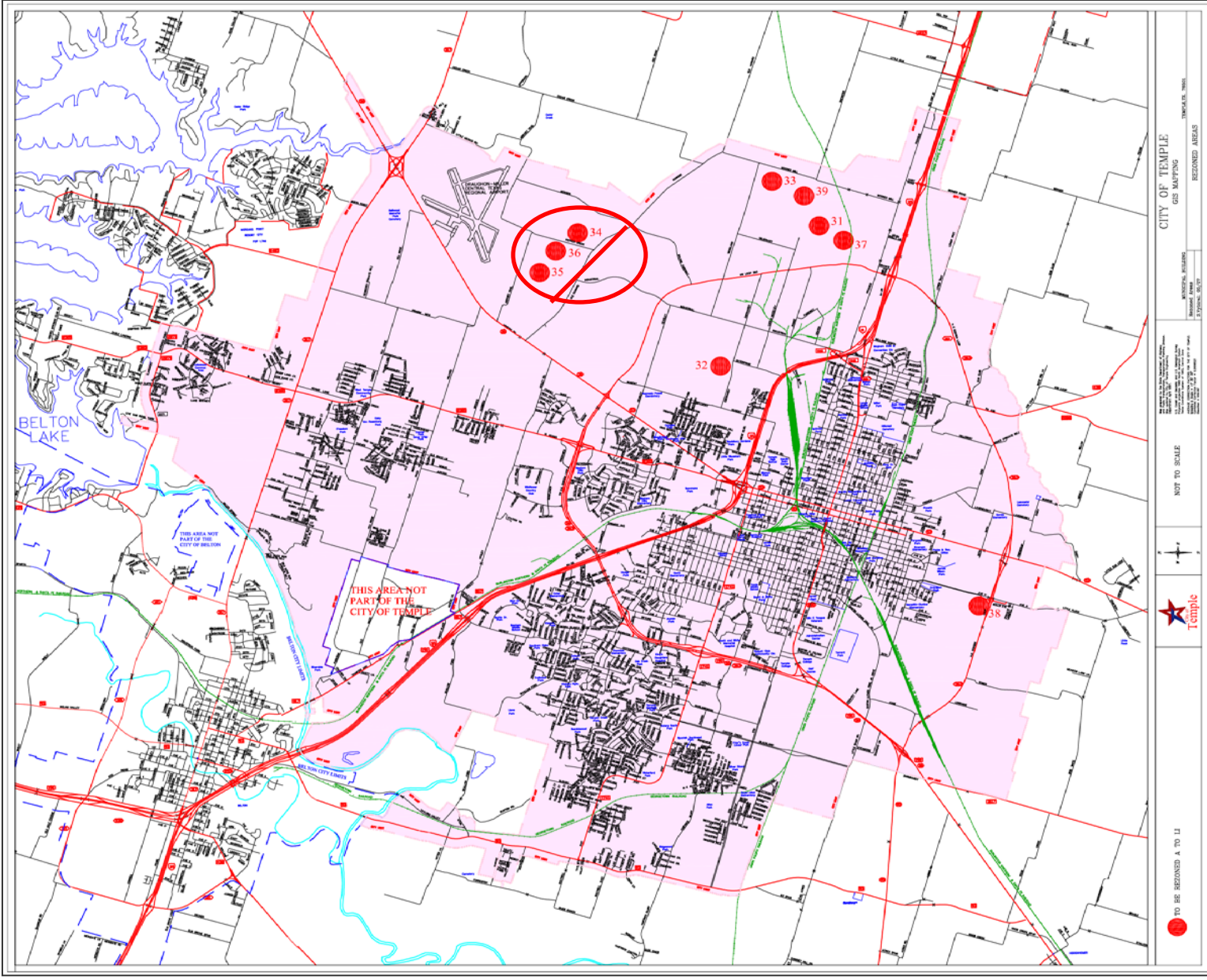
**Area of Proposed
Zone Change**

A - LI

S. Vybral/GIS Mapping

05-08-07

Scale: 1"=600'





PLANNING AND ZONING COMMISSION AGENDA ITEM

06/0407
Item 5
Page 1 of 2

APPLICANT / DEVELOPMENT: (City of Temple/Staff)

CASE MANAGER: Tim Dolan, AICP, Planning Director

ITEM DESCRIPTION:

Public Hearing- Z-FY-07-33: Consider a zone change from Agricultural District to Light Industrial District on approximately 87.396 acres out of land commonly known as Outblocks 1165-A, B, and C, City Addition, located at the southeast corner of Moore's Mill Road and Wendland Road. (City of Temple/Staff)

BACKGROUND:

The subject area is part of a series of zoning cases for City owned properties to change the zoning district from Agriculture (A) to Light Industrial (LI). Staff recommends the Commission consider this Item and Items 2-11, with the exception of Items 6-8, at the same time; it should have a separate public hearing for each zoning case with a separate motion, second and vote for each individual zoning case.

Surrounding Property and Uses

The subject area is surrounded by properties that are zoned Agriculture (A) and Light Industrial (LI) and undeveloped with residential uses north of Moore's Mill Road.

Future Land Use Plan

The subject area complies with the Future Land Use Plan as an Industrial Use.

Thoroughfare Plan

The subject area complies with the Thoroughfare Plan, with access to Wendland Road, a Minor Arterial Roadway.

Adequacy of Public Facilities

This area will be served by water and sewer as part of the CIP and RZ projects.

Development Regulations

The purpose of the Light Industrial District serves a transition from other commercial or retail areas to industrial uses. The LI area should be isolated from planned areas of residential development.

The land uses allowed are manufacturing and assembly, subject to performance standards of odor, noise, glare, smoke, air contaminants, vibration, and open storage.

The maximum lot coverage for LI is 55% for a main building, and maximum lot coverage of 65% for a main building and all accessory buildings. The front setback requirements are thirty feet (30.0') from the centerline of a road, no side or rear yard setback for industrial uses, and a ten foot (10.0') setback from properties adjacent to a residential district.

Public Notice

A total of 11 notices were sent out. As of May 31, 2007 at 5:00 PM, two were returned opposing the request. The letters were mailed and the newspaper printed the public hearing on May 25, 2007 in accordance with state law and local ordinance

STAFF RECOMMENDATION:

Staff recommends approval of Z-FY-07-33 since the subject area complies with:

4. The Future Land Use Plan Map showing the area as Industrial
5. The Thoroughfare Plan showing Industrial as a Minor Arterial Roadway, and
6. The Adequacy of Public Facilities shows the area as part of the CIP and RZ areas for water and wastewater improvements.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Zoning Map

Land Use Map

Aerial

EXCERPTS FROM THE
PLANNING & ZONING COMMISSION MEETING
MONDAY, JUNE 4, 2007

ACTION ITEMS

ZONE CHANGE

3. **Z-FY-07-31** Hold a public hearing and consider a zone change from Agricultural District to Light Industrial District on approximately 142.978 acres out of land commonly known as Outblocks 1162-A and B, City Addition, located on the south side of Moore's Mill Road, Adjacent to and west of the Burlington Northern and Santa Fe Railroad. (Applicant: City of Temple/Staff)
4. **Z-FY-07-32** Hold a public hearing and consider a zone change from Agricultural District to Light Industrial District on approximately 28.348 acres out of land commonly know as Outblock 1143-A, City Addition, located at the southwest corner of Eberhardt Road and Enterprise Road. (Applicant: City of Temple/Staff)
5. **Z-FY-07-33** Hold a public hearing and consider a zone change from Agricultural District to Light Industrial District on approximately 87.396 acres out of land commonly known as Outblocks 1165-A, B, and C, City Addition, located at the southeast corner of Moore's Mill Road and Wendland Road. (Applicant: City of Temple/Staff)
9. **Z-FY-07-37** Hold a public hearing and consider a zone change from Agricultural District to Light Industrial District on approximately 76.921 acres of land commonly known as Outblock 1158-A and 1160-A, City Addition, located south of Moore's Mill Road, north of NW Loop 363 and west of Pegasus Drive. (Applicant: City of Temple/Staff)
10. **Z-FY-07-38** Hold a public hearing and consider a zone change from Agricultural District to Light Industrial District on approximately 25.15 acres of land commonly known as Outblock 991-A, City Addition, located at 2601 East Avenue H. (Applicant: City of Temple/Staff)
11. **Z-FY-07-39** Hold a public hearing and consider a zone change from Agricultural District to Light Industrial District on approximately 98 acres of land commonly known as Outblocks 1164-A, B, and D, City Addition, located on the south side of Moore's Mill Road, east of the BN&SF Railroad across from Brewster Road. (Applicant: City of Temple/Staff)

Mr. Tim Dolan, Planning Director, presented all six (6) zone changes consecutively. He said the Comprehensive Plan shows all of the above areas, which are now zoned Agricultural, to be Industrial uses. He said the purpose of presenting all the case together is so they can be done collectively. Mr. Dolan said staff recommends approval of this zone change. He said all of the properties are part of the Planned Industrial Parks as shown on the Future Land Use Plan and are also being considered as part of CIP projects for road, water and sewer extensions or for the reinvestment zone programs. Mr. Dolan suggested opening the public hearing for these cases, collectively, close the public hearing and proceed with a vote on each one. He said for zone case Z-FY-07-31 one (1) response letter was returned in favor of the request and none in opposition to the request; zone case Z-FY-07-32 one (1) response letter was returned in favor and three (3) in opposition to the request; zone case Z-FY-07-33 one (1) response letter was

returned in favor of the request and three (3) in opposition to the request; and zone case Z-FY-07-37 one (1) response letter was returned in favor and none in opposition to the request.

Chair Thomas opened the public hearing asking anyone wishing to speak in favor or in opposition to the above zone change requests, to address the Commission. Seeing no one, Chair Thomas closed the public hearing.

Motion to recommend approval for Z-FY-07-31 by Commissioner Hurd; seconded by Vice-Chair Luck.

Motion passed (8/0).

Motion to recommend approval for Z-FY-07-32 by Commissioner Kjelland; seconded by Commissioner Hurd.

Motion passed (8/0).

Motion to recommend approval for Z-FY-07-33 by Commissioner Hurd; seconded by Commissioner Pilkington.

Motion passed (8/0).

Motion to recommend approval for Z-FY-07-37 by Commissioner Kjelland; seconded by Commissioner Hurd.

Motion passed (8/0).

Motion to recommend approval for Z-FY-07-38 by Commissioner Kjelland; seconded by Commissioner Hurd.

Motion passed (8/0).

Motion to recommend approval for Z-FY-07-39 by Commissioner Kasberg; seconded by Commissioner Hurd.

Motion passed (8/0).

ORDINANCE NO. _____
(ZONING NO. Z-FY-07-33)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A ZONING CHANGE FROM AGRICULTURAL DISTRICT (A) TO LIGHT INDUSTRIAL DISTRICT (LI) ON APPROXIMATELY 87.396 ACRES OUT OF LAND COMMONLY KNOWN AS OUTBLOCKS 1165-A, B AND C , CITY ADDITION, LOCATED AT THE SOUTHEAST CORNER OF MOORE'S MILL ROAD AND WENDLAND ROAD; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Part 1: The City Council approves a zoning change from Agricultural District (A) to Light Industrial District (LI) on approximately 87.396 acres out of land commonly known as Outblocks 1165-A, B and C, City Addition, located on the southeast corner of Moore's Mill Road and Wendland Road, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

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

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **21st** day of **June**, 2007.

PASSED AND APPROVED on Second Reading on the **5th** day of **July**, 2007.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydetta Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

07/05/07
Item #5(N)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Tim Dolan, AICP, Planning Director

ITEM DESCRIPTION: SECOND READING - Z-FY-07-37: Consider adopting an ordinance authorizing a zoning change from Agricultural District to Light Industrial District on approximately 76.921 acres of land commonly known as Outblock 1158-A and 1160-A, City Addition, located south of Moore's Mill Road, north of NW Loop 363 and west of Pegasus Drive.

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

ITEM SUMMARY: The subject area is part of a series of zoning cases for City owned properties to change the zoning district from Agriculture (A) to Light Industrial (LI). Staff recommends the Council consider this and the following items, #6 - #11, at the same time. Separate public hearings and votes may be made for each zoning case or they may be considered collectively.

Please refer to the Staff Report and draft minutes of case Z-FY-07-37 from the Planning and Zoning Commission meeting on June 4, 2007.

FISCAL IMPACT: N/A

ATTACHMENTS:

[Land Use Map](#)
[Zoning Map](#)
[Notice Map](#)
[Location Map](#)
[P&Z Staff Report](#)
[P&Z Minutes](#)
[Ordinance](#)



Z-FY-07-37

**S. of Moore's Mill Rd., N. of NW Loop 363 & W. of Pegasus Dr.
OB #1158-A & OB #1160-A 76.921 AC**

AGRICULTURAL

Agricultural
(A)

RESIDENTIAL

Low Density
(0-2 DU/ACRE)
(UE)

Moderate Density
(2-6 DU/ACRE)
(SF-1, SF-2, SF-3, MH, 2-F)

Medium Density
(6-12 DU/ACRE)
(MH, 2-F, TH, MF-1)

High Density
(12-25 DU/ACRE)
(MF-2)

COMMERCIAL

Neighborhood and
Community Retail
(NS, GR)

Office
(O-1, O-2)

Regional Commercial
(C, CA)

MIXED USE

Mixed Use Areas

INDUSTRIAL

Light and Heavy
Industrial
(L, HI)

**COMMUNITY
FACILITIES**

CF-E (Schools)

CF-G (General)

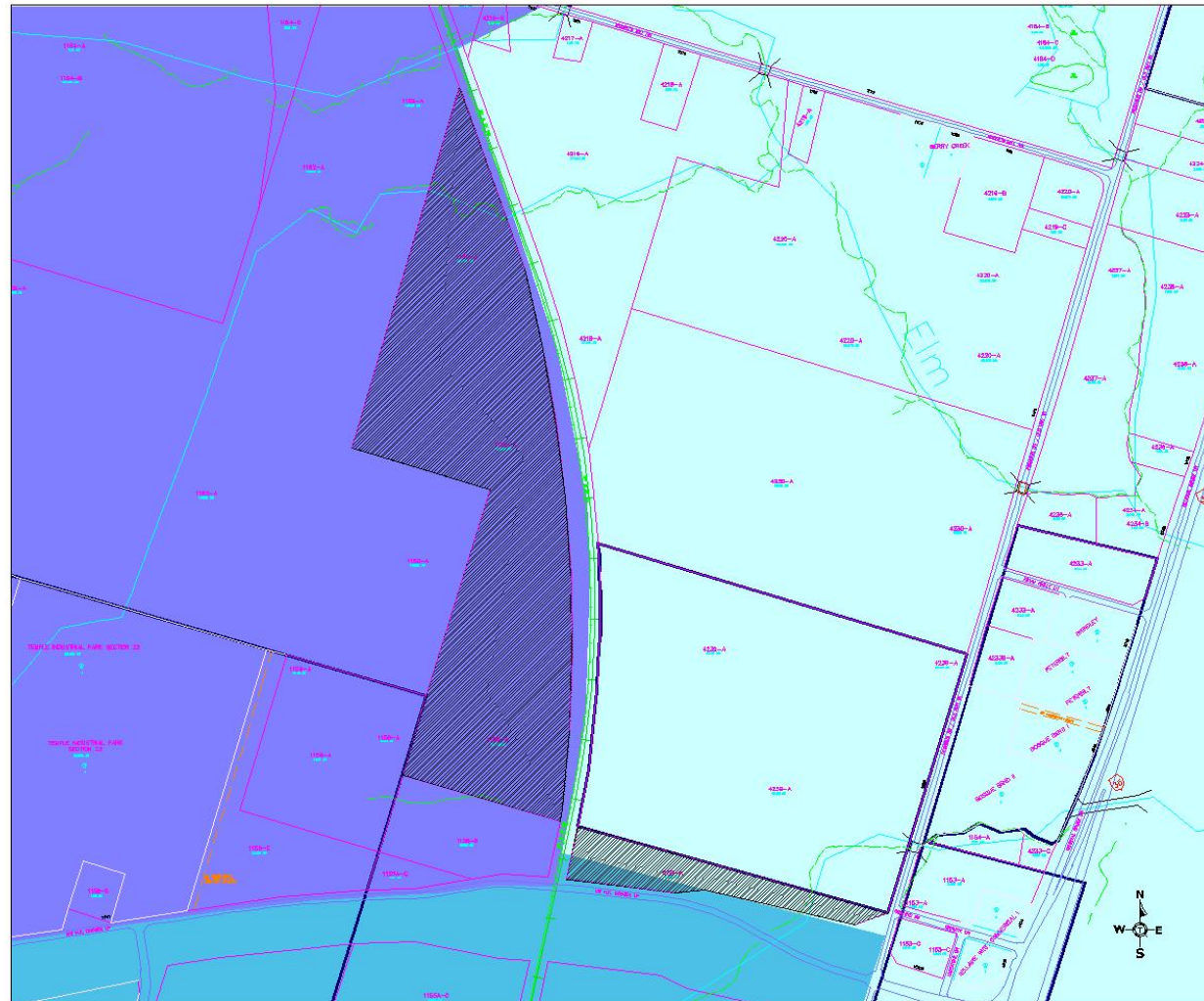
CF-M (Medical)

CF-R (Religious)

PARKS



**Proposed
Rezone**



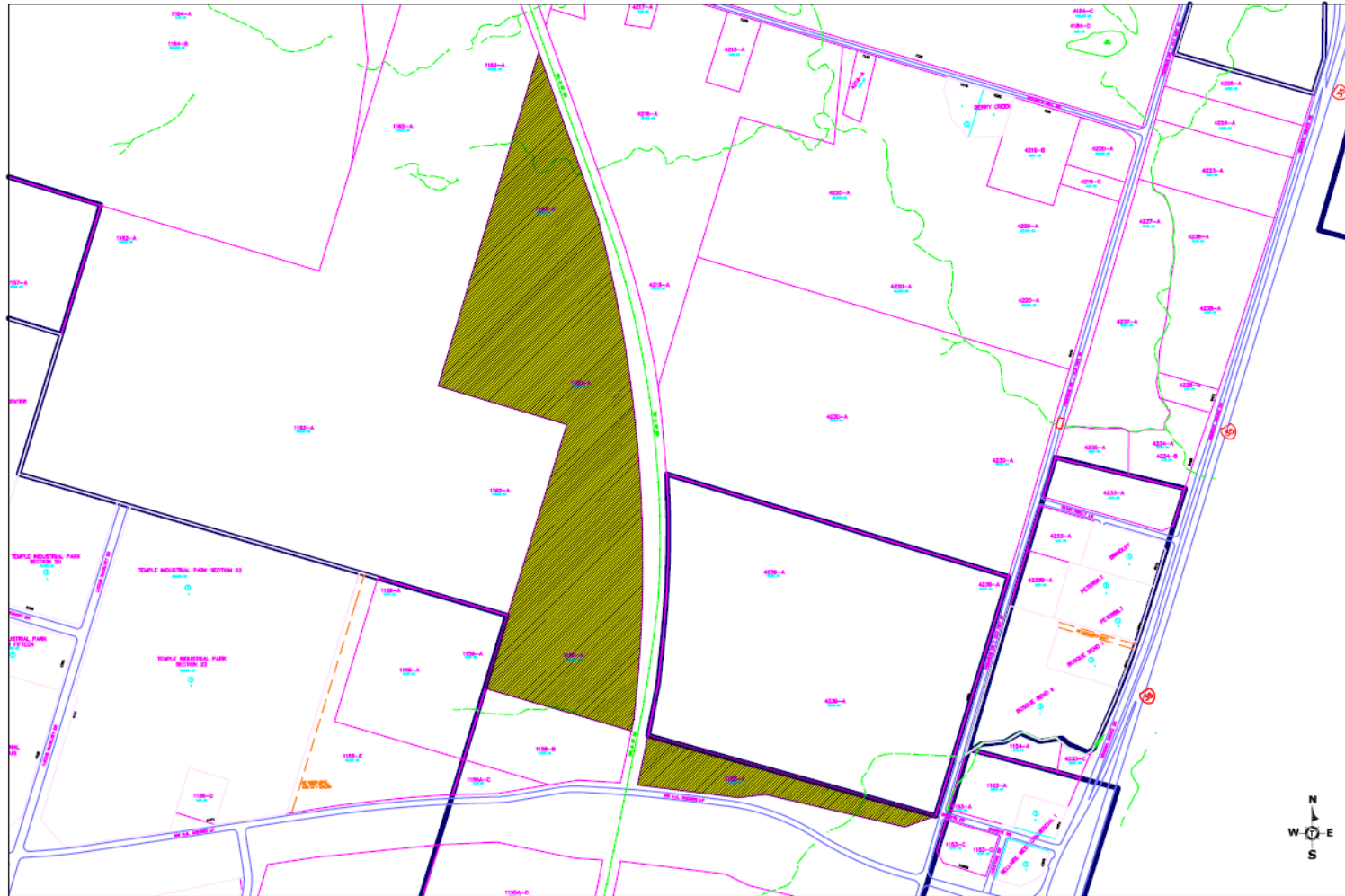
A - LI

**S. Vybiral/GIS Mapping
05-09-07**



Z-FY-07-37

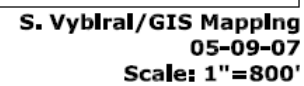
**S. of Moore's Mill Rd., N. of NW Loop 363 & W. of Pegasus Dr.
OB #1158-A & OB #1160-A 76.921 AC**

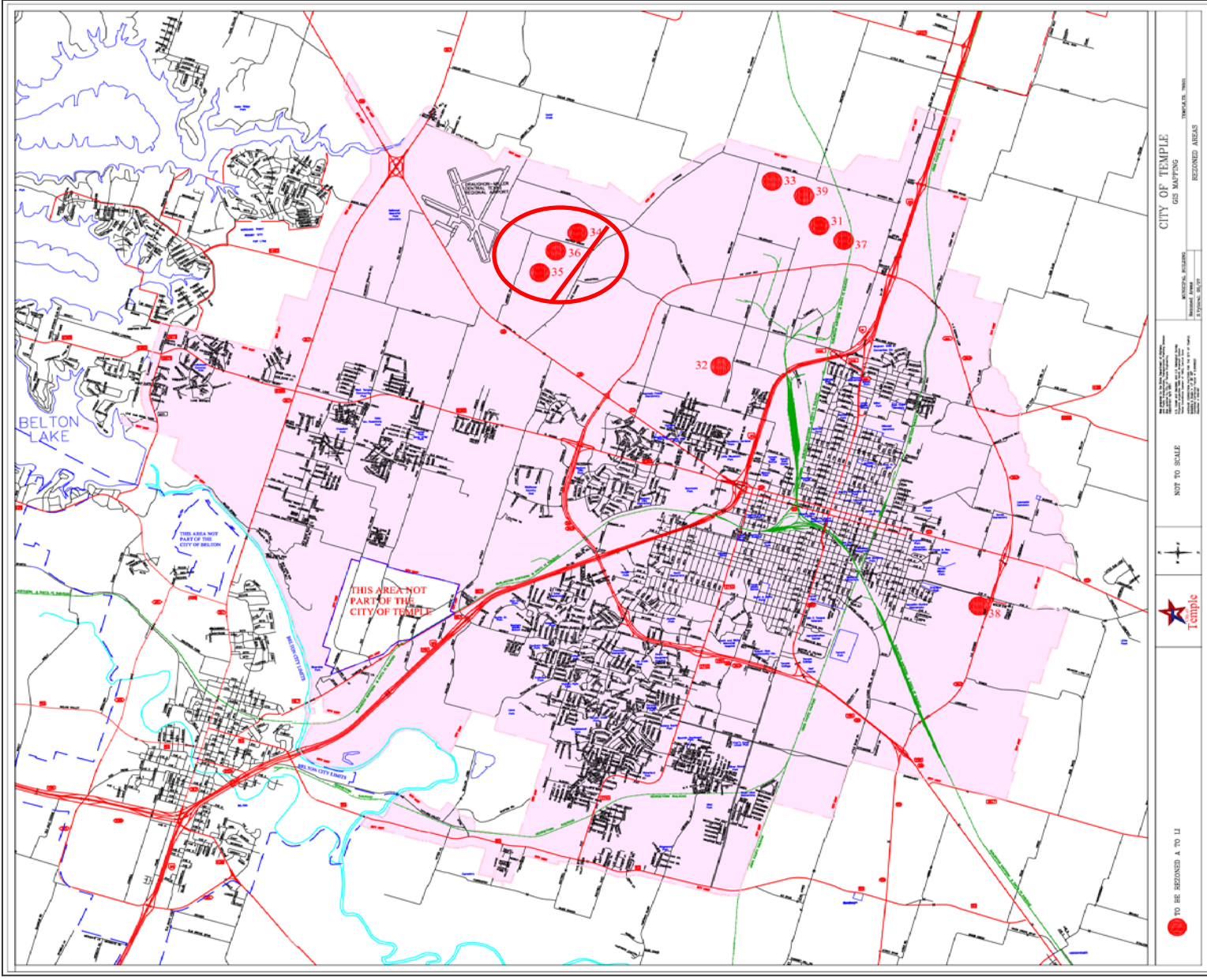


**Area of Proposed
Zone Change**

A - LI

**S. Vyblral/GIS Mapping
05-09-07
Scale: 1"=800'**







PLANNING AND ZONING COMMISSION AGENDA ITEM

06/04/07
Item 9
Page 1 of 2

APPLICANT / DEVELOPMENT: (City of Temple/Staff)

CASE MANAGER: Tim Dolan, AICP, Planning Director

ITEM DESCRIPTION:

PUBLIC HEARING-Z-FY-07-37: Consider a zone change from Agricultural District to Light Industrial District on approximately 76.921 acres of land commonly known as Outblock 1158-A and 1160-A, City Addition, located south of Moore's Mill Road, north of NW Loop 363 and west of Pegasus Drive. (City of Temple/Staff)

BACKGROUND:

The subject area is part of a series of zoning cases for City owned properties to change the zoning district from Agriculture (A) to Light Industrial (LI). Staff recommends the Commission consider this Item and Items 2-11, with the exception of Items 6-8, at the same time; it should have a separate public hearing for each zoning case with a separate motion, second and vote for each individual zoning case.

Surrounding Property and Uses

The subject area is surrounded by properties that are zoned Agriculture (A) and Light Industrial (LI) and undeveloped with residential uses north of Moore's Mill Road.

Future Land Use Plan

The subject area complies with the Future Land Use Plan as an Industrial Use.

Thoroughfare Plan

The subject area complies with the Thoroughfare Plan, with access to Loop 363, a Minor Arterial Roadway.

Adequacy of Public Facilities

This area will be served by water and sewer as part of the CIP and RZ projects.

Development Regulations

The purpose of the Light Industrial District serves a transition from other commercial or retail areas to industrial uses. The LI area should be isolated from planned areas of residential development.

The land uses allowed are manufacturing and assembly, subject to performance standards of odor, noise, glare, smoke, air contaminants, vibration, and open storage.

The maximum lot coverage for LI is 55% for a main building, and maximum lot coverage of 65% for a main building and all accessory buildings. The front setback requirements are thirty feet (30.0') from the centerline of a road, no side or rear yard setback for industrial uses, and a ten foot (10.0') setback from properties adjacent to a residential district.

Public Notice

A total of six (6) notices were sent out. As of May 31, 2007 at 5:00 PM, none were returned. The letters were mailed and the newspaper printed the public hearing on May 25, 2007 in accordance with state law and local ordinance

STAFF RECOMMENDATION:

Staff recommends approval of Z-FY-07-37 since the subject area complies with:

7. The Future Land Use Plan Map showing the area as Industrial
8. The Thoroughfare Plan showing Industrial as a Minor Arterial Roadway, and
9. The Adequacy of Public Facilities shows the area as part of the CIP and RZ areas for water and wastewater improvements.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Zoning Map

Land Use Map

Aerial

EXCERPTS FROM THE
PLANNING & ZONING COMMISSION MEETING
MONDAY, JUNE 4, 2007

ACTION ITEMS

ZONE CHANGE

3. **Z-FY-07-31** Hold a public hearing and consider a zone change from Agricultural District to Light Industrial District on approximately 142.978 acres out of land commonly known as Outblocks 1162-A and B, City Addition, located on the south side of Moore's Mill Road, Adjacent to and west of the Burlington Northern and Santa Fe Railroad. (Applicant: City of Temple/Staff)
4. **Z-FY-07-32** Hold a public hearing and consider a zone change from Agricultural District to Light Industrial District on approximately 28.348 acres out of land commonly know as Outblock 1143-A, City Addition, located at the southwest corner of Eberhardt Road and Enterprise Road. (Applicant: City of Temple/Staff)
5. **Z-FY-07-33** Hold a public hearing and consider a zone change from Agricultural District to Light Industrial District on approximately 87.396 acres out of land commonly known as Outblocks 1165-A, B, and C, City Addition, located at the southeast corner of Moore's Mill Road and Wendland Road. (Applicant: City of Temple/Staff)
9. **Z-FY-07-37** Hold a public hearing and consider a zone change from Agricultural District to Light Industrial District on approximately 76.921 acres of land commonly known as Outblock 1158-A and 1160-A, City Addition, located south of Moore's Mill Road, north of NW Loop 363 and west of Pegasus Drive. (Applicant: City of Temple/Staff)
10. **Z-FY-07-38** Hold a public hearing and consider a zone change from Agricultural District to Light Industrial District on approximately 25.15 acres of land commonly known as Outblock 991-A, City Addition, located at 2601 East Avenue H. (Applicant: City of Temple/Staff)
11. **Z-FY-07-39** Hold a public hearing and consider a zone change from Agricultural District to Light Industrial District on approximately 98 acres of land commonly known as Outblocks 1164-A, B, and D, City Addition, located on the south side of Moore's Mill Road, east of the BN&SF Railroad across from Brewster Road. (Applicant: City of Temple/Staff)

Mr. Tim Dolan, Planning Director, presented all six (6) zone changes consecutively. He said the Comprehensive Plan shows all of the above areas, which are now zoned Agricultural, to be Industrial uses. He said the purpose of presenting all the case together is so they can be done collectively. Mr. Dolan said staff recommends approval of this zone change. He said all of the properties are part of the Planned Industrial Parks as shown on the Future Land Use Plan and are also being considered as part of CIP projects for road, water and sewer extensions or for the reinvestment zone programs. Mr. Dolan suggested opening the public hearing for these cases, collectively, close the public hearing and proceed with a vote on each one. He said for zone case Z-FY-07-31 one (1) response letter was returned in favor of the request and none in opposition to the request; zone case Z-FY-07-32 one (1) response letter was returned in favor and three (3) in opposition to the request; zone case Z-FY-07-33 one (1) response letter was

returned in favor of the request and three (3) in opposition to the request; and zone case Z-FY-07-37 one (1) response letter was returned in favor and none in opposition to the request.

Chair Thomas opened the public hearing asking anyone wishing to speak in favor or in opposition to the above zone change requests, to address the Commission. Seeing no one, Chair Thomas closed the public hearing.

Motion to recommend approval for Z-FY-07-31 by Commissioner Hurd; seconded by Vice-Chair Luck.

Motion passed (8/0).

Motion to recommend approval for Z-FY-07-32 by Commissioner Kjelland; seconded by Commissioner Hurd.

Motion passed (8/0).

Motion to recommend approval for Z-FY-07-33 by Commissioner Hurd; seconded by Commissioner Pilkington.

Motion passed (8/0).

Motion to recommend approval for Z-FY-07-37 by Commissioner Kjelland; seconded by Commissioner Hurd.

Motion passed (8/0).

Motion to recommend approval for Z-FY-07-38 by Commissioner Kjelland; seconded by Commissioner Hurd.

Motion passed (8/0).

Motion to recommend approval for Z-FY-07-39 by Commissioner Kasberg; seconded by Commissioner Hurd.

Motion passed (8/0).

ORDINANCE NO. _____
(ZONING NO. Z-FY-07-37)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A ZONING CHANGE FROM AGRICULTURAL DISTRICT (A) TO LIGHT INDUSTRIAL DISTRICT (LI) ON APPROXIMATELY 76.921 ACRES OUT OF LAND COMMONLY KNOWN AS OUTBLOCKS 1158-A AND 1160-A, CITY ADDITION, LOCATED SOUTH OF MOORE'S MILL ROAD, NORTH OF NW LOOP 363 AND WEST OF PEGASUS DRIVE; 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 zoning change from Agricultural District (A) to Light Industrial District (LI) on approximately 76.921 acres out of land commonly known as Outblocks 1158-A and 1160-A, City Addition, located south of Moore's Mill Road, north of NW Loop 363 and west of Pegasus Drive, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

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

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **21st** day of **June**, 2007.

PASSED AND APPROVED on Second Reading on the **5th** day of **July**, 2007.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydetta Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

07/05/07
Item #5(O)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Tim Dolan, AICP, Planning Director

ITEM DESCRIPTION: SECOND READING - Z-FY-07-38: Consider adopting an ordinance authorizing a zoning change from Agricultural District to Light Industrial District on approximately 25.15 acres of land commonly known as Outblock 991-A, City Addition, located at 2601 East Avenue H.

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

ITEM SUMMARY: The subject area is part of a series of zoning cases for City owned properties to change the zoning district from Agriculture (A) to Light Industrial (LI). Staff recommends the Council consider this and the following items, #6 - #11, at the same time. Separate public hearings and votes may be made for each zoning case or they may be considered collectively.

Please refer to the Staff Report and draft minutes of case Z-FY-07-38 from the Planning and Zoning Commission meeting on June 4, 2007.

FISCAL IMPACT: N/A

ATTACHMENTS:

[Land Use Map](#)
[Zoning Map](#)
[Notice Map](#)
[Location Map](#)
[P&Z Staff Report](#)
[P&Z Minutes](#)
[Ordinance](#)



Z-FY-07-38

2601 E. Ave. H

OB #991-A

25.15 AC

AGRICULTURAL

Agricultural
(A)

RESIDENTIAL

Low Density
(0-2 DU/ACRE)
(UE)

Moderate Density
(2-6 DU/ACRE)
(SF-1, SF-2, SF-3, MH, 2-F)

Medium Density
(6-12 DU/ACRE)
(MH, 2-F, TH, MF-1)

High Density
(12-25 DU/ACRE)
(MF-2)

COMMERCIAL

Neighborhood and
Community Retail
(NS, GR)

Office
(O-1, O-2)

Regional Commercial
(C, CA)

MIXED USE

Mixed Use Areas

INDUSTRIAL

Light and Heavy
Industrial
(LI, HI)

**COMMUNITY
FACILITIES**

CF-E (Schools)

CF-G (General)

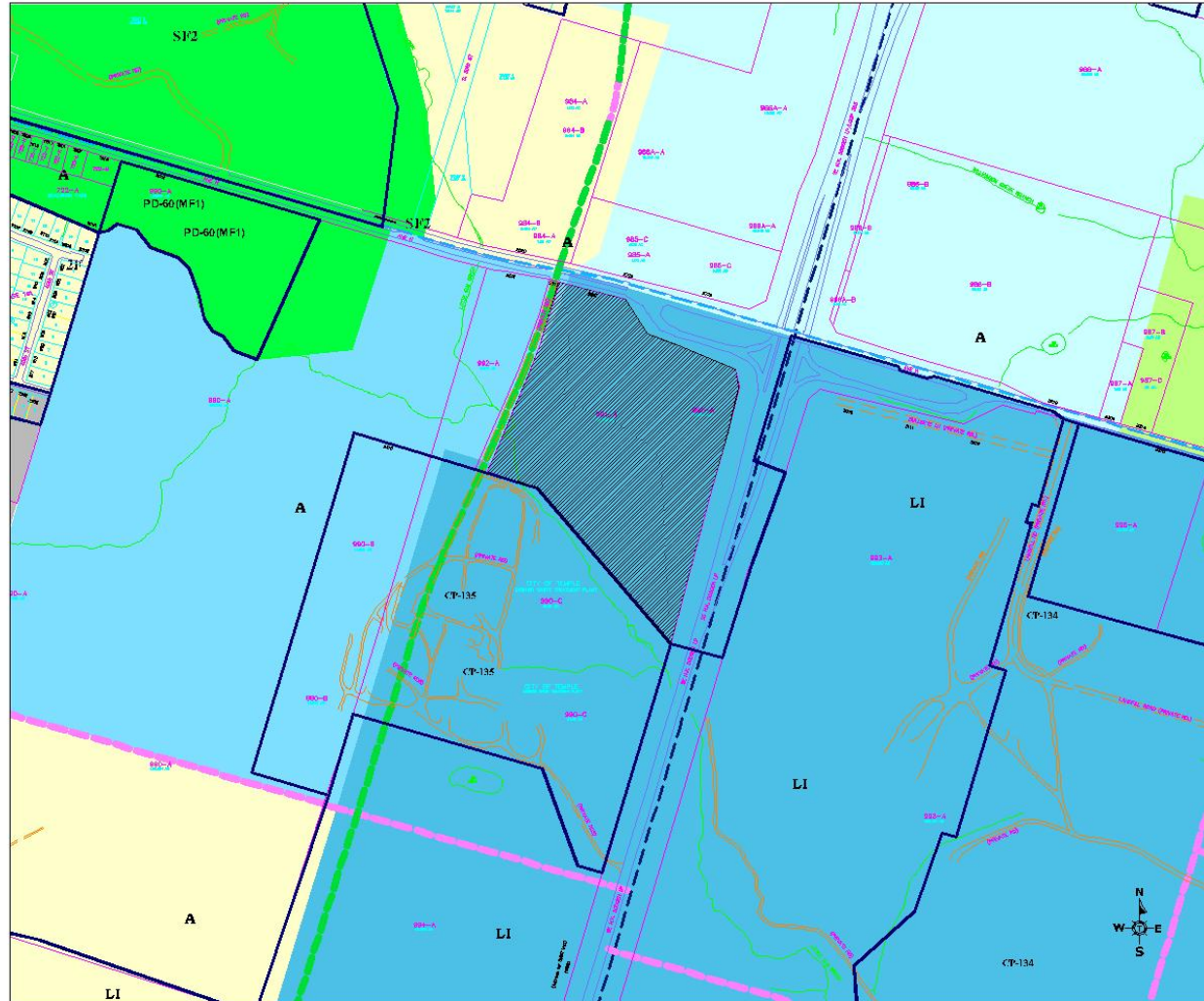
CF-M (Medical)

CF-R (Religious)

PARKS



**Proposed
Rezoning**



A - LI

**S. Vybiral/GIS Mapping
05-10-07**

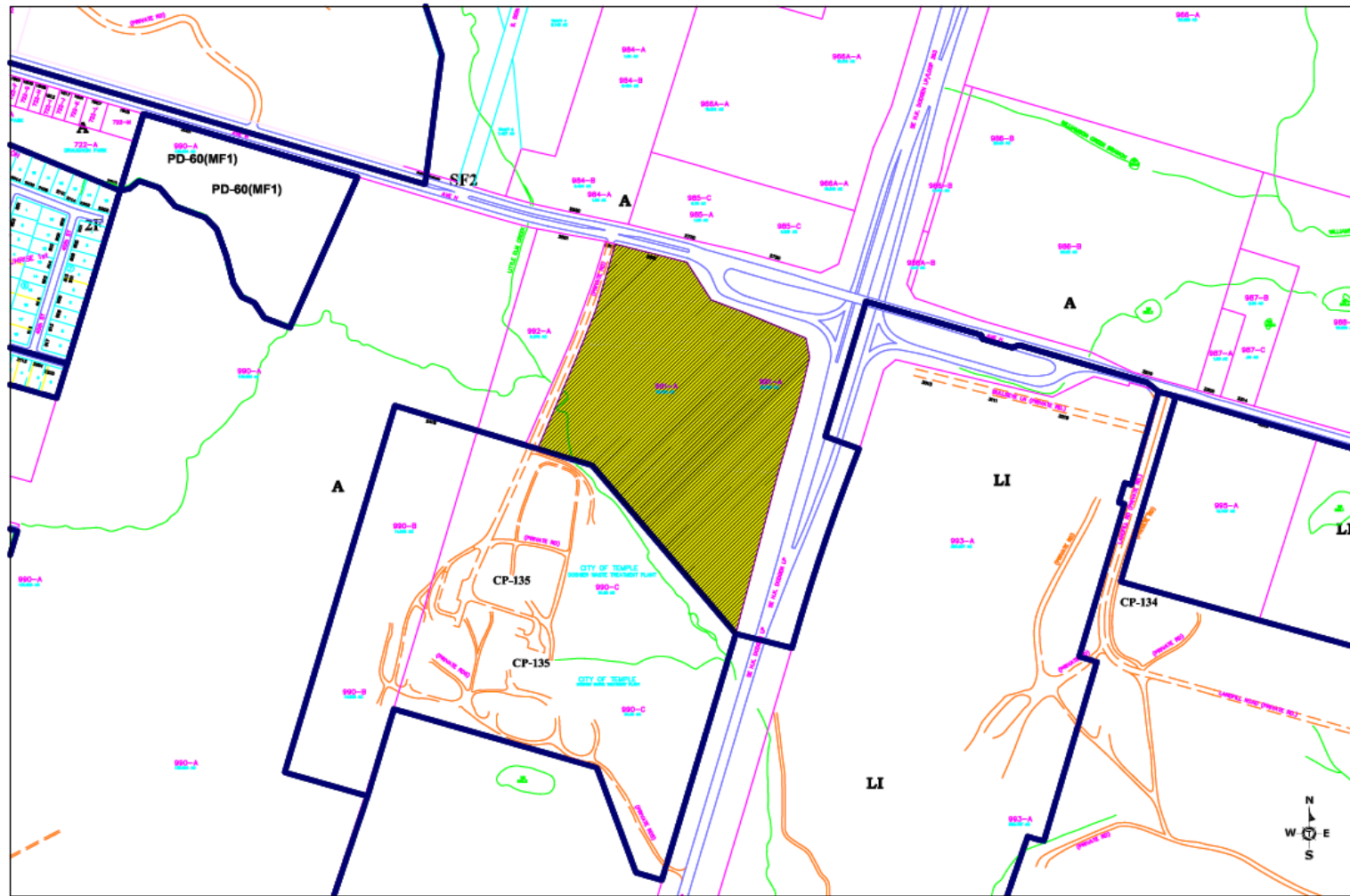



Z-FY-07-38

2601 E. Ave. H

OB #991-A

25.15 AC



 **Area of Proposed
Zone Change**

A - LI

**S. Vybiral/GIS Mapping
05-10-07
Scale: 1"=600'**

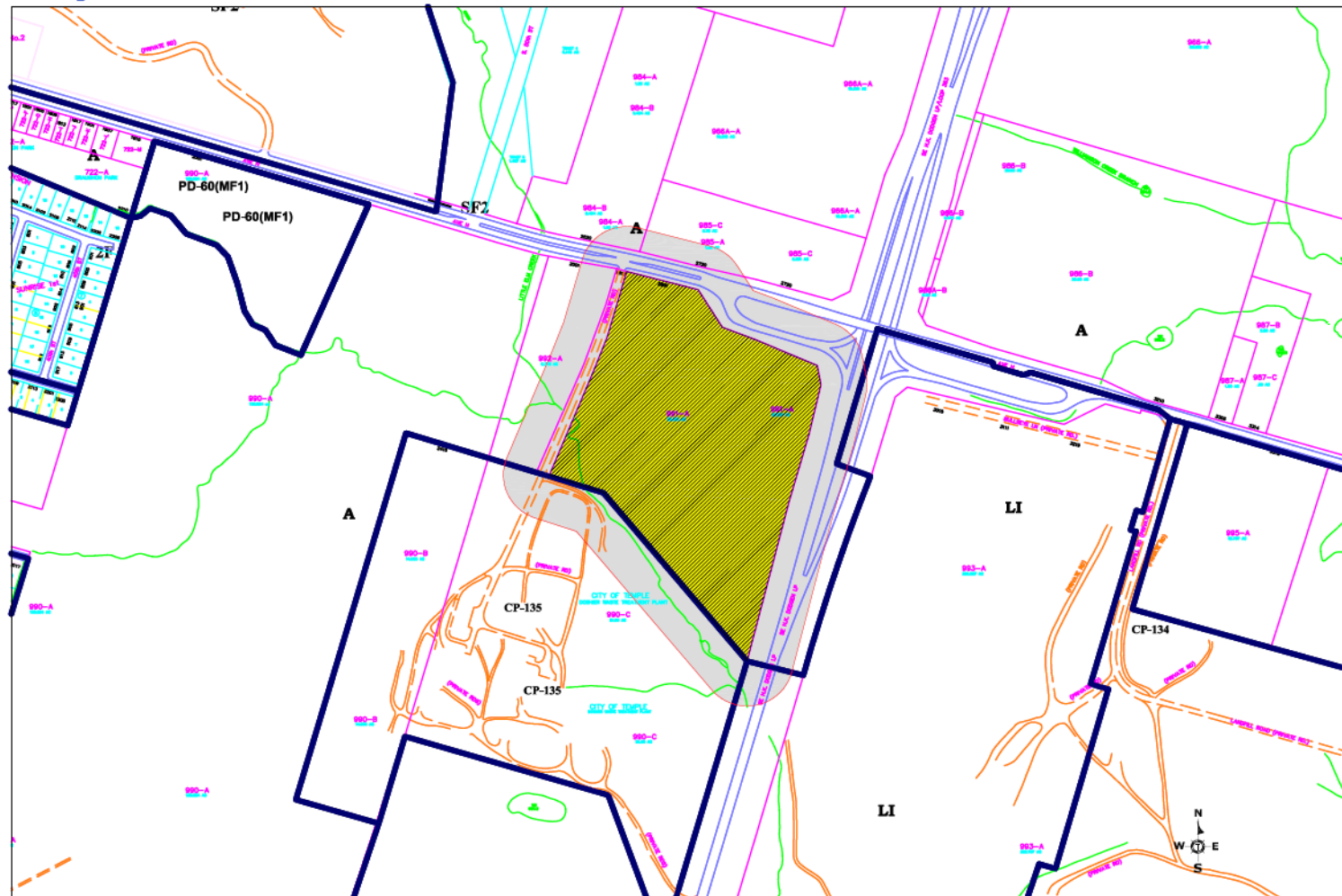



Z-FY-07-38

2601 E. Ave. H

OB #991-A

25.15 AC

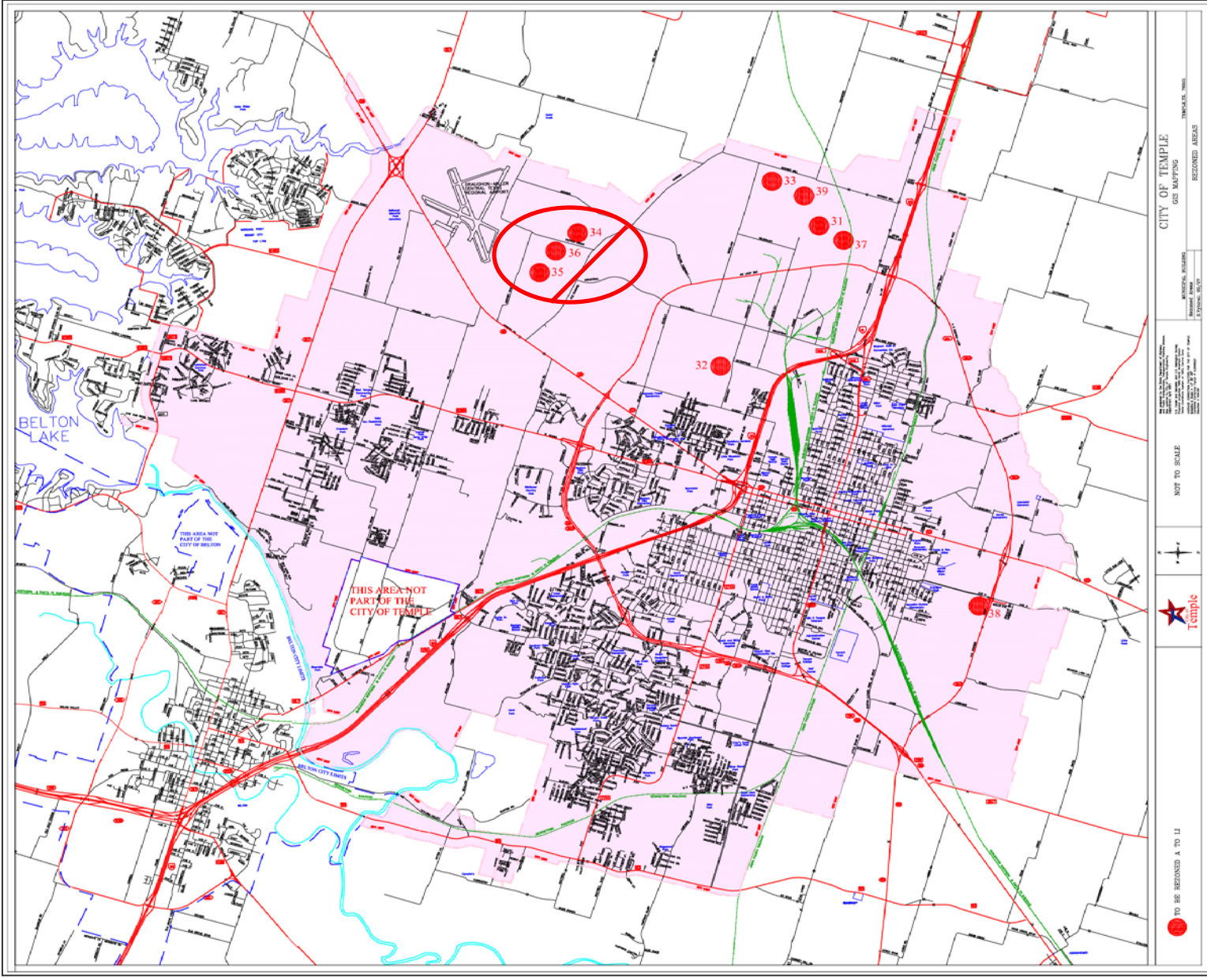


 **Area of Proposed Zone Change**

 **200' Radius**

A - LI

S. Vybral/GIS Mapping
05-10-07
Scale: 1"=600'





PLANNING AND ZONING COMMISSION AGENDA ITEM

06/04/07
Item 10
Page 1 of 2

APPLICANT / DEVELOPMENT: (City of Temple/Staff)

CASE MANAGER: Tim Dolan, AICP, Planning Director

ITEM DESCRIPTION:

PUBLIC HEARING -Z-FY-07-38: Consider a zone change from Agricultural District to Light Industrial District on approximately 25.15 acres of land commonly known as Outblock 991-A, City Addition, located at 2601 East Avenue H. (City of Temple/Staff)

BACKGROUND:

The subject area is part of a series of zoning cases for City owned properties to change the zoning district from Agriculture (A) to Light Industrial (LI). Staff recommends the Commission consider this Item and Items 2-11, with the exception of Items 6-8, at the same time; it should have a separate public hearing for each zoning case with a separate motion, second and vote for each individual zoning case.

Surrounding Property and Uses

The subject area is surrounded by properties that are zoned Agriculture (A) and Light Industrial (LI) and undeveloped. The property is north of the City water treatment plant.

Future Land Use Plan

The subject area complies with the Future Land Use Plan as an Industrial Use.

Thoroughfare Plan

The subject area complies with the Thoroughfare Plan, with access to Avenue H and Dodgen Loop, both Minor Arterial Roadways.

Adequacy of Public Facilities

This area will be served by water and sewer as part of the CIP and RZ projects.

Development Regulations

The purpose of the Light Industrial District serves a transition from other commercial or retail areas to industrial uses. The LI area should be isolated from planned areas of residential development.

The land uses allowed are manufacturing and assembly, subject to performance standards of odor, noise, glare, smoke, air contaminants, vibration, and open storage.

The maximum lot coverage for LI is 55% for a main building, and maximum lot coverage of 65% for a main building and all accessory buildings. The front setback requirements are thirty feet (30.0') from the centerline of a road, no side or rear yard setback for industrial uses, and a ten foot (10.0') setback from properties adjacent to a residential district.

Public Notice

A total of three (3) notices were sent out. As of May 31, 2007 at 5:00 PM, none were returned. The letters were mailed and the newspaper printed the public hearing on May 25, 2007 in accordance with state law and local ordinance

STAFF RECOMMENDATION:

Staff recommends approval of Z-FY-07-38 since the subject area complies with:

10. The Future Land Use Plan Map showing the area as Industrial
11. The Thoroughfare Plan showing Industrial as a Minor Arterial Roadway, and
12. The Adequacy of Public Facilities shows the area as part of the CIP and RZ areas for water and wastewater improvements.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Zoning Map
Land Use Map
Aerial

EXCERPTS FROM THE
PLANNING & ZONING COMMISSION MEETING
MONDAY, JUNE 4, 2007

ACTION ITEMS

ZONE CHANGE

3. **Z-FY-07-31** Hold a public hearing and consider a zone change from Agricultural District to Light Industrial District on approximately 142.978 acres out of land commonly known as Outblocks 1162-A and B, City Addition, located on the south side of Moore's Mill Road, Adjacent to and west of the Burlington Northern and Santa Fe Railroad. (Applicant: City of Temple/Staff)
4. **Z-FY-07-32** Hold a public hearing and consider a zone change from Agricultural District to Light Industrial District on approximately 28.348 acres out of land commonly know as Outblock 1143-A, City Addition, located at the southwest corner of Eberhardt Road and Enterprise Road. (Applicant: City of Temple/Staff)
5. **Z-FY-07-33** Hold a public hearing and consider a zone change from Agricultural District to Light Industrial District on approximately 87.396 acres out of land commonly known as Outblocks 1165-A, B, and C, City Addition, located at the southeast corner of Moore's Mill Road and Wendland Road. (Applicant: City of Temple/Staff)
9. **Z-FY-07-37** Hold a public hearing and consider a zone change from Agricultural District to Light Industrial District on approximately 76.921 acres of land commonly known as Outblock 1158-A and 1160-A, City Addition, located south of Moore's Mill Road, north of NW Loop 363 and west of Pegasus Drive. (Applicant: City of Temple/Staff)
10. **Z-FY-07-38** Hold a public hearing and consider a zone change from Agricultural District to Light Industrial District on approximately 25.15 acres of land commonly known as Outblock 991-A, City Addition, located at 2601 East Avenue H. (Applicant: City of Temple/Staff)
11. **Z-FY-07-39** Hold a public hearing and consider a zone change from Agricultural District to Light Industrial District on approximately 98 acres of land commonly known as Outblocks 1164-A, B, and D, City Addition, located on the south side of Moore's Mill Road, east of the BN&SF Railroad across from Brewster Road. (Applicant: City of Temple/Staff)

Mr. Tim Dolan, Planning Director, presented all six (6) zone changes consecutively. He said the Comprehensive Plan shows all of the above areas, which are now zoned Agricultural, to be Industrial uses. He said the purpose of presenting all the case together is so they can be done collectively. Mr. Dolan said staff recommends approval of this zone change. He said all of the properties are part of the Planned Industrial Parks as shown on the Future Land Use Plan and are also being considered as part of CIP projects for road, water and sewer extensions or for the reinvestment zone programs. Mr. Dolan suggested opening the public hearing for these cases, collectively, close the public hearing and proceed with a vote on each one. He said for zone case Z-FY-07-31 one (1) response letter was returned in favor of the request and none in opposition to the request; zone case Z-FY-07-32 one (1) response letter was returned in favor and three (3) in opposition to the request; zone case Z-FY-07-33 one (1) response letter was

returned in favor of the request and three (3) in opposition to the request; and zone case Z-FY-07-37 one (1) response letter was returned in favor and none in opposition to the request.

Chair Thomas opened the public hearing asking anyone wishing to speak in favor or in opposition to the above zone change requests, to address the Commission. Seeing no one, Chair Thomas closed the public hearing.

Motion to recommend approval for Z-FY-07-31 by Commissioner Hurd; seconded by Vice-Chair Luck.

Motion passed (8/0).

Motion to recommend approval for Z-FY-07-32 by Commissioner Kjelland; seconded by Commissioner Hurd.

Motion passed (8/0).

Motion to recommend approval for Z-FY-07-33 by Commissioner Hurd; seconded by Commissioner Pilkington.

Motion passed (8/0).

Motion to recommend approval for Z-FY-07-37 by Commissioner Kjelland; seconded by Commissioner Hurd.

Motion passed (8/0).

Motion to recommend approval for Z-FY-07-38 by Commissioner Kjelland; seconded by Commissioner Hurd.

Motion passed (8/0).

Motion to recommend approval for Z-FY-07-39 by Commissioner Kasberg; seconded by Commissioner Hurd.

Motion passed (8/0).

ORDINANCE NO. _____
(ZONING NO. Z-FY-07-38)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A ZONING CHANGE FROM AGRICULTURAL DISTRICT (A) TO LIGHT INDUSTRIAL DISTRICT (LI) ON APPROXIMATELY 25.15 ACRES OUT OF LAND COMMONLY KNOWN AS OUTBLOCK 991-A, CITY ADDITION, LOCATED AT 2601 EAST AVENUE H; 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 zoning change from Agricultural District (A) to Light Industrial District (LI) on approximately 25.15 acres out of land commonly known as Outblock 991-A, City Addition, located at 2601 East Avenue H, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

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

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **21st** day of **June**, 2007.

PASSED AND APPROVED on Second Reading on the **5th** day of **July**, 2007.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydetta Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

07/05/07
Item #5(P)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Tim Dolan, AICP, Planning Director

ITEM DESCRIPTION: SECOND READING - Z-FY-07-39: Consider adopting an ordinance authorizing a zoning change from Agricultural District to Light Industrial District on approximately 98 acres commonly known as Outblocks 1164-A, B, D, City Addition, located on the south side of Moore's Mill Road, east of the BN&SF Railroad across from Brewster Road.

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

ITEM SUMMARY: The subject area is part of a series of zoning cases for City owned properties to change the zoning district from Agriculture (A) to Light Industrial (LI). Staff recommends the Council consider this and the following items, #6 - #11, at the same time. Separate public hearings and votes may be made for each zoning case or they may be considered collectively.

Please refer to the Staff Report and draft minutes of case Z-FY-07-39 from the Planning and Zoning Commission meeting on June 4, 2007.

FISCAL IMPACT: N/A

ATTACHMENTS:

[Land Use Map](#)
[Zoning Map](#)
[Notice Map](#)
[Location Map](#)
[P&Z Staff Report](#)
[P&Z Minutes](#)
[Ordinance](#)



Z-FY-07-39

2501 MOORE'S MILL RD.

OB #1164-A, B & D

96.81 AC

AGRICULTURAL

Agricultural
(A)

RESIDENTIAL

Low Density
(0-2 DU/ACRE)
(UE)

Moderate Density
(2-6 DU/ACRE)
(SF-1, SF-2, SF-3, MH, 2-F)

Medium Density
(6-12 DU/ACRE)
(MH, 2-F, TH, MF-1)

High Density
(12-25 DU/ACRE)
(MF-2)

COMMERCIAL

Neighborhood and
Community Retail
(NS, GR)

Office
(O-1, O-2)

Regional Commercial
(C, CA)

MIXED USE

Mixed Use Areas

INDUSTRIAL

Light and Heavy
Industrial
(LI, HI)

**COMMUNITY
FACILITIES**

CF-E (Schools)

CF-G (General)

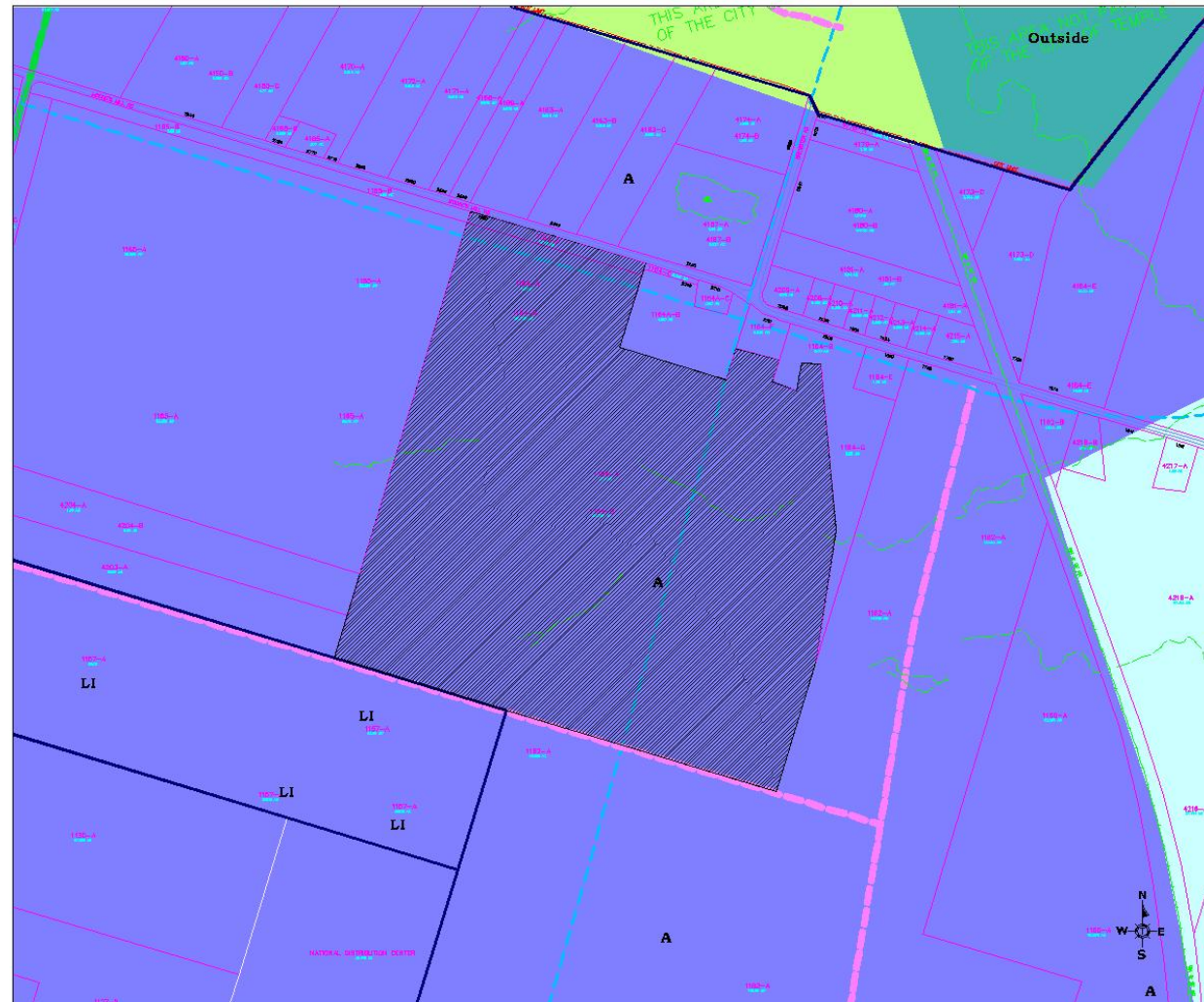
CF-M (Medical)

CF-R (Religious)

PARKS



**Proposed
Rezone**



A - LI

**S. Vybiral/GIS Mapping
05-16-07**

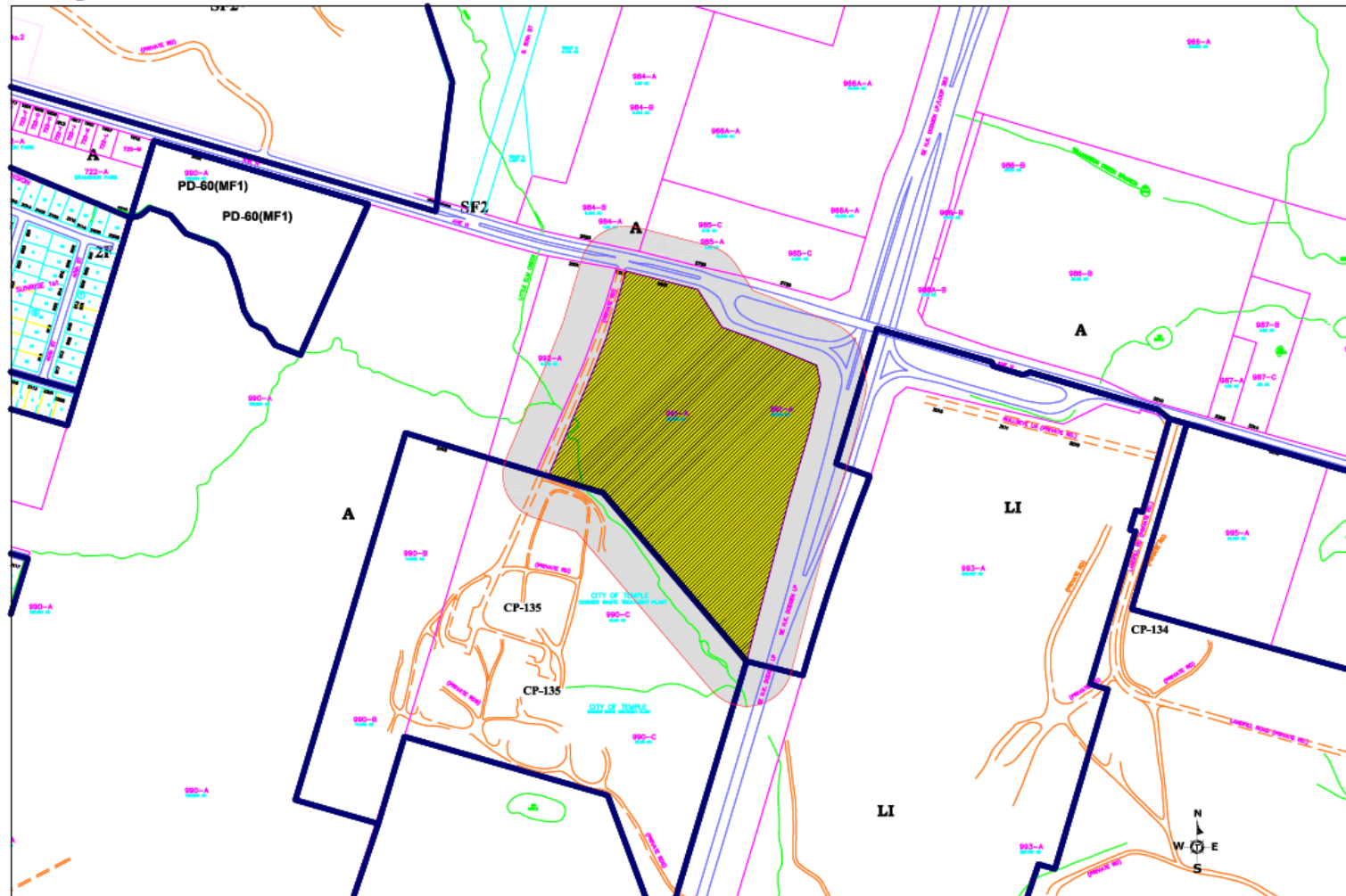


Z-FY-07-38

2601 E. Ave. H

OB #991-A

25.15 AC



**Area of Proposed
Zone Change**



200' Radius

A - LI

**S. Vybiral/GIS Mapping
05-10-07
Scale: 1"=600'**



PLANNING AND ZONING COMMISSION AGENDA ITEM

06/04/07
Item 11
Page 1 of 2

APPLICANT / DEVELOPMENT: (City of Temple/Staff)

CASE MANAGER: Tim Dolan, AICP, Planning Director

ITEM DESCRIPTION:

PUBLIC HEARING-Z-FY-07-39: Consider a zone change from Agricultural District to Light Industrial District on approximately 98 acres commonly known as Outblocks 1164-A, B, D, City Addition, located on the south side of Moore's Mill Road, east of the BN&SF Railroad across from Brewster Road. (Applicant: City of Temple/Staff)

BACKGROUND:

The subject area is part of a series of zoning cases for City owned properties to change the zoning district from Agriculture (A) to Light Industrial (LI). Staff recommends the Commission consider this Item and Items 2-11, with the exception of Items 6-8, at the same time; it should have a separate public hearing for each zoning case with a separate motion, second and vote for each individual zoning case.

Surrounding Property and Uses

The subject area is surrounded by properties that are zoned Agriculture (A) and Light Industrial (LI) and undeveloped, with single family houses on the north side of Moore's Mill Road.

Future Land Use Plan

The subject area complies with the Future Land Use Plan as an Industrial Use.

Thoroughfare Plan

The subject area complies with the Thoroughfare Plan, with access to Avenue H and Dodgen Loop, both Minor Arterial Roadways.

Adequacy of Public Facilities

This area will be served by water and sewer as part of the CIP and RZ projects.

Development Regulations

The purpose of the Light Industrial District serves a transition from other commercial or retail areas to industrial uses. The LI area should be isolated from planned areas of residential development.

The land uses allowed are manufacturing and assembly, subject to performance standards of odor, noise, glare, smoke, air contaminants, vibration, and open storage.

The maximum lot coverage for LI is 55% for a main building, and maximum lot coverage of 65% for a main building and all accessory buildings. The front setback requirements are thirty feet (30.0') from the centerline of a road, no side or rear yard setback for industrial uses, and a ten foot (10.0') setback from properties adjacent to a residential district.

Public Notice

A total of 14 notices were sent out. As of May 31, 2007 at 5:00 PM, none were returned. The letters were mailed and the newspaper printed the public hearing on May 25, 2007 in accordance with state law and local ordinance

STAFF RECOMMENDATION:

Staff recommends approval of Z-FY-07-39 since the subject area complies with:

13. The Future Land Use Plan Map showing the area as Industrial
14. The Thoroughfare Plan showing Industrial as a Minor Arterial Roadway, and
15. The Adequacy of Public Facilities shows the area as part of the CIP and RZ areas for water and wastewater improvements.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Zoning Map
Land Use Map
Aerial

EXCERPTS FROM THE
PLANNING & ZONING COMMISSION MEETING
MONDAY, JUNE 4, 2007

ACTION ITEMS

ZONE CHANGE

3. **Z-FY-07-31** Hold a public hearing and consider a zone change from Agricultural District to Light Industrial District on approximately 142.978 acres out of land commonly known as Outblocks 1162-A and B, City Addition, located on the south side of Moore's Mill Road, Adjacent to and west of the Burlington Northern and Santa Fe Railroad. (Applicant: City of Temple/Staff)
4. **Z-FY-07-32** Hold a public hearing and consider a zone change from Agricultural District to Light Industrial District on approximately 28.348 acres out of land commonly know as Outblock 1143-A, City Addition, located at the southwest corner of Eberhardt Road and Enterprise Road. (Applicant: City of Temple/Staff)
5. **Z-FY-07-33** Hold a public hearing and consider a zone change from Agricultural District to Light Industrial District on approximately 87.396 acres out of land commonly known as Outblocks 1165-A, B, and C, City Addition, located at the southeast corner of Moore's Mill Road and Wendland Road. (Applicant: City of Temple/Staff)
9. **Z-FY-07-37** Hold a public hearing and consider a zone change from Agricultural District to Light Industrial District on approximately 76.921 acres of land commonly known as Outblock 1158-A and 1160-A, City Addition, located south of Moore's Mill Road, north of NW Loop 363 and west of Pegasus Drive. (Applicant: City of Temple/Staff)
10. **Z-FY-07-38** Hold a public hearing and consider a zone change from Agricultural District to Light Industrial District on approximately 25.15 acres of land commonly known as Outblock 991-A, City Addition, located at 2601 East Avenue H. (Applicant: City of Temple/Staff)
11. **Z-FY-07-39** Hold a public hearing and consider a zone change from Agricultural District to Light Industrial District on approximately 98 acres of land commonly known as Outblocks 1164-A, B, and D, City Addition, located on the south side of Moore's Mill Road, east of the BN&SF Railroad across from Brewster Road. (Applicant: City of Temple/Staff)

Mr. Tim Dolan, Planning Director, presented all six (6) zone changes consecutively. He said the Comprehensive Plan shows all of the above areas, which are now zoned Agricultural, to be Industrial uses. He said the purpose of presenting all the case together is so they can be done collectively. Mr. Dolan said staff recommends approval of this zone change. He said all of the properties are part of the Planned Industrial Parks as shown on the Future Land Use Plan and are also being considered as part of CIP projects for road, water and sewer extensions or for the reinvestment zone programs. Mr. Dolan suggested opening the public hearing for these cases, collectively, close the public hearing and proceed with a vote on each one. He said for zone case Z-FY-07-31 one (1) response letter was returned in favor of the request and none in opposition to the request; zone case Z-FY-07-32 one (1) response letter was returned in favor and three (3) in opposition to the request; zone case Z-FY-07-33 one (1) response letter was

returned in favor of the request and three (3) in opposition to the request; and zone case Z-FY-07-37 one (1) response letter was returned in favor and none in opposition to the request.

Chair Thomas opened the public hearing asking anyone wishing to speak in favor or in opposition to the above zone change requests, to address the Commission. Seeing no one, Chair Thomas closed the public hearing.

Motion to recommend approval for Z-FY-07-31 by Commissioner Hurd; seconded by Vice-Chair Luck.

Motion passed (8/0).

Motion to recommend approval for Z-FY-07-32 by Commissioner Kjelland; seconded by Commissioner Hurd.

Motion passed (8/0).

Motion to recommend approval for Z-FY-07-33 by Commissioner Hurd; seconded by Commissioner Pilkington.

Motion passed (8/0).

Motion to recommend approval for Z-FY-07-37 by Commissioner Kjelland; seconded by Commissioner Hurd.

Motion passed (8/0).

Motion to recommend approval for Z-FY-07-38 by Commissioner Kjelland; seconded by Commissioner Hurd.

Motion passed (8/0).

Motion to recommend approval for Z-FY-07-39 by Commissioner Kasberg; seconded by Commissioner Hurd.

Motion passed (8/0).

ORDINANCE NO. 2007-4153
(ZONING NO. Z-FY-07-39)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A ZONING CHANGE FROM AGRICULTURAL DISTRICT (A) TO LIGHT INDUSTRIAL DISTRICT (LI) ON APPROXIMATELY 98 ACRES OUT OF LAND COMMONLY KNOWN AS OUTBLOCKS 1164-A, B AND D, CITY ADDITION, LOCATED ON THE SOUTH SIDE OF MOORE'S MILL ROAD, WEST OF THE BN&SF RAILROAD ACROSS FROM BREWSTER ROAD; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Part 1: The City Council approves a zoning change from Agricultural District (A) to Light Industrial District (LI) on approximately 98 acres out of land commonly known as Outblocks 1164-A, B and D, City Addition, located south of Moore's Mill Road, west of the BN&SF Railroad across from Brewster Road, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

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

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **21st** day of **June**, 2007.

PASSED AND APPROVED on Second Reading on the **5th** day of **July**, 2007.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

07/05/07
Item #5(Q)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Tim Dolan, Planning Director

ITEM DESCRIPTION: SECOND READING – Z-FY-07-42: Consider adopting an ordinance amending the Thoroughfare Plan to realign a portion of the collector sized road known as Hartrick Bluff Road, south of Waters Dairy Road and north of Allen Way.

P&Z RECOMMENDATION: **Ordinance B:** The Planning and Zoning Commission voted 7/0 (Chair Thomas abstained) on June 4, 2007, to recommend approval of an amendment to the Thoroughfare Plan to realign a portion of the collector known as Hartrick Bluff Road, as shown in realignment design exhibit “D” submitted by Turley Associate, Inc. (please see attachments).

STAFF RECOMMENDATION: **Ordinance A:** Staff recommends an amendment to the Thoroughfare Plan for the realignment of Hartrick Bluff Road that not only carries out the City Council’s 2004 recommendation (Resolution 2004-4053-R), but also satisfies the Subdivision Ordinance’s minimum 375 feet curve radius requirement, and meets AASHTO (American Association of State Highway and Transportation Officials) regulations regarding railroad crossings. Although none of the applicant’s exhibits comply with the Subdivision Ordinance’s minimum 375 feet curve radius requirement, staff prefers alternate design “C” because of its angle of crossing at the railroad and it is the safest design regarding road curvature for a collector such as Hartrick Bluff Road.

ITEM SUMMARY: On first reading of this ordinance at the June 21st Council Meeting, the City Council directed Staff to amend the Thoroughfare Plan according to the recommendation of the Planning & Zoning Commission (Ordinance B), using the current alignment of Hartrick Bluff Road.

As a recommendation when a plat for the adjacent property is reviewed by the City Council, the road design of Hartrick Bluff Road, south of Waters Dairy Road and north of Allen Way shall contain the following details:

1. The said road shall be constructed to collector street standards with sixty-feet (60.0') of right-of-way and a minimum thirty-six foot (36.0') pavement width;
2. Provide traffic calming devices similar to traffic circles, or some type of median divided approach near the proposed intersection of the subdivision and north of the Georgetown Railroad; and
3. Align an intersection as perpendicularly as possible for an at-grade railroad crossing of the Georgetown Railroad.

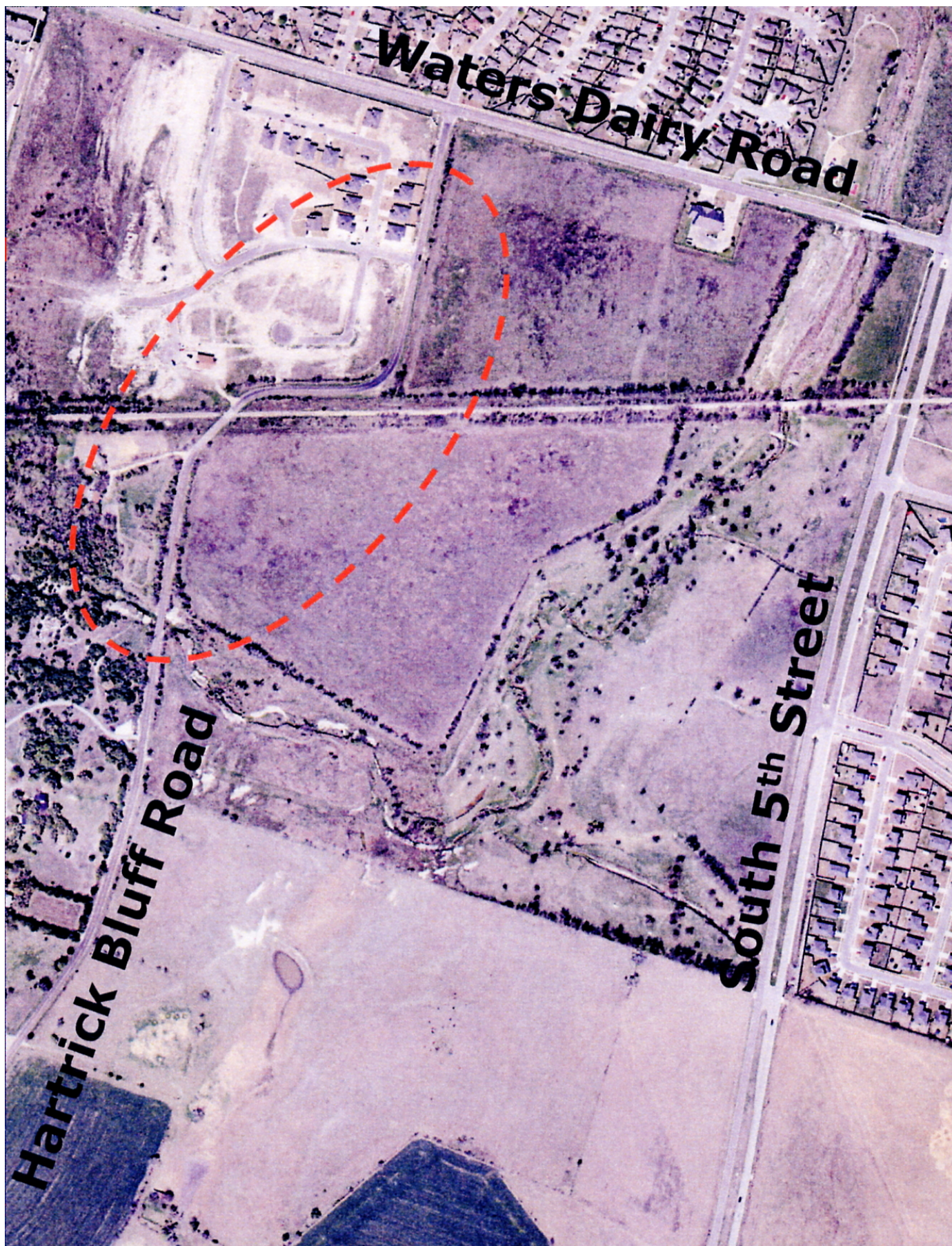
Please refer to the Staff Report and draft minutes of case Z-FY-07-42, from the Planning and Zoning Commission meeting, June 4, 2007. This item is to resolve issues associated with the realignment of Hartrick Bluff Road and its impact on property currently being platted as the Preliminary Plat of Hidden Villages. The Preliminary Plat of Hidden Villages was designed with the current alignment of Hartrick Bluff Road and not according to the realignment of Hartrick Bluff Road as recommended in the attached Resolution 2004-4053-R. The Thoroughfare Plan was never amended according to the recommended realignment of Hartrick Bluff Road as shown in Resolution 2004-4053-R.

At its June 4th meeting, the Planning and Zoning Commission reviewed several Hartrick Bluff Road realignment options submitted by Turley Associates, Inc. None of the options meet the Subdivision Ordinance's minimum 375 feet curve radius for collectors. During the meeting, Mr. Victor Turley, engineer for Hidden Villages, requested that the Commission pick design option "D" for the realignment of Hartrick Bluff Road. Although design option "D" would only make a slight change in the angles in the current "S"-curve design of Hartrick Bluff Road, it would involve the use of stop signs and "slow down" signage. Lou Dusek, representative for the Allen Family, endorsed Mr. Turley's recommendation for design option "D".

FISCAL IMPACT: Perimeter street fees collected during the platting of Estates of Friars Creek (\$297) and Stonegate I (\$10,732) along Hartrick Bluff Road will be used for its reconstruction. Perimeter street fees for Hidden Villages will also be used for the reconstruction of Hartrick Bluff Road.

ATTACHMENTS:

[Aerial](#)
[Thoroughfare Plan](#)
[Platting Chronology](#)
[Letter](#)
[Resolution 2004-4053-R](#)
[Turley Associate's Realignment Exhibits](#)
[P&Z Staff Report](#)
[P&Z Minutes](#)
[Ordinance \(A\) – Staff Recommendation](#)
[Ordinance \(B\) – P&Z Recommendation](#)



Waters Dairy Road

Hartrick Bluff Road

South 5th Street

Thoroughfare Plan

Hartrick Bluff Road Segment Proposed for Realignment

Collectors:

- 60 feet right of way
- 36 feet pavement width (back of curb)
- 375' curve radius

Hartrick Bluff Road Segment Proposed for Realignment

- Collectors:
- 60 feet right of way
- 36 feet pavement width (back of curb)
- 375' curve radius

- 60 feet right of way
- 36 feet pavement width (back of curb)
- 375' curve radius

Platting Chronology

Estates at Friars Creek (Turley Associates, Inc.):

February 20, 2003 - Preliminary Plat: City Council Resolution 2003-3635-R

- an exception to the requirement for the developer's obligation for perimeter street fees [Section 33-93 (p)] approving \$297 as the proportional share to be paid prior to final plat recordation instead of the calculated cost of \$29,784; and
- an exception to the 500 foot maximum length of a cul-de-sac [Section 33-93 (h) (l)] approving a 600' length for the Allen Way cul-de-sac

March 3, 2003 – Final Plat: P&Z Resolution

- 4' sidewalk required along one side of Hartrick Bluff Road (note on plat)
- \$297 for streets as a proportional share for the 18 residential lots being created (figure established by City Council at the preliminary plat)
- \$4,050 in park fees required for 18 lots

Stonegate I (Turley Associates, Inc.):

May 20, 2004 – Preliminary Plat: City Council Resolution 2004-4053-R

- an exception to Subdivision Ordinance Sections 33.93 (i) *Street Proposed by Comprehensive Plan* and 33-90 (a)(l) *Conformity with Comprehensive Plan* regarding the requirement for conformity with the Thoroughfare Plan, a component of the Comprehensive Plan, regarding the realignment of Hartrick Bluff Road, according to the attached exhibit "A"
- Preliminary Plat established the perimeter street fees in the sum of \$10,732 to be paid for the development of Hartrick Bluff Road
- Park fees in the sum of \$16,875 to be paid for the development of a neighborhood park within ½ mile vicinity of the subdivision

June 21, 2004 – Final Plat: P&Z Resolution

- Perimeter street fees in the sum of \$10,732 paid for the development of Hartrick Bluff Road
- Park fees in the sum of \$16,425 paid for the development of a neighborhood park within ½ mile vicinity of the subdivision

(DRC notes state: Four feet wide sidewalk to be constructed along Waters Dairy Road. No mention of sidewalk requirement along Hartrick Bluff Road in post DRC notes, and no sidewalk note recorded on Final Plat)

Stonegate II (Turley Associates, Inc.):

January 13, 2005 - Post DRC Notes states the following regarding sidewalks:

1. Four feet wide sidewalks will be required along one side of the collector streets (Waters Dairy and Hartrick Bluff)
2. Please provide a note on the plat

January 18, 2005 – Preliminary Plat: P&Z Resolution

Sidewalk note on plat states: Sidewalks will be constructed along collector streets as per city standards.

February 21, 2005 – Final Plat: P&Z Resolution

Hidden Villages (Turley Associates, Inc.):

November 22, 2006 – Hidden Villages Concept Plan (proposed Planned Development for gated community) reviewed by DRC.

- Alerted applicants of need for Planned Development amenities]

December 19, 2006 – Hidden Villages Preliminary Plat reviewed by DRC

- Discussed Park amenities
- Discussed sidewalk waiver along Hartrick Bluff Road
- Discussed Planned Development amenities and requested PD amenities letter
- Requested Draft of Covenants regarding amenities
- Discussed non-compliance of cul-de-sac length
- Discussed fencing for gated community
- Discussed future submittal of utility extension application
- Discussed insufficient number of fire hydrants. Requested a revised design of fire hydrant placement and emergency access at north property boundary.

February 6, 2007 – Hidden Villages Preliminary Plat reviewed by DRC

- Requested letter of exceptions
- Discussed Fire Department's need for emergency entrance at gate
- Discussed 4' wide sidewalk requirement along Hartrick Bluff Road
- Engineering request for Turley's submittal of his best estimate for perimeter street fees for Hartrick Bluff Road improvements

February 19, 2007 – At the Planning and Zoning Commission meeting, Mr. Turley requested the tabling of the Hidden Villages zone change and preliminary plat until March 19, 2007 to address Planned Development and Preliminary Plat issues.

February 27, 2007 – Staff received letter from Aldrich-Thomas Group amending the property's zoning request from Planned Development Single Family Two to Single Family Two District. Removal of the Planned Development meant the Plat would need to be amended to meet setback requirements that it previously did not meet.

March 12, 2007 – Staff meeting with Turley Associates, Inc. to discuss plat issues concerning compliance with building setback requirements; non-compliance with minimum 200 foot radius for curvilinear streets; emergency entrance for Fire Department; revised letter of exceptions for the required sidewalk along Hartrick Bluff Road and required park fees.

March 14, 2007 – Received revised Letter of Requested Exceptions concerning cul-de-sac length, 4 foot wide sidewalk required along Hartrick Bluff Road, and a complete waiver of park fee requirements.

March 23, 2007 – Revised Hidden Villages Preliminary Plat reviewed by DRC

- First discussion of Park Development Agreement Plan involving Legal and Parks Departments and the developer.

April 2, 2007 – Planning and Zoning Commission recommended approval of preliminary plat (4/3)

April 12, 2007 – Hidden Villages Preliminary Plat and street use license for gate removed from April 19, 2007 City Council Agenda to allow completion of the Park Development Agreement Plan.

April 19, 2007 – City Council discussed opposition to the S-Curve of Hartrick Bluff Road during the public hearing for the Hidden Villages zone change case.

April 24, 2007 – Staff met with the developer, his engineer, and a representative from Aldrich-Thomas Group to discuss the realignment of Hartrick Bluff Road. Mr. Turley, developer's engineer, agreed to design and submit proposals of Hartrick Bluff Road's realignment (based on City Council's prior directive in 2004).

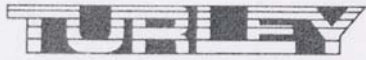
April 26, 2007 – Formal request from developer, Will Sears, to remove Hidden Villages Preliminary Plat, street use license for gated entry, and park development agreement plan from the May 3rd City Council Agenda until issues can be resolved. Staff received submittal of three realignment options for Hartrick Bluff Road.

May 1, 2007 – City Engineer's meeting with Turley Associates, Inc. to discuss the proposed realignment submittals.

May 2, 2007 – Submittal of a fourth realignment option for Hartrick Bluff Road, according to prior City Council directive.

May 10, 2007 – Staff met with Turley Associates, Inc. to discuss the realignment submittals and Thoroughfare Plan amendment options.

May 16, 2007 – Turley Associates, Inc. submittal of letter and official realignment options "B", "C", and "D" for Thoroughfare Plan amendment.

**TURLEY ASSOCIATES, INC.**

301 NORTH THIRD STREET • TEMPLE, TEXAS 76501 • (254) 773-2400
FAX • (254) 773-3998

To: Members of the City Council of the City of Temple, Texas
and Member of Planning and Zoning Commission
of the City of Temple, Texas

RECEIVED**MAY 16 2007**

City of Temple
Planning & Development

In 2003, the plan for Estates of Friars Creek was approved by the City of Temple for design. Monies for perimeter street fees for Hartrick Bluff Road were collected from the developer of Estates of Friars Creek. The final plat for Estates of Friars Creek was filed of record on August 19, 2003.

In early 2004, the Stonegate Subdivision came into the City of Temple approval process. On May 20, 2004 the City Council of the City of Temple passed and approved a resolution (Resolution No. 2004-4053-R) to approve the preliminary plat of the Stonegate Subdivision with an exception to the requirement for conformity with the Thoroughfare Plan. I have included a copy of this resolution (Exhibit "A") for your convenience. Monies were collected by the City of Temple from the developer of Stonegate Subdivision for perimeter street fees for Hartrick Bluff Road. The final plat for Stonegate Subdivision was filed of record on October 27, 2004.

Very quickly thereafter the Stonegate II Subdivision came in. Again, consistent with previous developments in this area, monies were collected by the City of Temple from the developer of Stonegate II Subdivision for perimeter street fees for Hartrick Bluff Road. The final plat for Stonegate II Subdivision was filed of record on April 26, 2005.

In the meantime, focus was shifted to the newly improved South 5th Street as the main thoroughfare for this part of town instead of Hartrick Bluff Road. Hartrick Bluff Road continued to be utilized basically as a neighborhood street.

In early 2006, the Master Plan for Wyndham Hills was approved by the City of Temple. This time however, no monies were collected by the City of Temple from the developer for perimeter street fees for Hartrick Bluff Road. Wyndham Hills will front along approximately 1600 linear feet of Hartrick Bluff Road. This was a decision inconsistent with all of the previous recent developments along Hartrick Bluff Road, and sets a precedence for any further development southward along Hartrick Bluff Road. This decision also places the responsibility with the City of Temple for any realignment, maintenance or improvements to Hartrick Bluff Road from Waters Dairy Road southward to the south line of the Georgetown Railroad and from Friars Creek southward to Farm-to-Market Road No. 93. This was also further evidence of the City of Temple shifting its focus from Hartrick Bluff Road to South 5th Street as the main thoroughfare for this part of town and the inclination to continue to utilize Hartrick Bluff Road as it is being used today.

In September of 2006, Turley Associates, Inc. met with the City of Temple (Jim Walker and staff) regarding a proposed subdivision (Hidden Villages) located adjacent to the Georgetown Railroad and on the east side of Hartrick Bluff road. It was brought to Mr. Walker's attention that the realignment of Hartrick Bluff Road was going to be an issue with this tract of land. It was pointed out that not only did the alignment of Hartrick Bluff Road as called for in Resolution No. 2004-4053-R in essence bisect this tract, rendering it basically useless for development, it would also require obtaining a new railroad crossing site as well as removing the existing bridge which spans Friars Creek and constructing a new bridge at great expense to the City. Turley Associates, Inc. was told by Mr. Walker and staff that the expense of this scenario was not in the best interest of the City of Temple since South 5th Street had become the main thoroughfare.

As an alternative, Turley Associates, Inc, was asked to submit an alternate alignment for Hartrick Bluff Road which would utilize the existing right-of-way and railroad crossing as well as the existing bridge spanning Friars Creek. In addition, the "residential local" street design would serve to keep traffic slowed to a safe speed through this residential area which had been a concern to Mr. Walker. This alternative, which is attached hereto as Exhibit "B", was submitted and agreed to by Jim Walker and staff in September of 2006. All future design of Hidden Villages Subdivision was based on this agreement.

In November, 2006 the concept plan for Hidden Villages was approved by the current City of Temple Design Review Committee and in December of 2006 the preliminary platting process was begun.

The preliminary plat passed through the Design Review Committee and the zoning was approved by the Planning and Zoning Commission. The preliminary plat for Hidden Villages was forwarded on to the City Council for consideration.

In late April, 2007 the current City of Temple staff raised the question of why Hartrick Bluff Road as shown on the Preliminary Plat of Hidden Villages did not match the layout as shown in Resolution No. 2004-4053-R. The current City of Temple staff said they had no knowledge of any Hartrick Bluff realignment approval from the previous staff and that the "agreed-to design" did not specifically meet the City of Temple Subdivision Ordinance requirement for collector street curve radius length (375 feet). Comments were also made regarding the angle of intersection of the crossing of the Georgetown Railroad.

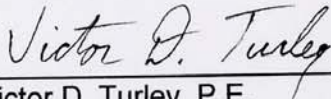
Please find attached drawing labeled "Exhibit "C". This drawing depicts a scenario which would shift the "resolution plan" northward. While this option would utilize the existing bridge (22' in width) which spans Friars Creek, it would still require obtaining a new railroad crossing. As you can see, this option also renders this tract virtually un-developable. The long sweeping curves would also promote a much faster rate of travel through this area, making for less safe ingress and egress to and from the subdivisions along Hartrick Bluff Road.

Please find attached drawing labeled "Exhibit "D". This drawing depicts a much safer option, both for pedestrian and vehicular traffic. This scenario would utilize the existing right-of-way as well as the existing railroad crossing and bridge over Friars Creek.

Traffic would be slowed to 25 mph through the residential area, making the entrances much safer. Traffic would be stopped at the railroad crossing. The angle of the railroad crossing would also be increased, providing much better sight distance and providing a much safer crossing.

The speed control through this residential area also makes sense due to the stop intersection situation only 800 feet northward at Waters Dairy Road. We feel that this option is the safest and most cost feasible of all of the presented options for all parties concerned.

Thank you for your consideration on this matter.



Victor D. Turley, P.E.

RECEIVED

MAY 16 2007

City of Temple
Planning & Development

RECEIVED

MAY 16 2007

City of Temple
Planning & Development

RESOLUTION NO. 2004-4053-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING THE PRELIMINARY PLAT OF THE STONEGATE SUBDIVISION, A 20.993 ACRE, 75 LOT RESIDENTIAL PLAT LOCATED SOUTH OF WATER'S DAIRY ROAD, WEST OF HARTRICK BLUFF ROAD, WITH EXCEPTIONS TO REQUIREMENTS OF THE SUBDIVISION ORDINANCE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on May 3, 2004, the Planning and Zoning Commission approved the preliminary plat of the Stonegate Subdivision, a 20.993 acre, 75 lot residential plat located south of Water's Dairy Road, west of Hartrick Bluff Road, with the following exceptions to the Subdivision Ordinance: street proposed by comprehensive plan; and conformity with comprehensive plan; and

Whereas, the City Council has considered the matter and deems it in the public interest to approve the preliminary plat of the Stonegate Subdivision.

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


Part 1: The City Council approves the preliminary plat of the Stonegate Subdivision, a 20.993 acre, 75 lot residential plat located south of Water's Dairy Road, west of Hartrick Bluff Road, more fully shown on the Plat which is on file in the City's Planning Department, incorporated herein and referred to by reference, and including the following exception to the Subdivision Ordinance:

Section 33.93(I) and Section 33-90(a)(1) – an exception to the requirement for conformity with the Thoroughfare Plan, a component of the comprehensive plan, regarding the realignment of Hartrick Bluff Road, according to the attached Exhibit A.

Part 2: It is hereby officially found and determined that the meeting at which this Resolution is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

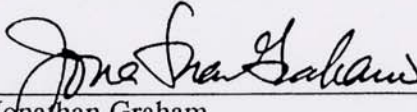
PASSED AND APPROVED this the 20th day of May, 2004.

THE CITY OF TEMPLE, TEXAS



WILLIAM A. JONES, III, MAYOR

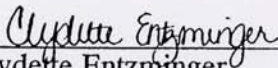
APPROVED AS TO FORM:



Jonathan Graham
City Attorney

ATTEST:

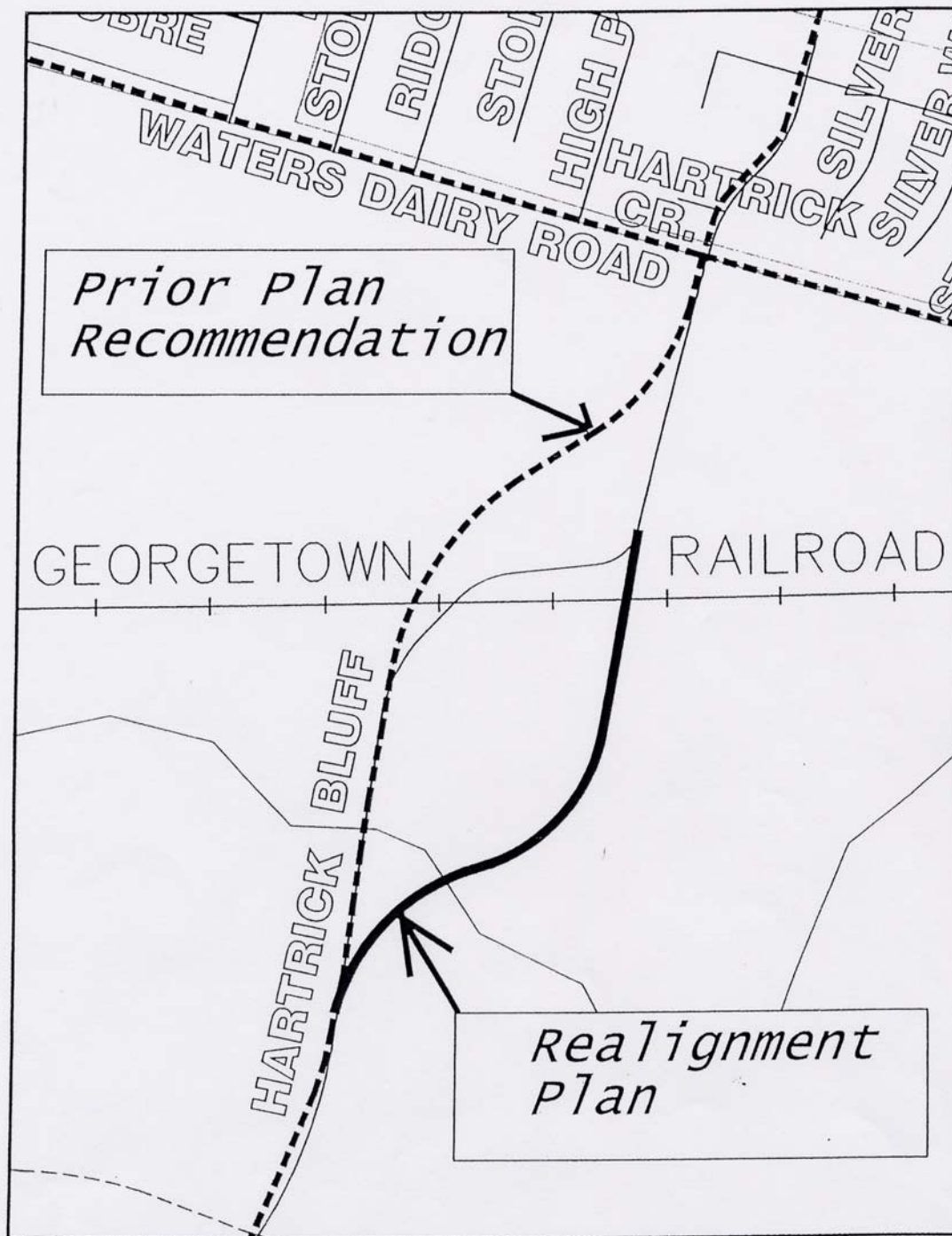




Clydette Entzminger
City Secretary

RECEIVED
MAY 11 2004
CITY OF TEMPLE, TEXAS

EXHIBIT "A"



Hartrick Bluff Realignment



EXHIBIT "B"





EXHIBIT "D"



PLANNING AND ZONING COMMISSION AGENDA ITEM

06/04/07
Item 13
Page 1 of 2

APPLICANT / DEVELOPMENT: City of Temple and Turley Associates, Inc.

CASE MANAGER: Tammy A. Lyerly, Planner

ITEM DESCRIPTION: Z-FY-07-42 Hold a public hearing and consider an amendment to the Thoroughfare Plan to realign a portion of a collector sized road (55' wide right-of-way), known as Hartrick Bluff Road, south of Waters Dairy Road and north of Allen Way. (Applicants: City of Temple Staff and Turley Associates, Inc.)

BACKGROUND: This item is to resolve issues associated with the realignment of Hartrick Bluff Road and its impact on property currently being platted as the Preliminary Plat of Hidden Villages. On April 2, 2007, the Planning and Zoning Commission recommended approval of the Preliminary Plat of Hidden Villages with exceptions to the Subdivision Ordinance Sections 33-98 (sidewalk requirement); 33-93 (cul-de-sac length); and 33-102 (park land dedication/fee payment). The proposed plat awaits City Council's review, pending direction on Hartrick Bluff Road's realignment. Turley Associates, Inc., engineering firm for Hidden Villages, has submitted several options for Hartrick Bluff Road's realignment.

The Preliminary Plat of Hidden Villages was designed according to the Thoroughfare Plan's current depiction of Hartrick Bluff Road's alignment, but not according to the recommended realignment of Hartrick Bluff Road as shown in Exhibit "A" in Resolution 2004-4053-R. This was City Council's resolution which granted approval of the Preliminary Plat of Stonegate Addition with an exception to the Thoroughfare Plan's recommended alignment of Hartrick Bluff Road on May 20, 2004. Stonegate Addition is located at the northwest corner of Hartrick Bluff Road and the Georgetown Railroad.

During the public hearing for the Hidden Villages zone change case (Z-FY-07-08) on April 19, 2007, Mayor Pro-Tem Tyroch expressed her concerns that the existing "S"-curve design of Hartrick Bluff Road be straightened as approved by Resolution 2004-4053-R with the Preliminary Plat of Stonegate Addition. Council Member Schneider echoed Mayor Pro-Tem Tyroch's concerns.

Mr. Victor Turley, who was also the engineer for Stonegate Addition and Estates at Friars Creek to the south, requests an alternative design for Hartrick Bluff Road's realignment, rather than the realignment recommended in Resolution 2004-4053-R. Mr. Turley has submitted alternative designs "B", "C", and "D", none of which conform to the Subdivision Ordinance's minimum required curve radius of 375 feet. Since all the designs require crossing Georgetown Railroad, the City's Engineering Department requests a design that meets AASHTO's (American Association of State Highway and Transportation Officials) regulations regarding railroad crossings.

Public Notice

The newspaper printed the public hearing on May 25, 2007 in accordance with state law and local ordinance

STAFF RECOMMENDATION: Staff recommends an amendment to the Thoroughfare Plan that not only carries out the Commissions' wishes, but also satisfies the Subdivision Ordinance's minimum 375' curve radius requirement and meets AASHTO's regulations regarding railroad crossings. Although none of the applicant's exhibits comply with the Subdivision Ordinance's minimum 375' curve radius requirement, staff prefers alternate design "C" because of its angle of crossing at the railroad and it is the safest design regarding road curvature for a collector.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Thoroughfare Plan

Platting Chronology

Letter

Resolution 2004-4053-R

Applicant's Realignment Exhibits

**EXCERPTS FROM THE
PLANNING & ZONING COMMISSION MEETING
MONDAY, JUNE 4, 2007**

ACTION ITEMS

ZONE CHANGE

- 13. Z-FY-07-42** Hold a public hearing and consider an amendment to the Thoroughfare Plan to realign a portion of the collector known as Hartrick Bluff Road, south of Waters Dairy Road and north of Allen Way. (Applicant: Turley Associates, Inc. and City of Temple/Staff)

Ms. Tammy Lyerly, Planner, presented this item as outlined in the Planning and Zoning Commission agenda background. She said this request is to resolve issues associated with the realignment of Hartrick Bluff Road and its impact on property currently being platted as the preliminary plat of Hidden Villages. Ms. Lyerly showed the Thoroughfare Plan and aerial of the area in question. She said the proposed Hidden Villages plat awaits City Council's review, pending direction on Hartrick Bluff Road's realignment. She pointed out that Hartrick Bluff Road is a Collector road which requires 60 feet of right-of-way with a 36 foot pavement measured from back of curb to back of curb and a minimum 375 feet curve radius. Turley Associates, Inc., engineering firm for Hidden Villages, has submitted several options for Hartrick Bluff Road's realignment rather than the realignment recommended in Resolution 2004-4053-R. Mr. Turley's alternative designs "B", "C", and "D" do not conform to the Subdivision Ordinance's minimum required curve radius of 375 feet. Ms. Lyerly went on to say that the City's Engineering Department requests a design that meets AASHTO's (American Association of State Highway and Transportation Officials) regulations regarding railroad crossings. Ms. Lyerly said Staff recommendation is for approval of the amendment to the Thoroughfare Plan that most fits the resolution of 2004-4053-R and in addition, one that also satisfies the Subdivision Ordinance's 375 foot curve radius requirement and last, one that meets AASHTO's regulations regarding railroad crossings.

Mr. Michael Newman, City of Temple Engineer, addressed the Commission. He said the main concern of the configuration that was submitted by the applicant, is related to how the railroad crossing's curve exists at an acute angle. Mr. Newman said the Engineering Department suggests that the design follow the City Council's recommendation which is straight across the railroad tracks. He said as City staff and City Engineer, he feels the safest and best alignment would be something that is 90 degrees which follows what City Council recommended.

Commissioner Kjelland asked why the issue of the Georgetown railroad is being brought up at this time. Mr. Newman said that until that railroad is abandoned completely to include the tracks being removed and the land given over to some entity for a specific use, it would be an issue.

Vice-Chair Luck opened the public hearing asking anyone wishing to speak in favor or in opposition to the above zone change request, to address the Commission.

Mr. Victor Turley, Turley Associates, 301 N. 3rd St., Temple, represented the applicant. He said after discussion with Mr. Newman and the discussion with the Commissioners at this meeting, there is only one way to improve this crossing and that is to bring it in as some improvement as

it is today and then stop because once stop signs are put on both sides the reason for the 375 foot radius curve is because of a continuous travel speed. Mr. Turley recommends exhibit "D" for the alignment.

Ms. Trudi Dill, Deputy City Attorney, said Resolution 2004-4053-R should not be described as "just" a recommendation. She said it reads as a condition for the exception to the Thoroughfare Plan that was granted.

Ms. Lou Dusek, representing the Allen family, said option one would go through the subdivision that is already platted and would interfere with the 28 acres that the Allen family is trying to sell for development.

Vice-Chair Luck closed the public hearing.

Motion to recommend approval of the amendment to the Thoroughfare Plan using exhibit "D" as the plan for the realignment, by Commissioner Kjelland; seconded by Commissioner Kasberg.

Motion passed (7/0). Chair Thomas abstained.

(A)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING THE CITY'S THOROUGHFARE PLAN TO REALIGN A PORTION OF THE COLLECTOR KNOWN AS HARTRICK BLUFF ROAD, SOUTH OF WATERS DAIRY ROAD AND NORTH OF ALLEN WAY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETING CLAUSE.

Whereas, on June 4, 2007, the Planning and Zoning Commission considered an amendment to the City's Thoroughfare Plan to realign a portion of the collector known as Hartrick Bluff Road, south of Waters Dairy Road and north of Allen Way;

Whereas, the Staff recommends *Design C*, attached hereto, because of its angle of crossing at the railroad and the fact that it is the safest design regarding road curvature for a collector such as Hartrick Bluff;

Whereas, with the analysis of current traffic conditions, future traffic projections, and the intentions of the Thoroughfare Plan, the Staff recommends this action; and

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

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

Part 1: The City Council approves an amendment to the City's Thoroughfare Plan to realign a portion of the collector known as Hartrick Bluff Road, south of Waters Dairy Road and north of Allen Way, more fully shown on *Design C*, attached hereto and made a part hereof for all purposes as Exhibit A.

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

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

Part 4: It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time,

place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading and Public Hearing on the **21st** day of **June**, 2007.

PASSED AND APPROVED on Second Reading and Public Hearing on the **5th** day of **July**, 2007.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney

ORDINANCE NO. 2007-4154

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING THE CITY'S THOROUGHFARE PLAN TO REALIGN A PORTION OF THE COLLECTOR KNOWN AS HARTRICK BLUFF ROAD, SOUTH OF WATERS DAIRY ROAD AND NORTH OF ALLEN WAY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETING CLAUSE.

Whereas, on June 4, 2007, the Planning and Zoning Commission recommended an amendment to the City's Thoroughfare Plan to realign a portion of the collector known as Hartrick Bluff Road, south of Waters Dairy Road and north of Allen Way, more fully shown on Exhibit A;

Whereas, the City Council has considered the analysis of current traffic conditions, future traffic projections, and the intentions of the Thoroughfare Plan; and

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

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

Part 1: The City Council approves an amendment to the City's Thoroughfare Plan to realign a portion of the collector known as Hartrick Bluff Road, south of Waters Dairy Road and north of Allen Way, more fully shown on Exhibit A, attached hereto and made a part hereof for all purposes.

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **21st** day of **June**, 2007.

PASSED AND APPROVED on Second Reading and Public Hearing on the **5th** day of **July**, 2007.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

07/05/07
Item #5(R)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Gary O. Smith, Chief of Police

ITEM DESCRIPTION: Consider adopting a resolution authorizing the renewal of a Cooperative Working Agreement (CWA) with Bell County for the Bell County Crime Coalition project that is administered by the Bell County Juvenile Probation Department.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: This agreement will allow Temple Police Officers assigned to investigate juvenile crimes to work with Bell County Juvenile Probation Officers in making home visits of children on court ordered probation within the City of Temple. This program has been in place for a number of years. The program provides reimbursement for the overtime pay incurred by officers performing home visits after normal business hours.

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

The term of this contract will commence on August 1, 2007 and will end on July 31, 2008.

FISCAL IMPACT: This program is funded through the Federal Juvenile Accountability Block Program, JB 98 JOC 13623. Bell County will receive \$13,628 in grant funds and will provide a cash match of \$1,514. There is no requirement upon the City of Temple to provide any funding to this program. All expenditures with regard to the payment of Temple Police Officers will be reimbursed by Bell County. Should the grant funds be exhausted prior to the end date of the agreement, Bell County agrees to continue full reimbursement for the personnel costs incurred by the City of Temple.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

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

Whereas, the Bell County Crime Coalition project is administered by the Bell County Juvenile Probation Department – the goal of the program is to team juvenile police officers with juvenile probation officers to monitor and reduce technical violations of court imposed sanctions through home visits, curfew checks, and drug screening for juveniles on court ordered probation;

Whereas, the City is required to enter into a cooperative working agreement with Bell County to participate in this program;

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

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

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

PART 1: The City Manager, or his designee, is authorized to execute a Cooperative Working Agreement between the City of Temple, Texas, and Bell County, after approval as to form by the City Attorney, for the Bell County Crime Coalition project.

PART 2: It is hereby officially found and determined that the meeting at which this Resolution is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the 5th day of **July**, 2007.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

07/05/07
Item #5(S)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Gary O. Smith, Chief of Police

ITEM DESCRIPTION: Consider adopting a resolution authorizing the renewal of an Interlocal Agreement with the City of Killeen and Bell County to establish the rights, duties, administration and division of funds received under the 2007 Byrne Justice Assistance Grant program award.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The Department of Justice has made a grant award of \$104,357 to be allocated by Bell County, Killeen and Temple, as follows:

Bell County will receive \$9,500 or 9.10%
Killeen will receive \$79,066 or 75.76% and
Temple will receive \$15,791 or 15.14%

These funds are to be used to fund state and local initiatives, technical assistance, training, personnel, equipment, supplies, contractual support, and information systems for criminal justice for any or more of the following purposes: law enforcement programs; prosecution and court programs; prevention and education programs; corrections and community corrections programs; drug treatment programs; and/or planning evaluation and technology improvement programs.

Pursuant to the terms of the grant, the parties agree to expend \$104,357 from the Byrne Justice Assistance Grant Program by a date not than later forty eight (48) months after the project start date of October 1, 2007.

FISCAL IMPACT: The City of Temple will receive \$15,791 to be used as indicated above.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS;
AUTHORIZING THE RENEWAL OF AN INTERLOCAL AGREEMENT WITH
THE CITY OF KILLEEN AND BELL COUNTY TO ESTABLISH THE RIGHTS,
DUTIES, ADMINISTRATION AND DIVISION OF FUNDS RECEIVED UNDER
THE 2007 BYRNE JUSTICE ASSISTANCE GRANT PROGRAM AWARD; AND
PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Edward Byrne Memorial Justice Assistance Grant (JAG) provides funds for state and local initiatives, technical assistance, training, personnel, equipment, supplies, contractual support and information systems for criminal justice for law enforcement programs, prosecution and court programs, prevention and education programs, corrections and community corrections programs, drug treatment programs, and planning evaluation and technology improvements programs;

Whereas, the Department of Justice has made a grant award of \$104,357 to be allocated by Bell County, Killeen, and Temple;

Whereas, Bell County will receive \$9,500 (9.10%); the City of Killeen will receive \$79,066 (75.76%); and the City of Temple will receive \$15,791 (15.14%);

Whereas, the City Council needs to authorize a renewal of an interlocal agreement with the City of Killeen and Bell County to establish the rights, duties, administration and division of funds received under the grant; and

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

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

Part 1: The City Council authorizes the renewal of an interlocal agreement with the City of Killeen and Bell County, after approval as to form by the City Attorney, to establish the rights, duties, administration and division of funds received under the 2007 Byrne Justice Assistance Grant program award.

Part 2: The City Council accepts the funds (\$15,791) received under the 2007 Byrne Justice Assistance Grant program award.

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

PASSED AND APPROVED this the **5th** day of **July**, 2007.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

07/05/07
Item #5(T)-(1)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of an approximately 10 acre tract with improvements located at 5217 Wendland Road in the City's Tax Increment Financing Reinvestment Zone No. 1 for economic development purposes.

Executive Session. The City Council may go into executive session pursuant to Section 551.072 of the Texas Government Code to discuss the purchase, exchange, lease, or sale of this real property.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The Temple Economic Development Corporation has negotiated the purchase of an approximately 10 acre tract in the reinvestment zone. The property is on Wendland Road and addressed as 5217 Wendland Road, about a half mile south of Moores Mill Road, and is on the east side of Wendland Road. The property has a house and accessory structures improvements on it.

TEDC is requesting that the City acquire the project for economic development purposes, and is prepared to assign the purchase contract to the City. The Board of Directors for City of Temple Tax Increment Financing Reinvestment Zone Number One has allocated funds for the acquisition of this property in the Financing Plan for the Zone, and the Board recently voted to recommend that the City accept assignment of the purchase contract for the 10 acre tract, and proceed with acquiring the property.

The purchase price for the land is still being negotiated. Closing costs will be approximately \$3,000-5,000. We hope to have the final purchase price prior to the City Council meeting.

FISCAL IMPACT: The Financing Plan for TIFRZ #1 has \$328,000 set aside in account # 795-9500-531-6110, project # 950002, for the acquisition of this property and related expenses.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF AN APPROXIMATELY 10 ACRE TRACT WITH IMPROVEMENTS LOCATED AT 5217 WENDLAND ROAD IN THE CITY'S TAX INCREMENT FINANCING REINVESTMENT ZONE NUMBER ONE FOR ECONOMIC DEVELOPMENT PURPOSES; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Temple Economic Development Corporation has negotiated the purchase of an approximately 10 acre tract of land with improvements located at 5217 Wendland Road about a half mile south of Moores Mill Road, in the City's tax increment financing reinvestment zone;

Whereas, the Board of Directors for the City of Temple Tax Increment Financing Reinvestment Zone Number One allocated funds for the acquisition of this property in the Financing Plan for the Zone and the Board recently voted to recommend that the City accept assignment and the purchase contract for the tract and proceed with acquiring the property;

Whereas, funds are available for the acquisition of this property and related expenses in Account No. 795-9500-531-6110; and

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

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

Part 1: The City Council authorizes the acquisition of an approximately 10 acre tract of land with improvements located at 5217 Wendland Road about a half mile south of Moores Mill Road in the City's Tax Increment Financing Reinvestment Zone Number One for economic development purposes.

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

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

PASSED AND APPROVED this the **5th** day of **July**, 2007.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

07/05/07
Item #5(T)-(2)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of an approximately 10 acre tract of unimproved property located on the east side of Wendland Road, about one-half mile south of Moores Mill Road, in the City's Tax Increment Financing Reinvestment Zone No. 1 for economic development purposes.

Executive Session. The City Council may go into executive session pursuant to Section 551.072 of the Texas Government Code to discuss the purchase, exchange, lease, or sale of this real property.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The Temple Economic Development Corporation has negotiated the purchase of an approximately 10 acre tract in the reinvestment zone. The property is on the east side of Wendland Road, about one-half mile south of Moores Mill Road. The property has no improvements on it.

TEDC is requesting that the City acquire the project for economic development purposes, and is prepared to assign the purchase contract with the City. The Board of Directors for City of Temple Tax Increment Financing Reinvestment Zone Number One has allocated funds for the acquisition of this property in the Financing Plan for the Zone, and the Board recently voted to recommend that the City accept assignment of the purchase contract for the 10 acre tract, and proceed with acquiring the property.

The purchase price for the land is still being negotiated. Closing costs will be approximately \$3,000-5,000. We hope to have the final purchase price prior to the City Council meeting.

FISCAL IMPACT: The Financing Plan for TIFRZ #1 has \$67,000 set aside in account # 795-9500-531-6110, project # 950002, for the acquisition of this property and related expenses.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF AN APPROXIMATELY UNIMPROVED 10 ACRE TRACT LOCATED AT WENDLAND ROAD IN THE CITY'S TAX INCREMENT FINANCING REINVESTMENT ZONE NUMBER ONE FOR ECONOMIC DEVELOPMENT PURPOSES; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Temple Economic Development Corporation has negotiated the purchase of an approximately 10 acre tract of land located on the east side of Wendland Road about a half mile south of Moores Mill Road;

Whereas, the Board of Directors for the City of Temple Tax Increment Financing Reinvestment Zone Number One allocated funds for the acquisition of this property in the Financing Plan for the Zone and the Board recently voted to recommend that the City accept assignment and the purchase contract for the tract and proceed with acquiring the property;

Whereas, funds are available for the acquisition of this property and related expenses in Account No. 795-9500-531-6110; and

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

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

Part 1: The City Council authorizes the acquisition of an approximately unimproved 10 acre tract of land located on the east side of Wendland Road about a half mile south of Moores Mill Road in the City's Tax Increment Financing Reinvestment Zone Number One for economic development purposes.

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

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

PASSED AND APPROVED this the 5th day of **July**, 2007.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

07/05/07
Item #5(T)-(3)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of an approximately 6 acre tract located at 2005 Moores Mill Road in the City's Tax Increment Financing Reinvestment Zone No. 1 for economic development purposes.

Executive Session. The City Council may go into executive session pursuant to Section 551.072 of the Texas Government Code to discuss the purchase, exchange, lease, or sale of this real property.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The Temple Economic Development Corporation has negotiated the purchase of an approximately 6 acre tract in the reinvestment zone. The property is south of and abuts Moores Mill Road, and is east of Wendland Road.

TEDC is requesting that the City acquire the project for economic development purposes, and is prepared to assign the purchase contract with the City. The Board of Directors for City of Temple Tax Increment Financing Reinvestment Zone Number One has allocated funds for the acquisition of this property in the Financing Plan for the Zone, and the Board recently voted to recommend that the City accept assignment of the purchase contract for the 6 acre tract, and proceed with acquiring the property.

The negotiated purchase price for the land is approximately \$118,000 not including closing costs in the neighborhood of \$2,500-3,000.

FISCAL IMPACT: The Financing Plan for TIFRZ #1 has \$125,000 set aside in account # 795-9500-531-6110, project # 950004, after approval of the financing plan amendment presented to Council, for the acquisition of this property and related expenses.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF AN APPROXIMATELY 6 ACRE TRACT LOCATED AT 2005 MOORES MILL ROAD IN THE CITY'S TAX INCREMENT FINANCING REINVESTMENT ZONE NUMBER ONE FOR ECONOMIC DEVELOPMENT PURPOSES, FOR A PURCHASE PRICE OF \$118,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Temple Economic Development Corporation has negotiated the purchase of an approximately 6 acre tract of land located at 2005 Moores Mill Road, east of Wendland Road, in the City's tax increment financing reinvestment zone;

Whereas, the Board of Directors for the City of Temple Tax Increment Financing Reinvestment Zone Number One allocated funds for the acquisition of this property in the Financing Plan for the Zone and the Board recently voted to recommend that the City accept assignment and the purchase contract for the tract and proceed with acquiring the property;

Whereas, the negotiated purchase price for the land is \$118,000, in addition to closing costs which are estimated to be between \$3,000-\$5,000;

Whereas, funds are available for the acquisition of this property and related expenses in Account No. 795-9500-531-6110; and

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

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

Part 1: The City Council authorizes the acquisition of an approximately 6 acre tract of land located at 2005 Moores Mill Road, east of Wendland Road, in the City's Tax Increment Financing Reinvestment Zone Number One for economic development purposes, for the amount of \$118,000, in addition to closing costs which are estimated to be between \$3,000-\$5,000.

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

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

PASSED AND APPROVED this the **5th** day of **July**, 2007.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

07/05/07
Item #5(U)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution denying Atmos Energy Corporation's (Mid-Tex Division) request for an interim rate adjustment in the City of Temple.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On May 31, 2007, Atmos Energy filed with the City of Temple an Annual Gas Reliability Infrastructure Program Rate Adjustment, to be effective July 30, 2007.

The City Council has primary jurisdiction to approve rates for gas within the City limits. The City Council has three options: approve the rate request as submitted, stay the rate increase for ninety days, or deny the rate request. The Texas Railroad Commission has appellate jurisdiction—meaning that Atmos may appeal the City's decision to the Railroad Commission.

We recommend that Atmos' rate adjustment request be denied, allowing Atmos Energy to pursue a system-wide annual gas reliability infrastructure program rate adjustment with the Texas Railroad Commission. A coalition of cities has hired experts to review the rate request and will file written comments concerning the request on behalf of cities served by Atmos Energy.

FISCAL IMPACT: None at this time.

ATTACHMENTS:

[ATMOS Energy Corp, Interim Rate Adjustment Resolution](#)



May 31, 2007

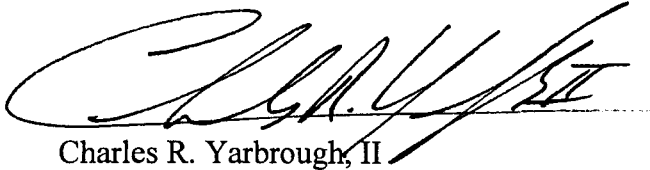
TO THE GOVERNING BODY OF ALL MUNICIPALITIES SERVED BY ATMOS
ENERGY CORP., MID-TEX DIVISION

After the preparation and printing of the filing package for the 2006 Interim Rate Adjustment by Atmos Energy Corporation's Mid-Tex Division, (the "Mid-Tex Division" or the "Company"), discussions with the Staff of the Gas Services Division indicated that an alternative calculation of the Property Tax portion of the filing might be appropriate. Therefore, the Mid-Tex Division has prepared the alternative schedules attached to this letter for consideration with the original filing package.

The property tax amount included in the alternative calculation is based on the property taxes paid by the Mid-Tex Division for 2006 and on the Mid-Tex Division's assigned portion of the property taxes paid by the Shared Services Division for 2006 under the recently changed property tax law. As will be evident from a comparison of the original filing schedules to the alternative schedules, the alternative calculation results in a slightly lower property tax factor and a slightly lower interim rate adjustment amount. This leads to slightly lower surcharge amounts applied to customers' bills than in the original filing.

If you have any questions concerning the alternative calculations, please do not hesitate to contact me.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "C. R. Yarbrough, II", written over a horizontal line.

Charles R. Yarbrough, II
Vice President, Rates and Regulatory Affairs, Atmos Energy Corp., Mid-Tex Division

cc (with enclosures):

Mr. Stephen L. Pitner, Railroad Commission of Texas
Mr. Lindil Fowler, Railroad Commission of Texas
Mr. Ed Abrahamson, Railroad Commission of Texas
Ms. Ann Coffin, Clark, Thomas and Winters



INTERIM COST RECOVERY AND RATE ADJUSTMENT REPORT

OF

ATMOS ENERGY CORP., MID-TEX DIVISION

TO THE

RAILROAD COMMISSION OF TEXAS

FOR THE

Twelve Month Period Ending December 31, 2006

Check one:

This is an original submission ☒ [X]

This is a revised submission ☐ []

Date of submission : *May 31, 2007*

SUMMARY
ATMOS ENERGY CORP., MID-TEX DIVISION
Twelve Month Period Ending December 31, 2006

Line No.	Description	12/31/05 Previous Year	Reference	12/31/06 Current Year	Reference
	(a)	(b)	(c)	(d)	(e)
1	Net Investment	\$ 1,133,640,232	(IRA-7, Ln. 30, Col. i)	\$ 1,196,015,251	(IRA-8, Ln. 32, Col. h)
2	Increase in Net Investment			\$ 62,375,020	(Ln. 1, Col. d) minus (Ln. 1, Col. b)
3	Authorized Return on Capital			7.903%	(IRA-15, Ln. 7, Col. d)
4					
5	Change in Return on Net Investment			\$ 4,929,648	(Ln. 2, Col. d) times (Ln. 3, Col. d)
6	Change in Depreciation Expense			\$ 4,669,797	(IRA-10, Ln. 30, Col. f) plus (IRA-13, Ln. 30, Col. f)
7	Change in Federal, Revenue, and Other Taxes			\$ 2,822,983	(IRA-5, Ln. 3, Col. g) plus (IRA-6, Ln. 22, Col. c)
8	Change in Revenue Requirement			\$ 12,422,428	(Sum Ln. 5 thru 7, Col. d)
9					
10	Annual Number of Bills			18,394,272	(IRA-Company., Sch B, Sum Ln. 26 thru 28, Col. b)
11	Increase Per Bill Per Month			See Below	
12	(to be applied to monthly customer charge or initial block rate, check one)				
13	<input checked="" type="checkbox"/> Monthly Customer Charge				
14	<input type="checkbox"/> Initial Block Rate				
15					
16					

Current and Proposed Bill Information - With Gas Cost					
	Current	Proposed	Difference	% Change	
18					
19					
20					
21	Residential Customers:				
22	Average Monthly Bill* @ 4.6 Mcf	\$50.98	\$51.57	\$0.59	1.15%
23					
24	Commercial Customers:				
25	Current Average Monthly Bill* @ 34.7 Mcf	\$302.97	\$304.44	\$1.47	0.49%
26					
27	Industrial Customers:				
28	Current Average Monthly Bill* @ 3.918 MMBtu	\$29,485.64	\$29,514.38	\$28.74	0.10%
29					
30	* Average Bill Volume/Quantity per GUD 9670. Gas Cost calculated per the average of the 2006 Rider GCR Factors.				
31					
32					

SUMMARY
ATMOS ENERGY CORP., MID-TEX DIVISION
Twelve Month Period Ending December 31, 2006

33						
34		Current and Proposed Bill Information - Without Gas Cost				
35			Current	Proposed	Difference	% Change
36						
37	Residential Customers:					
38	Average Monthly Bill* @ 4.6 Mcf		\$15.74	\$16.33	\$0.59	3.72%
39						
40	Commercial Customers:					
41	Current Average Monthly Bill* @ 34.7 Mcf		\$39.65	\$41.12	\$1.47	3.72%
42						
43	Industrial Customers:					
44	Current Average Monthly Bill* @ 3,918 MMBtu		\$997.08	\$1,025.82	\$28.74	2.88%
45						
46	* Average Bill Volume/Quantity per GUD 9670.					

REVENUE RELATED AND OTHER TAXES
ATMOS ENERGY CORP., MID-TEX DIVISION
Twelve Month Period Ending December 31, 2006

Line No.	Description	Total	12 Month End		Change	
			As Adjusted (at Present Rates)	As Adjusted (at Proposed Rates)		
(a)	(b)	(c)	(d)	(e)	(f)	(g)
1	Non Revenue - Related					
2						
3	Ad Valorem Tax	\$ 17,207,671	\$ (266,676)	\$ 16,940,995	\$ 1,207,470	\$ 18,148,465
4						\$ 1,207,470
5	Revenue - Related					
6						
7	State Gross Receipts - Tax	\$ 23,042,642	\$ 2,159,812	\$ 25,202,454	Note 3	Note 3
8	Local Gross Receipts - Tax	\$ 50,329,699	\$ 4,717,458	\$ 55,047,156	Note 3	Note 3
9	Railroad Commission - Gas Utility Tax	\$ 783,006	\$ (277,299)	\$ 505,707	Note 3	Note 3
10						
11	Total Revenue Related Taxes	\$ 74,155,347	\$ 6,599,970	\$ 80,755,318	Note 3	Note 3
12						
13						
14	TOTAL TAXES OTHER THAN INCOME	\$ 91,363,018	\$ 6,333,294	\$ 97,696,313	Note 3	Note 3
15						
16	Notes:					
17	1. GUD 9670 Final Order adjustments from Calendar Year 2005 per book amounts.					
18	2. Adjustment amount is 1.559% of Mid-Tex net investment amounts plus .325% of SSU net investment amounts allocated to Mid-Tex.					
19	3. Revenue-related taxes are recovered through Rider TAX and Rider FF.					

**ALLOCATION OF INVESTMENT RECOVERY
ATMOS ENERGY CORP., MID-TEX DIVISION**

Allocation Factors Per Rate Case - Docket No. 9670

Rate R: 0.797036 GUD 9670, CARD-2, Line 11, Column (d)
 Rate C: 0.174422 GUD 9670, CARD-2, Line 11, Column (e)
 Rate I and Rate T: 0.028543 GUD 9670, CARD-2, Line 11, Column (f)

Total System: 1.000000

Allocation Factors Requested in this filing

Rate R: 0.797036 GUD 9670, CARD-2, Line 11, Column (d)
 Rate C: 0.174422 GUD 9670, CARD-2, Line 11, Column (e)
 Rate I and Rate T: 0.028543 GUD 9670, CARD-2, Line 11, Column (f)

Total System: 1.000000

New Investment Recovery Distribution

Requested Recovery Amount	\$ 12,422,428 (IRA-3, Ln. 8, Col. d)
Rate R: 0.797036	9,901,118 IRA - Company, Sch A, Ln. 18, Col g
Rate C: 0.174422	2,166,740 IRA - Company, Sch A, Ln. 19, Col g
Rate I and Rate T: 0.028543	354,571 IRA - Company, Sch A, Ln. 20, Col g
Total System <u>1.000000</u>	<u>\$ 12,422,428</u>

**ATMOS ENERGY CORP., MID-TEX DIVISION
INTERIM COST RECOVERY AND RATE ADJUSTMENT REPORT
AS OF DECEMBER 31, 2006**

Note: Totals may vary due to rounding.

Summary

**ATMOS ENERGY CORP., MID-TEX DIVISION
INTERIM COST RECOVERY AND RATE ADJUSTMENT REPORT
AS OF DECEMBER 31, 2006**

Change to Customer/Meter Charge for 2006 Interim Rate Adjustment

Line No.	Rate Class (a)	Customer/Meter Charge per GUD 9670 (b)	Interim Cost Recovery Adjustment to Monthly Charge (1) (c)	Proposed Customer/ Meter Charge (d)
1	Rate Schedule R	\$10.10 \$	0.59 \$	10.69
2				
3	Rate Schedule C	\$18.81 \$	1.47 \$	20.28
4				
5	Rate Schedules I and T	\$316.01 \$	28.74 \$	344.75
6				
7	Note:			
8	1. Column (c) is 2006 Interim Rate Adjustment per the proposed Tariffs for Rate R, C, I and T customers.			

ATMOS ENERGY CORP., MID-TEX DIVISION
INTERIM COST RECOVERY AND RATE ADJUSTMENT REPORT
AS OF DECEMBER 31, 2006

Schedule A

Line No.	Description	Total Approved Per GUD 9670	Per Book As of 12/31/06	Adjustments	Per Book Adjusted As of 12/31/06	Ref	Change in Investment (Col. e - Col. b)
	(a)	(b)	(c)	(d)	(e)	(f)	(g)
1	Utility Plant Investment	\$ 1,815,789,543	\$ 2,020,711,540	\$ (106,309,856)	\$ 1,914,401,684	1	\$ 98,612,141
2	Accumulated Depreciation	729,325,674	838,665,178	(91,157,477)	747,507,701	1	18,182,027
3	Allocated SSU Utility Plant Investment	91,964,938	105,344,472	-	105,344,472	2	13,379,534
4	Allocated SSU Accumulated Depreciation	44,788,576	51,795,883	-	51,795,883	2	7,007,307
5	Removal of 2006 Ancillary Equipment, Expense Account Costs, and Overhead Rates Adjustment	-	(24,427,321)	(24,427,321)	(24,427,321)	3	(24,427,321)
6	Net Utility Plant Investment	\$ 1,133,640,231	\$ 1,235,594,952	\$ (39,579,701)	\$ 1,196,015,251		\$ 62,375,020
7							
8							
9	Calculation of the Interim Rate Adjustment Amount:						
10	Return						
11	Depreciation Expense						
							(Sch. A, Ln. 6, Col. g) times (Sch. B, Ln. 1, Col. b) \$ 4,929,648
							[(Sch. A, Ln. 1, Col. g) times (Sch. B, Ln. 3, Col. b)] plus
							[(Sch. A, Ln. 3, Col. g) times (Sch. B, Ln. 5, Col. b)]
12	Property-related Taxes (Ad Valorem)						
							[(Sch. A, Col. g, Ln. 1 minus Ln. 2), times (Sch. B, Ln. 10, Col. b)] plus
13	Revenue-related Taxes						
							[(Sch. A, Col. g, Ln. 3 minus Ln. 4) times (Sch. B, Ln. 15, Col. b)]
14	Federal Income Tax						
15	Interim Rate Adjustment Amount						
							(Sch. C, Ln. 9, Col. b)
16							\$ 1,615,513
							\$ 12,422,428
17	Interim Rate Adjustment Amount times the Allocation Factors:						
18	Rate Schedule R						
							(Sch. A, Ln. 15, Col. g) times (Sch. B, Ln. 20, Col. b) \$ 9,901,118
19	Rate Schedule C						
							(Sch. A, Ln. 15, Col. g) times (Sch. B, Ln. 21, Col. b) 2,166,740
20	Rate Schedules I and T						
							(Sch. A, Ln. 15, Col. g) times (Sch. B, Ln. 22, Col. b) 354,571
21	Total						\$ 12,422,428
22							
23	Total Change in Customer/Meter Charge:						
24	Rate Schedule R						
							(Sch. A, Ln. 18, Col. g) divided by (Sch. B, Ln. 26, Col. b) \$ 0.59
25	Rate Schedule C						
							(Sch. A, Ln. 19, Col. g) divided by (Sch. B, Ln. 27, Col. b) \$ 1.47
26	Rate Schedules I and T						
							(Sch. A, Ln. 20, Col. g) divided by (Sch. B, Ln. 28, Col. b) \$ 28.74
27							

Schedule A

ATMOS ENERGY CORP., MID-TEX DIVISION
INTERIM COST RECOVERY AND RATE ADJUSTMENT REPORT
AS OF DECEMBER 31, 2006

Line No.	Description	Total Approved Per GUD 9670	Per Book As of 12/31/06	Adjustments	Per Book Adjusted As of 12/31/06	Ref	Change in Investment (Col. e - Col. b)
	(a)	(b)	(c)	(d)	(e)	(f)	(g)
28	Notes:						
29	1. See Workpaper/Schedule A for adjustment details.						
30	2. The amounts in Column (c) represent the SSU per book amounts multiplied by the factors authorized in GUD 9670, updated to December 31, 2006.						
31	3. This adjustment includes Year 2006 amounts in conformity with the items and calculations as set forth in GUD 9670 Final Order, Interim Rate Adjustments, Finding						
32	of Fact Number 112.						
33	4. Revenue-related taxes are recovered through Rider TAX and Rider FF.						

**ATMOS ENERGY CORP., MID-TEX DIVISION
INTERIM COST RECOVERY AND RATE ADJUSTMENT REPORT
AS OF DECEMBER 31, 2006**

Schedule B

Line No.	Description	Total	Reference
	(a)	(b)	(c)
1	Return Factor	7.903%	GUID 9670, Schedule G, Line 23, Column (e)
2			
3	Mid-Tex Depreciation Expense Factor	3.452%	GUID 9670, Schedule F-3, Line 26, Column (h)
4			
5	SSU Depreciation Expense Factor	9.460%	GUID 9670, Schedule F-3, Line 29, Column (h)
6			
7	Mid-Tex Property Tax Factor Calculation:		
8	Property-Related Taxes (Ad Valorem)	\$ 16,028,184	Amount of Ad Valorem taxes paid for 2006
9	Total Net Plant	\$ 1,086,463,869	GUID 9670, Schedule B, Line 2 minus Line 3, Column (g)
10	Mid-Tex Property Tax Factor	1.475%	Line 8 divided by Line 9
11			
12	SSU Property Tax Factor Calculation:		
13	Property-Related Taxes (Ad Valorem)	\$ 154,847	Amount of Ad Valorem taxes paid for 2006
14	Total Net Plant	\$ 47,176,365	GUID 9670, Schedule B, Line 4, Column (g)
15	SSU Property Tax Factor	0.328%	Line 13 divided by Line 14
16			
17	Federal Income Tax Factor Calculation (1 / .65)	53.84615%	GUID 9670, Schedule F-6, Line 10, Column (c)
18			
19	Allocation Factors:		
20	Rate Schedule R	0.797036	GUID 9670, CARD-2, Line 11, Column (d)
21	Rate Schedule C	0.174422	GUID 9670, CARD-2, Line 11, Column (e)
22	Rate Schedules I and T	0.028543	GUID 9670, CARD-2, Line 11, Column (f)
23	Total	1.000000	Sum of Line 20 through Line 22
24			
25	2006 Year-end number of customers times 12 (Rate R and C):	16,912.032	2006 Year-end number of meters times 12 (Rate I and T):
26	Rate Schedule R	1,469,904	Current year-end number of customers per the methodology in GUID 9560 Final Order, Finding of Fact No. 49.
27	Rate Schedule C	12,336	Current year-end number of customers per the methodology in GUID 9560 Final Order, Finding of Fact No. 49.
28	Rate Schedules I and T		Current year-end number of meters per the methodology in GUID 9560 Final Order, Finding of Fact No. 49.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, DENYING ATMOS ENERGY CORP., MID-TEX DIVISION'S REQUEST FOR AN ANNUAL GAS RELIABILITY INFRASTRUCTURE PROGRAM RATE ADJUSTMENT IN THIS MUNICIPALITY SO THAT THE COMPANY MAY PURSUE A SYSTEM-WIDE ANNUAL GAS RELIABILITY INFRASTRUCTURE PROGRAM RATE ADJUSTMENT WITH THE RAILROAD COMMISSION OF TEXAS; PROVIDING AN EFFECTIVE DATE; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND PROVIDING FOR NOTICE OF THIS RESOLUTION TO ATMOS ENERGY CORP., MID-TEX DIVISION.

Whereas, Atmos Energy Corp., Mid-Tex Division (the "Company") operates the distribution system serving the City;

Whereas, on or about May 31, 2007, the Company filed with the City of Temple, Texas (the "City"), a request for an annual gas reliability infrastructure program rate adjustment for customers on the Company's system-wide distribution system, to be effective on July 30, 2007; and

Whereas, the City has original jurisdiction to evaluate the Company's request as it pertains to customers of the Company served from the distribution facilities located within the City, pursuant to Texas Utilities Code §§ 102.001(b) and 103.001.

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

Part 1: The Company's request for an annual gas reliability infrastructure program rate adjustment with respect to customers served from the Company's distribution facilities located inside the City, as part of the Company's system-wide gas utility system, is denied in all respects.

Part 2: This Resolution shall become effective immediately from and after its passage, as the law and charter in such cases provide.

Part 3: 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 4: A copy of this Resolution, constituting final action on the Company's request for an annual gas reliability infrastructure program rate adjustment, shall be forwarded to the Company's designated representative within 10 days at the following address: Richard Reis, Atmos Energy Corp., Mid-Tex Division, 5420 LBJ Freeway, Suite 1800, Dallas, Texas, 75240.

PASSED AND APPROVED this the **5th** day of **July**, 2007.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydetta Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

07/05/07
Item #5(V)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

David Blackburn, 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 2007-2008 budget for August 2, 2007 and August 23, 2007 at 5:00 p.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 2, 2007 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 23, 2007 Special Council meeting, just prior to the scheduled adoption of the budget.

Additional public hearings for the FY 2007-2008 Proposed Budget may be scheduled relating to **statutory requirements** for adoption of a tax rate.

FISCAL IMPACT: N/A

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, SETTING THE DATE, TIME, AND PLACE OF PUBLIC HEARINGS ON THE PROPOSED FY2007-2008 BUDGET FOR AUGUST 2, 2007, AND AUGUST 23, 2007, AT 5:00 P.M. IN THE CITY COUNCIL CHAMBERS; DIRECTING THE CITY SECRETARY TO PUBLISH NOTICES SETTING FORTH THE TIMES AND PLACES THEREOF; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Part 1: The City Council directs that a public hearing on the budget for the City of Temple Fiscal Year 2007-2008 shall be held at a meeting of the City Council at 5:00 p.m. on **August 2, 2007**, in the City Council Chambers located in the Municipal Building at 2 North Main Street, Temple, Bell County, Texas.

Part 2: The City Council directs that a supplemental public hearing on the budget for the City of Temple Fiscal Year 2007-2008 shall be held at a meeting of the City Council at 5:00 p.m. on **August 23, 2007**, 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 notices of said hearings setting forth the times and places 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 is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the **5th** day of **July**, 2007.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

07/05/07
Item #5(W)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Traci Barnard, Director of Finance

ITEM DESCRIPTION: Consider adopting a resolution authorizing budget amendments for fiscal year 2006-2007.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: This item is to recommend various budget amendments, based on the adopted FY 2006-2007 budget. The amendments will involve transfers of funds between contingency accounts, department and fund levels.

FISCAL IMPACT: The total amount of budget amendments is \$153,686.

ATTACHMENTS:

Budget amendments
Resolution

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2006-2007 BUDGET
July 5, 2007

			APPROPRIATIONS	
ACCOUNT #	PROJECT #	DESCRIPTION	Debit	Credit
110-1900-519-2228	190002	Capital < \$5,000 (ITS)	\$ 32,000	
110-1900-519-6228	190002	Capital > \$5,000	\$ 49,000	
110-0000-315-1900		Reserved for Public Education Government (PEG) Access Channel		\$ 81,000
<p>This is equipment related to our PEG Channel. This includes \$26,000 for new TV Meeting Acquisition system for the Council Chambers, \$12,000 for a non-linear editing station, TV Field production system at \$11,000, \$6,000 for furniture for new TV Station, \$6,000 for Music and Video content for Channel 10, \$1,000 for TV software, \$1,000 for TATO A Conference and \$18,000 for Computer Equipment for the Council Chambers. These funds are received from the Time Warner 1% franchise fund for PEG Channel and are restricted to funding for the Government Access Channel.</p>				
110-1900-519-1113		Technical (ITS)	\$ 8,680	
110-1900-519-1118		Extra Help/Seasonal		\$ 5,531
110-1900-519-1220		Retirement/Pension	\$ 1,245	
110-1900-519-1221		Social Security	\$ 126	
110-1900-519-1222		Group Insurance	\$ 900	
110-1900-519-1223		Workers Compensation	\$ 67	
110-1900-519-1224		Unemployment Insurance	\$ 44	
110-0000-315-1900		Reserved for Public Education Government (PEG) Access Channel		\$ 5,531
<p>Increase personnel expenditure accounts to cover the cost of a Communication Specialist position for June 18, 2007 thru September 30, 2007. This position will be funded 50% from the vacant Audio/Video Technician position in the ITS operating budget and 50% from fund balance reserve for the monies collected from prior years for Public Education Government (PEG) Access Channel. The PEG funds are received from the Time Warner 1% franchise funds for PEG Channel and are restricted to funding for the Government Access Channel.</p>				
110-3110-551-2713		Miscellaneous Merchandise (Golf Course)	\$ 15,000	
110-0000-445-2515		Pro Shop		\$ 15,000
<p>Increase expenditure account to purchase items for re-sale in the Sammons Links Golf Course Pro Shop. Funds from the sales of these items will cover all cost.</p>				
110-3200-551-2513		Special Services (Recreation)	\$ 5,160	
110-0000-445-1590		Special Events/Classes		\$ 5,160
<p>We offer several lifeguard, swim lessons, and first aid/cpr classes for lifeguards as well as the general public. We collect all of the money and are responsible for paying the American Red Cross Instructor. The increased appropriation shown above represents additional funds needed, both revenue & expenditure, due to increased participation.</p>				
110-3200-551-1118		Extra Help/Seasonal (Recreation)	\$ 10,000	
110-3200-551-2112		Food Items/Supplies	\$ 1,000	
110-3200-551-2120		Education/Recreation	\$ 1,000	
110-0000-445-1590		Special Events/Classes		\$ 12,000
<p>To appropriate additional expenditures and revenues associated with the increase in our summer day camp registrations by 25 participants.</p>				

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2006-2007 BUDGET
July 5, 2007

			APPROPRIATIONS	
ACCOUNT #	PROJECT #	DESCRIPTION	Debit	Credit
110-3400-531-2321		Street Reconstruction (Street)	\$ 14,136	
110-0000-461-0865		Miscellaneous Reimbursements		\$ 14,136
<p>To appropriate funds received from Edgewater Affordable Housing, LP, in the amount of \$14,136. The City will have its crews and equipment construct a curb cut in the median on Canyon Creek Drive adjacent to the Meadow Village Apartments that will allow east bound traffic on Canyon Creek Drive to make a left turn into the Meadow Village Apartments, and also allow traffic exiting the Meadow Village Apartments to make a left turn out of the apartments onto eastbound Canyon Creek Drive. The total project cost is estimated at \$28,272 with the City paying 50% of the cost. The City's share of the project, \$14,136, is available in the Street Department's operating budget, account 110-3400-531-23-21.</p>				
351-3500-552-6318	350017	Irrigation (Parks)	\$ 5,828	
351-0000-461-0841		Donations		\$ 5,828
<p>This budget adjustment will appropriate funds for trees and seeding for Phase 1A of the Canyon Creek, Blackland, & South 5th Street Boulevard Island Beautification Project. The funds will be donated by Keep Temple Beautiful for the trees and seeding in the amount of \$5,828. Other costs associated with this phase were funded from the General Fund's Unallocated Fund Balance in the amount of \$29,118. Total project costs for Phase 1A which includes Canyon Creek and Blackland from 31st St to Lowes Boulevard is \$34,946.</p>				
361-3400-531-6813	100089	Outer Loop - FM 2305 South to IH 35 (Street)	\$ 9,500	
361-0000-461-0111		Interest Income		\$ 9,500
<p>The Outer Loop project was included in the FY 2007 CIP with a budget of \$2,000,000. The initial appropriation for this project was \$1,990,500 because an additional \$9,500 was needed to cover the bond issuance costs when the bonds were issued. This budget amendment allocates the \$9,500 needed to make the funding "whole" for this project. The \$9,500 is available from bond interest earnings.</p>				
TOTAL AMENDMENTS			\$ 153,686	\$ 153,686
GENERAL FUND				
Beginning Contingency Balance			\$	38,765
Added to Contingency Sweep Account			\$	-
Carry forward from Prior Year			\$	65,000
Taken From Contingency			\$	(57,067)
Net Balance of Contingency Account			\$	46,698
Beginning Judgments & Damages Contingency			\$	70,000
Added to Contingency Judgments & Damages from Council Contingency			\$	-
Taken From Judgments & Damages			\$	(34,155)
Net Balance of Judgments & Damages Contingency Account			\$	35,845
Beginning Compensation Plan Contingency			\$	650,000
Added to Compensation Plan Contingency			\$	-
Taken From Compensation Plan Contingency			\$	(650,000)
Net Balance of Compensation Plan Contingency Account			\$	-
Net Balance Council Contingency			\$	82,543

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2006-2007 BUDGET
July 5, 2007

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
		Beginning Balance Budget Sweep Contingency	\$	-
		Added to Budget Sweep Contingency	\$	-
		Taken From Budget Sweep	\$	-
		Net Balance of Budget Sweep Contingency Account	\$	-
		WATER & SEWER FUND		
		Beginning Contingency Balance	\$	6,359
		Added to Contingency Sweep Account	\$	-
		Taken From Contingency	\$	-
		Net Balance of Contingency Account	\$	6,359
		Beginning Compensation Plan Contingency	\$	136,500
		Added to Compensation Plan Contingency	\$	-
		Taken From Compensation Plan Contingency	\$	(112,100)
		Net Balance of Compensation Plan Contingency Account	\$	24,400
		Net Balance Water & Sewer Fund Contingency	\$	30,759
		HOTEL/MOTEL TAX FUND		
		Beginning Contingency Balance	\$	34,905
		Added to Contingency Sweep Account	\$	-
		Taken From Contingency	\$	-
		Net Balance of Contingency Account	\$	34,905
		Beginning Compensation Plan Contingency	\$	20,000
		Added to Compensation Plan Contingency	\$	-
		Taken From Compensation Plan Contingency	\$	(16,000)
		Net Balance of Compensation Plan Contingency Account	\$	4,000
		DRAINAGE FUND		
		Beginning Compensation Plan Contingency	\$	11,500
		Added to Compensation Plan Contingency	\$	-
		Taken From Compensation Plan Contingency	\$	(7,200)
		Net Balance of Compensation Plan Contingency Account	\$	4,300
		FED/STATE GRANT FUND		
		Beginning Contingency Balance	\$	-
		Carry forward from Prior Year	\$	155,068
		Added to Contingency Sweep Account	\$	-
		Taken From Contingency	\$	(128,096)
		Net Balance of Contingency Account	\$	26,972

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE,
TEXAS, APPROVING BUDGET AMENDMENTS TO THE 2006-2007
CITY BUDGET; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on the 31st day of August, 2006, the City Council approved a budget for the 2006-2007 fiscal year; and

Whereas, the City Council deems it in the public interest to make certain amendments to the 2006-2007 City Budget.

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

Part 1: The City Council approves amending the 2006-2007 City Budget by adopting the budget amendments which are more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

Part 2: It is hereby officially found and determined that the meeting at which this Resolution is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the 5th day of **July**, 2007.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

07/05/07
Item #6
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Traci L. Barnard, Director of Finance

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING – Consider adopting an ordinance amending the Tax Increment Financing Reinvestment Zone No. 1 Financing Plan for FY 2007 in the amount of \$125,000 to fund acquisition of land in the North Zone.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The Tax Increment Financing (TIF) RZ #1 has acquired several tracts of land in the North Zone in order to construct a detention pond, rail spur improvements, rail park construction and other infrastructure improvements. Additional tracts have been identified as critical to the project(s) completion. Additional funds are needed to complete the land acquisition in the amount of \$125,000.

FISCAL IMPACT: A budget amendment is presented for Council's approval transferring the appropriation of \$125,000 from Unreserved Fund Balance, account number 795-0000-358-1110, to account number 795-9500-531-6110, project 950004. The budget amendment also reclassifies funds from the Gilmore Tract project to the other two tracts to be acquired.

ATTACHMENTS:

[Financing Plan](#)
[Summary Financing Plan with Detail Project Plan](#)
[Budget Amendment](#)
[Resolution](#)

DESCRIPTION	Y/E 9/30/07 Year 25 (1)	Y/E 9/30/08 Year 26	Y/E 9/30/09 Year 27	Y/E 9/30/10 Year 28	Y/E 9/30/11 Year 29	Y/E 9/30/12 Year 30	Y/E 9/30/13 Year 31	Y/E 9/30/14 Year 32	Y/E 9/30/15 Year 33	Y/E 9/30/16 Year 34	Y/E 9/30/17 Year 35	Y/E 9/30/18 Year 36	Y/E 9/30/19 Year 37	Y/E 9/30/20 Year 38	Y/E 9/30/21 Year 39	Y/E 9/30/22 Year 40
1 Appraised Value	\$ 130,843,229	\$ 131,319,602	\$ 130,632,848	\$ 133,959,177	\$ 135,298,769	\$ 136,651,756	\$ 138,018,274	\$ 139,398,457	\$ 140,792,441	\$ 142,200,366	\$ 143,622,369	\$ 145,058,593	\$ 146,509,179	\$ 147,974,271	\$ 149,454,013	\$ 150,948,554
5 FUND BALANCE, Begin	\$ 12,400,571	\$ 1,077,108	\$ 1,382,873	\$ 2,267,853	\$ 2,623,589	\$ 2,512,448	\$ 1,884,091	\$ 1,563,323	\$ 3,172,073	\$ 4,813,879	\$ 6,497,034	\$ 8,209,697	\$ 9,960,636	\$ 11,733,503	\$ 13,542,461	\$ 15,376,562
SOURCES OF CASH:																
10 Tax Revenues	3,366,807	3,504,856	3,616,853	3,744,715	3,817,237	3,855,121	3,893,383	3,932,029	3,971,061	4,010,483	4,050,299	4,090,514	4,131,131	4,172,154	4,213,587	4,255,434
15 Allowance for Uncol. Taxes	(101,004)	(105,146)	(108,506)	(112,341)	(114,517)	(115,655)	(116,801)	(117,961)	(119,132)	(120,314)	(121,509)	(122,715)	(123,934)	(125,165)	(126,408)	(127,663)
20 Interest Income-Bonds	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
25 Interest Income-Other	300,000	440,000	40,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	40,000	40,000	30,000	10,000
30 Other-Bond Proceeds	-	9,100,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-
35 Grant Funds	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
40 TOTAL SOURCES	3,565,803	12,930,710	3,548,347	3,682,374	3,752,720	3,789,466	3,826,582	3,884,068	3,907,929	3,940,169	3,978,790	4,017,799	4,047,197	4,086,989	4,117,179	4,137,771
USES OF CASH:																
Operating Expenses																
50 Prof Svcs/Proj Mgmt	125,740	88,434	90,202	92,007	93,847	95,724	97,638	99,591	101,583	103,615	105,687	107,801	109,957	112,156	114,399	116,687
51 Legal/Audit	1,100	1,100	1,100	1,100	1,100	1,200	1,200	1,200	1,200	1,200	1,300	1,300	1,300	1,300	1,300	1,400
55 Zone Mtc	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000
60 TERC	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000
65 TUSD-Joint Use facilities	498,816	21,981	22,201	22,423	22,647	22,873	23,102	23,333	23,567	23,802	24,040	24,281	24,523	24,769	25,016	25,267
90 Subtotal-Operating Expenses	800,656	286,515	288,503	290,530	292,594	294,797	296,940	299,124	301,350	303,617	306,027	308,382	310,780	313,225	315,715	318,354
Projects (2)																
199 North Zone (3)	3,328,348	2,340,000	40,000	790,000	-	-	800,000	-	-	-	-	-	-	-	-	-
299 Western Aviation Zone (3)	877,499	2,600,000	-	300,000	1,225,150	2,175,850	1,100,000	-	-	-	-	-	-	-	-	-
399 Western Bio-Science & Medical Zone (3)	6,201,150	3,865,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-
499 Southeast Industrial Park Zone (3)	185,000	1,200,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-
495 General Roadway Improvements	318,050	200,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-
410 Major Gateway Entrances	-	-	400,000	-	400,000	-	-	-	-	-	-	-	-	-	-	-
415 Downtown Improvements	7,197	13,612	185,779	192,113	195,747	197,691	199,655	201,639	203,643	205,667	207,710	209,775	211,860	213,966	216,093	218,241
420 Loop 363 Improvements	2,300,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
430 Reserve for Acer facility	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
500 Zone Projects - Public Improvements	-	275,100	-	-	-	-	-	-	-	-	-	-	-	-	-	17,349,468
600 Subtotal-Projects	13,217,244	10,493,712	625,779	1,282,113	1,820,897	2,373,541	2,099,655	201,639	203,643	205,667	207,710	209,775	211,860	213,966	216,093	17,567,709
Debt Service																
605 2003 Bond Issue	870,166	867,935	866,385	868,545	868,420	867,035	869,055	869,855	868,930	866,530	867,440	866,753	869,240	869,640	868,070	870,070
606 2007 Bond Issue	-	964,583	881,500	884,250	880,750	881,250	880,500	883,500	885,000	880,000	883,750	880,750	881,250	880,000	882,000	882,000
630 Paying Agent Services	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200
635 Subtotal-Debt Service	871,366	1,853,718	1,749,085	1,753,995	1,750,370	1,749,485	1,750,755	1,754,555	1,755,130	1,747,730	1,752,390	1,748,703	1,751,699	1,750,840	1,751,270	1,753,270
650 TOTAL USES	14,889,266	12,633,945	2,663,367	3,326,638	3,863,861	4,417,823	4,147,350	2,255,318	2,260,123	2,257,014	2,266,127	2,266,880	2,274,330	2,278,031	2,283,078	19,639,333
680 FUND BALANCE, End	1,077,108	1,382,873	2,267,853	2,623,589	2,512,448	1,884,091	1,563,323	3,172,073	4,813,879	6,497,034	8,209,697	9,960,636	11,733,503	13,542,461	15,376,562	(125,000.00)
690 Requested Cash Reserve	(968,000)	(968,000)	(968,000)	(968,000)	(968,000)	(968,000)	(968,000)	(968,000)	(968,000)	(968,000)	(968,000)	(968,000)	(968,000)	(968,000)	(968,000)	(968,000)
700 AVAILABLE FUND BALANCE	\$ 109,108	\$ 414,873	\$ 1,299,853	\$ 1,655,589	\$ 1,544,448	\$ 916,091	\$ 595,323	\$ 2,204,073	\$ 3,845,879	\$ 5,529,034	\$ 7,241,697	\$ 8,992,636	\$ 10,765,503	\$ 12,574,461	\$ 14,408,562	\$ (125,000)
800 FUND BALANCE, Begin	12,400,571	1,077,108	1,382,873	2,267,853	2,623,589	2,512,448	1,884,091	1,563,323	3,172,073	4,813,879	6,497,034	8,209,697	9,960,636	11,733,503	13,542,461	15,376,562
805 Revenue over/under/expense	(11,323,463)	305,765	884,980	355,736	(111,141)	(628,357)	(320,768)	1,608,750	1,641,808	1,683,155	1,712,663	1,750,840	1,772,867	1,808,958	1,834,101	(15,501,562)
810 FUND BALANCE, End	\$ 1,077,108	\$ 1,382,873	\$ 2,267,853	\$ 2,623,589	\$ 2,512,448	\$ 1,884,091	\$ 1,563,323	\$ 3,172,073	\$ 4,813,879	\$ 6,497,034	\$ 8,209,697	\$ 9,960,636	\$ 11,733,503	\$ 13,542,461	\$ 15,376,562	\$ (125,000)
900 Bond Proceeds - beginning	\$ 2,847,697	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
901 New Bond Issue	-	9,000,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-
905 Interest Income	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
910 Expenditures	(2,847,697)	(9,000,000)	-	-	-	-	-	-	-	-	-	-	-	-	-	-
915 Bond Proceeds - ending	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

Proposed Amendment

- (1) The Financing Plan for FY 2007 reflects the carry forward of the balance on several contracted projects in which funds were encumbered in FY 2006, but will not be paid until FY 2007.
(2) The Project Plan for FY 2007 thru 2015, as approved by the Redevelopment Zone #1 Board, is an integral part of this Financing Plan.
(3) Projects that are eligible for use of bond funds in FY 2007 will use bond funds on a "first in, first out" basis until all bond funds are liquidated.

SUMMARY FINANCING PLAN									
	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
5 Beginning Available Fund Balance, Oct 1	\$ 11,624,571	\$ 109,108	\$ 414,873	1,299,853	1,655,589	1,544,448	916,091	595,323	2,204,073
40 Revenues, net	3,565,803	12,939,710	3,548,348	3,682,374	3,752,720	3,789,466	3,826,582	3,864,068	3,901,929
45 Less Required Debt Reserve(Increase after FY2006)	(192,000)	-	-	-	-	-	-	-	-
49 Net Available for Appropriation	14,998,374	13,048,818	3,963,221	4,982,227	5,408,309	5,333,914	4,742,673	4,459,391	6,106,002
50 General Administrative Expenditures	126,840	89,534	91,303	93,107	94,947	96,924	98,838	100,791	102,783
55 Zone Maintenance	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000
60 Contractual Payments (TEDC)	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000
65 TISD - Joint Use Facilities	498,816	21,981	22,201	22,423	22,647	22,873	23,102	23,333	23,567
70 Debt Service - 2003 Issue	871,366	869,135	867,585	869,745	869,620	868,235	870,255	871,055	870,130
71 Debt Service - Proposed 2007 Issue	-	984,583	881,500	884,250	880,750	881,250	880,500	883,500	885,000
75 Total Operating & Committed Expenditures	1,672,022	2,140,233	2,037,589	2,044,525	2,042,964	2,044,282	2,047,695	2,053,679	2,056,480
99 Net Available for Projects	\$ 13,326,352	\$ 10,908,585	\$ 1,925,632	\$ 2,937,702	\$ 3,365,345	\$ 3,289,632	\$ 2,694,978	\$ 2,405,712	\$ 4,049,522

PROJECT PLAN									
	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
NORTH ZONE (including Enterprise Park):									
100 Railroad Spur Improvements	3,026,348	2,200,000	-	-	-	-	-	-	-
105 Elm Creek Detention Pond	100,000	-	-	750,000	-	-	-	-	-
110 Railroad Improvements Engineering Analysis	2,000	-	-	-	-	-	-	-	-
115 Railroad Repairs/Maintenance based on Analysis	200,000	140,000	40,000	40,000	-	-	-	-	-
120 Enterprise Park Water Tank	-	-	-	-	-	-	800,000	-	-
125 Wendland Road Improvements	-	-	-	-	-	-	-	-	-
199 Total North Zone (including Enterprise Park)	3,326,348	2,340,000	40,000	790,000	-	-	800,000	-	-
WESTERN AVIATION ZONE:									
200 Detention Pond #2 including W 1-A	12,559	-	-	-	-	-	-	-	-
205 Old Howard Road from Ind Blvd to SH36	-	-	-	-	-	-	-	-	-
210 Old Howard Road Gateway Entrance Project	520,000	-	-	-	-	-	-	-	-
215 WWI--Waste Water Ext SH36 to Ind Blvd	33,000	632,000	-	-	-	-	-	-	-
220 R I-B, W I-B--Industrial Blvd Extension	54,940	1,054,425	-	-	-	-	-	-	-
221 Airport Park Infrastructure Construction	157,000	913,575	-	-	-	-	-	-	-
225 Airport Study	100,000	-	-	-	-	-	-	-	-
230 Airport Trail Roadway-Ind Blvd to Pepper Crk (RIII)	-	-	-	-	115,500	654,500	-	-	-
235 Airport Trail Utilities (W-V, W II, W III)	-	-	-	-	109,650	621,350	-	-	-
240 Old Howard North (R II)	-	-	-	300,000	1,000,000	700,000	-	-	-
245 Airport Trail Roadway-Pepper Crk to Mouser (R V)	-	-	-	-	-	200,000	1,100,000	-	-
299 Total Western Aviation Zone	877,499	2,600,000	-	300,000	1,225,150	2,175,850	1,100,000	-	-
WESTERN BIO-SCIENCE & MEDICAL ZONE:									
300 Greenbelt Development along Pepper Creek	658,000	1,440,000	-	-	-	-	-	-	-
305 Outer Loop Phase 2	3,383,650	-	-	-	-	-	-	-	-
306 Bio-Science Park Phase 1	284,500	1,800,000	-	-	-	-	-	-	-
310 Bio-Science Institute	1,875,000	625,000	-	-	-	-	-	-	-
399 Total Western Bio-Science & Medical Zone	6,201,150	3,865,000	-	-	-	-	-	-	-
OTHER PROJECTS:									
400 Southeast Ind Park (Lorraine Drive)	185,000	1,200,000	-	-	-	-	-	-	-
405 Roadway Maintenance/Improvements	318,050	200,000	-	-	-	-	-	-	-
410 Gateway Entrance Projects (after Old Howard)	-	-	400,000	-	400,000	-	-	-	-
415 Downtown Improvements	7,197	13,612	185,779	192,113	195,747	197,691	199,655	201,639	203,643
420 Loop 363 Improvements (TxDOT commitment)	2,300,000	-	-	-	-	-	-	-	-
430 Reserve for Acer facility	-	-	-	-	-	-	-	-	-
499 Total Other Projects	2,810,247	1,413,612	585,779	192,113	595,747	197,691	199,655	201,639	203,643
500 Undesignated Funding for Public Improvements	-	275,100	-	-	-	-	-	-	-
600 Total Planned Project Expenditures	13,217,244	10,493,712	625,779	1,282,113	1,820,897	2,373,541	2,099,655	201,639	203,643
700 Planned Available Fund Balance at Year End	\$ 109,108	\$ 414,873	\$ 1,299,853	\$ 1,655,589	\$ 1,544,448	\$ 916,091	\$ 595,323	\$ 2,204,073	\$ 3,845,879

LEGEND:
Proposed Change to Project Plan
Amounts in *italics* reflect values that have been committed either by contract or formal commitment.

FY 2007

BUDGET ADJUSTMENT FORM

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

+

—

[illegible]

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

To appropriate \$125,000 from the Reinvestment Zone No. 1 Unreserved Fund Balance to supplement funding needed for the acquisition of property within the Reinvestment Zone. This budget amendment also reclassifies funds from the Gilmore Tract (93.775 acres) project to the two 10 acre tracts to be acquired.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

X	Yes
----------	-----

No

DATE OF COUNCIL MEETING

7/5/2007

WITH AGENDA ITEM?

☒ Yes☐ No

Department Head/Division Director

Date _____

☐ Approved

	Disapproved
--	-------------

Finance

Date _____

☐ Approved

	Disapproved
--	-------------

City Manager

Date _____

☐ Approved

	Disapproved
--	-------------

ORDINANCE NO. _____

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING THE TAX INCREMENT FINANCING REINVESTMENT ZONE #1 FINANCING PLAN FOR FY 2007 IN THE AMOUNT OF \$125,000 TO FUND ACQUISITION OF LAND IN THE NORTH ZONE; 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; and Ordinance No. 2007-4141 on the 19th day of April, 2007;

Whereas, the Board of Directors of the Zone has adopted an additional amendment to the Reinvestment Zone Financing Plan 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 Plan for the Zone to include financial information as hereinafter set forth; and

Whereas, the Council finds that such amendment to the Reinvestment Zone Financing Plan is feasible and conforms to the Comprehensive Plan of the City.

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 Plan. The amendment to the Tax Increment Financing Reinvestment Zone No. One Financing Plan, 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 Amendment to Reinvestment Zone Number One, City of Temple, Texas, attached hereto as Exhibit A. This expenditure requires an amendment to the 2006-2007 budget, a copy of which is attached as Exhibit B.

Part 3: Plans Effective. The Financing Plan for the Zone heretofore in effect shall remain in full force and effect according to the terms and provisions thereof, except as specifically amended hereby.

Part 4: Copies to Taxing Units. The City Secretary shall provide a copy of the amendment to the Reinvestment Zone Financing Plan to each taxing unit that taxes real property located in the Zone.

Part 5: Severability. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such invalid phrase, clause, sentence, paragraph or section.

Part 6: Effective Date. This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

Part 7: Open Meetings. It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meeting Act.

PASSED AND APPROVED on First Reading on the 5th day of **July**, 2007.

PASSED AND APPROVED on Second and Final Reading on the 19th day of **July**, 2007.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

07/05/07
Item #7
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Tim Dolan, Planning Director

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING - Z-FY-07-40: Consider adopting an ordinance authorizing a Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption in a future restaurant to be located on proposed Lot 5, Block 1, Wildflower Court II. (Applicant – Will Morris)

P&Z COMMISSION RECOMMENDATION: The Planning and Zoning Commission voted 7/0 to recommend approval of the Conditional Use Permit at its meeting on June 18, 2007.

STAFF RECOMMENDATION: Staff recommends approval of the CUP with the following conditions in accordance with Zoning Ordinance, Section 7-611:

1. The permittee must design and operate the establishment in such a manner that the proposed use or actual use of the premises shall not substantially increase traffic congestion or create overcrowding in the establishment or the immediately surrounding area.
2. The permittee must comply with applicable licensing and permit provisions of the Alcoholic Beverage Code within 14 months from the date of the issuance of the conditional use permit by the City Council, such limitation in time being subject to review and possible extension by the City.
3. The permittee bears the burden of showing that the establishment does not exceed the limitation on gross receipts from sales of alcoholic beverages applicable to its conditional use permit. The permittee must maintain accounting records of the sources of its gross revenue and allow the City to inspect such records during reasonable business hours.
4. The permittee must demonstrate that the granting of the permit would not be detrimental to the public welfare of the citizens of the City.
5. The permittee must, at all times, provide an adequate number of employees for security purposes to adequately control the establishment premises to prevent incidents of drunkenness, disorderly conduct and raucous behavior. The permittee shall consult with the Chief of Police, who shall act in an advisory capacity to determine the number of qualified employees necessary to meet his obligations hereunder.
6. The establishment must provide adequate parking spaces to accommodate its members and their guests provided, however, the number of parking spaces shall never be less than those required for similar uses in that zoning district where the establishment is located.
7. The permittee must operate the establishment in such a manner as to prevent excessive noise, dirt, litter and odors in the establishment or in the surrounding area and operate the establishment in such a manner as to minimize disturbance to surrounding property owners.

8. The City Council may deny or revoke a conditional use permit if it affirmatively determines that the issuance of the same is (a) incompatible with the surrounding uses of property, or (2) detrimental or offensive to the neighborhood or contrary to the health, safety, and general welfare of the City and its inhabitants.
9. A conditional use permit issued under this section runs with the property. Changes in the owner or lessee of a permitted establishment do not affect the permit.
10. All conditional use permits issued under this section will be further conditioned that the same may be canceled, suspended or revoked in accordance with the revocation clause set forth in Section 7-608.
11. The applicant's site plan and application are exhibits to the conditional use permit.

ITEM SUMMARY: At the June 4th regular meeting, the Planning & Zoning Commission recommended approval of the final plat of Wildflower Court II with a requested exception to lot access for Lot 4. The City Council approved this plat and requested exception at its regular meeting on June 21st. The CUP request is to allow the sale and on-premise consumption of alcoholic beverages in a future restaurant to be located on the proposed Lot 5 of this proposed addition. The applicant states that sales of alcoholic beverages will total less than 50% of the gross sales of the restaurant.

The subject property is zoned LI, Light Industrial which permits on-premise alcoholic beverage sales or consumption in a restaurant with a CUP. This application is compatible with the both existing and future surrounding land uses. This application also conforms to the Thoroughfare Plan. Adequate public facilities serve this site.

The Zoning Ordinance, Section 7-611(b) places 10 conditions on CUPs allowing the on-premise consumption of beer or mixed drinks. The Staff Recommendation section lists these conditions. Condition #11 is based on Section 7-604 providing for the site plan and application to become part of the CUP.

Staff mailed two notices on June 8, 2007. No notices were returned in favor of or in opposition to the request. The newspaper printed the legal notice of the public hearing on June 8, 2007 in accordance with state law and local ordinance.

Please refer to the Staff Report and draft minutes of case Z-FY-07-40 from the Planning and Zoning meeting, June 4, 2007.

FISCAL IMPACT: NA

ATTACHMENTS:

[Land Use Map](#)
[Notice Map](#)
[Site Plan](#)
[Applicant's Letter](#)
[P&Z Staff Report](#)
[P&Z Minutes](#)
[Ordinance](#)



Z-FY-07-40

3629 S. General Bruce Dr. - OB #456-A & Pt of OB #456B-A 2.08 AC

AGRICULTURAL

(A)

RESIDENTIAL

Low Density
(0-2 DU/ACRE)
(UE)

Moderate Density
(2-6 DU/ACRE)
(SF-1, SF-2, SF-3, MH, 2-F)

Medium Density
(6-12 DU/ACRE)
(MH, 2-F, TH, MF-1)

High Density
(12-25 DU/ACRE)
(MF-2)

COMMERCIAL

Neighborhood and
Community Retail
(NS, GR)

Office
(O-1, O-2)

Regional Commercial
(C, CA)

MIXED USE

Mixed Use Areas

INDUSTRIAL

Light and Heavy
Industrial
(L, HI)

RZ

**COMMUNITY
FACILITIES**

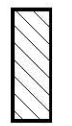
CF-E (Schools)

CF-G (General)

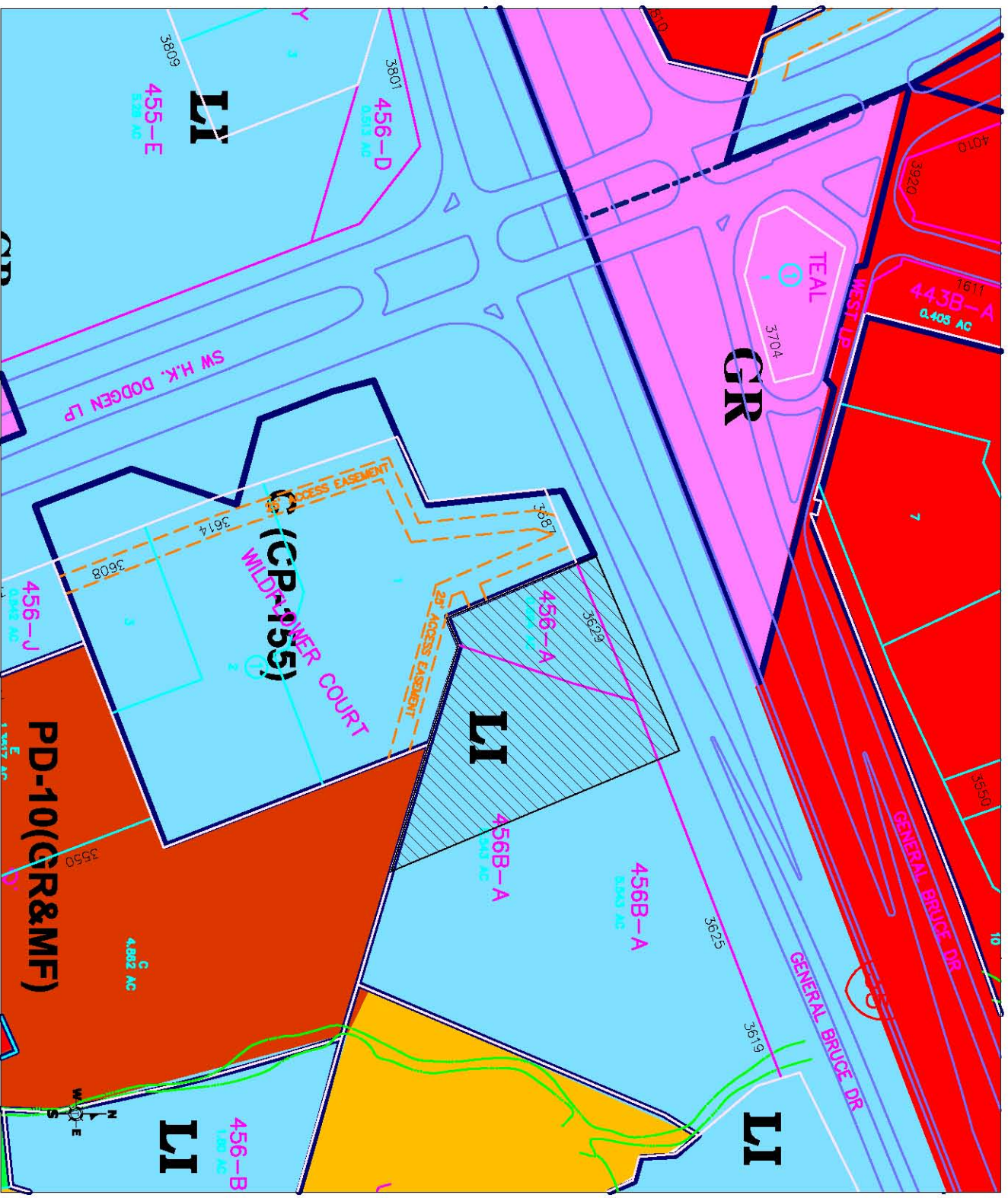
CF-M (Medical)

CF-R (Religious)

PARKS



**Proposed
Rezone**



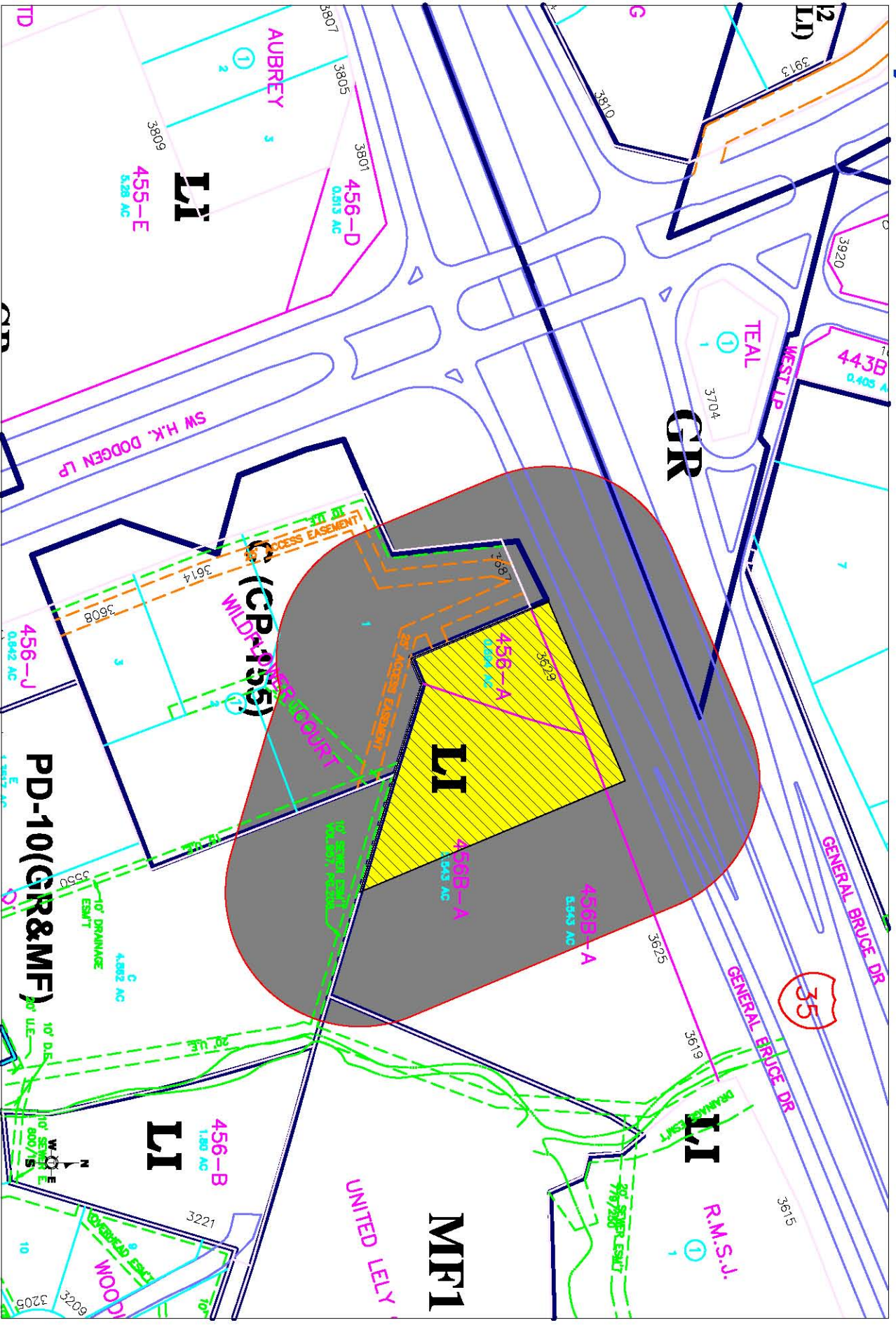
LI - LI-CUP

S. Vybiral/GIS Mapping
05-30-07



Z-FY-07-40

3629 S. General Bruce Dr. - OB #456-A & Pt of OB # 456B-A 2.08 AC



**Area of Proposed
Zone Change**



200' Radius

LI - LI-CUP

**S. Vybiral/GIS Mapping
05-30-07
Scale: 1"=200'**

MORRIS Venture Partners II, Ltd.

Post Office Box 676 ~ Salado, Texas 76571 ~ USA
Phone 254-624-5830 ~ Fax 254-947-3931

May 16, 2007

Attn: Ms. Aaron Adel
City of Temple
Planning Department and City Council
2 North Main
Temple, Texas 76501

**RE: Conditional Use Permit – Lot 5
Wildflower Court Development**

Dear Madams and Sirs:

The Conditional Use Permit requested for Lot 5 of Wildflower Court II is being requested for a national restaurant which will be a welcome addition to our city's limited restaurant selection. The restaurant serves excellent food along with serving beer, wine, and some mixed drinks on its beverage menu which accounts for approximately 30% to 40% of gross sales. This is a similar percentage to other restaurants in town such as: Chili's, El Chico, Applebee's, Cotton Patch, and Pignetti's. The proposed restaurant's quality is on par or slightly better than the restaurants just mentioned. With regard to the Zoning Ordinance Section 7-611(b) item 4, I do not believe this restaurant will be detrimental to the public welfare of the citizens of Temple in any way. Additionally, item 2 of the same section, will be requested to be extended for a period of nine (9) to fourteen (14) months, since the construction will not start for another six (6) to nine (9) months.

Respectfully submitted,

William C. Morris IV
President



PLANNING AND ZONING COMMISSION AGENDA ITEM

06/18/07
Item 3
Page 1 of 2

APPLICANT / DEVELOPMENT: Will Morris, Morris Venture Partners IIA, LLC / Proposed Wildflower Court II, Lot 5

CASE MANAGER: Aaron Adel, AICP – Special Projects Planner

ITEM DESCRIPTION: Z-FY-07-40 Hold a public hearing and consider a Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption in a future restaurant to be located on proposed Lot 5, Block 1, Wildflower Court II. (Applicant – Will Morris)

BACKGROUND: At the June 4th regular meeting, the Commission recommended approval of the final plat of Wildflower Court II with a requested exception to lot access for Lot 4. City Council will consider this recommendation and take final action on June 21st. The CUP request is to allow the sale and on-premise consumption of alcoholic beverages in a future restaurant to be located on the proposed Lot 5 of this proposed addition. The applicant states that sales of alcoholic beverages will total less than 50% of the gross sales of the restaurant.

Surrounding Property and Uses - The subject property is zoned LI, Light Industrial. The LI District permits on-premise alcoholic beverage sales or consumption in a restaurant with a CUP. This application is compatible with the surrounding uses.

Zoning		Use	Description
SW	C, Commercial	Vacant due to TXDOT construction project; has the same type of CUP requested in this item	Wildflower Court, Block 1, Lots 1-3
E	PD (GR & MF)	Apartment complex	Creekside P.D., Tract C
NE	LI, Light Industrial	Empty buildings that were formerly a car dealership	Proposed Lot 6 & Lot 7 of Wildflower Court II

Future Land Use Plan & Future Trends – This application conforms to the Future Land Use Plan.

Thoroughfare Plan – This application conforms to the Thoroughfare Plan.

Adequacy of Public Facilities – Adequate public facilities serve this site.

Development Regulations - This application conforms to the area requirements and uses permitted in the LI District. The Zoning Ordinance, Section 7-611(b) places 10 conditions on CUPs allowing the on-premise consumption of beer or mixed drinks. The Staff Recommendation section below lists these conditions. Condition #11 is based on Section 7-604 providing for the site plan and application to become part of the CUP.

Public Notice – Staff mailed two notices on June 8, 2007. As of June 13th at 5 PM, no notices were returned in favor of or in opposition to the request. The newspaper printed the legal notice of the public hearing on June 8, 2007 in accordance with state law and local ordinance.

STAFF RECOMMENDATION: Staff recommends approval of the CUP with the following conditions in accordance with Zoning Ordinance, Section 7-611:

1. The permittee must design and operate the establishment in such a manner that the proposed use or actual use of the premises shall not substantially increase traffic congestion or create overcrowding in the establishment or the immediately surrounding area.
2. The permittee must comply with applicable licensing and permit provisions of the Alcoholic Beverage Code within 14 months from the date of the issuance of the conditional use permit by the City Council, such limitation in time being subject to review and possible extension by the City.
3. The permittee bears the burden of showing that the establishment does not exceed the limitation on gross receipts from sales of alcoholic beverages applicable to its conditional use permit. The permittee must maintain accounting records of the sources of its gross revenue and allow the City to inspect such records during reasonable business hours.
4. The permittee must demonstrate that the granting of the permit would not be detrimental to the public welfare of the citizens of the City.
5. The permittee must, at all times, provide an adequate number of employees for security purposes to adequately control the establishment premises to prevent incidents of drunkenness, disorderly conduct and raucous behavior. The permittee shall consult with the Chief of Police, who shall act in an advisory capacity to determine the number of qualified employees necessary to meet his obligations hereunder.
6. The establishment must provide adequate parking spaces to accommodate its members and their guests provided, however, the number of parking spaces shall never be less than those required for similar uses in that zoning district where the establishment is located.
7. The permittee must operate the establishment in such a manner as to prevent excessive noise, dirt, litter and odors in the establishment or in the surrounding area and operate the establishment in such a manner as to minimize disturbance to surrounding property owners.
8. The City Council may deny or revoke a conditional use permit if it affirmatively determines that the issuance of the same is (a) incompatible with the surrounding uses of property, or (2) detrimental or offensive to the neighborhood or contrary to the health, safety, and general welfare of the City and its inhabitants.
9. A conditional use permit issued under this section runs with the property. Changes in the owner or lessee of a permitted establishment do not affect the permit.
10. All conditional use permits issued under this section will be further conditioned that the same may be canceled, suspended or revoked in accordance with the revocation clause set forth in Section 7-608.
11. The applicant's site plan and application are exhibits to the conditional use permit.

City Council First Reading..... July 5, 2007

City Council Second Reading & Final Action July 19, 2007

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Land Use Map

Zoning Map

Site Plan

Application

Applicant's Letter

**EXCERPTS FROM THE
PLANNING & ZONING COMMISSION MEETING**

MONDAY, JUNE 18, 2007

ZONE CHANGE

- 3. Z-FY-07-40** Hold a public hearing and consider a Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption in a future restaurant to be located on proposed Lot 5, Block 1, Wildflower Court II. (Applicant: Will Morris)

Ms. Aaron Adel, Special Projects Planner, presented this item as outlined in the Planning and Zoning Commission agenda background. She said the Commission recommended approval of the final plat of the proposed Wildflower Court II subdivision with a requested exception to lot access for Lot 4 on June 4, 2007. The Conditional Use Permit request is for Lot 5 of that proposed addition. City Council will consider this recommendation and take final action on June 21, 2007. Ms. Adel said this application is compatible with the surrounding uses since the subject property is zoned Light Industrial (LI). In addition, this application conforms to the Future Land Use Plan, the Thoroughfare Plan, and has adequate public facilities serving this site. Ms. Adel explained that in addition to the above requirements for a CUP the ordinance also requires other conditions which she displayed to the Commission. She emphasized on item #2 "The permittee must comply with applicable licensing and permit provisions of the Alcoholic Beverage Code within 14 months from the date of the issuance of the conditional use permit by the City Council, such limitation in time being subject to review and possible extension by the City". Ms. Adel said two notices were mailed to surrounding property owner within 200 feet of the subject property. No notices were returned in favor or in opposition to the request. She said Staff is recommending approval of the Conditional Use Permit with the 11 conditions that are spelled out in the staff report.

Chair Thomas opened the public hearing asking anyone wishing to speak in favor or in opposition to the request to address the Commission. Seeing no one, Chair Thomas closed the public hearing.

Motion to approve Z-FY-07-40 to include the 11 conditions spelled out in the staff report, by Commissioner Hurd; seconded by Commissioner Carothers.

Motion passed (7/0).

ORDINANCE NO. _____
(ZONING NO. Z-FY-07-40)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A CONDITIONAL USE PERMIT TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES FOR ON-PREMISE CONSUMPTION IN A FUTURE RESTAURANT, WHERE THE GROSS REVENUE FROM THE SALE OF ALCOHOLIC BEVERAGES IS LESS THAN 50% OF THE TOTAL GROSS REVENUE FOR THE RESTAURANT TO BE LOCATED ON PROPOSED LOT 5, BLOCK 1, WILDFLOWER COURT II; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Comprehensive Zoning Ordinance of the City of Temple, Texas, provides for the issuance of conditional use permits under certain conditions and authorizes the City Council to impose such developmental standards and safeguards as the conditions and locations indicate to be important to the welfare or protection of adjacent property and for the protection of adjacent property from excessive noise, vibration, dust, dirt, smoke, fumes, gas, odor, explosion, glare, offensive view or other undesirable or hazardous conditions, and for the establishment of conditions of operation, time limits, location, arrangement and construction for any use for which a permit is authorized;

Whereas, the Planning and Zoning Commission of the City of Temple, Texas, after due consideration of the location and zoning classification of the establishment, has recommended that the City Council approve this application; and

Whereas, the City Council of the City of Temple, Texas, after public notice as required by law, has at a public hearing, carefully considered all the evidence submitted concerning the future establishment to be located on proposed Lot 5, Block 1, Wildflower Court II, and has heard the comments and evidence presented by all persons supporting or opposing this matter at said public hearing, and after examining the location and the zoning classification of the establishment finds that the proposed use of the premises substantially complies with the comprehensive plan and the area plan adopted by the City Council.

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

Part 1: The City Council approves a Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption in the future restaurant where the gross revenue from the sale of alcoholic beverages is less than 50% of the total gross revenue for the future restaurant to be located on proposed Lot 5, Block 1, Wildflower Court II in the

City of Temple, Texas, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

Part 2: The owners/applicants, their employees, lessees, agents or representatives, hereinafter called "permittee" shall comply with the following developmental standards and conditions of operation:

- A. The sale and consumption of alcoholic beverages (beer and mixed drinks) shall occur only within the restaurant area, in accordance with the site plan attached as Exhibit B.
- B. The establishment must provide adequate parking spaces to accommodate its members and their guests. Provided, however, the number of parking spaces shall never be less than the number required for similar uses in the zoning district where the establishment is located.
- C. The permittee shall be responsible for providing on-site security to the facilities in a manner which minimizes any conflict to the surrounding residential neighborhood. An adequate number of employees shall be provided for security purposes to adequately control the establishment's premises to prevent incidents of drunkenness, disorderly conduct and raucous behavior. The permittee shall consult with the Chief of Police, who shall act in an advisory capacity to determine the number of qualified employees necessary to meet the obligations hereunder.
- D. That the permittees shall make every reasonable effort to minimize the noise impact of this use to surrounding development.
- E. That the permittee must design and operate the establishment in such a manner that the proposed use or actual use of the premises shall not substantially increase traffic congestion or create overcrowding in the establishment or the immediately surrounding area.
- F. That the permittee must comply with applicable licensing and permit provisions of the Alcoholic Beverage Code within fourteen (14) months from the date of the issuance of this conditional use permit by the City Council, such limitation in time being subject to review and possible extension by the City.
- G. That the permittee must maintain the premises in a manner that will not be detrimental to the public welfare of the citizens of the City.
- H. That the permittee must operate the establishment in such a manner as to prevent excessive noise, dirt, litter, and odors on the establishments or in the

surrounding area and shall operate the establishment in such a manner as to minimize disturbance to surrounding property owners.

- I. That the City Council may revoke a conditional use permit if it affirmatively determines that the issuance of the same is (1) incompatible with the surrounding uses of property, or (2) detrimental or offensive to the neighborhood or contrary to the health, safety, and general welfare of the City and its inhabitants.
- J. That conditional use permit issued under this section runs with the property and is not affected by a change in the owner or lessee of a permitted establishment.
- K. That a conditional use permit may be canceled, suspended, or revoked in accordance with the revocation clause set forth in Section 7-609 of the Zoning Ordinance.

Part 3: The declarations, determinations and findings declared, made and found in the preamble of this ordinance are hereby adopted, restated and made a part of the operative provisions hereof.

Part 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 is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading and Public Hearing on the **5th** day of **July**, 2007.

PASSED AND APPROVED on Second Reading on the **19th** day of **July**, 2007.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney