



## **TEMPLE CITY COUNCIL**

**MUNICIPAL BUILDING**

**2 NORTH MAIN STREET**

**TEMPLE, TX**

### **NOTICE OF MEETING**

**THURSDAY, AUGUST 16, 2007**

**3:30 P.M.**

**3<sup>RD</sup> FLOOR CONFERENCE ROOM**

### **WORKSHOP AGENDA**

1. Discuss the proposed letter of intent and development agreement with the owners of a 23.48 acre tract in Arrowhead Point in the City's ETJ adjacent to Lake Belton. (Item 4 (L) on regular agenda)
2. Discuss the Proposed FY 2007-2008 City of Temple budget, Capital Improvement Plan and related issuance of bonds.
3. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, August 16, 2007 as follows:

**5:00 P.M.**  
**CITY COUNCIL CHAMBERS – 2<sup>ND</sup> FLOOR**

**TEMPLE CITY COUNCIL**  
**REGULAR MEETING AGENDA**

**I. CALL TO ORDER**

1. Invocation
2. Pledge of Allegiance

**II. PUBLIC COMMENTS**

Citizens who desire to address the Council on any matter may sign up to do so prior to this meeting. Public comments will be received during this portion of the meeting. Please limit comments to 3 minutes. No discussion or final action will be taken by the City Council.

**III. BUDGET ITEMS**

3. PUBLIC HEARING – Conduct the second of two public hearings to receive comments on the [proposed tax rate](#) of 56.81 cents per \$100 valuation for fiscal year 2008 (2007 tax year), and announce meeting to adopt the proposed tax rate on August 23, 2007.

**IV. CONSENT AGENDA**

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

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

**Minutes:**

- (A) [August 2, 2007 Special Called Meeting](#)
- (B) [August 2, 2007 Regular Meeting](#)

**Contracts, Leases & Bids:**

- (C) [2007-5116-R](#): Consider adopting a resolution authorizing the purchase of a tractor with a batwing mower from Landmark Equipment Company through the Houston-Galveston of Governments Cooperative Purchasing Program (H-GAC) in the amount of \$44,095.66

- (D) [2007-5117-R](#): Consider adopting a resolution authorizing a one-year renewal to the contract with Perry Office Plus for the purchase of office supplies by the entities of the Central Texas Purchasing Cooperative in the estimated annual amount of \$450,000, with Temple's estimated annual expenditure to be \$95,000.
- (E) [2007-5118-R](#): Consider adopting a resolution authorizing a contract with McLane Advanced Technologies for the purchase and installation of an Airport surveillance/security system at the Draughon-Miller Central Texas Regional Airport in the amount of \$74,864.
- (F) [2007-5119-R](#): Consider adopting a resolution authorizing a contract renewal for professional auctioneer services with Eddy Lange and Associates, Auctioneers of Heidenheimer for conducting the City auctions.
- (G) [2007-5120-R](#): Consider adopting a resolution authorizing a construction contract with TTG Utilities, LP of Gatesville for constructing a roller hockey court concrete slab in Wilson Community Park in the amount of \$83,000 and rejecting all initial bids received for this project on June 12, 2007.
- (H) [2007-5121-R](#): Consider adopting a resolution authorizing a utility cost sharing agreement with Sears & Associates for Hidden Villages subdivision in the amount of \$54,685.
- (I)
  - 1. [2007-5122-R](#): Consider adopting a resolution authorizing a construction contract with Shelton & Shelton, LP, for construction activities required for the extension of West Temple wastewater utilities from S.H. 36 north to Industrial Blvd., in an amount not to exceed \$483,643.69 and declare an official intent to reimburse this expenditure prior to the issuance of tax-exempt obligations for this project.
  - 2. [2007-5123-R](#): Consider adopting a resolution authorizing a professional services contract with Kasberg, Patrick & Associates, LP, (KPA), for daily on-site representation activities required for the extension of West Temple wastewater utilities from S.H. 36 north to Industrial Blvd., in an amount not to exceed \$37,300 and declare an official intent to reimburse this expenditure prior to the issuance of tax-exempt obligations for this project.
- (J) [2007-5124-R](#): Consider adopting a resolution authorizing Change Order #1 in the deduct amount of \$1,540 to the Loop 363 Utility Relocation Phase 3 construction contract with Bell Contractors, Inc., deleting of a portion of the project to be realigned and extended under Phase 2 of the work, and to add full width milling of Avenue Z from 57<sup>th</sup> Street to Jaycee Park as a part of the asphalt replacement for the project.
- (K) [2007-5125-R](#): Consider adopting a resolution authorizing Change Order #1 in the amount of \$170,805.40 to the Loop 363 Utility Relocation Phase 2 construction contract with Bell Contractors, Inc., for items related to changes due to TxDOT modifications, design issues, and field adjustments as required.

- (L) [2007-5126-R](#): Consider adopting a resolution authorizing the execution of a letter of intent and a development agreement with the owners of a 23.48 acre tract in Arrowhead Point in the City's ETJ adjacent to Lake Belton.

**Ordinances – Second & Final Reading:**

- (M) [2007-4157](#): (1) SECOND READING – Z-FY-07-43: Consider adopting an ordinance authorizing the amendment to the West Temple Comprehensive Plan from Office and Residential uses to Community Facilities (Schools) uses on 31.108± out of portions of land commonly known as Outblocks 1094A-A and 1094-A and C, City Addition, located on the north side of West Adams Avenue, between Hilliard Road and Brooks Drive.
- [2007-4158](#): (2) SECOND READING – Z-FY-07-44: Consider adopting an ordinance authorizing a zoning change from Single Family One (SF-1), Office One (O-1), General Retail (GR) and Multiple Family One (MF-1) Districts to Single Family One (SF-1) District on approximately 31.108 acres of land out of land commonly known as Outblocks 1094A-A, 1094-A and 1094-C, City Addition, located north of West Adams Avenue, between Hilliard Road and Brooks Drive.
- (N) [2007-4159](#): SECOND READING – Z-FY-07-45: Consider adopting an ordinance authorizing a zoning change from the Two Family (2F) District to the Neighborhood Service (NS) District on the North 50 Feet of Lot 2, Block A, Bentley Bellview Addition, located at 801 and 803 South 33<sup>rd</sup> Street.
- (O) [2007-4160](#): (1) SECOND READING – Z-FY-07-47: Consider adopting an ordinance authorizing an amendment to the Future Land Use Plan Map to reflect a change from Medium Density Residential to Neighborhood and Community Retail uses on Lot 20, Block 1, Tal-Coe Place Addition, located at 1118 South 29<sup>th</sup> Street.
- [2007-4161](#): (2) SECOND READING – Z-FY-07-48: Consider adopting an ordinance authorizing a zoning change from Two Family (2F) District to Neighborhood Service (NS) District on Lot 20, Block 1, Tal-Coe Place Addition located at 1118 South 29<sup>th</sup> Street.

**Misc:**

- (P) [2007-5127-R](#): Consider adopting a resolution granting a street use license for a 2.4 foot encroachment of an existing house in a 7.5 foot wide utility easement along the north property line at 205 Burnham Drive, on Lot 18, Block 1, Crescent View Phase One.
- (Q) [2007-5128-R](#): Consider adopting a resolution dedicating a tract of City owned land adjacent to West Ridge Park as City park land.
- (R) [2007-5129-R](#): Consider adopting a resolution authorizing the adoption of the Regional Hazard Mitigation Plan created by the Central Texas Council of Governments (CTCOG).



- (S) [2007-5130-R](#): Consider adopting a resolution approving third quarter financial results for Fiscal Year 2007.
- (T) [2007-5131-R](#): Consider adopting a resolution authorizing budget amendments for fiscal year 2006-2007.

## **V. REGULAR AGENDA**

### **ORDINANCES**

- 5. [2007-4162](#): FIRST READING – PUBLIC HEARING – Consider adopting an ordinance establishing school crosswalks and setting speed limits within school zones to conform to school schedules.
- 6. [2007-4163](#): FIRST READING – PUBLIC HEARING - Z-FY-07-50: Consider adopting an ordinance amending the City of Temple Zoning Ordinance Section 7-625 regarding HUD-Code Manufactured Home Design Standards and adding Section 7-626 for existing land lease communities.
- 7. [2007-4164](#): FIRST READING – PUBLIC HEARING - Z-FY-07-51: Consider adopting an ordinance amending the City of Temple Zoning Ordinance Sections 7-103, 8-902, 10-101, and 21-101 regarding accessory dwelling units in a non-residential zoning district and associated design standards.
- 8. [2007-4165](#): FIRST READING – PUBLIC HEARING - Z-FY-07-53: Consider adopting an ordinance amending the City of Temple Zoning Ordinance Section 13 regarding Fence and Wall Regulations, Display for Sale, Open Storage; adding Metal Building Regulations to the title; and creating Section 13-200, Regulations for Residential Accessory Metal Buildings.

### **RESOLUTIONS**

- 9. [2007-5132-R](#): P-FY-07-44: Consider adopting a resolution authorizing the final plat of Hills of Westwood Phase III, Section 3, a 1.508 acre, 10 lot, 2 block residential replat of Common Area “F”, Block 5, Lots 21 & 22, Block 5 and Lots 3,4,17& 18, Block 8, Hills of Westwood Phase III, located south of Tarver Drive; and abandonment of the existing 0.585 acre utility and drainage easement previously platted on Common Area “F”, Block 5, Hills of Westwood Phase III.

### **BOARD APPOINTMENTS**

- 10. [2007-5133-R](#): Consider adopting resolutions appointing members to the following City boards and commissions:
  - (A) Airport Advisory Board – five members to fill expiring terms through September 1, 2010
  - (B) Animal Services Advisory Board – two members to fill expiring terms through September 1, 2010 and appoint Chair for the period of September 1, 2007 through August 31, 2008
  - (C) Civil Service Commission - one member to fill expiring term through September 1, 2010
  - (D) Community Services Advisory Board – three members to fill expiring terms through September 1, 2010
  - (E) Comprehensive Plan Advisory Committee – one member representing Temple College to fill an unexpired term
  - (F) Convention Center and Tourism Advisory Board – three members to fill expiring terms through September 1, 2010

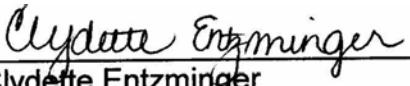
- (G) Library Board – three members to fill expiring terms through September 1, 2010 and one member to fill an unexpired term through September 1, 2009
- (H) Parks and Recreation Board – one member to fill an unexpired term through March 1, 2009
- (I) Planning & Zoning Commission – three members to fill expiring terms through September 1, 2010
- (J) Reinvestment Zone No. 1 Board of Directors – five members to fill expiring terms through September 1, 2009
- (K) Temple Economic Development Commission – four members to fill expiring terms through September 1, 2010
- (L) Temple Public Safety Advisory Board – six members to fill expiring terms through September 1, 2010 and two members to fill unexpired terms, one through September 1, 2008 and one through September 1, 2009
- (M) Transit Advisory Committee – three members to fill expiring terms through September 1, 2010 and one member to fill an unexpired term through September 1, 2008

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

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I hereby certify that a true and correct copy of this Notice of Meeting was posted in a public place at 11:05 AM, on August 10, 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

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08/16/07  
Item #3  
Regular Agenda  
Page 1 of 4

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

David Blackburn, City Manager  
Traci L. Barnard, Director of Finance

**ITEM DESCRIPTION:** PUBLIC HEARING – Conduct the second of two public hearings to receive comments on the proposed tax rate of 56.81 cents per \$100 valuation for fiscal year 2008 (2007 tax year), and announce meeting to adopt the proposed tax rate on August 23, 2007.

**STAFF RECOMMENDATION:** Conduct a public hearing; no action is required.

**ITEM SUMMARY:** At the August 2, 2007 regular meeting, Council discussed the proposed tax rate of 56.81 cents per \$100 valuation and adopted a resolution scheduling the adoption of the proposed tax rate for August 23, 2007, and setting public hearings for August 10, 2007 and August 16, 2007 on the proposed tax rate for FY 2007-2008. Following this action, the publication of a “Notice of Public Hearing on Tax Increase” occurred on August 3<sup>rd</sup> and the “Notice of Vote on Tax Rate” occurred on August 11<sup>th</sup> and will occur again on August 17<sup>th</sup>. The proposed meeting dates and publication schedules comply with the Truth-In-Taxation requirements set forth in SB 18 adopted by the 79<sup>th</sup> Legislature and the City Charter.

The FY 2007-2008 budget was prepared within the parameters of a tax rate that was 2.99% above the effective tax rate. Within these parameters, staff proposed a preliminary total tax rate of 57.34 cents per \$100 valuation, 2.99% above the preliminary effective tax rate. On July 25, 2007, the Chief Appraiser calculated a final effective tax rate of 55.16 cents. The decrease in the final effective tax rate as compared to the preliminary tax rate used in the filed budget June 29, 2007, required a decrease in the proposed total tax rate from 57.34 to 56.81 cents (2.99% above the effective tax rate). Changes in the tax rate components as compared to the proposed budget filed June 29, 2007 are as follows:

Comparing proposed tax rate of 56.81 cents to the *preliminary* rate of 57.34 cents as proposed in the budget filed on June 29, 2007:

	PRELIMINARY FY 2008	PROPOSED FY 2008	Increase (Decrease)	Effective Tax Rate	% FY 2008 > EFT
<b>Proposed Tax Rate</b>					
M&O (Maintenance & Operation)	\$ 0.3435	\$ 0.3392	\$ (0.0043)		
I&S (Interest & Sinking - Debt)	0.2299	0.2289	(0.0010)		
	<u>\$ 0.5734</u>	<u>\$ 0.5681</u>	<u>\$ (0.0053)</u>	\$ 0.5516	<u>2.99%</u>

The decrease in the proposed tax rate, along with an adjustment of the certified taxable value (\$2,854,755,588) from the preliminary taxable value (\$2,841,673,143) will decrease the M&O revenue by \$72,648 as compared to the preliminary budget filed on June 29, 2007. The frozen tax levy increased to \$1,337,905 from a preliminary levy total of \$1,320,520. This increase of \$17,385 will help offset the decrease revenue as mentioned above. The net decrease of \$55,263 in property tax revenue will be offset by an increase in sales tax revenues.

Comparing the proposed tax rate of 56.81 cents to the *current FY 2007 adopted* tax rate of 57.34 cents:

		PROPOSED FY 2007	FY 2008	Increase (Decrease)
<b>Proposed Tax Rate</b>				
M&O (Maintenance & Operation)	\$	0.3395	\$ 0.3392	\$ (0.0003)
I&S (Interest & Sinking - Debt)		0.2339	0.2289	(0.0050)
	<u>\$</u>	<u>0.5734</u>	<u>\$ 0.5681</u>	<u>\$ (0.0053)</u>

**Example 1 – Annual Property Tax - \$100,000 Taxable Value:**

With the proposed tax rate of 56.81 cents per \$100 valuation, the cost to a homeowner with a taxable value of \$100,000 would be an annual savings of \$5.30 if there was no change in taxable value from the prior year. If a homeowner with a taxable value of \$100,000 in 2007 experienced an increase in taxable value of 4.98% (average increase in appraised value), the annual property tax would increase by \$22.99.

**Example 2 – Annual Property Tax - Average Taxable Value for City of Temple:**

The preceding tax year's average taxable value of a residence homestead in Temple was \$80,777. In the current tax year, the average taxable value a residence homestead in Temple is \$85,865. With the proposed tax rate of 56.81 cents per \$100 valuation, there would be an annual increase of \$24.62 in taxes.

**FISCAL IMPACT:**

Changes from the preliminary tax rate and base used to calculate the filed budget on June 29, 2007 to the proposed rate with the certified tax roll as presented August 16, 2007 are as follows:

	Filed Budget 6/29/07	Proposed Budget 8/10/07	Increase/ (Decrease)
Tax Base	\$2,841,673,143	\$2,854,755,588	\$13,082,445
Tax Rate:			
M&O	34.35¢	33.92¢	(0.43¢)
I&S	22.99¢	22.89¢	(0.10¢)
Total Tax Rate	57.34¢	56.81¢	(0.53¢)
Tax Levy:			
M&O	\$8,880,397	\$8,807,749	(\$72,648)
Frozen Taxes	1,320,520	1,337,905	17,385
I&S	5,943,533	5,943,672	139
Total Tax Levy	\$16,144,450	\$16,089,326	(\$55,124)

**General Fund:**

***Explanation of Changes from Filed Budget to Proposed Budget @ 8/16/2007:***

<sup>A</sup> **Revenue Changes:**

Property tax change - from preliminary to certified roll	\$ (55,263)
Increased sales tax revenue	55,263
<b>Total Revenue Changes</b>	<b>\$ -</b>

<sup>B</sup> **Expenditure Changes:**

<b>Total Expenditures Changes</b>	<b>\$ -</b>
<b>Net Revenue Over (Under) Expenditures</b>	<b>\$ -</b>

**Debt Service Fund:**

***Explanation of Changes from Filed Budget to Proposed Budget @ 8/16/2007:***

<sup>A</sup> **Revenue Changes:**

Property tax change - from preliminary to certified roll	\$ 139
Reduced interest income	(139)
<b>Total Revenue Changes</b>	<b>\$ -</b>

<sup>B</sup> **Expenditure Changes:**

<b>Total Expenditures Changes</b>	<b>\$ -</b>
<b>Net Revenue Over (Under) Expenditures</b>	<b>\$ -</b>

**ATTACHMENTS:**

[Historical Tax Rate Information](#)

# CITY OF TEMPLE, TEXAS

## ADOPTED TAX RATE VS. EFFECTIVE TAX RATE

Fiscal Year	Adopted Tax Rate			Effective Tax Rate	Increase in Adopted Rate over Effective Tax Rate	
	I & S	M & O	Total		\$	%
1999	\$0.2302	\$0.3270	\$0.5572	\$0.5488	\$0.0084	1.53%
2000	0.2302	0.3270	0.5572	0.5404	0.0168	3.11%
2001	0.2402	0.3520	0.5922	0.5518	0.0404	7.32%
2002	0.2445	0.3520	0.5965	0.5792	0.0173	2.99%
2003	0.2620	0.3273	0.5893	0.5722	0.0171	2.99%
2004	0.2537	0.3510	0.6047	0.5972	0.0075	1.26%
2005	0.2349	0.3674	0.6023	0.5731	0.0292	5.10%
2006	0.2199	0.3546	0.5745	0.5579	0.0166	2.98%
2007	0.2339	0.3395	0.5734	0.5568	0.0166	2.98%
<b>2008*</b>	<b>0.2289</b>	<b>0.3392</b>	<b>0.5681</b>	<b>0.5516</b>	<b>0.0165</b>	<b>2.99%</b>

\*Proposed Tax Rate



## COUNCIL AGENDA ITEM MEMORANDUM

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08/16/07  
Item #4(A)-(B)  
Consent Agenda  
Page 1 of 1

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

Clydette Entzminger, City Secretary

**ITEM DESCRIPTION:** Approve Minutes:

- (A) August 2, 2007 Special Called Meeting
- (B) August 2, 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:**

August 2, 2007 Special Called Meeting  
August 2, 2007 Regular Meeting



## **REGULAR MEETING OF THE TEMPLE CITY COUNCIL**

**AUGUST 2, 2007**

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

**1. Receive an update on potential ordinance changes relating to metal buildings, landscaping, signage and IH-35 overlay districts.**

David Blackburn, City Manager, provided an update regarding several projects the City staff has been working on, including metal buildings, landscaping, signage and I-35 Overlay District. For each project, Mr. Blackburn explained why we are talking about the particular issue and the current ordinance provisions, if any; provided highlights of the draft white papers or ordinances; discussed the processes engaged to date and the feedback received; and discussed the process recommended to finish or bring closure to these projects.

Mr. Blackburn showed photos of both residential and non-residential metal buildings. Our current ordinance has no provisions regulating building facade materials and there is no distinction between residential/non-residential buildings. The current white paper drafts present different approaches for residential and non-residential structures. Neither prohibits metal buildings anywhere in the City, but they do propose regulations and processes for how they are considered. Mr. Blackburn reviewed the processes that are being recommended for both.

Several stakeholder groups have been identified and have been reviewing the draft white papers. Feedback has been received from some of the groups and while they are generally supportive, they have requested some modifications be made. Mr. Blackburn asked for Council feedback on the substantive provisions being proposed and recommended placing an item on the August 16th City Council work session agenda to receive final direction.

Councilmember Schneider stated he felt the process needed to slow up and allow the Staff to focus on other matters, such as the Comprehensive Plan. This would also allow more stakeholder input.

Mayor Jones stated a lot of work has already been done and he would like to see the project move along.

Councilmember Jeter expressed his disappointment in the process. There are too many drafts being discussed in the community before the City Council has even reviewed them, causing confusion about the Council's participation. He agreed that something does need to be adopted soon as there is currently no protection and he suggested the Council review this issue in September.

Mayor Pro Tem Tyroch agreed with slowing the process down and proposed a review date of October 19th.

Mayor Jones stated he hoped any proposed ordinance would have a lot of flexibility 'by right', exercising some control but not total control. He also hoped this could be accomplished by year end.

Councilmember Schneider agreed with simplyfying the ordinance but addressing some issues of concern.

Mayor Jones stated he felt, based on the comments today, that the residential requirements could be adopted now, while they continued to work on the commercial metal buildings.

Mr. Blackburn recommended bringing the residential metal building regulations to the Council for consideration very soon and providing the Council with a draft ordinance of the proposed non-residential metal building regulations before another work session on this item is conducted.

Amendment to the current landscaping requirements was a recommendation in the Strategic Investment Zone (SIZ) report adopted by the City Council, Mr. Blackburn stated. He reviewed the elements in the current ordinance. The process for the landscaping discussions has been complicated. A subcommittee of SIZ produced a draft several months ago and staff has been working with stakeholder groups to achieve a better consensus. Mr. Blackburn recommended a Council work session on September 6th to review the proposed ordinance.

Mayor Jones stated a lot of work was done by the landscaping committee so we don't start over with this process

Councilmember Schneider asked if the City is enforcing the current ordinance? If it is only a matter of enforcing the regulations we already have we should do that instead of creating new regulations.

Mayor Jones replied the current ordinance only applies to 100% reconstruction or new construction. He added that all of the stakeholders were represented on the landscaping committee. They reviewed the current ordinance and drafted recommendations for changes they felt were needed.

Mr. Blackburn indicated his direction has been to obtain stakeholder consensus first. In the future, he will present the issue to the Council first, then seek stakeholder input as directed by the Council.

Mayor Jones stated the Strategic Plan, adopted by the City Council, does give staff direction on these issues being discussed today and that is why they have been on the staff's work plan.

Mr. Blackburn stated another area addressed in the Strategic Investment Zone report was

signage. At this time staff is proposing revisions to only temporary and prohibited signage, not permanent signage regulations. He reviewed some of these proposed revisions.

Mayor Jones noted the major improvement in this area already just with enforcement of the current ordinance.

The next issue presented was the I-35 Overlay District, a project of a subcommittee of the Planning & Zoning Commission, which was also included in the Strategic Investment Zone report. The full Commission and the subcommittee have met several times to discuss this issue. Mr. Lloyd Thomas, Planning & Zoning Commission Chair, stated the Commission sees a need for changes on I-35 because of the many issues coming before them at this time. A draft ordinance has been developed and the subcommittee would like to seek stakeholder input at this time, with direction from the Council, so they can address specific components of the ordinance before it goes back to the Planning & Zoning Commission. There is a limited time to deal with this issue because Texas Department of Transportation (TxDOT) is beginning to purchase right of way needed for the I-35 expansion project.

2. **Discuss the potential purchase of property located at 212 East Avenue A. Executive Session - The City Council may enter into executive session pursuant to Section 551.072 of the Texas Government Code to discuss the purchase, exchange, lease or sale of real property.**

Mayor Jones stated the City Council would enter into executive session at this time, approximately 4:45 pm, for the discuss of this item.

The regular work session was reconvened at approximately 5:00 pm, with no action being taken by the City Council.

3. **Discuss the Proposed FY 2007-2008 City of Temple budget, Capital Improvement Plan and related issuance of bonds.**
4. **Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, August 2, 2007 as follows:**

There was no discussion of items 3 and 4.

**Present:**

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

**Absent:**

Councilmember Patsy E. Luna

## **I. CALL TO ORDER**

### **1. Invocation**

Pastor D.S. McBride, Grace Temple Ministries, voiced the Invocation.

### **2. Pledge of Allegiance**

Mr. Marvin Hurd led the Pledge of Allegiance.

**ALL AGENDA ITEMS IN SECTIONS II THROUGH V WILL BE CONSIDERED BY THE TEMPLE CITY COUNCIL ONLY.**

## **II. PUBLIC COMMENTS**

There were no public comments made at this meeting.

## **III. BUDGET ITEMS**

### **3. (A) PUBLIC HEARING - Receive presentation by the City Manager and conduct a public hearing on the proposed 2007-2008 operating budget.**

**2007-5104-R: (B) Discuss proposed tax rate and consider adopting a resolution scheduling the adoption of the proposed tax rate for August 23, 2007, and setting public hearings for August 10, 2007 and August 16, 2007 on the proposed tax rate for FY 2007-2008.**

David Blackburn, City Manager, gave a brief presentation of this item to the City Council. He discussed the budget calendar and the fence posts by which he developed the budget, including maintaining or lowering the tax rate; remaining fiscally sound; aligning the budget with the Strategic Plan; and continuing the Capital Improvement Plan. Mr. Blackburn discussed the program and service area priorities. The additional and expanded programs and services were presented, including compensation and benefits, Strategic Investment Zone, Municipal Court City Marshal Program, the Junior Golf Program, and a sewer collection construction crew. Mr. Blackburn reviewed the new personnel being recommended in the General Fund and the Water and Wastewater Fund in the proposed budget. Next, he discussed the Fund Balance - Designated for Capital and the total requests for funding from all departments during the FY 2007-2008 budget process, compared to what was funded.

Traci Barnard, Director of Finance, continued with a review of the financial portion of the proposed budget for the General Fund and the Water and Wastewater Fund. She also discussed the proposed water rate increases for both residential and commercial customers.

Mr. Blackburn reviewed the proposed capital improvement program and the proposed

General Obligation Bond projects for Fire/EMS issues and Parks issues.

Mrs. Barnard discussed the proposed tax rate, which is \$0.5681 per \$100 valuation for tax year 2008. She also presented 10 year historical information for the adopted tax rate versus effective tax rate. She presented a comparison of Temple's proposed tax rate with the current tax rate in surrounding cities. The assessed value of taxable property increased by 8.84% in the last year, with \$97.5M in new taxable value.

Mayor Jones declared the public hearing to be open with regard to agenda item 3(A) 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 setting the proposed tax rate of \$0.5681 per \$100 in value and scheduling the adoption of the proposed tax rate for the August 23, 2007 Special City Council meeting, seconded by Councilmember Russell Schneider.

Motion passed unanimously.

Motion by Councilmember Russell Schneider to adopt resolution setting the public hearings on the proposed tax rate of \$0.5681 per \$100 in value for 5:00 pm August 10, 2007 Special City Council meeting and 5:00 pm August 16, 2007 Regular City Council meeting, seconded by Mayor Pro Tem Martha Tyroch.

Motion passed unanimously.

Following the vote on item 3(B), Mr. Blackburn continued the discussion of the proposed budget, addressing the public service agency funding. He discussed several of the agencies receiving increased funding in 2007-2008.

Next, Mr. Blackburn also continued the discussion of the proposed General Obligation bond projects which require voter approval. He explained the scope of the Fire and EMS study that is underway. Mr. Blackburn recommended this portion of the GO bond issue be presented to the voters in May 2008 since the study has just been received by City staff. He recommended that the Parks GO bond issue be presented to the voters in November 2007. If the Council agrees to this process, it was recommended that the election be called at the August 23, 2007 Special Meeting of the City Council.

Councilmember Schneider stated he has received some calls about the Summit, a City facility, competing with local providers. He asked if this facility should stand on its own and pay for its improvements with user fees. Maybe this issue should be removed from the ballot, he stated.

Mayor Pro Tem Tyroch stated the number of people that use that facility justify the

improvements.

Councilmember Jeter stated those that use the facility know it does not compete with other facilities in our community. The Summit is more of a family recreation center.

Councilmember Schneider suggested the Summit improvements might be considered as a separate item on the ballot so the voters can decide whether the City should continue to invest in that facility or not.

Councilmember Jeter noted he has been provided information that shows the General Fund overtime is budgeted at over 1.5% of the entire budget, about \$1M. He asked to be provided additional information regarding why this is such a significant amount in the budget.

Mr. Blackburn stated work sessions with the Council will be scheduled for the next several Council meetings to allow continued discussions of these items.

Mayor Pro Tem Tyroch left the meeting at 6:20 pm and was not present for the discussion or vote on the remaining items on this agenda.

#### **IV. CONSENT AGENDA**

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

**(A) July 19, 2007 Special Called Meeting**

**(B) July 19, 2007 Regular Meeting**

**(C) 2007-5105-R: Consider adopting a resolution authorizing a farm lease with Ed Brenek for 8.164 acres of City-owned land located east of Wilson Park; and approximately 39 acres of City-owned land located on Little Flock Road.**

**(D) 2007-5106-R: Consider adopting a resolution authorizing a farm lease with Carl and Charles Grisham on 164 acres of City-owned land located near Old Howard Road within the Tax Increment Financing Reinvestment Zone No. 1.**

**(E) 2007-5107-R: Consider adopting a resolution authorizing a farm lease with Carl and Charles Grisham on 68 acres of City-owned land located on Old Howard Road within the Tax Increment Financing Reinvestment Zone No. 1.**

**(F) 2007-5108-R: Consider adopting a resolution authorizing a farm lease with Harry Macey on 4.0 acres of land located on an unused corner of Lions Park across the creek to the southwest from the main part of the park.**

**(G) 2007-5109-R: Consider adopting a resolution authorizing a farm lease with Monique Rincones on approximately 3.7 acres located at the southeast corner**

of the Service Center property on East Avenue H.

**(H) 2007-5110-R: Consider adopting a resolution authorizing a construction contract with TTG Utilities of Gatesville for the emergency replacement of an 8" sewer line in the area of 1909 Curtis B. Elliott (Wilson Park Complex) in the amount of \$103,734.**

**(I) 2007-5111-R: Consider adopting a resolution authorizing a development agreement and a contribution to the Encinas Group in the amount of \$130,000 to meet the City's financial commitment to Phase II of the Village at Meadow Bend, a family tax credit project.**

**(J) 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.**

**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.**

**(K) 2007-5102-R: Consider adopting a resolution authorizing the nomination of a member to serve on the Brazos G Regional Water Planning Group.**

**(L) 2007-5112-R: Consider adopting a resolution authorizing the Planning Director to modify the term limits with applicable licensing processes for various Conditional Use Permits (CUP's).**

**(M) 2007-5113-R: Consider adopting a resolution authorizing budget amendments for fiscal year 2006-2007.**

Motion by Councilmember Russell Schneider to adopt resolution approving Consent Agenda, with exception of item (J), seconded by Councilmember Tony Jeter.

Motion passed unanimously.

**(J) 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.**

**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.**

Mr. Graham stated this is the third property staff has brought to the City Council for purchase in this area of the Reinvestment Zone. This is an unimproved parcel, owned by the Robinson family. He recommended the Council adopt the resolution authorizing the purchase of the property in the amount of \$65,000 plus closing costs.

Motion by Councilmember Russell Schneider to adopt resolution in item (J) as recommended, seconded by Councilmember Tony Jeter.

Motion passed unanimously.

## **V. REGULAR AGENDA**

### **ORDINANCES**

- 5. 2007-4157: (A) FIRST READING - PUBLIC HEARING - Z-FY-07-43:** Consider adopting an ordinance authorizing the amendment to the West Temple Comprehensive Plan from Office and Residential uses to Community Facilities (Schools) uses on 31.108± out of portions of land commonly known as Outblocks 1094A-A and 1094-A and C, City Addition, located on the north side of West Adams Avenue, between Hilliard Road and Brooks Drive.

**2007-4158: (B) FIRST READING – PUBLIC HEARING - Z-FY-07-44:** Consider adopting an ordinance authorizing a zoning change from Single Family One (SF-1), Office One (O-1), General Retail (GR) and Multiple Family One (MF-1) Districts to Single Family One (SF-1) District on approximately 31.108 acres of land out of land commonly known as Outblocks 1094A-A, 1094-A and 1094-C, City Addition, located north of West Adams Avenue, between Hilliard Road and Brooks Drive.

Brian Mabry, Senior Planner, gave a brief presentation to the City Council regarding this item. The applicant in this request is Holy Trinity Catholic High School. He showed an aerial photo of the property and the future land use map for this area. The Planning & Zoning Commission unanimously recommended approval of the amendment to the West Temple Comprehensive Plan to reflect Community Facilities Schools.

Regarding item (B), Mr. Mabry discussed the requested zoning for this property, SF-1, which would require future non-residential uses in this area to provide screening. He showed some of the existing uses in this area and the surrounding zoning districts. The property is currently a corn field. Mr. Mabry also showed the thoroughfare plan and the utilities in the area. He reviewed the dimensional standards for the requested zoning district, SF-1, and showed a conceptual view of the elevation for the proposed school, as well as the conceptual site plan. Fifteen notices were mailed to surrounding property



owners, with four returned in favor and none in opposition.

Mayor Jones declared the public hearing open with regard to agenda item 5(A)-(B) and asked if anyone wished to address this item.

Mr. John Bandas, the engineer for the project, addressed the Council. He showed a concept plan for the new facility and introduced representatives present from Holy Trinity Catholic High School.

There being no further comments, Mayor Jones closed the public hearing closed with regard to agenda item 5.

Motion by Councilmember Tony Jeter to adopt ordinances 5(A) and (B), with second reading set for August 16, 2007, seconded by Councilmember Russell Schneider.

Motion passed unanimously.

**6. 2007-4159: FIRST READING - PUBLIC HEARING - Z-FY-07-45: Consider adopting an ordinance authorizing a zoning change from the Two Family (2F) District to the Neighborhood Service (NS) District on the North 50 Feet of Lot 2, Block A, Bentley Bellview Addition, located at 801 and 803 South 33rd Street.**

Brian Mabry, Senior Planner, gave a brief presentation to the City Council regarding this item. He displayed an aerial map of the property and the surrounding area. He also presented the future land use map and zoning map for the area. The applicant, Melinda Bulls, is proposing to establish a beauty salon on the property. The property takes access from Avenue H and has an existing parking area. Mr. Mabry also reviewed the development regulations for the Neighborhood Service District.

Eleven notices were mailed to property owners in the surrounding area, with four being returned in favor and none in opposition.

Mayor Jones declared the public hearing open with regard to agenda item 6 and asked if anyone wished to address this item.

Melinda Bulls, the applicant in this request, addressed the Council, and asked for their support of her request.

There being no further comments, Mayor Jones closed the public hearing with regard to agenda item 6.

Motion by Councilmember Russell Schneider to adopt ordinance, with second reading set for August 16, 2007, seconded by Councilmember Tony Jeter.

Motion passed unanimously.

7. **2007-4160: (A) FIRST READING - PUBLIC HEARING - Z-FY-07-47: Consider adopting an ordinance authorizing an amendment to the Future Land Use Plan Map to reflect a change from Medium Density Residential to Neighborhood and Community Retail uses on Lot 20, Block 1, Tal-Coe Place Addition, located at 1118 South 29th Street.**

**2007-4161: (B) FIRST READING – PUBLIC HEARING – Z-FY-07-48: Consider adopting an ordinance authorizing a zoning change from Two Family (2F) District to Neighborhood Service (NS) District on Lot 20, Block 1, Tal-Coe Place Addition located at 1118 South 29th Street.**

Brian Mabry, Senior Planner, gave a brief presentation to the City Council regarding this item. The applicants in this request are Jack Folsom and James Brooks. He showed an aerial map of the property, as well as the surrounding properties in the area and the Future Land Use Map. This request to amend the Future Land Use Map is to reflect a change from Medium Density to Neighborhood and Community Retail uses to accommodate a beauty salon.

Regarding item (B), Mr. Mabry showed photos of the area proposed for rezoning, including locations of public utilities and the Thoroughfare Plan. He reviewed the permitted and prohibited uses in the proposed Neighborhood Service District. Mr. Mabry also discussed the parking spaces that would be shared with the optometrist office.

Seventeen notices were mailed to surrounding property owners, with none being returned either in favor of or opposing the requested rezoning.

Mayor Jones declared the public hearing open with regard to agenda item 7(A) & (B) and asked if anyone wished to address this item. There being none, Mayor Jones closed the public hearing.

Motion by Councilmember Tony Jeter to adopt ordinances 7(A) and (B), with second reading set for August 16, 2007, seconded by Councilmember Russell Schneider.

Motion passed unanimously.

## **RESOLUTIONS**

8. **2007-5114-R: P-FY-07-41: Consider adopting a resolution authorizing the final plat of P & D Ranch, two residential lots on 20 acres, located at 9049 Stallion Road, east of Heidenheimer, Texas in Temple's Extra-territorial Jurisdiction (ETJ) with the developer's requested exceptions to Section**

**12-145 of the City Code of Ordinances requiring one fire hydrant per 600' of street frontage; Section 33-102(d)(2) of the Subdivision Ordinance for payment of park fees; and Section 33-94 of the Subdivision Ordinance for the ribbon curb on rural streets.**

Brian Mabry, Senior Planner, gave a brief presentation to the City Council regarding this item, which involves the final plat of the P & D Ranch, located in Temple's ETJ. The applicant has requested exceptions to the fire hydrant requirement, the park fees and the ribbon curb on rural streets. The Fire Department, Parks and Leisure Services and the Planning Department have reviewed the requested exceptions and recommend approval of all due to the property's location in the ETJ and the small number of lots being platted.

Motion by Councilmember Russell Schneider to adopt resolution, seconded by Councilmember Tony Jeter.

Motion passed unanimously.

**9. Discussion of the purchase of a medical and prescription insurance policy and a dental insurance policy for employees and under age 65 retirees of the City of Temple by the City of Temple Employee Benefits Trust.**

Amy House, Director of Human Resources, gave a presentation to the City Council regarding this item. She stated the purpose of this item is to convene a meeting of the City of Temple Benefits Trust, of which the Councilmembers serve as Trustees, for the purpose of purchasing medical/prescription and dental insurance for employees and under age 65 retirees for FY 2007-2008.

The City offers four plans for medical and prescription insurance to its active employees, retirees under age 65 and their dependents. Proposals for the purchase of medical/prescription insurance were received from Scott & White Health Plan and Blue Cross/Blue Shield. Eleven proposals were received for dental insurance. The proposals were reviewed by the City's employee benefits consultant, Terry Hale, with City-County Benefits Service, as well as the City's staff employee insurance committee. Both recommended Scott & White Health plan as the best overall for medical/prescription insurance and Met Life for dental insurance.

Ms. House reviewed the City's direct and implicit liability with regard to GASB Rule 45 and the City's other post employment benefits or OPEB. The City has taken steps to reduce the direct liability by changing the requirements for the City to share in the cost of medical insurance for retirees from 10 years of service with the City to 25 years of service. By adopting unblended rates for both active employees and under age 65 retirees, the City will be taking steps to reduce or eliminate the implicit liabilities.

At this time, Mayor Jones recessed the Regular City Council meeting and

convened the meeting of the City of Temple Employee Benefits Trust.

## **VI. AGENDA - CITY OF TEMPLE EMPLOYEE BENEFITS TRUST**

- 1. Consider adopting the City of Temple Investment Policy as the policy for investments for the City of Temple Employee Benefits Trust now and as may be amended in the future.**
- 2. Consider designating the depository for the City of Temple Employee Benefits Trust as the depository utilized by the City of Temple now and as may be amended in the future.**
- 3. Consider designating the signatories for the City of Temple Employee Benefits Trust as the same utilized by the City of Temple now and as may be amended in the future.**
- 4. Consider designating and authorizing the annual auditors for the City of Temple now and as may be amended in the future to conduct an audit of the City of Temple Employee Benefits Trust at such time that the audit for the City of Temple is conducted.**
- 5. Consider action to purchase a medical and prescription insurance policy from Scott & White Health Plan for employees and under age 65 retirees of the City of Temple for Fiscal Year 2007-2008.**
- 6. Consider action to purchase a dental insurance policy from Met Life for employees and under age 65 retirees of the City of Temple for Fiscal Year 2007-2008.**

Ms. House reviewed items 1 through 6 on the agenda for the Trust. Items 1 through 4 are organizational items for the Trust, which adopt existing City policies and procedures for various items.

Motion by Councilmember Russell Schneider to adopt items 1 through 4 on the City of Temple Employee Benefits Trust agenda, seconded by Councilmember Tony Jeter.

Motion passed unanimously.

Motion by Councilmember Tony Jeter to purchase a medical and prescription insurance policy from Scott & White Health Plan for fiscal year 2007-2008, seconded by Councilmember Russell Schneider.

Motion passed unanimously.

Motion by Councilmember Russell Schneider to purchase a dental insurance policy from Met Life for fiscal year 2007-2008, seconded by Councilmember Tony Jeter.

Motion passed unanimously.

Ms. House noted that even though the prices went down for both medical and dental insurance, at least the same or better benefits are being received.

At this time Mayor Jones adjourned the meeting of the City of Temple Employee Benefits Trust and reconvened the Regular Meeting of the Temple City Council.

## **V. REGULAR AGENDA - CONTINUED**

### **10. 2007-5115-R: Consider adopting a resolution authorizing the purchase of property located at 212 East Avenue A.**

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

David Blackburn, City Manager, stated this item was discussed in executive session with the City Council as part of the work session conducted prior to today's regular meeting. He indicated he had no additional information to present at this time.

Motion by Councilmember Tony Jeter to table resolution, seconded by Councilmember Russell Schneider.

Motion passed unanimously.

ATTEST:

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William A. Jones, III, Mayor

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Clydette Entzminger  
City Secretary



## COUNCIL AGENDA ITEM MEMORANDUM

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

Bruce Butscher, Director of Public Works

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the purchase of a tractor with a batwing mower from Landmark Equipment Company through the Houston-Galveston of Governments Cooperative Purchasing Program (H-GAC) in the amount of \$44,095.66

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

**ITEM SUMMARY:** The Drainage Division is in need of a large tractor/shredder to maintain the large drainage areas in the City of Temple, in particular Linear Detention Pond #2 located in the Reinvestment Zone. At this time, we do not have the equipment to properly maintain these large drainage areas. After reviewing the options available for purchase (H-GAC and Buy Board), it was determined that the most cost effective solution was offered by H-GAC contracted vendor Landmark Equipment Company. Due to the City not having done business with Landmark Equipment Company in the past, references were checked and after receiving favorable comments Landmark Equipment Company was found to be a responsible bidder.

**FISCAL IMPACT:** Funds in the amount of \$42,559 are available in the Reinvestment Zone No. 1 to partially fund this purchase. \$30,000 of these funds is available from the settlement agreement between the City of Temple and Prater Equipment Company, Inc. The settlement amount is to be used for the future maintenance of the Linear Detention Pond #2 located within the Reinvestment Zone No. 1. There is also \$12,559 is available in the Reinvestment Zone No. 1 from the amount remaining on the contract for work that was not completed. The additional \$1,537 that is needed to fund the purchase of \$44,096 is available within the Drainage Fund's operating budget.

A budget adjustment is attached for Council's approval reallocating funds in the amount of \$44,096 to the appropriate expenditure accounts.

### **ATTACHMENTS:**

[Budget Adjustment  
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.**

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-

ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE		DECREASE	
292-2900-534-62-22	950006	Machinery & Equipment	\$ 1,537			
292-2900-534-23-17		Drainage Systems			1,537	
795-9600-531-62-22	950006	Machinery & Equipment	42,559			
795-0000-358-11-10		Unreserved Fund Balance			30,000	
795-9600-531-67-73	100242	Western Zone Project			12,559	
		<b>Do not post</b>				
<b>TOTAL.....</b>			<b>\$ 44,096</b>		<b>\$ 44,096</b>	

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

To reallocate funds available in the Drainage Fund's Operating Budget in the amount of \$1,537 and to reallocate funds available in the Reinvestment Zone No. 1 in the amount of \$42,559 to fund the purchase of a tractor with a batwing mower from Landmark Equipment Company for the future maintenance of the Linear Detention Pond #2 located within the Reinvestment Zone No. 1.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒

Yes

☐

No

DATE OF COUNCIL MEETING

8/16/2007

WITH AGENDA ITEM?

☒

Yes

☐

No

\_\_\_\_\_  
Department Head/Division Director\_\_\_\_\_  
Date☐  
☐

Approved

Disapproved

\_\_\_\_\_  
Finance\_\_\_\_\_  
Date☐  
☐

Approved

Disapproved

\_\_\_\_\_  
City Manager\_\_\_\_\_  
Date☐  
☐

Approved

Disapproved

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF A TRACTOR WITH A BATWING MOWER FROM LANDMARK EQUIPMENT COMPANY THROUGH THE HOUSTON-GALVESTON COUNCIL OF GOVERNMENTS COOPERATIVE PURCHASE PROGRAM IN THE AMOUNT OF \$44,095.66; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the Drainage Division is in need of a larger tractor/shredder to maintain the large drainage areas in the City;

**Whereas**, after reviewing the options available, the Staff recommends purchasing the equipment from Landmark Equipment Company through the Houston-Galveston Council of Governments Cooperative Purchasing Program at a cost of \$44,095.66;

**Whereas**, funds are available for this purchase but an amendment to the FY2005-06 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 purchase of a tractor with a batwing mower, for a cost not to exceed \$44,095.66, from Landmark Equipment Company through the Houston-Galveston Council of Governments Cooperative Purchasing Program.

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

**Part 3:** The City Council approves an amendment to the FY2006-2007 budget, substantially in the form of the copy attached as Exhibit A, for this purchase.

**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 **16<sup>th</sup>** day of **August**, 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

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

Belinda Mattke, Director of Purchasing

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a one-year renewal to the contract with Perry Office Plus for the purchase of office supplies by the entities of the Central Texas Purchasing Cooperative in the estimated annual amount of \$450,000, with Temple's estimated annual expenditure to be \$95,000.

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

**ITEM SUMMARY:** In March of 1999, the Council authorized an interlocal agreement that allowed the City of Temple to join the Central Texas Purchasing Cooperative (CTPC). The CTPC is a small, local cooperative group consisting of the City of Temple, the City of Killeen, the City of Harker Heights, the City of Copperas Cove, Copperas Cove ISD, Belton ISD, Temple College and Central Texas College. The CTPC adopted school districts procurement laws as they were the most advantageous at the time of CTPC inception. School district procurement laws allow us to use an RFP in lieu of a bid for commodities the CTPC procures. When we first joined the CTPC, the CTPC contracted for several commodities with each entity taking the lead on a contract, of which the City of Temple became responsible for the office supply contract. With the increase in the number of cooperative contracts available, the CTPC now only bids office supplies.

On August 18, 2005, Council authorized a contract with Perry Office Plus for the purchase of office supplies for the CTPC for September 1, 2005 through August 31, 2006. The contract allowed for two (2) additional one-year renewal options. On August 17, 2006, Council authorized a one year renewal to August 31, 2007, of the contract. This second renewal, if authorized by Council, will be the final year of the contract and will extend the contract to August 31, 2008.

Since the contract is done under the school district procurement laws, price adjustments can be negotiated as part of the renewal process. Due to rising costs in the paper, steel, fuel and office products industry in general, Perry's is requesting price increases on thirteen of the original 142-line item core price list and an increase of 1.5% to the margin floor, bringing it to 22%. Representatives from each of the CTPC entities have reviewed these increases and find them to be reasonable.

Perry Office Plus has done an excellent job providing these products. Accordingly, the entities of the CTPC unanimously recommend a one-year extension to the contract.

**FISCAL IMPACT:** Budgeted Amount: each entity has budgeted for office supplies  
Estimated CTPC annual expenditure: \$450,000

(The City of Temple estimates an expenditure of \$95,000 for office supplies during the contract period.)

**ATTACHMENTS:**

[Resolution](#)

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE-YEAR RENEWAL TO THE CONTRACT WITH PERRY OFFICE PLUS OF TEMPLE, TEXAS, FOR THE PURCHASE OF OFFICE SUPPLIES BY THE ENTITIES OF THE CENTRAL TEXAS PURCHASING COOPERATIVE IN THE ESTIMATED AMOUNT OF \$450,000, WITH TEMPLE'S ESTIMATED ANNUAL EXPENDITURE TO BE \$95,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas,** in March, 1999, the City Council authorized an interlocal agreement that allowed the City of Temple to join the Central Texas Purchasing Cooperative (CTPC) which is a small, local cooperative purchasing group consisting of the Cities of Temple, Killeen, Harker Heights, Copperas Cove, Copperas Cove ISD, Belton ISD, Temple College, and Central Texas College – the entities take turns being the lead agency, and it is that entity's responsibility to bid and award the contract for office supplies;

**Whereas,** on August 18, 2005, the City Council authorized a contract with Perry Office Plus for the purchase of office supplies for the Central Texas Purchasing Cooperative – the RFP provided for two additional one-year renewal options;

**Whereas,** the Staff recommends renewing the contract with Perry Office Plus of Temple, Texas, for an additional year – estimated annual expenditure is \$450,000; the City's estimated annual expenditure is \$95,000 and each department budgets accordingly for the expense; and

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

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

**Part 1:** The City Council authorizes a one-year renewal to the contract with Perry Office Plus of Temple, Texas, for the purchase of office supplies by the entities of the Central Texas Purchasing Cooperative in the estimated annual amount of \$450,000, with the City's estimated annual expenditure to be \$95,000.

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

**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 **16<sup>th</sup>** day of **August**, 2007.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Clydette Entzminger  
City Secretary

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Jonathan Graham  
City Attorney



## **COUNCIL AGENDA ITEM MEMORANDUM**

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

Sharon Rostovich, Airport Director  
Alan DeLoera, Information Technology Director

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a contract with McLane Advanced Technologies for the purchase and installation of an Airport surveillance/security system at the Draughon-Miller Central Texas Regional Airport in the amount of \$74,864.

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

**ITEM SUMMARY:** On November 16, 2006, the City accepted a Texas Department of Transportation, Aviation Division Routine Airport Maintenance Grant (RAMP Grant) in the amount of \$100,000 (City match \$50,000) to assist with the installation of a complete operational, integrated security management system for video, intrusion and access control systems at the Airport.

Accordingly, in April 2007 a Request for Proposals (RFP) was issued for an Airport Security and Wireless Network Management System. Originally the RFP specified that the selected contractor would install a wireless network to support the security system. However, on June 7, 2007, Council authorized a city-wide contract that included the installation of the necessary wireless infrastructure at the Airport that will support the security system. To fund the wireless infrastructure, \$15,000 of the original \$100,000 designated for this project was used.

Eleven companies attended the pre-proposal conference related to the Airport security system on May 1, 2007 and six companies submitted proposals for review. An evaluation committee was formed consisting of employees from the Information Technology, Airport, and Purchasing departments. The committee evaluated all proposals and the top three companies were invited to an interview on June 18, 2007 to demonstrate their product. The committee selected the #1 rated company and began negotiations; however, the cost of the system exceeded budget. The Committee then re-evaluated the proposals and determined that the proposal submitted by McLane Advanced Technologies, partnering with InHouse Systems, Inc., best met the RFP criteria, the Airport's needs, and was within the budget set forth for this project.

The surveillance software platform selected for this project is the Network Digital Video Management System, manufactured by OnSSI. This software will offer the City recording, archiving and event management capabilities for an unlimited number of cameras at multiple sites. The Airport project will originally consist of eight strategically positioned external cameras.

Per the TxDOT RAMP Grant requirements, the security contract award and notice to proceed must be completed by August 31, 2007, in order to secure the grant funding for the project.

**FISCAL IMPACT:** Funding for this project in the amount of \$85,000 is available in a RAMP Grant designated grant fund account 260-3600-560-6310, Project #100118. Upon acceptance of the project and submittal of the project-related invoices to TxDOT, a 50% match up to \$50,000 will be received, which is currently budgeted in a State Grant revenue account 260-0000-431-0261.

After funding the McLane contract in the amount of \$74,864, \$10,136 will remain available in the project budget. Of this remaining \$10,136, approximately \$5,000 will be needed to fund the purchase of a server for the security system.

**ATTACHMENTS:**

[Resolution](#)

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONTRACT WITH MCLANE ADVANCED TECHNOLOGIES FOR THE PURCHASE AND INSTALLATION OF AN AIRPORT SURVEILLANCE/SECURITY SYSTEM AT THE DRAUGHON-MILLER CENTRAL TEXAS REGIONAL AIRPORT IN THE AMOUNT OF \$74,864; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on May 1, 2007, the City received 6 proposals for the purchase and installation of an Airport surveillance/security system;

**Whereas**, a Staff evaluation committee recommends purchasing the system from McLane Advanced Technologies for \$74,864;

**Whereas**, funding for the project is available in a RAMP Grant designed grant fund in Account No. 260-3600-560-63210; 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, for a cost not to exceed \$74,864, with McLane Advanced Technologies, after approval as to form by the City Attorney, for the purchase and installation of an Airport surveillance/security system 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 **16<sup>th</sup>** day of **August**, 2007.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Clydette Entzminger  
City Secretary

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Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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

Belinda Mattke, Director of Purchasing

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a contract renewal for professional auctioneer services with Eddy Lange and Associates, Auctioneers of Heidenheimer for conducting the City auctions.

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

**ITEM SUMMARY:** On April 20, 2006, Council authorized a contract for professional auctioneer services with Eddy Lange and Associates, Auctioneers. The original agreement allowed for four (4) additional one-year renewals.

Eddy Lange and Associates, Auctioneers, has provided auction services for the City for several years, and Staff has been pleased with the services they provide. Staff recommends extending the contract for an additional year, at a commission of 8% of the auction proceeds for general city auctions and 10% of the proceeds for police evidentiary items. We typically hold two (2) auctions per year – one in the Spring and one in the Fall.

**FISCAL IMPACT:** An increase in revenue will be generated from the sale of auction items.

### **ATTACHMENTS:**

[Resolution](#)



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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONTRACT FOR PROFESSIONAL AUCTIONEER SERVICES WITH EDDY LANGE AND ASSOCIATES AUCTIONEERS OF HEIDENHEIMER, TEXAS, FOR CONDUCTING THE CITY AUCTIONS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, on April 20, 2006, the City Council authorized a contract for professional auctioneer services with Eddy Lange and Associates Auctioneers of Heidenheimer, Texas, for conducting the City's auctions;

**Whereas**, the contract provided for 4 additional one-year extensions and the Staff recommends renewing the contract for an additional year;

**Whereas**, an increase in revenue will be generated from the sale of auction items; 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 for professional auctioneer services between the City of Temple, Texas, and Eddy Lange and Associates Auctioneers of Heidenheimer, Texas, after approval as to form by the City Attorney, for conducting City auctions.

**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 **16<sup>th</sup>** day of **August**, 2007.

THE CITY OF TEMPLE, TEXAS

---

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Clydette Entzminger  
City Secretary

---

Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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08/16/07  
Item #4(G)  
Consent Agenda  
Page 1 of 1

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

Ken Cicora, Director of Parks and Leisure Services

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a construction contract with TTG Utilities, LP of Gatesville for constructing a roller hockey court concrete slab in Wilson Community Park in the amount of \$83,000 and rejecting all initial bids received for this project on June 12, 2007.

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

**ITEM SUMMARY:** On June 12, 2007, the City received bids for the construction of the roller hockey court for Wilson Park. The bids were not within the budget. In addition to providing the concrete for the roller hockey court, the bid included providing excavating and leveling the ground for the court and installing the crusher fines for the pad under the concrete.

The City re-bid the project on July 24, 2007. As shown on the attached bid tabulation sheet, two bids were received for the project with TTG Utilities having the low bid. In order to stay within available funds, the Public Works Department is excavating and leveling the ground for the court and the Parks and Leisure Services Department will purchase and install the crusher fines.

Staff recommends awarding the base bid of \$83,000 for the Wilson Park Roller Hockey Court.

Once the slab is constructed and given time to properly cure the Parks Division will install the walls for the roller hockey court. This will complete the process of moving the roller hockey court from Lions Park to Wilson Park.

**FISCAL IMPACT:** This project is funded through \$100,000 of CDBG Block Grant funds budgeted in account #260-6100-571-65-16. To date \$15,914 has been expended for engineering services and advertising costs, leaving a balance of \$84,086 for the construction of the court. Other expenses anticipated for this project include \$7,713 for select fill material and \$3,000 for landscaping and irrigation. The additional costs will be funded through account 351-3500-552-6515.

### **ATTACHMENTS:**

[Bid tabulation](#)  
[Resolution](#)

Tabulation of Bids Received  
on July 24, 2007 at 2:00 p.m.  
Wilson Park Roller Hockey Slab (Re-bid)

	Bidders	
	TTG Utilites Gatesville	Myers Concrete Wimberly
Description		
Total Base Bid	\$83,000.00	\$152,545.00
Total Base Bid and Alternate 1	\$79,000.00	\$152,545.00
Total Base Bid and Alternate 2	\$84,900.00	\$154,879.00
Bid Bond	5%	5%
Insurance Affidavit	Yes	Yes
Bond Affidavit	Yes	Yes
Credit Check Authorization	Yes	Yes
CIQ Form	Yes	Yes

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

*Belinda Mattke*

*7/24/2007*

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 CONSTRUCTING A ROLLER HOCKEY COURT CONCRETE SLAB IN WILSON COMMUNITY PARK, FOR AN AMOUNT NOT TO EXCEED \$83,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, on June 12, 2007, the City received bids for the construction of the roller hockey court for Wilson Park – the bids were not within the budget and the Staff re-bid the project on July 24, 2007;

**Whereas**, the Staff recommends accepting the bid (\$83,000) received from TTG Utilities, LP, of Gatesville, Texas, for this project, and rejecting all bids received on June 12, 2007, for the construction of the roller hockey court for Wilson Park;

**Whereas**, funds are available for this project in Account No. 260-6100-571-6516; 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 \$83,000 with TTG Utilities, LP, of Gatesville, Texas, after approval as to form by the City Attorney, for constructing a roller hockey court concrete slab in Wilson Community Park.

**Part 2:** The City Council rejects all initial bids received for this project on June 12, 2007.

**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 **16<sup>th</sup>** day of **August**, 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

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08/16/07  
Item #4(H)  
Consent Agenda  
Page 1 of 2

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

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

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a utility cost sharing agreement with Sears & Associates for Hidden Villages subdivision in the amount of \$54,685.

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

**ITEM SUMMARY:** The developer has applied for a cost sharing agreement with the City for the extension of water lines to serve Hidden Villages subdivision. The application meets the City's basic requirements for cost sharing. Under the City's cost sharing ordinance, when authorized by the City Council and subject to the density eligibility requirements and funding availability, the City Manager may enter into a cost sharing agreement with the developer which provides for the extension of water or wastewater mains to subdivisions at 100% of the cost of the improvements borne by the City for the first twenty-five hundred feet (2,500') of required extension.

The original cost sharing application was submitted to the City on December 26, 2006. Subsequent to the original application being submitted, the developer pulled the preliminary plat and resubmitted a revised cost sharing application to the City on March 27, 2007. The estimated construction cost for off-site water extensions is \$40,685, with an engineering and surveying cost of \$14,000, resulting in a total request for reimbursement of \$54,685. Per the application, total improvements support development of 79 lots in Hidden Villages subdivision.

Current Utility Cost Share Agreements executed this fiscal year include the following:

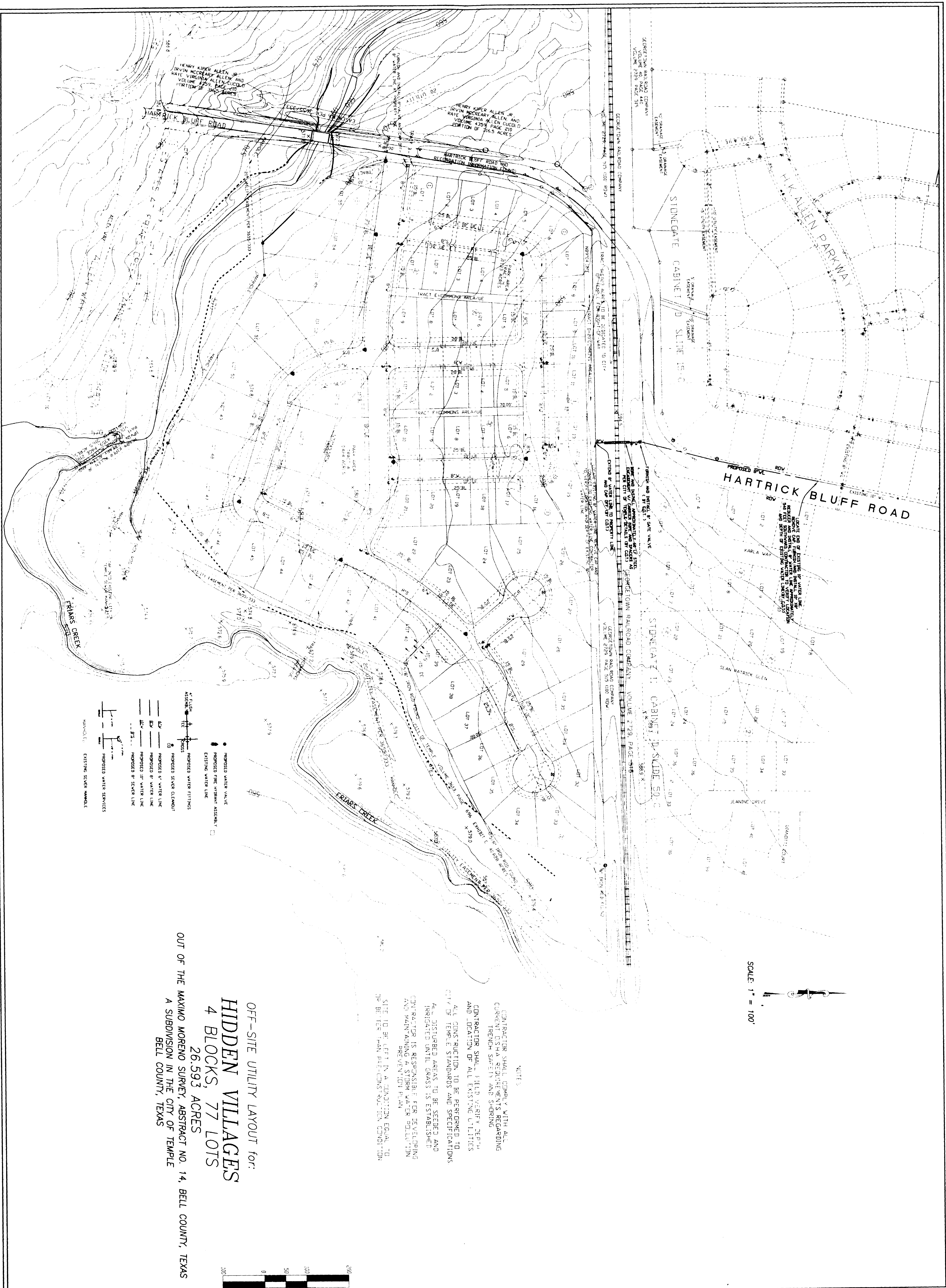
Southern Draw Subdivision	\$271,791.88	Council Date 1/18/07
West Ridge Phase IX	\$ 43,408.69	Council Date 6/07/07
<b>Amount Remaining</b>	<b>\$184,799.43</b>	

**FISCAL IMPACT:** A budget amendment is presented for Council approval appropriating the City's cost in the amount of \$54,685 for the water line extensions from account 520-0000-374-0625 to account 520-5900-535-6366, project # 520004, Water Line Extensions. If the funding request is approved, \$130,114.43 will remain in the Water and Sewer Fund Reserve for Approach Mains account from the fiscal year 2006/2007 original allocation of \$500,000.

**ATTACHMENTS:**

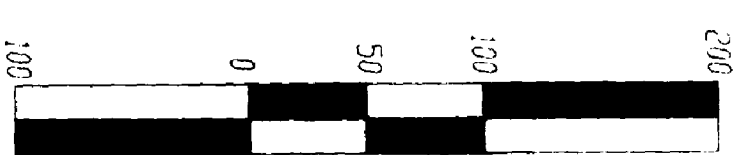
Map  
Engineer's Proposal and Cost Estimate Related to Off-Site Improvements  
Budget Amendment  
Resolution



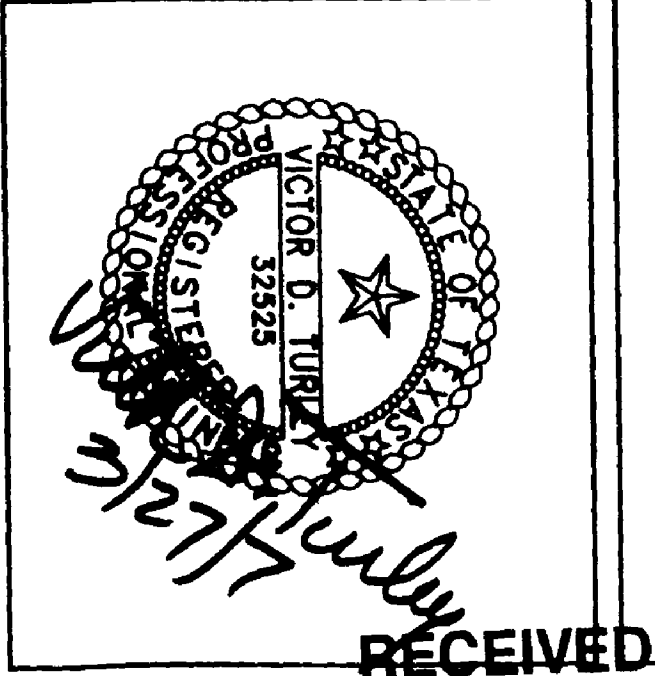


OFF-SITE UTILITY LAYOUT for:  
**HIDDEN VILLAGES**  
4 BLOCKS, 77 LOTS  
26.593 ACRES  
OUT OF THE MAXIMO MORENO SURVEY, ABSTRACT NO. 14, BELL COUNTY, TEXAS  
A SUBDIVISION IN THE CITY OF TEMPLE  
BELL COUNTY, TEXAS

NOTES:  
CONTRACTOR SHALL COMPLY WITH ALL  
CURRENT TEXAS REQUIREMENTS REGARDING  
TRENCH SAFETY AND SHORING  
CONTRACTOR SHALL FIELD VERIFY DEPTH  
AND LOCATION OF ALL EXISTING UTILITIES  
ALL CONSTRUCTION TO BE PERFORMED TO  
CITY OF TEMPLE STANDARDS AND SPECIFICATIONS  
ALL DISTURBED AREAS TO BE SEEDING AND  
IRRIGATED UNTIL GRASS IS ESTABLISHED  
CONTRACTOR IS RESPONSIBLE FOR DEVELOPING  
AND MAINTAINING A DRAINAGE SOLUTION  
BETTER THAN PRE-CONSTRUCTION CONDITION



HIDDEN VILLAGES 26.593 ACRES OUT OF THE MAXIMO MORENO SURVEY, ABSTRACT NO. 14, BELL COUNTY, TEXAS A SUBDIVISION IN THE CITY OF TEMPLE BELL COUNTY, TEXAS	
PREPARED FOR WILL SEARS	
REVISIONS	
DATE: 12/22/06	
DRN BY: MEA	
FIELD BOOK	
REF:	
JOB NO.: 06171	
SHEET 1 OF 1	
COMPUTER 06171	
DWG. NO.	
11694-D	
DRAWING NUMBER	



ENGINEERING • PLANNING • SURVEYING  
CONSTRUCTION MANAGEMENT  
**TURLEY ASSOCIATES, INC.**  
301 N. 3rd ST. TEMPLE, TEXAS (254) 773-2400  
E-MAIL: VDTURLEY@AOL.COM FAX NO. (254) 773-3998

MAR 27 2007  
City of Temple Engineering Dept.

**TURLEY ASSOCIATES, INC.**

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

March 22, 2007

Bruce Butscher, P.E.  
Director of Public Works  
City of Temple  
3210 E. Ave. H, Bldg. A  
Temple, TX 76501

**RECEIVED**

MAR 27 2007

City of Temple  
Planning & Development

**RE: Proposal to provide Engineering and Surveying for the extension of  
waterline to serve Hidden Villages Subdivision**

Dear Bruce,

Attached are the Cost Estimate, Engineering and Surveying Cost, our standard  
hourly rate schedule and an expected time line.

We hope this will be acceptable to the City and can begin on this project as soon  
as possible.

Sincerely,  
***Turley Associates, Inc.***

Victor D. Turley, P.E.  
President

VDT/cd

Enclosures

**RECEIVED**

MAR 27 2007

City of Temple Engineering Dept.



## Exhibit "A"

March 22, 2007

Engineer's Cost Estimate for:

WATER EXTENSIONS

AT HIDDEN VILLAGES SUBDIVISION

HARTICK BLUFF ROAD, SOUTH OF RAILROAD, STONEGATE I &amp; II

TEMPLE, TX

<u>Item Description</u>	<u>Quantity</u>	<u>Units</u>	<u>Unit Cost</u>	<u>Item Cost</u>
A. WATER				
(1) 8" C900/CL150 Waterline	540	L.F.	40.00	\$21,600.00
(2) 8" Gate valve	1	Each	700.00	700.00
(3) 10" x 8" Reducer	1	Each	225.00	225.00
(4) Open cut-pavement repair	70	L.F.	40.00	2,800.00
(5) Railroad Bore	60	L.F.	200.00	12,000.00
(6) 15" Steel Encasement	60	L.F.	56.00	3,360.00
Total for WATER IMPROVEMENTS				\$40,685.00

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<b>TOTAL ESTIMATED CONSTRUCTION COSTS</b>	<b>\$40,685.00</b>
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## ENGINEERING &amp; SURVEYING

Waterline Extension (Hartrick Bluff Road)

A. Data collection for design, Field Surveying	\$2,000.00
B. Engineering design	3,000.00
C. Construction plans production, AutoCAD	4,000.00
D. Review/revisions	1,000.00
E. Bidding documents/processing to award	500.00
F. Construction staking (one time)	2,000.00
G. As-builts/City of Temple closeout project	500.00
H. Construction Inspection	1,000.00

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<b>TOTAL ENGINEERING &amp; SURVEYING</b>	<b>\$14,000.00</b>
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# **Exhibit "B"**

## **Hidden Villages**

### **TURLEY ASSOCIATES, INC. – FEE SCHEDULE January 1, 2007**

<b>PRINCIPAL PROFESSIONAL ENGINEER</b>	<b>\$140.00 PER HOUR</b>
<b>PRINCIPAL REGISTERED PROFESSIONAL LAND SURVEYOR</b>	<b>\$ 98.00 PER HOUR</b>
<b>PROFESSIONAL ENGINEER</b>	<b>\$ 84.00 PER HOUR</b>
<b>ENGINEER IN TRAINING</b>	<b>\$ 74.00 PER HOUR</b>
<b>REGISTERED PROFESSIONAL LAND SURVEYOR</b>	<b>\$ 88.00 PER HOUR</b>
<b>SURVEY TECHNICIAN</b>	<b>\$ 56.00 PER HOUR</b>
<b>SENIOR TECHNICIAN/DESIGNER</b>	<b>\$ 56.00 PER HOUR</b>
<b>TECHNICIAN/DESIGNER</b>	<b>\$ 52.00 PER HOUR</b>
<b>DRAFTSMAN</b>	<b>\$ 38.00 PER HOUR</b>
<b>SURVEY CREW</b>	<b>\$120.00 PER HOUR</b>

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	
520-5900-535-63-66	520004	Water Line Extensions	\$ 54,685			
520-0000-374-06-25		Reserve for Approach Mains			\$ 54,685	
		Do not post				
TOTAL.....			\$ 54,685		\$ 54,685	

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

To appropriate funds for the cost sharing agreement with Sears & Associates for the extension of water lines to the Hidden Villages residential subdivision. After approval of this budget amendment, \$109,089 will remain for future cost sharing agreements during fiscal year 2007.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒ Yes☐ No

DATE OF COUNCIL MEETING

8/16/2007

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 THE CITY MANAGER TO EXECUTE A COST-SHARING AGREEMENT WITH SEARS AND ASSOCIATES FOR HIDDEN VILLAGES SUBDIVISION, IN THE AMOUNT OF \$54,685; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas,** Sears and Associates requested a cost sharing agreement for off-site water extension to serve Hidden Villages Subdivision;

**Whereas,** the Hidden Village Subdivision will have 79 single family homes – the improvements will be dedicated to the City upon completion and carry a one year warranty from the date of acceptance by the City;

**Whereas,** the cost sharing agreement will be for \$54,685 – 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 cost-sharing agreement in the amount of \$54,685 between the City of Temple, Texas, and Sears and Associates, after approval as to form by the City Attorney, for Hidden Villages Subdivision.

**Part 2:** The City Council authorizes an amendment to the FY2006-07 budget, substantially in the form of the copy attached as Exhibit A, for this cost-sharing agreement.

**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 16<sup>th</sup> day of August, 2007.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

---

Clydette Entzminger  
City Secretary

---

Jonathan Graham  
City Attorney



## **COUNCIL AGENDA ITEM MEMORANDUM**

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08/16/07  
Item #4(I)-1  
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 construction contract with Shelton & Shelton, LP, for construction activities required for the extension of West Temple wastewater utilities from S.H. 36 north to Industrial Blvd., in an amount not to exceed \$483,643.69 and declare an official intent to reimburse this expenditure prior to the issuance of tax-exempt obligations for this project.

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

**ITEM SUMMARY:** Utility infrastructure is required to extend sanitary sewer service to Airport Park within Reinvestment Zone #1. Design of the necessary infrastructure was completed by Kasberg, Patrick, & Associates, LP, (KPA) in FY06. The wastewater line will run north-south from Pepper Creek south of S.H. 36 to the engineered extension of Industrial Blvd. The opinion of final probable cost was \$760,000.

Construction activities performed under this project will install the sanitary sewer line designed by KPA. The line will comprise 4405 feet of 18-inch diameter wastewater line, 1655 feet of 15-inch diameter wastewater line, 658 feet of encasement, and 17 manholes. Bids ranged from \$483,643.69 to \$1,719,521 (see attached Bid Tab). KPA recommends awarding the contract to the low bidder, Shelton & Shelton, LP (see attached KPA Recommendation).

Construction time allotted for this project is 210 days.

**FISCAL IMPACT:** The cost of this construction contract is \$483,643.69.

Initially, funding for this project will come from TIF Reinvestment Zone #1 funding available within the Zone's financing plan with the intent to reimburse the Zone from the proposed 2007 Combination Tax & Revenue Certificates of Obligation to be issued in the fall of 2007. The total project cost for the Airport Park is \$2,757,000 with the extension of wastewater utilities from SH 36 north to Industrial Blvd accounting for \$632,000 of this amount. After approval of the construction contract in the amount of \$483,644 and the professional services agreement for on-site representation in the amount of \$37,300, \$111,056 will remain from the original allocation of \$632,000 for the West Temple wastewater utilities from SH 36 north to Industrial Blvd.

A budget amendment is presented for Council's approving appropriating \$483,644 to account 795-9700-531-6826, project # 100257 from Unreserved Fund Balance. These funds will be reimbursed once the bonds are issued.

**ATTACHMENTS:**

[Bid Tab](#)  
[KPA Recommendation](#)  
[Budget Adjustment](#)  
[Resolution](#)

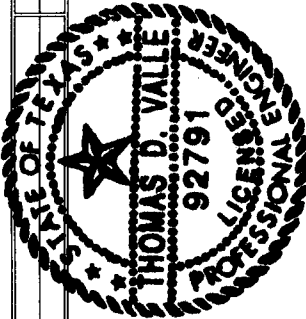


BID TABULATION

CITY OF TEMPLE  
EAST AIRPORT WASTEWATER IMPROVEMENTS

July 24, 2007 10 AM  
3210 E Ave H Bldg C Temple, TX 76501

BIDDER INFORMATION																							
Shelton & Shelton Plumbing, LP P. O. Box 690159 Killeen, TX 76549-0159				TTG Utilities, LP P.O. Box 299 Gatesville, Texas 76528				McLean Construction Ltd P.O. Box 10759 Killeen, TX 76547-0759				Bell Contractors, Inc. 3082 West Hwy. 190 Belton, Texas 76513				Smetana & Associates P.O. Box 794 Temple, Texas 76503				Austin Engineering Co., Inc. 3317 Ranch Road 620 North Austin, Texas 78734			
Item No.	Estimated Quantity	Unit	Bid Data Description	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount				
1	100%	LS	Mobilization, Bonds & Insurance, not-to-exceed 5% of the Base Bid Amount	\$ 23,707.00	\$ 23,707.00	\$ 18,900.00	\$ 18,900.00	\$ 37,593.00	\$ 37,593.00	\$ 25,800.00	\$ 25,800.00	\$ 51,530.00	\$ 51,530.00	\$ 75,000.00	\$ 75,000.00								
2	61	STA	Provide Labor, Equipment, Tools & Supervision to Complete Preparation of RoW	241.75	14,746.75	210.00	12,810.00	910.00	55,510.00	620.00	37,820.00	456.00	27,816.00	800.00	48,800.00								
3	6,060	LF	Provide clean-up & Final Grading along Final Pipeline Route	2.00	12,120.00	2.00	12,120.00	2.00	12,120.00	2.00	12,120.00	2.00	12,120.00	2.00	12,120.00								
4	100%	LS	Furnish Equip, Materials, Tools % Labor for Air Testing Proposed Wastewater Lines, with Necessary Repairs	4,474.00	4,474.00	4,000.00	4,000.00	3,023.00	3,023.00	7,500.00	7,500.00	7,866.00	7,866.00	10,000.00	10,000.00								
5	100%	LS	Furnish Equip, Materials, Tools & Labor for Deflection Testing of Proposed Wastewater Lines, with Necessary Repairs	2,983.00	2,983.00	2,500.00	2,500.00	1,729.00	1,729.00	5,000.00	5,000.00	4,558.00	4,558.00	5,000.00	5,000.00								
6	100%	LS	Prepare Trench Safety Plan in Conformance with State Law & OSHA	960.00	960.00	1,500.00	1,500.00	900.00	900.00	1,300.00	1,300.00	1,015.00	1,015.00	1,000.00	1,000.00								
7	100%	LS	Prepare Stormwater Pollution Prevention Plan	282.00	282.00	1,200.00	1,200.00	1,079.00	1,079.00	1,900.00	1,900.00	1,827.00	1,827.00	2,500.00	2,500.00								
8	100%	LS	Implement & Administer Stormwater Pollution Prevention Plan, with Submission to & Receiving Permits from TCEQ	282.00	282.00	14,000.00	14,000.00	1,166.00	1,166.00	3,275.00	3,275.00	4,015.00	4,015.00	5,000.00	5,000.00								
9	100%	LS	Prepare Barricade, Signing & Traffic Safety Plan (Vehicular & Pedestrian)	226.00	226.00	950.00	950.00	169.00	169.00	1,200.00	1,200.00	1,015.00	1,015.00	2,500.00	2,500.00								
10	100%	LS	Implement & Administer Barricade, Signing & Traffic Safety Plan (Vehicular & Pedestrian)	565.00	565.00	1,700.00	1,700.00	854.00	854.00	5,100.00	5,100.00	6,496.00	6,496.00	10,000.00	10,000.00								
11	100%	LS	Provide Project Record Drawings (As Builts)	5,000.00	5,000.00	5,000.00	5,000.00	5,000.00	5,000.00	5,000.00	5,000.00	5,000.00	5,000.00	5,000.00	5,000.00								
12	5,662	LF	For Trench Safety Implementation (Pipe)	0.56	3,170.72	2.00	11,324.00	1.00	5,662.00	1.25	7,077.50	2.74	15,513.88	3.00	16,986.00								
13	14,800	SF	For Trench Safety Implementation (Manholes/ Bore Pits)	0.27	3,996.00	0.55	8,140.00	0.50	7,400.00	1.45	21,460.00	1.09	16,132.00	0.50	7,400.00								
14	1,655	LF	Provide & Install 15" Diam PVC SDR 26 Wastewater Pipe, Including Embedment	27.64	45,744.20	39.60	65,538.00	49.30	81,591.50	47.50	78,612.50	87.30	144,481.50	158.00	261,490.00								
15	4405	LF	Provide & Install 18" Diam PVC SDR 26 Wastewater Pipe, Including Embedment	34.85	153,514.25	47.00	207,035.00	59.90	263,859.50	54.57	240,380.85	108.31	477,105.55	165.00	726,825.00								
16	100%	LS	Provide & Install 10 linear feet of 15-inch Diameter PVC SDR 26 Wastewater Pipe with 10-inch Plug	719.00	719.00	765.00	765.00	2,706.00	2,706.00	625.00	625.00	3,212.00	3,212.00	500.00	500.00								
17	74	LF	Provide & Install 26-Inch Steel Encasement by Bore with Casing Spacers	246.00	18,204.00	300.00	22,200.00	305.00	22,570.00	313.20	23,176.80	367.00	27,158.00	400.00	29,600.00								
18	71	LF	Provide & Install 26-Inch Steel Encasement by Open Cut with Casing Spacers	66.95	4,753.45	140.00	9,940.00	93.00	6,603.00	136.10	9,663.10	107.00	7,597.00	200.00	14,200.00								
19	324	LF	Provide & Install 28-Inch Steel Encasement by Bore with Casing Spacers	251.45	81,469.80	360.00	116,640.00	327.00	105,948.00	337.20	109,252.80	426.00	138,024.00	500.00	162,000.00								
20	189	LF	Provide & Install 28-Inch Steel Encasement by Open Cut with Casing Spacers	92.48	17,478.72	155.00	29,295.00	97.00	18,333.00	136.20	25,741.80	146.00	27,594.00	300.00	56,700.00								
21	5	EA	Provide & Install 4-foot Diameter, Eccentric Wastewater Manhole Including Air Testing for Each, & Necessary Repairs	3,233.00	16,165.00	3,400.00	17,000.00	2,751.00	13,755.00	3,710.37	18,551.85	3,361.00	16,805.00	4,500.00	22,500.00								
22	9	EA	Provide & Install 4' Diam Watertight, Eccentric Wastewater Manhole Including Air Testing & Repairs	3,117.00	28,053.00	3,300.00	29,700.00	2,640.00	23,760.00	3,539.45	31,855.05	3,482.00	31,338.00	5,000.00	45,000.00								
23	2	EA	Provide & Install 4' Diam Watertight Manhole w/Vent Assembly Including Air Testing & Repairs	4,548.00	9,096.00	4,620.00	9,240.00	4,187.00	8,374.00	4,595.25	9,190.50	4,717.00	9,434.00	5,500.00	11,000.00								
24	1	EA	Provide & Install 4-foot Diameter Drop Manhole, Including Air Testing for Each, & Necessary Repairs	3,587.00	3,587.00	4,100.00	4,100.00	4,475.00	4,475.00	3,858.58	3,858.58	3,829.00	3,829.00	5,000.00	5,000.00								
25	100%	LS	Remove Existing 21" PVC Stub Out at Existing Manhole at STA 0+00 & Completely Seal Penetration	369.00	369.00	1,900.00	1,900.00	292.00	292.00	1,511.18	1,511.18	965.00	965.00	2,500.00	2,500.00								
26	100%	LS	Connect Proposed 18" Wastewater Line to Existing Manhole at STA 0+00, including core drill & flexible boot	865.00	865.00	2,000.00	2,000.00	601.00	601.00	1,254.19	1,254.19	1,807.00	1,807.00	1,500.00	1,500.00								
27	100%	LS	Connect Existing 8" Wastewater Line to Proposed Manhole at STA 18+28, w/applicable Fittings & Pipe for Drop Connection	1,481.00	1,481.00	1,180.00	1,180.00	2,823.00	2,823.00	1,400.00	1,400.00	5,356.00	5,356.00	5,000.00	5,000.00								
28	100%	LS	Ab&on Existing Manhole (Sheet 10) in Place	887.00	887.00	500.00	500.00	714.00	714.00	1,500.00	1,500.00	958.00	958.00	5,000.00	5,000.00								
29	100%	LS	Remove & Dispose of Existing 8" PVC (72 L.F.) & 8" DIP (196 L.F.) as referenced on Sheet 10	1,740.00	1,740.00	2,750.00	2,750.00	6,999.00	6,999.00	6,909.00	6,909.00	1,723.00	1,723.00	15,000.00	15,000.00								
30	100%	LS	Completely Plug & Seal Existing 8" Manhole Inlet	217.00	217.00	750.00	750.00	601.00	601.00	730.00	730.00	933.00	933.00	900.00	900.00								
31	300	LF	Placing Concrete Encasement per S&Kard Details	26.03	7,809.00	55.00	16,500.00	46.00	13,800.00	85.70	25,710.00	21.00	6,300.00	250.00	75,000.00								
32	100	LF	Placing Concrete Backfill per S&Kard Details	39.93	3,993.00	125.00	12,500.00	80.00	8,000.00	93.90	9,390.00	48.00	4,800.00	500.00	50,000.00								
33	2,000	LF	Furnish, Install, Maintain & Remove Silt Fence	2.09	4,180.00	3.00	6,000.00	1.60	3,200.00	4.40	8,800.00	3.00	6,000.00	3.00	6,000.00								
34	50	LF	Furnish, Install, Maintain & Remove Rock Berm	28.25	1,412.50	48.00	2,400.00	13.00	650.00	87.30	4,365.00	37.00	1,850.00	2,500.00	2,500.00								
35	10	CY	For Furnishing & Installing Soft Subgrade Material	59.33	593.30	33.00	330.00	13.00	130.00	18.25	182.50	154.00	1,540.00	1,000.00	10,000.00								
36	20,000	SY	For Hydromulching Including Watering to Sustain Growth	0.44	8,800.00	0.34	6,800.00	1.50	30,000.00	3.05	61,000.00	1.22	24,400.00	0.50	10,000.00								
TOTAL BID AMOUNT (Items 1 - 36)				\$	483,643.69		\$	659,207.00		\$	751,990.00		\$	808,213.20		\$	1,098,113.93		\$	1,719,521.00			



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

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

Thomas D. Valle, P. E.  
Kasberg, Patrick & Associates, LP

July 24 2007  
Date

\* Unit Price and Extended Total adjusted to reflect the unit price in words.



**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.

July 24, 2007

**RECEIVED**

**JUL 24 2007**

City of Temple Engineering Dept.

Mr. Michael C. Newman, P.E., C.F.M.  
City Engineer  
3210 E. Avenue H  
Building A  
Temple, Texas 76501

Re: City of Temple  
Tax Increment Financing Reinvestment Zone - 1  
East Airport Wastewater Improvements

Dear Mr. Newman:

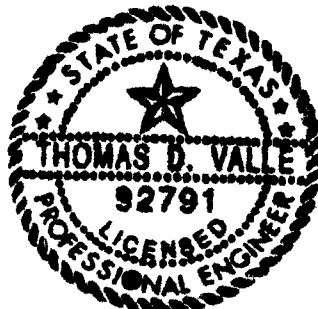
On July 24, 2007, the City of Temple received competitive bids from six contractors for the East Airport Wastewater Improvements. A Bid Tabulation is provided for your reference.

The bids received were for extending wastewater from the existing main trunk sewer just west of the Temple Bioscience Building to the north of the proposed Industrial Blvd. extension (north of Detention Pond #2). The attached Bid Tabulation shows Shelton & Shelton Plumbing, LP. as the low bidder with a total bid of \$483,643.69. The next three low bids received were for: \$659,207.00, \$751,990.00 and \$808,213.20. Our final opinion of probable construction cost for this project was \$760,000.

The disparity in the low bid versus the next three bids was cause for us to contact Shelton and Shelton to discuss the bid. They attributed the low price to work being slow and the proposed schedule matching that of an open construction crew. They stated that after reviewing their numbers, they are still confident in their bid price. As you know, Shelton & Shelton has performed numerous projects for the City of Temple, including a similar project in the West Temple Wastewater Improvements, and is well qualified to construct this project. Therefore, we recommend that a contract in the amount of \$483,643.69 be awarded to Shelton & Shelton Plumbing, LP for this project.

Sincerely,

Thomas D. Valle, P.E.



TDV/  
2004-140-30

xc: Ms. Belinda Mattke, City of Temple (Return Original Bid Packets)

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.**

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[illegible]

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

To appropriate funds in the amount of \$483,644 for the construction contract for the extension of West Temple wastewater utilities from SH 36 to Industrial Blvd. This is part of the Airport Park Project which is estimated to cost \$2,757,000 and will be funded with proposed 2007 Combination Tax and Revenue Certificates of Obligation to be issued in the fall of 2007.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒ Yes☐ No

DATE OF COUNCIL MEETING

8/16/2007

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 THE CITY MANAGER TO EXECUTE A CONSTRUCTION CONTRACT WITH SHELTON & SHELTON, LP, FOR CONSTRUCTION ACTIVITIES REQUIRED FOR THE EXTENSION OF WEST TEMPLE WASTEWATER UTILITIES FROM S.H. 36 NORTH TO INDUSTRIAL BOULEVARD, IN AN AMOUNT NOT TO EXCEED \$483,643.69; DECLARING OFFICIAL INTENT TO REIMBURSE CERTAIN EXPENDITURES MADE PRIOR TO THE ISSUANCE OF TAX-EXEMPT OBLIGATIONS FOR THIS PROJECT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on July 24, 2007, the City received 6 bids for the extension of the West Temple Wastewater Utilities from S.H. 36 to Industrial Boulevard;

**Whereas**, the Staff recommends accepting the bid (\$483,643.69) submitted by Shelton & Shelton, LP, for this project;

**Whereas**, the City of Temple anticipates the issuance of one or more series of obligations, the interest on which will be excludable from gross income under Section 103 of the Internal Revenue Code of 1986, as amended, in order to finance all or a portion of this project;

**Whereas**, certain expenditures relating to the Project will be paid prior to the issuance of the Obligations;

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

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

**Whereas**, Section 1.150-2 of the Treasury Regulations provides that an expenditure on the Project may not be reimbursed from Obligation proceeds unless, along with other requirements, the City declares official intent to reimburse the expenditure prior to the date that the expenditure to be reimbursed was paid; 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 \$483,643.69, between the City of Temple, Texas, and Shelton & Shelton, LP, after approval as to form by the City Attorney, for extension of the West Temple wastewater utilities from S.H. 36 north to Industrial Boulevard.

**Part 2:** The City Council approves an amendment to the FY2006-2007 budget, substantially in the form of the copy attached as Exhibit A, for this purpose.

**Part 3:** The findings, determinations and certifications contained in the preamble hereof are incorporated herein for all purposes.

**Part 4:** This Resolution is a declaration of official intent under Section 1.150.2 of the Treasury Regulations by the City that it reasonably expects to reimburse the expenditures described in Part 4 with proceeds of debt to be incurred by the City, such debt to be issued on or before eighteen (18) months after the date of (i) the date the first expenditure is paid; or (ii) the date on which the property is placed in service, but in no event three years after the first expenditure is paid.

**Part 5:** The following is a general functional description of the Project for which the expenditures to be reimbursed are paid and a statement of the maximum principal amount of debt expected to be issued for the purpose of paying the costs of the Project.

<b><u>Project Description</u></b>	<b><u>Debt To Be Issued</u></b>
Construction required for extension of the West Temple wastewater Utilities from S.H. 36 north to Industrial Blvd	\$483,643.69

**Part 6:** The expenditures described in Part 4 is a capital expenditure under general Federal income tax principles or a cost of issuance.

**Part 7:** Except for the proceeds of the Obligations, no funds are, or are reasonably expected to be reserved, allocated on a long-term basis, or otherwise set aside by the City or by any member of the same controlled group to pay for the expenditures described in Part 4.

**Part 8:** 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 on this the 16<sup>th</sup> day of August, 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

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08/16/07  
Item #4(I)-2  
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 contract with Kasberg, Patrick & Associates, LP, (KPA), for daily on-site representation activities required for the extension of West Temple wastewater utilities from S.H. 36 north to Industrial Blvd., in an amount not to exceed \$37,300 and declare an official intent to reimburse this expenditure prior to the issuance of tax-exempt obligations for this project.

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

**ITEM SUMMARY:** Utility infrastructure is required to extend sanitary sewer service to Airport Park within Reinvestment Zone #1. Design of the necessary infrastructure was completed by Kasberg, Patrick, & Associates, LP, (KPA) in FY06. The wastewater line will run north-south from Pepper Creek south of S.H. 36 to the engineered extension of Industrial Blvd. The opinion of final probable cost was \$760,000.

Professional services performed under this contract will provide inspection for the installation of the sanitary sewer line designed by KPA. The line will comprise 4405 feet of 18-inch diameter wastewater line, 1655 feet of 15-inch diameter wastewater line, 658 feet of encasement, and 17 manholes. KPA has recommended award of the construction contract to Shelton & Shelton, LP, in the amount of \$483,643.69.

Construction time allotted for this project is 210 days.

**FISCAL IMPACT:** The cost of this professional services contract is \$37,300.

Initially, funding for this project will come from TIF Reinvestment Zone #1 funding available within the Zone's financing plan with the intent to reimburse the Zone from the proposed 2007 Combination Tax & Revenue Certificates of Obligation to be issued in the fall of 2007. The total project cost for the Airport Park is \$2,757,000 with the extension of wastewater utilities from SH 36 north to Industrial Blvd accounting for \$632,000 of this amount. After approval of the construction contract in the amount of \$483,644 and the professional services agreement for on-site representation in the amount of \$37,300, \$111,056 will remain from the original allocation of \$632,000 for the West Temple wastewater utilities from SH 36 north to Industrial Blvd.

A budget amendment is presented for Council's approving appropriating \$37,300 to account 795-9700-531-6826, project # 100257 from Unreserved Fund Balance. These funds will be reimbursed once the bonds are issued.

**ATTACHMENTS:**

[KPA Proposal](#)  
[Budget Adjustment](#)  
[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.

August 7, 2007

Mr. Michael C. Newman, P.E., C.F.M.  
City Engineer  
3210 E. Avenue H  
Building A  
Temple, Texas 76501

Re: City of Temple  
Tax Increment Financing Reinvestment Zone - 1  
East Airport Wastewater Improvements

Dear Mr. Newman:

This letter is in response to your request for us to provide daily on-site representation during the construction of the East Airport Wastewater Improvements.

As we have previously discussed the time required for daily on-site representation on this project could vary from as much as a full work day to as little as an hour or two depending on the nature of construction activities occurring on a particular day (ie: mobilization, site preparation, trench excavation, pipe laying, trench backfilling, grass planting or clean up).

In order for us to provide the services required our not to exceed lump sum amount of \$37,300 will be applicable. This is based on an average of 3-4 hours per day over the seven month construction period.

We appreciate the opportunity to offer this work proposal.

Sincerely,

A handwritten signature in black ink that reads 'Thomas D. Valle'.

Thomas D. Valle, P.E.

TDV/  
2004-140-40

xc: Mr. Don Bond, City of Temple

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.**

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[illegible]

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

To appropriate funds in the amount of \$37,300 for the professional services agreement with KPA for on-site inspection for the extension of West Temple wastewater utilities from SH 36 to Industrial Blvd. This is part of the Airport Park Project which is estimated to cost \$2,757,000 and will be funded with proposed 2007 Combination Tax and Revenue Certificates of Obligation to be issued in the fall of 2007.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

**X**

Yes

1

No

DATE OF COUNCIL MEETING

8/16/2007

WITH AGENDA ITEM?

**X**

☐ Yes

114

☐ No

Department Head/Division Director

Date \_\_\_\_\_

7

Approved

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Disapproved

## Finance

Date \_\_\_\_\_

10

Approved

[illegible]

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 PROFESSIONAL SERVICES AGREEMENT WITH KASBERG, PATRICK AND ASSOCIATES, LP (KPA) IN AN AMOUNT OF \$37,300 FOR DAILY ON-SITE REPRESENTATION ACTIVITIES REQUIRED FOR THE EXTENSION OF WEST TEMPLE WASTEWATER UTILITIES FROM S.H. 36 NORTH TO INDUSTRIAL BOULEVARD; DECLARING OFFICIAL INTENT TO REIMBURSE CERTAIN EXPENDITURES MADE PRIOR TO THE ISSUANCE OF TAX-EXEMPT OBLIGATIONS FOR THIS PROJECT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the Staff recommends entering into an agreement with Kasberg, Patrick & Associates, LP, for daily on-site representation activities required for the extension of West Temple wastewater utilities from S.H. 36 north to Industrial Boulevard;

**Whereas**, Kasberg, Patrick and Associates, LP, submitted a proposal (\$37,300) and the staff recommends accepting it;

**Whereas**, the City of Temple anticipates the issuance of one or more series of obligations, the interest on which will be excludable from gross income under Section 103 of the Internal Revenue Code of 1986, as amended, in order to finance all or a portion of this project;

**Whereas**, certain expenditures relating to the Project will be paid prior to the issuance of the Obligations;

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

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

**Whereas**, Section 1.150-2 of the Treasury Regulations provides that an expenditure on the Project may not be reimbursed from Obligation proceeds unless, along with other requirements, the City declares official intent to reimburse the expenditure prior to the date that the expenditure to be reimbursed was paid; 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 Professional Services Agreement, not to exceed \$37,300, between the City of Temple, Texas, and Kasberg, Patrick & Associates, LP, after approval as to form by the City Attorney, for daily on-site representation activities required for the extension of West Temple wastewater utilities from S.H. 36 north to Industrial Boulevard.

**Part 2:** The City Council approves an amendment to the FY2006-2007 budget, substantially in the form of the copy attached as Exhibit A, for this purpose.

**Part 3:** The findings, determinations and certifications contained in the preamble hereof are incorporated herein for all purposes.

**Part 4:** This Resolution is a declaration of official intent under Section 1.150.2 of the Treasury Regulations by the City that it reasonably expects to reimburse the expenditures described in Part 4 with proceeds of debt to be incurred by the City, such debt to be issued on or before eighteen (18) months after the date of (i) the date the first expenditure is paid; or (ii) the date on which the property is placed in service, but in no event three years after the first expenditure is paid.

**Part 5:** The following is a general functional description of the Project for which the expenditures to be reimbursed are paid and a statement of the maximum principal amount of debt expected to be issued for the purpose of paying the costs of the Project.

<b><u>Project Description</u></b>	<b><u>Debt To Be Issued</u></b>
Daily on-site representation activities required for the extension of West Temple wastewater utilities from S.H. 36 north to Industrial Blvd	\$37,300

**Part 6:** The expenditures described in Part 5 is a capital expenditure under general Federal income tax principles or a cost of issuance.

**Part 7:** Except for the proceeds of the Obligations, no funds are, or are reasonably expected to be reserved, allocated on a long-term basis, or otherwise set aside by the City or by any member of the same controlled group to pay for the expenditures described in Part 4.

**Part 8:** 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 on this the 16<sup>th</sup> day of August, 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

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08/16/07  
Item #4(J)  
Consent Agenda  
Page 1 of 2

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

Bruce A. Butscher, P.E., Director of Public Works  
Nicole Torralva, P.E., Assistant City Engineer

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing Change Order #1 in the deduct amount of \$1,540 to the Loop 363 Utility Relocation Phase 3 construction contract with Bell Contractors, Inc., deleting of a portion of the project to be realigned and extended under Phase 2 of the work, and to add full width milling of Avenue Z from 57<sup>th</sup> Street to Jaycee Park as a part of the asphalt replacement for the project.

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

**ITEM SUMMARY:** On December 21, 2006, Council authorized a construction contract in the amount of \$446,189.13 with Bell Contractors, Inc. to relocate City owned utilities from the Loop 363 right of way to Avenue Z from 57<sup>th</sup> Street to Scott Tank, related to TxDOT's highway widening of Loop 363 between 57<sup>th</sup> Street and 5<sup>th</sup> Street. This Change Order reflects two activities related to this phase of the work.

The first activity, repair of Avenue Z, addresses an add alternate bid which was awarded to overlay the full width of Avenue Z in lieu of providing surface replacement only along the disturbed trench line. However, milling of the existing roadway was not included in the alternate bid. In order to effectively maintain drainage through the existing curb and gutter street section, milling will be required to strip previous overlays and create room for the new overlay.

Secondly, a portion of waterline at the west end of the project near 57<sup>th</sup> Street has been realigned and removed from this contract, as a result of additional work necessary to complete new waterline infrastructure from the I-35 project to Scott Tank. The addition of this portion of the waterline is anticipated to be included as a Change Order to Phase 2 of the work.

This change order in the deduct amount of \$1,540 is approximately 0.35% of the total contract amount. At the TxDOT reimbursable rate of 39.54%, approximately \$931 will be the City's portion of the deduct amount.

**FISCAL IMPACT:** Funding in the amount of \$3,200,000 has been appropriated for all phases of this project in the 2006 Utility Revenue Bond Issue, which includes the City's estimated share of the project cost only. At the TxDOT reimbursable percentage rate of 39.54% for Phase 3 improvements, the City's share of the deduct cost for this Change Order #1 will be approximately \$931.

Funding for the City's share of this change order is available in account 561-5200-535-6916, project #100097. A summary of the updated costs for this project, including the awarded construction contracts for all three phases, recommended Change Order #1 for Phase 3, and the TxDOT cost participation rate per the recommended Utility Agreements is as follows:

	Phase I	Phase 2	Phase 3	Total
<b>TxDOT participation</b> (excluding betterments)	51.55%	39.54%	39.54%	
<b>Construction</b>	\$ 1,119,274	\$ 1,394,406	\$ 446,189	\$ 2,959,869
<b>Construction Change Orders</b>	49,136	-	(1,540)	47,596
<b>Engineering</b>	230,800	412,818	182,582	826,200
<b>On-Site Representation</b>	36,000	41,000	31,000	108,000
<b>Easement Acquisition</b> (estimated)	76,650	81,730	18,832	177,212
<b>Total Project Cost</b>	<u>\$ 1,511,860</u>	<u>\$ 1,929,954</u>	<u>\$ 677,063</u>	<u>\$ 4,118,877</u>
<b>Betterments Included Above</b>	\$ 9,572	\$ 220,000	\$ 43,332	\$ 272,904
<b>City's Estimated Share</b> (including betterments)	<u>\$ 737,431</u>	<u>\$ 1,253,838</u>	<u>\$ 426,486</u>	<u>\$ 2,417,755</u>

Currently, there is \$925,885 to fund the city's share of this change order and the remaining easement acquisition. A budget amendment is presented for Council's approval decreasing the appropriation for TxDOT's share of this deduct change order in the amount of \$609.

**ATTACHMENTS:**

[Engineer's Recommendation](#)  
[Change Order #1](#)  
[Budget Amendment](#)  
[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.

August 6, 2007

Mrs. Nicole Torralva, P.E.  
Assistant City Engineer  
3210 E. Avenue H  
Building A  
Temple, Texas 76501

Re: City of Temple, Texas  
Loop 363 and 31<sup>st</sup> Street Utility Relocations  
Phase III - 18" Water Line Realignment

Dear Mrs. Torralva:

Enclosed are three (3) copies of Change Order No. 1, which is for the changes to the above referenced contract to date. Item 1 is for milling Avenue Z in preparation for the asphalt replacement. Item 2 is for the deletion of approximately 100 ft. of 18" Water Line that is being realigned and extended as part of the Phase II Contract. The total change in the contract price is a deduct of \$1,540.00. Please execute and return two copies to our office and we will distribute to the Contractor.

Sincerely,

  
Ginger R. Tolbert, P.E.

GRT/

xc: Mr. Jay Pearson, Bell Contractors, Inc.  
2004-143-40 - Phase I



# CHANGE ORDER

PROJECT: Loop 363 and 31st Street Utility Relocations, Phase III-18" Water Line Realignment

OWNER: City of Temple

CONTRACTOR: Bell Contractors, Inc.

ENGINEER: Kasberg, Patrick & Associates, LP

CHANGE ORDER #: 1

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

1. Full width milling of Avenue Z from 57th Street to Jaycee Park in preparation for asphalt replacement along Water Line "B".

Item	Description	Quantity	Unit	Cost	Total
CO1-1	Milling	2,231	LF	\$ 16.50	\$ 36,811.50
				Sub-Total	\$ 36,811.50

2. Deletion of 18" Water Line "A" from Sta 1+00 to Sta 2+00. This portion was realigned, extended and added to Phase II by Change Order.

Item	Description	Quantity	Unit	Cost	Total
4	Trench Safety	-100	LF	\$ 1.27	\$ (127.00)
9	18" Water Line	-100	LF	\$ 56.50	\$ (5,650.00)
11	18" Gate Valve	-2	EA	\$ 6,465.00	\$ (12,930.00)
13	18" x 18" Tee	-1	EA	\$ 3,273.00	\$ (3,273.00)
17	18" 45 deg. Bend	-2	EA	\$ 1,130.00	\$ (2,260.00)
18	18" 11 1/4 deg. Bend	-1	EA	\$ 1,131.00	\$ (1,131.00)
20	Fire Hydrant	-1	EA	\$ 3,285.00	\$ (3,285.00)
22	Connect to Existing 18" Water Line	-1	EA	\$ 9,695.50	\$ (9,695.50)
				Sub-Total	\$ (38,351.50)

**Total Deduct      \$    (1,540.00)**

Change Order (continued)

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

Original Contract Amount	\$	446,189.13
Previous Net Change in Contract Amount	\$	0.00
Net Change in Contract Amount	\$	(1,540.00)
Revised Contract Amount	\$	444,649.13
Original Contract Time		200 days
Previous Net Change in Contract Time		N/A
Net Change in Contract Time		0 days
Revised Contract Time		200 days
Original Final Completion Date		November 16, 2007
Revised Final Completion Date		November 16, 2007

<p>Recommended By Engineer:</p> <p>By: <u>Morgan R. Delbert</u>      Date: <u>8/6/07</u></p> <p>Approved by City of Temple:</p> <p>By: _____</p>	<p>Approved By Contractor:</p> <p>By: <u>[Signature]</u>      Date: <u>8/6/07</u></p> <p>Approved as to Form:</p> <p>By: _____ City Attorney's Office      Date</p>
--	---

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
561-0000-461-08-65		Miscellaneous Reimbursements		\$ 609
561-5200-535-69-16	100097	Loop 363/31st Street Util Relocation		609
<b>TOTAL.....</b>			\$ -	\$ 1,218

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

To recognize TxDOT's estimated cost sharing reimbursement on the Loop 363/31st Utility Relocation project related to change order #1 for Phase 3. Utility Agreements have been submitted to TxDOT setting the TxDOT eligibility percentage at 51.55% for Phase 1 and 39.54% for Phase 2 & 3. Per the Utility Agreements, the City will fund the progress payments to the contractors upfront and then will be reimbursed by the State at not less than monthly intervals in an amount not to exceed 80% of the eligible costs. Upon completion of the Utility Relocation project, the remaining eligible reimbursable will be received.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒

Yes

☐

No

DATE OF COUNCIL MEETING

8/16/2007

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 CHANGE ORDER #1 IN THE DEDUCT AMOUNT OF \$1,540 TO THE LOOP 363 UTILITY RELOCATION PHASE 3 CONSTRUCTION CONTRACT WITH BELL CONTRACTORS, INC., DELETING A PORTION OF THE PROJECT TO BE REALIGNED AND EXTENDED UNDER PHASE 2 OF THE WORK, AND TO ADD FULL WIDTH MILLING OF AVENUE Z FROM 57<sup>TH</sup> STREET TO JAYCEE PARK AS A PART OF THE ASPHALT REPLACEMENT FOR THE PROJECT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on December 12, 2006, the City Council authorized a construction contract in the amount of \$446,189.13 with Bell Contractors, Inc., to relocate City owned utilities from the Loop 363 right of way to Avenue Z from 57<sup>th</sup> Street to Scott Tank, related to TxDOT's highway widening of Loop 363 between 57<sup>th</sup> Street and 5<sup>th</sup> Street;

**Whereas**, the Staff recommends approving a change order in the *deduct* amount of \$1,540 to delete a portion of the project be realigned and extended under Phase 2 of the work, and to add full width milling of Avenue Z from 57<sup>th</sup> Street to Jaycee Park as a part of the asphalt replacement for the project;

**Whereas**, an amendment to the FY2006-07 budget needs to be approved for this change order; 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 Change Order #1 to the construction contract with Bell Contractors, Inc., after approval as to form by the City Attorney, to relocate City owned utilities from the Loop 363 right of way to Avenue Z from 57<sup>th</sup> Street to Scott Tank, related to TxDOT's highway widening of Loop 363 between 57<sup>th</sup> Street and 5<sup>th</sup> Street, in the *deduct* amount of \$1,540 to delete a portion of the project to be realigned and extended under Phase 2 of the work, and to add full width milling of Avenue Z from 57<sup>th</sup> Street to Jaycee Park as a part of the asphalt replacement for the project.

**Part 2:** The City Council approves an amendment to the FY2006-2007 budget, substantially in the form of the copy attached as Exhibit A, for this purpose.

**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 **16<sup>th</sup>** day of **August**, 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

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08/16/07  
Item #4(K)  
Consent Agenda  
Page 1 of 2

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

Bruce A. Butscher, P.E., Director of Public Works  
Nicole Torralva, P.E., Assistant City Engineer

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing Change Order #1 in the amount of \$170,805.40 to the Loop 363 Utility Relocation Phase 2 construction contract with Bell Contractors, Inc., for items related to changes due to TxDOT modifications, design issues, and field adjustments as required.

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

**ITEM SUMMARY:** On February 15, 2007, Council authorized a construction contract in the amount of \$1,394,406.36 with Bell Contractors, Inc. to relocate City owned utilities along Loop 363 and 31<sup>st</sup> Street, from 57<sup>th</sup> Street to 5<sup>th</sup> Street. As construction has proceeded, modifications to the project have been required as a result of TxDOT changes made in the field. Through the course of construction, field adjustments and design issues have resulted in increased costs to the construction contract. Additionally, approximately 470 LF of new waterline has been added to the project to connect the I-35 utility relocation project with the Loop 363 project, resulting in new infrastructure from the Loop 363 Pump Station on the west side of I-35 to Scott Tank.

In summary, approximately \$20,563 is attributable to field modifications required as a result of TxDOT changes and \$11,035 is attributable to design issues. An additional \$139,207 is a result of the addition of new pipe to the project, completing system improvements from the pump station to the tank. In total, this Change Order #1 in the amount of \$170,805.40 is approximately 12.25% of the total contract amount. All items except the additional 470 LF of new waterline qualify for reimbursement at the TxDOT reimbursable rate of 39.54%. Therefore, approximately \$158,311 will be the City's share of the additional work.

**FISCAL IMPACT:** Funding in the amount of \$3,200,000 has been appropriated for all phases of this project in the 2006 Utility Revenue Bond Issue, which includes the City's estimated share of the project cost only. At the TxDOT reimbursable percentage rate of 39.54% for Phase 2 improvements, the City's share of the cost for this Change Order #1 will be approximately \$158,311.

Funding for the City's share of this change order is available in account 561-5200-535-6916, project #100097. A summary of the updated costs for this project, including the awarded construction contracts for all three phases, recommended Change Order #1 for Phase 2, and the TxDOT cost participation rate per the recommended Utility Agreements is as follows:

	Phase I	Phase 2	Phase 3	Total
<b>TxDOT participation</b> (excluding betterments)	51.55%	39.54%	39.54%	
<b>Construction</b>	\$ 1,119,274	\$ 1,394,406	\$ 446,189	\$ 2,959,869
<b>Construction Change Orders</b>	49,136	170,805	(1,540)	218,401
<b>Engineering</b>	230,800	412,818	182,582	826,200
<b>On-Site Representation</b>	36,000	41,000	31,000	108,000
<b>Easement Acquisition</b> (estimated)	76,650	81,730	18,832	177,212
<b>Total Project Cost</b>	<u>\$ 1,511,860</u>	<u>\$ 2,100,759</u>	<u>\$ 677,063</u>	<u>\$ 4,289,682</u>
<b>Betterments Included Above</b>	\$ 9,572	\$ 359,207	\$ 43,332	\$ 412,111
<b>City's Estimated Share</b> (including betterments)	<u>\$ 737,431</u>	<u>\$ 1,412,149</u>	<u>\$ 426,486</u>	<u>\$ 2,576,066</u>

Currently, there is \$925,885 to fund the city's share of this change order and the remaining easement acquisition. A budget amendment is presented for Council's approval appropriating TxDOT's share of this change order in the amount of \$12,494.

**ATTACHMENTS:**

[Engineer's Recommendation](#)  
[Change Order #1](#)  
[Budget Amendment](#)  
[Resolution](#)





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R. DAVID PATRICK, P.E., C.F.M.  
THOMAS D. VALLE, P.E.

August 6, 2007

Mrs. Nicole Torralva, P.E.  
Assistant City Engineer  
3210 E. Avenue H  
Building A  
Temple, Texas 76501

Re: City of Temple, Texas  
Loop 363 and 31<sup>st</sup> Street Utility Relocations  
Phase II – Utility Crossings and Frontage Roads

Dear Mrs. Torralva:

Enclosed are three (3) copies of Change Order No. 1, which is for the changes to the above referenced contract to date. The specific items are described in detail as part of the change order document with itemized costs for each. As you know, the major component of the change order is the extension of the 18" Water Line across 57<sup>th</sup> Street. The total change in the contract price is \$170,805.40. Please execute and return two copies to our office once approved by the City Council and we will distribute to the Contractor.

Sincerely,

A handwritten signature in black ink that reads "Ginger R. Tolbert".

Ginger R. Tolbert, P.E.

GRT/

xc: Mr. Jay Pearson, Bell Contractors, Inc.  
2004-143-40 – Phase I



# CHANGE ORDER

PROJECT: Loop 363 and 31st Street Utility Relocations, Phase II-Utility Crossings and Frontage Roads  
 OWNER: City of Temple  
 CONTRACTOR: Bell Contractors, Inc.  
 ENGINEER: Kasberg, Patrick & Associates, LP  
 CHANGE ORDER #: 1

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

## WATER

1. Modify Water Line "C" 20" Steel Encasement, from Sta 10+00 to Sta 12+65, to 24" to accommodate restrained joints through casing.

Item	Description	Quantity	Unit	Cost	Total
42	20" Steel Encasement by Bore	-265	LF	\$ 242.00	\$ (64,130.00)
41	24" Steel Encasement by Bore	265	LF	\$ 288.00	\$ 76,320.00
				Sub-Total	\$ 12,190.00

2. Realignment of Water Line "F" around proposed TXU power pole at approx. Sta 3+09 and addition of steel encasement by open cut across Market Loop C68

Item	Description	Quantity	Unit	Cost	Total
CO1-1	16" Steel Encasement by Open Cut	190	LF	\$ 114.80	\$ 21,812.00
CO1-2	8" 45 deg. Bends	4	EA	\$ 252.75	\$ 1,011.00
33	Fire Hydrant	-1	EA	\$ 2,555.00	\$ (2,555.00)
				Sub-Total	\$ 20,268.00

3. Delete Bore on Water Line "H" from Sta 1+17 to 1+71, which is across 39th Street. Because this is a City Street, TxDOT is agreeable to installation by open cut.

Item	Description	Quantity	Unit	Cost	Total
40	28" Encasement by Bore	-54	LF	\$ 336.00	\$ (18,144.00)
5	Trench Safety	-1200	SF	\$ 0.50	\$ (600.00)
				Sub-Total	\$ (18,744.00)

4. Asphalt Pavement Replacement for the full width of 55th Street

Item	Description	Quantity	Unit	Cost	Total
CO1-14	Pavement Replacment	825	LF	\$ 21.32	\$ 17,589.00
				Sub-Total	\$ 17,589.00

Change Order (continued)

5. Addition of 18" Water Line "A-1" from Avenue Z to the west side of 57th Street.

Item	Description	Quantity	Unit	Cost	Total
4	Trench Safety	471	LF	\$ 1.50	\$ 706.50
10	18" Water Line	471	LF	\$ 65.70	\$ 30,944.70
12	8" Water Line	68	LF	\$ 34.50	\$ 2,346.00
13	6" Water Line	22	LF	\$ 32.44	\$ 713.68
CO1-3	2" Water Line	106	LF	\$ 18.69	\$ 1,981.14
14	18" Gate Valve	1	EA	\$ 6,210.00	\$ 6,210.00
16	8" Gate Valve	3	EA	\$ 890.00	\$ 2,670.00
CO1-4	6" Gate Valve	2	EA	\$ 832.25	\$ 1,664.50
CO1-5	6" Cap	2	EA	\$ 187.50	\$ 375.00
18	18" x 8" Tee	1	EA	\$ 1,359.00	\$ 1,359.00
CO1-6	18" x 6" Tee	1	EA	\$ 1,610.00	\$ 1,610.00
CO1-7	18" 90 deg. Bends	1	EA	\$ 1,423.20	\$ 1,423.20
CO1-8	18" 22 1/2 deg. Bends	2	EA	\$ 1,136.25	\$ 2,272.50
23	18" 11 1/4 deg. Bend	2	EA	\$ 1,037.00	\$ 2,074.00
28	8" 90 deg. Bend	2	EA	\$ 260.00	\$ 520.00
CO1-9	8" 11 1/4 deg. Bend	1	EA	\$ 252.75	\$ 252.75
CO1-10	2" Wet Tap	1	EA	\$ 488.00	\$ 488.00
CO1-11	2" 90 deg. Bend	2	EA	\$ 203.65	\$ 407.30
32	Remove and Replace Existing Meter	2	EA	\$ 1,018.00	\$ 2,036.00
33	Fire Hydrant	1	EA	\$ 2,555.00	\$ 2,555.00
35	Connect to Existing 18" Water Line	1	EA	\$ 9,550.00	\$ 9,550.00
CO1-12	30" Steel Encasement by Open Cut	67	LF	\$ 203.75	\$ 13,651.25
39	30" Steel Encasement by Bore	141	LF	\$ 360.00	\$ 50,760.00
CO1-13	Remove and Replace Concrete	56	LF	\$ 47.08	\$ 2,636.48
				Sub-Total	\$ 139,207.00

### WASTEWATER

1. Wastewater Line "A" was realigned to avoid headwall of proposed drainage structure per TxDOT comments dated January 25, 2007. Phase II Bids were received on January 16, 2007.

Item	Description	Quantity	Unit	Cost	Total
4	Trench Safety	6	LF	\$ 1.50	\$ 9.00
50	10" SDR 26 Pipe	5	LF	\$ 47.00	\$ 235.00
51	10" Green C-900	1	LF	\$ 51.40	\$ 51.40
				Sub-Total	\$ 295.40

**Total Add      \$ 170,805.40**



Change Order (continued)

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

Original Contract Amount	\$	<u>1,394,406.36</u>
Previous Net Change in Contract Amount	\$	<u>0.00</u>
Net Change in Contract Amount	\$	<u>170,805.40</u>
Revised Contract Amount	\$	<u>1,565,211.76</u>
Original Contract Time		<u>300 days</u>
Previous Net Change in Contract Time		<u>N/A</u>
Net Change in Contract Time		<u>0 days</u>
Revised Contract Time		<u>300 days</u>
Original Final Completion Date		<u>March 30, 2008</u>
Revised Final Completion Date		<u>March 30, 2008</u>

Recommended By Engineer:

Approved By Contractor:

By: Angela R. Dilbert  
8/6/07 Date

By: [Signature] 8/6/07  
 Date

Approved by City of Temple:

Approved as to Form:

By: \_\_\_\_\_

By: \_\_\_\_\_  
 City Attorney's Office Date

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
561-0000-461-08-65		Miscellaneous Reimbursements	\$ 12,494	
561-5200-535-69-16	100097	Loop 363/31st Street Util Relocation	12,494	
<b>TOTAL.....</b>			<b>\$ 24,988</b>	<b>\$ -</b>

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

To recognize TxDOT's estimated cost sharing reimbursement on the Loop 363/31st Utility Relocation project related to change order #1 for Phase 2. Utility Agreements have been submitted to TxDOT setting the TxDOT eligibility percentage at 51.55% for Phase 1 and 39.54% for Phase 2 & 3. Per the Utility Agreements, the City will fund the progress payments to the contractors upfront and then will be reimbursed by the State at not less than monthly intervals in an amount not to exceed 80% of the eligible costs. Upon completion of the Utility Relocation project, the remaining eligible reimbursable will be received.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒

Yes

☐

No

DATE OF COUNCIL MEETING

8/16/2007

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 CHANGE ORDER #1 IN THE AMOUNT OF \$170,805.40 TO THE LOOP 363 UTILITY RELOCATION PHASE 2 CONSTRUCTION CONTRACT WITH BELL CONTRACTORS, INC., FOR ITEMS RELATED TO CHANGES DUE TO TXDOT MODIFICATIONS, DESIGN ISSUES, AND FIELD ADJUSTMENTS, AS REQUIRED; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on February 15, 2007, the City Council authorized a construction contract in the amount of \$1,394,406.36 with Bell Contractors, Inc., to relocate City owned utilities along Loop 363 and 31<sup>st</sup> Street, from 57<sup>th</sup> Street to 5<sup>th</sup> Street;

**Whereas**, the Staff recommends approving a change order in the amount of \$170,805.40 to the Loop 363 Utility Relocation Phase 2 contract for items related to changes due to TxDOT modifications, design issues, and field adjustments, as required;

**Whereas**, an amendment to the FY2006-07 budget needs to be approved for this change order; 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 Change Order #1 in the amount of \$170,805.40 to the Loop 363 Utility Relocation Phase 2 construction contract with Bell Contractors, Inc., after approval as to form by the City Attorney, for items related to changes due to TxDOT modifications, design issues, and field adjustments, as required.

**Part 2:** The City Council approves an amendment to the FY2006-2007 budget, substantially in the form of the copy attached as Exhibit A, for this purpose.

**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 16<sup>th</sup> day of August, 2007.

THE CITY OF TEMPLE, TEXAS

---

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Clydette Entzminger  
City Secretary

---

Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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08/16/07  
Item #4(L)  
Consent Agenda  
Page 1 of 2

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

Jonathan Graham, City Attorney

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the execution of a letter of intent and a development agreement with the owners of a 23.48 acre tract in Arrowhead Point in the City's ETJ adjacent to Lake Belton.

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

**ITEM SUMMARY:** The developers of a proposed condominium development (La Bellezza) in the City's ETJ just off of FM 2305 on Arrowhead Point are seeking a letter of intent from the City that would commit the City to reimbursing them for one half of the cost of building a wastewater line to connect to the City's wastewater system. The developers (La Bellezza, L.P.) anticipate building 142 two bedroom condos and 118 three bedroom condos on their 23.48 acre site. These are high end, custom home-quality units. Estimated investment in the La Bellezza condominium development is in excess of \$104 million.

The area is not currently served by sewer lines, and the initial design for the condo project had the developers install a sophisticated waste land application system for their wastewater system. This system tied up a lot of land. The developers have approached the City about building a connection to our wastewater system. The City has designed and will soon construct an extension of our wastewater system along FM 2305 to our City limits. The developers proposed to connect to this new end point to our system with a combination of a lift station, force mains, and gravity fed system. The new line would not only serve the proposed La Bellezza condominium development, but would be sized to serve as much of Arrowhead Point as practical.

The developers of La Bellezza have asked whether the City would commit, via a letter of intent initially, and a development agreement a little further down the line, to allowing La Bellezza, L.P., to front the cost of the connection to our system, to construct it to our specifications, in return for a promise by the City to reimburse them for one half of the cost of the line. The cost of the line is estimated at \$250,000 - \$300,000.

We have proposed a commitment that would authorize rebating to La Bellezza, L.P., a portion of their permit fees, plat fees, zoning fees, tap fees, and water and wastewater charges for a period of up to ten years from the date of execution of the development agreement. The development agreement would provide that La Bellezza, L.P., bears the risk under the agreement that the costs of the Project might exceed the preliminary design estimates (and our capped contribution) as well as the risk that La Bellezza, L.P., cannot recover the maximum recovery amount within the ten year recovery period (if, for example, the construction or sale of units in La Bellezza is delayed for any reason).

If the City Council approves the resolution authorizing a letter of intent, the City Manager would deliver a letter of intent to La Bellezza, L.P., that notes the City Council's authorization to execute a letter of intent and ultimately a development agreement as proposed above.

The Staff recommends approval of the resolution because of the benefits to the area of extending the City's wastewater system into Arrowhead Point, the willingness of the developers to front the cost and pay half of the cost of the extension, and the high end nature of the development which will be a catalyst for further development in the area.

**FISCAL IMPACT:** There would be no immediate fiscal impact to the City. The City's contribution of one half of the cost of the line (1/2 of a maximum of \$300,000) would be funded by rebating a portion payments made by the developers for permits and fees and payments for water and wastewater service up to a ten year period. This payment will be similar to the water and sewer rebates the city currently has and will be annually appropriated at the time the payments are scheduled to begin.

**ATTACHMENTS:**

[Draft letter of intent](#)  
[Resolution](#)



August 17, 2007

Dennie Waxler  
President  
La Bellezza, L.L.C.  
#2 Keywish Drive  
Belton, Texas 76513

Re: Letter of Intent; Cost Sharing for Wastewater Line Extension to Serve  
Proposed La Bellezza condominium development

Dear Mr. Waxler:

You have approached the City of Temple seeking support for the proposed La Bellezza condominium project on 23.48 acres in Arrowhead Point in the City's ETJ adjacent to FM 2305 and Lake Belton. You are proposing a project with an estimated investment on your part of \$104 million and with not less than 260 condominium units for sale (142 two bedroom condos and 118 3 bedroom condos). Specifically, you have requested that the City allow La Bellezza, L.P., as the developers of this project to recover up to 50% of the cost of installing a lift station, and a combination of force mains and gravity fed wastewater lines from the property lines of La Bellezza condominiums to the projected point of an extension of the City's existing wastewater system along FM 2305 about 500 feet west of FM 2271 (hereinafter "the Project").

I presented this item to our City Council at their August 16, 2007 meeting, and they have authorized me to present this letter of intent to you indicating our commitment to enter into a development agreement with you expressing our commitment to allow you to recover up to 50% of the cost of the Project, or not more than \$150,000.00, whichever is less, from the City.

Our development agreement will authorize rebating to La Bellezza, L.P., a portion of certain (where applicable) permit fees, plat fees, zoning fees, tap fees, and water and wastewater charges for a period of up to ten (10) years from the date of execution of the development agreement. The development agreement will provide that La Bellezza, L.P., bears the risk under the agreement that the costs of the Project might exceed the preliminary design estimates (and our capped contribution) as well as the risk that La Bellezza, L.P., cannot recover the maximum recovery amount within the ten year

recovery period (if, for example, the construction or sale of units in La Bellezza is delayed for any reason).

Our obligations under the proposed development agreement would be further conditioned upon several factors:

- (1) The developer committing to develop not less than 260 units with an aggregate investment (sale units, common areas, and public utilities) of not less than \$104 million on 23.48 acres;
- (2) The developer making a commitment to constructing the condominium units in substantial conformance to a set of plans and specifications attached to this letter of intent as an exhibit;
- (3) The developer reaching a satisfactory agreement with the Director of Public Utility that the proposed development will have adequate water volume and pressure from a connection served by the City of Temple;
- (4) The wastewater improvements meeting City specifications and being finally accepted by the City; and
- (5) The developer agreeing to seek voluntary annexation from the City or supporting an annexation proposal initiated by the City.

We appreciate your interest and your willingness to make a substantial investment in our community, and we look forward to assisting you in making your proposed development a reality. Please indicate your acceptance of the terms of this letter of intent by signing both copies of our proposed letter, and returning one copy for our files.

Sincerely,

David A. Blackburn  
City Manager

c Mayor & City Council  
Bruce Butscher, Director of Public Works  
Michael Newman, City Engineer  
Jonathan Graham, City Attorney  
Traci Barnard, Director of Finance

Attachment: Plans and Specifications

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE EXECUTION BY THE CITY MANAGER OF A LETTER OF INTENT AND A DEVELOPMENT AGREEMENT WITH THE OWNERS OF A 23.48 ACRE TRACT IN ARROWHEAD POINT IN THE CITY'S ETJ ADJACENT TO LAKE BELTON; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas,** La Bellezza, L.P., the developers of a proposed condominium development in the City's ETJ just off of F.M. 2305 on Arrowhead Point are seeking a letter of intent from the City that would commit the City to reimbursing them for one half of the cost of building a wastewater line (estimated at \$250-300,000) to connect to the City's wastewater system;

**Whereas,** the developers anticipate building 142 two bedroom condos and 118 three bedroom condos on their 23.48 acre site with an estimated investment in the condominium development in excess of \$110 million;

**Whereas,** the Staff recommends approval of this resolution because of the benefits to the area of extending the City's wastewater system into Arrowhead Point, the willingness of the developers to front the cost and pay half of the cost of the extension, and the high end nature of the development which will be a catalyst for further development in the area;

**Whereas,** there would be no immediate fiscal impact to the City – the City's contribution of one half of the cost of the line (1/2 of a maximum of \$300,000) would be funded from payments made by the developers for permits and fees and payments for water and wastewater service up to a ten year period; 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 letter of intent and a development agreement, after approval as to form by the City Attorney, with La Bellezza, L.P., the owners of a 23.48 acre tract in Arrowhead Point in the City's ETJ adjacent to Lake Belton, committing the City to pay one half of the cost of building a wastewater line to connect to the City's wastewater system.

**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 **16<sup>th</sup>** day of **August**, 2007.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Clydette Entzminger  
City Secretary

---

Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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08/16/07  
Item #4(M)-1  
Consent Agenda  
Page 1 of 2

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

Tim Dolan, Planning Director

**ITEM DESCRIPTION:** SECOND READING – Z-FY-07-43: Consider adopting an ordinance authorizing the amendment to the West Temple Comprehensive Plan from Office and Residential uses to Community Facilities (Schools) uses on 31.108± out of portions of land commonly known as Outblocks 1094A-A and 1094-A and C, City Addition, located on the north side of West Adams Avenue, between Hilliard Road and Brooks Drive.

**P&Z COMMISSION RECOMMENDATION:** The Planning and Zoning Commission voted 8/0 to recommend approval of an amendment to the West Temple Comprehensive Plan from Office and Residential uses to Community Facilities (Schools) at its meeting on July 16, 2007. Commissioner Norman was absent.

**STAFF RECOMMENDATION:** Staff recommends approval of an amendment to the West Temple Comprehensive Plan to reflect Community Facilities (Schools) for the subject property for the following reasons:

1. The mixture of future land use categories for the subject property should be unified to match the proposed use.

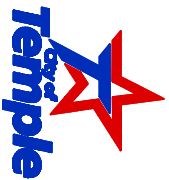
**ITEM SUMMARY:** Please refer to the Staff Report and draft minutes of case Z-FY-07-43, from the Planning and Zoning meeting, July 16, 2007. This proposal is associated with zone change case Z-FY-07-44, a zone change from the Single-Family One (SF-1), Multiple-Family One (MF-1), Office One (O-1) and General Retail (GR) Districts to solely the SF-1 District. The Applicant is Holy Trinity Catholic High School.

Fifteen notices were sent out. As of Tuesday, July 24 at 8 AM, four notices were returned in favor of and no notices were returned in opposition to the request. The newspaper printed notice of the Planning and Zoning Commission's public hearing on July 6, 2007 in accordance with state law and local ordinance.

**FISCAL IMPACT:** None

**ATTACHMENTS:**

Future Land Use Map  
P&Z Staff Report (Z-FY-07-43)  
P&Z Minutes (07/16/07)  
Ordinance



**Z-FY-07-43**

**Holy Trinity Catholic High School**

**Outblock #1094A-A  
1094A & 1094C**

- AGRICULTURAL**  
(A)  
Agricultural
- 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) (MH-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**





# PLANNING AND ZONING COMMISSION AGENDA ITEM

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07/16/07  
Item 3a  
Page 1 of 1

**APPLICANT / DEVELOPMENT:** Holy Trinity Catholic High School

**CASE MANAGER:** Brian Mabry, AICP, Senior Planner

**ITEM DESCRIPTION:** Z-FY-07-43 Hold a public hearing to consider an amendment to the West Temple Comprehensive Plan from Office and Residential uses to Community Facilities (Schools) uses on 31.108± out of portions of land commonly known as Outblocks 1094A-A and 1094-A and C, City Addition, located on the north side of West Adams Avenue, between Hilliard Road and Brooks Drive. (Applicant: Holy Trinity Catholic High School)

**BACKGROUND:** This request tracks with Z-FY-07-44, a zone change request from SF-1, O-1, GR and MF-1 to solely SF-1. The applicant wants to rezone this property to SF-1 to accommodate a private school. The subject property is roughly "T-shaped", with a portion of the property fronting on FM 2305 (a major arterial), west of Brooks Drive (a local street) and east of Hilliard Road (a major arterial and part of the future route of the outer loop).

The West Temple Comprehensive Plan was adopted June 17, 1999. The future land use designation for the subject property is currently Medium and Moderate Density Residential and Office. The Community Facilities (Schools) future land use category is not described in the text of the Plan, it is only shown on the future land use map. Amending the future land use map to show Community Facilities (Schools) is in keeping with past practice of showing such uses on the map.

**PUBLIC NOTICE:** Fifteen notices were sent out. As of Wednesday, July 11 at 5 PM, one notice was returned in favor of and none were returned in opposition to the request. The newspaper printed notice of the public hearing on July 6, 2007 in accordance with state law and local ordinance.

**STAFF RECOMMENDATION:** Staff recommends approval of an amendment to the West Temple Comprehensive Plan to reflect Community Facilities (Schools) for the subject property for the following reasons:

1. The mixture of future land use categories for the subject property should be unified to match the proposed use.

**FISCAL IMPACT:** Not Applicable

**ATTACHMENTS:**

Future Land Use Map



**EXCERPTS FROM THE**  
**PLANNING & ZONING COMMISSION MEETING**  
**MONDAY, JULY 16, 2007**

**ACTION ITEMS**

- 3.(a) Z-FY-07-43** Hold a public hearing to consider an amendment to the West Temple Comprehensive Plan from Office and Residential uses to Community Facilities (Schools) uses on 31.108 ± out of portions of land commonly known as Outblocks 1094A-A and 1094-A and C, City Addition, located on the north side of West Adams Avenue, between Hilliard Road and Brooks Drive. (Applicant: Holy Trinity Catholic High School)

Mr. Brian Mabry, Senior Planner, presented this item as outlined in the Planning and Zoning Commission agenda background. He showed an aerial of the property and surrounding area and the future land use map of the area. Mr. Mabry said the purpose of the property is to accommodate a private school. He said at the time the West Temple Comprehensive Plan was adopted in 1999, the Community Facilities (Schools) future land use category was not described in the text of the Plan, it is only shown on the future land use map. Mr. Mabry said amending the future land use map to show Community Facilities is in keeping with past practice of showing such uses on the map. He said Staff is recommending approval of an amendment to the Comprehensive Plan due to a mixture of future land use categories for the subject property should be unified to match the proposed use which is a large school on FM 2305. Mr. Mabry continued his presentation for the zone change for the subject property.

Motion to recommend approval of Z-FY-07-43, by Commissioner Pope; seconded by Commissioner Hurd.

Motion passed (8/0).

- 3.(b) Z-FY-07-44** Hold a public hearing to consider a zone change from Single Family One District (SF-1), Office One District (O-1), General Retail District (GR) and Multiple Family One District (MF-1) to Single Family One District (SF-1) on approximately 31.108 acres of land out of land commonly known as Outblocks 1094A-A, 1094-A and 1094-C, City Addition, located north of West Adams Avenue, between Hilliard Road and Brooks Drive. (Applicant: Holy Trinity Catholic High School)

Mr. Brian Mabry, Senior Planner, presented this item as outlined in the Planning and Zoning Commission agenda background. He displayed an aerial map, pictures of the subject property and the surrounding area, the zoning designation map, the thoroughfare plan of the subject property, and public facility locations. Mr. Mabry said the purpose of the zone change is to combine the mixed zoning on the property to all Single One (SF1) District for the entire property in order to accommodate a private school. He said the applicant is requesting SF1 zoning so that future abutting nonresidential development would be required to provide screening along the property line in accordance with Zoning Ordinance Section 13-102. Mr. Mabry displayed a table showing the existing zoning and current land uses abutting the subject property. He said fifteen notices were mailed to surrounding property owner within 200 feet of the subject property. Three notices were returned in favor of the request and none were returned in opposition to the request. Mr. Mabry said Staff is recommending approval of the zone change based on the following reasons: 1) The request complies with the requested

amendment to the future land use map of the West Temple Plan, 2) The request complies with the Thoroughfare Plan; and 3) The request complies with Adequacy of Public Facilities.

Chair Thomas said by the site plan provided to the Commissioner's it appears that there is a proposed right-of-way out to Hilliard Road. Mr. Mabry stated that he was not aware of that right-of-way. He said the subject property requesting the zone change fronts on FM 2305 and that is the only access to the property.

Commissioner Kjelland asked about the property outside of the subject property. Mr. Mabry said the property outside of the zone change request would remain the existing designated zoning.

Chair Thomas opened the public hearing asking anyone wishing to speak in favor or in opposition to the request to address the Commission.

Mr. John Bandas, Engineer for the applicant, addressed the Commission. He gave a presentation of the zone change request. Mr. Bandas said this project has been in the planning stage for several years. He said the applicant is trying to build a school that will be comparable to the surrounding area.

Chair Thomas closed the public hearing.

There was further discussion between the Commissioner's and Staff in regards to the property adjoining the subject property and what would possibly be built on those properties in the future. Mr. Mabry said screening would be required of nonresidential development. Future development would be required to abide by the regulations of the Zoning Ordinance. Mr. Mabry added that at this time of the zone change process the only access to the property is from FM 2305.

Motion to recommend approval of Z-FY-07-44, by Commissioner Pope; seconded by Commissioner Hurd.

Motion passed (8/0).

ORDINANCE NO. \_\_\_\_\_  
(ZONING NO. Z-FY-07-43)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN AMENDMENT TO THE WEST TEMPLE COMPREHENSIVE PLAN FROM OFFICE AND RESIDENTIAL USES TO COMMUNITY FACILITIES (SCHOOLS) USES ON APPROXIMATELY 31.108 ACRES OF LAND OUT OF LAND COMMONLY KNOWN AS OUTBLOCKS 1094A-A, 1094-A AND 1094-C, CITY ADDITION, LOCATED ON THE NORTH SIDE OF WEST ADAMS AVENUE, BETWEEN HILLIARD ROAD AND BROOKS DRIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

**Part 1:** The City Council approves an amendment to the West Temple Comprehensive Plan from Office and Residential Uses to Community Facilities (Schools) on approximately 31.108 acres of land out of land commonly known as Outblocks 1094A-A, 1094-A, and 1094-C, City Addition, located on the north side of West Adams Avenue, between Hilliard Road and Brooks 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 Future Land Use 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 2<sup>nd</sup> day of **August**, 2007.

PASSED AND APPROVED on Second Reading on the **16<sup>th</sup>** day of **August**, 2007.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Clydette Entzminger  
City Secretary

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Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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08/16/07  
Item #4(M)-2  
Consent Agenda  
Page 1 of 2

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

Tim Dolan, Planning Director

**ITEM DESCRIPTION:** SECOND READING – Z-FY-07-44: Consider adopting an ordinance authorizing a zoning change from Single Family One (SF-1), Office One (O-1), General Retail (GR) and Multiple Family One (MF-1) Districts to Single Family One (SF-1) District on approximately 31.108 acres of land out of land commonly known as Outblocks 1094A-A, 1094-A and 1094-C, City Addition, located north of West Adams Avenue, between Hilliard Road and Brooks Drive.

**P&Z COMMISSION RECOMMENDATION:** The Planning and Zoning Commission voted 8/0 to recommend approval of a zone change from SF-1, O-1, GR and MF-1 to SF-1 at its meeting on July 16, 2007. Commissioner Norman was absent.

**STAFF RECOMMENDATION:** Staff recommends approval of the zone change for the following reasons:

1. The request complies with the requested amendment to the future land use map of the West Temple Plan;
2. The request complies with the Thoroughfare Plan; and
3. The request complies with Adequacy of Public Facilities.

**ITEM SUMMARY:** Please refer to the Staff Report and draft minutes of case Z-FY-07-44, from the Planning and Zoning meeting, July 16, 2007. The applicant, Holy Trinity Catholic High School, proposes to establish what the zoning ordinance calls a “denominational school” on the subject property. This use is listed as permitted by right in the SF-1, Single Family One Zoning District. The applicant is requesting the SF-1 Zoning District so that future abutting nonresidential development would be required to provide screening along the property line in accordance with Zoning Ordinance Section 13-102.

Concerns of the Planning and Zoning Commission are shown in the draft minutes. The Commission did not raise any issues requiring additional staff attention.

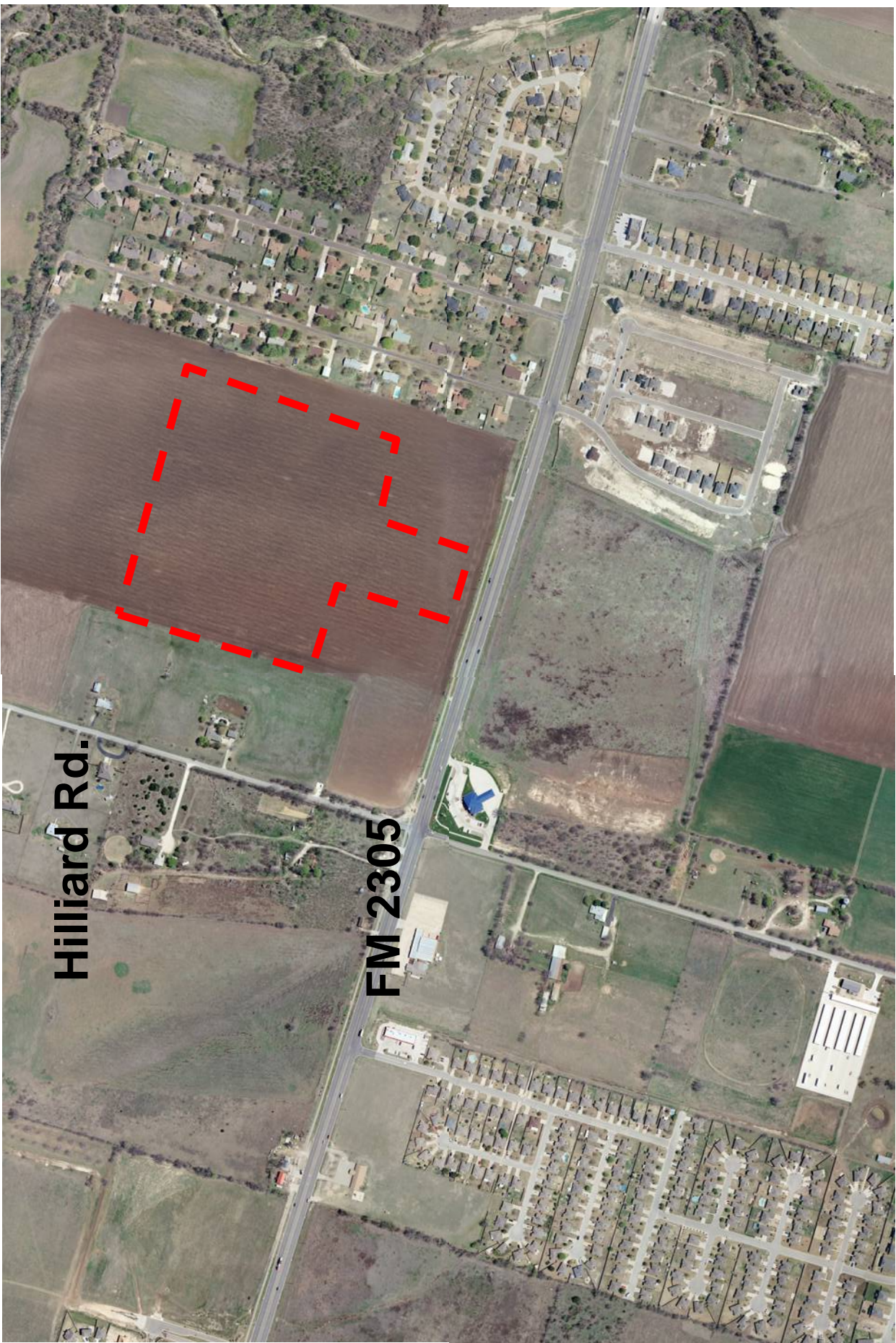
Fifteen notices were sent out. As of Tuesday, July 24 at 8 AM, four notices were returned in favor of and no notices were returned in opposition to the request. The newspaper printed notice of the Planning and Zoning Commission's public hearing on July 6, 2007 in accordance with state law and local ordinance.

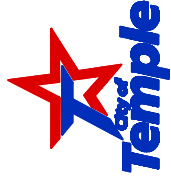
**FISCAL IMPACT:** None

**ATTACHMENTS:**

Aerial  
Future Land Use Map  
Zoning Map  
Notice Map  
Applicant's Exhibits  
P&Z Staff Report (Z-FY-07-4)  
P&Z Minutes (July 16, 2007)  
Ordinance







**Z-FY-07-43**

**Holy Trinity Catholic High School**

**Outblock #1094A-A  
1094A & 1094C**

**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, CR)

● 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**



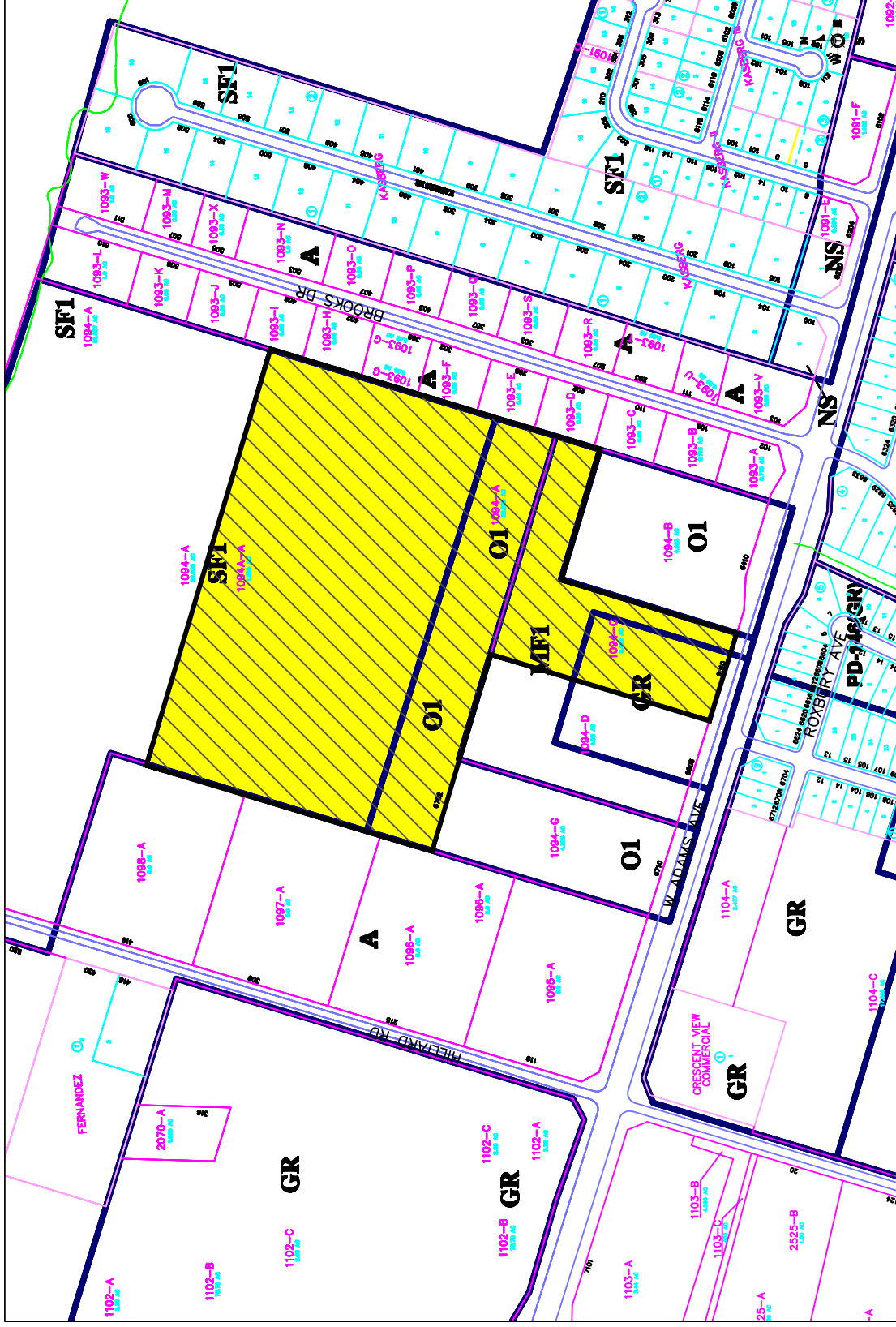




**Z-FY-07-44**

**Holy Trinity Catholic High School**

**Outblock #1094-A & C**



**Area of Proposed  
Zone Change**

**SF1 - MF1 - GR - O1**

**J. Stone/GIS Mapping  
06-11-07  
Scale: 1"=400'**



**Z-FY-07-44**

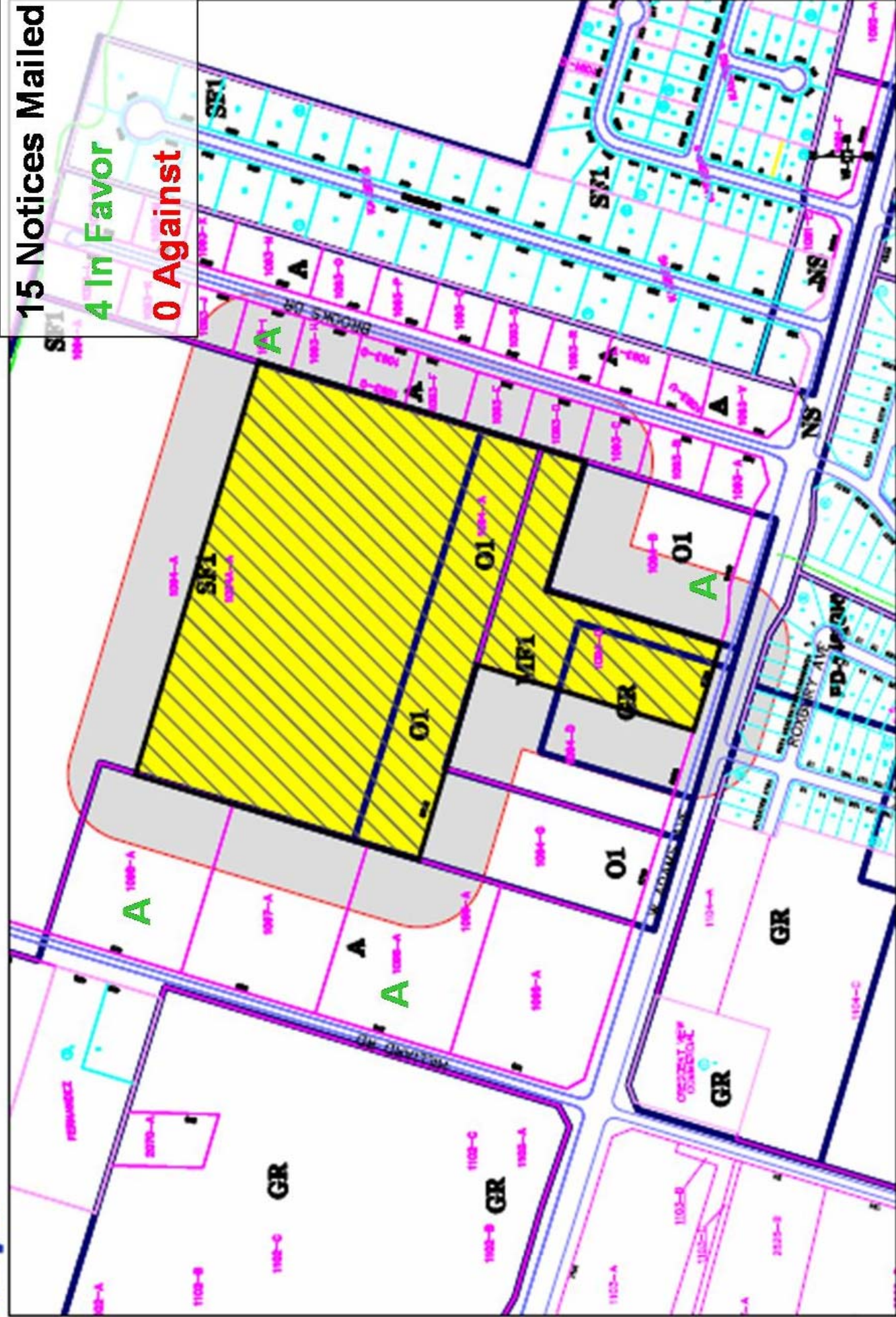
**Holy Trinity Catholic High School**

**Outblocks #1094A-A  
1094A & 1094C**

**15 Notices Mailed**

**4 In Favor**

**0 Against**



**Area of Proposed  
Zone Change**



**200' Radius**

**SF1 - MF1 - GR - O1**

**J. Stone/GIS Mapping  
08-11-07  
Scale: 1"=400'**





PARKING - PHASE 1	
VISITOR - 20	
FACULTY - 50	
STUDENT - 40	
TOTAL - 110	
PARKING - FUTURE	
VISITOR - 20	
FACULTY - 50	
STUDENT - 40	
STORAGE - 100	
TOTAL - 210	
PARKING - TOTAL	
PHASE 1 - 110	
FUTURE - 210	
TOTAL - 320	

COLOR LEGEND	
SITE PLAN	
[Grey Box]	PHASE 1 PARKING AND DRIVE
[Light Grey Box]	FUTURE PARKING AND DRIVE
[Hatched Box]	PROPOSED ACCESS ROAD
[Orange Box]	COVERED WALKS / ENTRY
[Yellow Box]	SIDEWALKS
[Blue Box]	FUTURE WET POND

FLOOR PLAN	
[Pink Box]	CHAPEL
[Orange Box]	CLASSROOMS
[Yellow Box]	ADMINISTRATION
[Light Orange Box]	CAFETERIA AND KITCHEN
[Light Yellow Box]	CIRCULATION
[Brown Box]	SUPPORT
[Dark Orange Box]	FUTURE EXPANSION

  
 418 WORTH 11TH STREET  
 TEMPE, AZ 85281  
 PHONE: 480.771.7777 FAX: 480.771.2288  
 E-MAIL: INFO@HOLYTRINITYAZ.ORG  
 WEB: WWW.HOLYTRINITYAZ.ORG  
 BUILDING THE CHRISTIAN LEADERS OF TOMORROW



CONCEPT DESIGN  
 PRELIMINARY SITE PLAN  
 SCALE: 1" = 100'-0"

SCALE  
 0 100'  
 50' 200'

  
 spencer godfrey architects, inc.  
 spencer godfrey architects, inc.





CONCEPTUAL DESIGN  
SCALE: N.T.S.





# PLANNING AND ZONING COMMISSION AGENDA ITEM

07/16/07  
Item 3b  
Page 1 of 3

**APPLICANT / DEVELOPMENT:** Holy Trinity Catholic High School

**CASE MANAGER:** Brian Mabry, AICP, Senior Planner

**ITEM DESCRIPTION:** Z-FY-07-44 Hold a public hearing to consider a zone change from Single Family One District (SF-1), Office One District (O-1), General Retail District (GR) and Multiple Family One District (MF-1) to Single Family One District (SF-1) on approximately 31.108 acres of land out of land commonly known as Outblocks 1094A-A, 1094-A and 1094-C, City Addition, located north of West Adams Avenue, between Hilliard Road and Brooks Drive. (Applicant: Holy Trinity Catholic High School)

**BACKGROUND:**

The applicant proposes to establish what the zoning ordinance calls a “denominational school” on the subject property. This use is listed as permitted by right in the SF-1, Single Family One Zoning District. The applicant is requesting the SF-1 Zoning District so that future abutting nonresidential development would be required to provide screening along the property line in accordance with Zoning Ordinance Section 13-102.

Concept plans for the school include a chapel, classrooms, athletic fields, a water feature and tennis courts.

**Surrounding Property and Uses**

Surrounding zoning districts and current uses are diverse. The following table shows the existing zoning and current land uses abutting the subject property:

Direction	Zoning	Current Land Use
North	SF-1	Agriculture
East	A	Single-Family Detached Homes
South	O-1, GR & MF-1	FM 2305 & Agriculture
West	A	Single-Family Detached Homes

The basic zoning configuration is based on a rezoning in 1981 the development for which was never begun.

A zoning request should be reviewed for compliance with the Comprehensive Plan.

**Future Land Use Plan & Future Trends**

The Future Land Use Map shows several future land use categories for the subject property. They are: Moderate Density Residential, Medium Density Residential and Office. The applicant is seeking to amend the Future Land Use Map to show only Community Facilities (Schools) for the subject property.

**Double Sided**

The property is part of the West Temple Plan. The Plan does not provide policies related to school placement for the planning area.

#### Thoroughfare Plan

Farm to Market Road 2305 is designated a Major Arterial on the Thoroughfare Plan. The Plan states that Major Arterials move traffic to and from freeways (I-35 and the Loop) and move traffic through parts of town not served by freeways. Hilliard Road to the west is also designated a Major Arterial on the Plan and will be part of the route of the Outer Loop. Its current pavement width and lack of curb and gutter, however, makes it appear more like a Local Street. Brooks Road to the east is a dead end street and is designated a Local Street on the Plan. The school can only take access from FM 2305 and it is appropriate that a large school take access from a Major Arterial. The zoning request complies with the Thoroughfare Plan.

#### Adequacy of Public Facilities

A fourteen-inch water line along the north side of FM 2305 and an eighteen-inch sewer line along the south side of FM 2305 serve the site. The extension of the sewer line across FM 2305 will be addressed when the property is platted. The zoning request complies with Adequacy of Public Facilities.

#### Development Regulations for the SF-1 District

The purpose statement of a Zoning District normally provides guidance for where in the City and under what circumstances the district should be applied. However, the purpose statement for the SF-1, Single-Family One Zoning District does not mention nonresidential uses such as the one that the applicant proposes.

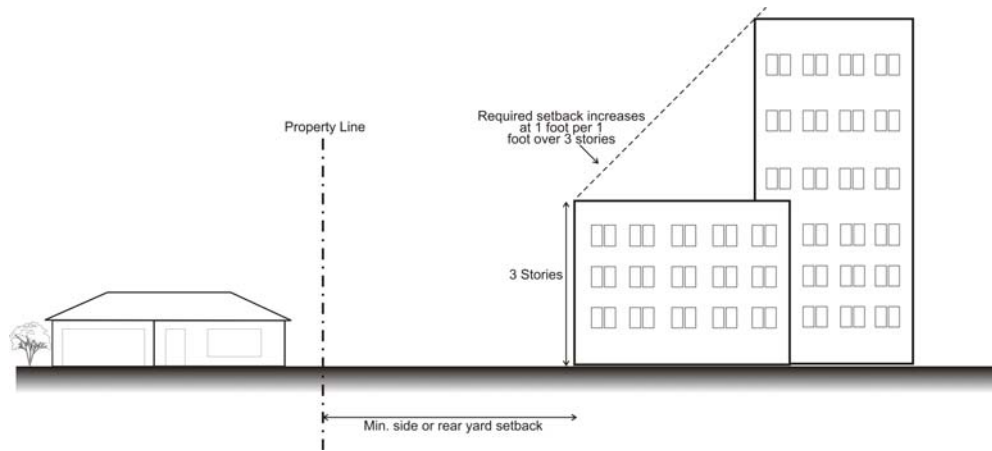
Permitted land uses include single-family detached dwellings, schools, churches and some utilities. The SF-1 District regulations prohibit most nonresidential uses.

The SF-1 Zoning District has the following dimensional requirements for nonresidential uses.

<b>Single-Family One (SF-1)</b>	
<b>Min. Lot Area (sq. ft.)</b>	--
<b>Min. Lot Width (ft.)</b>	--
<b>Min. Lot Depth (ft.)</b>	--
<b>Max. Height (stories)</b>	2
<b>Min. Yard (ft)</b>	
Front	25
Side	20
Rear	10

The Zoning Ordinance allows schools located in residential zoning districts to exceed two stories in height provided that one additional foot of minimum side and rear yard setback is provided for each foot that the structure exceeds three stories in height, as shown below. The conceptual elevation for the school building shows a maximum height of three stories.

#### Double Sided



### Public Notice

Fifteen notices were sent out. As of Wednesday, July 11 at 5 PM, one notice was returned in favor of and no notices were returned in opposition to the request. The newspaper printed notice of the public hearing on July 6, 2007 in accordance with state law and local ordinance.

**STAFF RECOMMENDATION:** Staff recommends approval of the zone change for the following reasons:

1. The request complies with the requested amendment to the future land use map of the West Temple Plan;
2. The request complies with the Thoroughfare Plan; and
3. The request complies with Adequacy of Public Facilities.

**FISCAL IMPACT:** Not Applicable

### **ATTACHMENTS:**

Application  
 Future Land Use Map  
 Zoning Map  
 Aerial  
 Applicant's Exhibits  
 Notice Map  
 Response Letters

**EXCERPTS FROM THE**  
**PLANNING & ZONING COMMISSION MEETING**  
**MONDAY, JULY 16, 2007**

**ACTION ITEMS**

- 3.(a) Z-FY-07-43** Hold a public hearing to consider an amendment to the West Temple Comprehensive Plan from Office and Residential uses to Community Facilities (Schools) uses on 31.108 ± out of portions of land commonly known as Outblocks 1094A-A and 1094-A and C, City Addition, located on the north side of West Adams Avenue, between Hilliard Road and Brooks Drive. (Applicant: Holy Trinity Catholic High School)

Mr. Brian Mabry, Senior Planner, presented this item as outlined in the Planning and Zoning Commission agenda background. He showed an aerial of the property and surrounding area and the future land use map of the area. Mr. Mabry said the purpose of the property is to accommodate a private school. He said at the time the West Temple Comprehensive Plan was adopted in 1999, the Community Facilities (Schools) future land use category was not described in the text of the Plan, it is only shown on the future land use map. Mr. Mabry said amending the future land use map to show Community Facilities is in keeping with past practice of showing such uses on the map. He said Staff is recommending approval of an amendment to the Comprehensive Plan due to a mixture of future land use categories for the subject property should be unified to match the proposed use which is a large school on FM 2305. Mr. Mabry continued his presentation for the zone change for the subject property.

Motion to recommend approval of Z-FY-07-43, by Commissioner Pope; seconded by Commissioner Hurd.

Motion passed (8/0).

- 3.(b) Z-FY-07-44** Hold a public hearing to consider a zone change from Single Family One District (SF-1), Office One District (O-1), General Retail District (GR) and Multiple Family One District (MF-1) to Single Family One District (SF-1) on approximately 31.108 acres of land out of land commonly known as Outblocks 1094A-A, 1094-A and 1094-C, City Addition, located north of West Adams Avenue, between Hilliard Road and Brooks Drive. (Applicant: Holy Trinity Catholic High School)

Mr. Brian Mabry, Senior Planner, presented this item as outlined in the Planning and Zoning Commission agenda background. He displayed an aerial map, pictures of the subject property and the surrounding area, the zoning designation map, the thoroughfare plan of the subject property, and public facility locations. Mr. Mabry said the purpose of the zone change is to combine the mixed zoning on the property to all Single One (SF1) District for the entire property in order to accommodate a private school. He said the applicant is requesting SF1 zoning so that future abutting nonresidential development would be required to provide screening along the property line in accordance with Zoning Ordinance Section 13-102. Mr. Mabry displayed a table showing the existing zoning and current land uses abutting the subject property. He said fifteen notices were mailed to surrounding property owner within 200 feet of the subject property. Three notices were returned in favor of the request and none were returned in opposition to the request. Mr. Mabry said Staff is recommending approval of the zone change based on the following reasons: 1) The request complies with the requested



amendment to the future land use map of the West Temple Plan, 2) The request complies with the Thoroughfare Plan; and 3) The request complies with Adequacy of Public Facilities.

Chair Thomas said by the site plan provided to the Commissioner's it appears that there is a proposed right-of-way out to Hilliard Road. Mr. Mabry stated that he was not aware of that right-of-way. He said the subject property requesting the zone change fronts on FM 2305 and that is the only access to the property.

Commissioner Kjelland asked about the property outside of the subject property. Mr. Mabry said the property outside of the zone change request would remain the existing designated zoning.

Chair Thomas opened the public hearing asking anyone wishing to speak in favor or in opposition to the request to address the Commission.

Mr. John Bandas, Engineer for the applicant, addressed the Commission. He gave a presentation of the zone change request. Mr. Bandas said this project has been in the planning stage for several years. He said the applicant is trying to build a school that will be comparable to the surrounding area.

Chair Thomas closed the public hearing.

There was further discussion between the Commissioner's and Staff in regards to the property adjoining the subject property and what would possibly be built on those properties in the future. Mr. Mabry said screening would be required of nonresidential development. Future development would be required to abide by the regulations of the Zoning Ordinance. Mr. Mabry added that at this time of the zone change process the only access to the property is from FM 2305.

Motion to recommend approval of Z-FY-07-44, by Commissioner Pope; seconded by Commissioner Hurd.

Motion passed (8/0).

ORDINANCE NO. \_\_\_\_\_  
(ZONING NO. Z-FY-07-44)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A ZONING CHANGE FROM SINGLE FAMILY ONE (SF-1), OFFICE ONE (O1), GENERAL RETAIL (GR), AND MULTIPLE FAMILY ONE (MF-1) DISTRICTS TO SINGLE FAMILY ONE (SF-1) DISTRICT ON APPROXIMATELY 31.108 ACRES OF LAND OUT OF LAND COMMONLY KNOWN AS OUTBLOCKS 1094A-A, 1094-A AND 1094-C, CITY ADDITION, LOCATED NORTH OF WEST ADAMS AVENUE, BETWEEN HILLIARD ROAD AND BROOKS DRIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

**Part 1:** The City Council approves a zoning change from Single Family One (SF-1), Office One (O1), General Retail (GR), and Multiple Family One (MF-1) Districts to Single Family One (SF-1) District on approximately 31.108 acres of land out of land commonly known as Outblocks 1094A-A, 1094-A, and 1094-C, City Addition, located north of West Adams Avenue, between Hilliard Road and Brooks 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 2<sup>nd</sup> day of **August**, 2007.

PASSED AND APPROVED on Second Reading on the **16<sup>th</sup>** day of **August**, 2007.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Clydette Entzminger  
City Secretary

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Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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08/16/07  
Item #4(N)  
Consent Agenda  
Page 1 of 2

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

Tim Dolan, Planning Director

**ITEM DESCRIPTION:** SECOND READING – Z-FY-07-45: Consider adopting an ordinance authorizing a zoning change from the Two Family (2F) District to the Neighborhood Service (NS) District on the North 50 Feet of Lot 2, Block A, Bentley Bellview Addition, located at 801 and 803 South 33<sup>rd</sup> Street.

**P&Z COMMISSION RECOMMENDATION:** The Planning and Zoning Commission voted 8/0 to recommend approval of a zone change from 2F to NS at its meeting on July 16, 2007. Commissioner Norman was absent.

**STAFF RECOMMENDATION:** Staff recommends approval of the zoning request from 2F to NS for the following reasons:

1. The request complies with the Future Land Use Plan;
2. The request complies with the Thoroughfare Plan; and
3. The request complies with Adequacy of Public Facilities

**ITEM SUMMARY:** Please refer to the Staff Report and draft minutes of case Z-FY-07-45, from the Planning and Zoning meeting, July 16, 2007. The applicant, Melinda Bulls, proposes to establish what the zoning ordinance calls a “general business and professional office” on the subject property. This use is listed as permitted by right in the NS District. The applicant proposes to use the existing 1,190 square foot structure for the office. An existing parking lot on the subject property provides adequate parking for an office.

Concerns of the Planning and Zoning Commission are shown in the draft minutes. The Commission did not raise any issues requiring additional staff attention.

Eleven notices were sent out. As of Tuesday, July 24 at 8 AM, three notices were returned in favor of and no notices were returned in opposition to the request. The newspaper printed notice of the Planning and Zoning Commission’s public hearing on July 6, 2007 in accordance with state law and local ordinance.

**FISCAL IMPACT:** NA

**ATTACHMENTS:**

Aerial  
Future Land Use Map  
Zoning Map  
Notice Map  
P&Z Staff Report (Z-FY-07-45)  
P&Z Minutes (07/16/07)  
Ordinance



**Z-FY-07-45    S. 33<sup>rd</sup> Street    N. 50' of Lot 2, Blk A Bentley Bellview**







**Z-FY-07-45**

**803 S 33rd**

**N 50' of Lot 2, Blk A, Bentley Bellview**

**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**

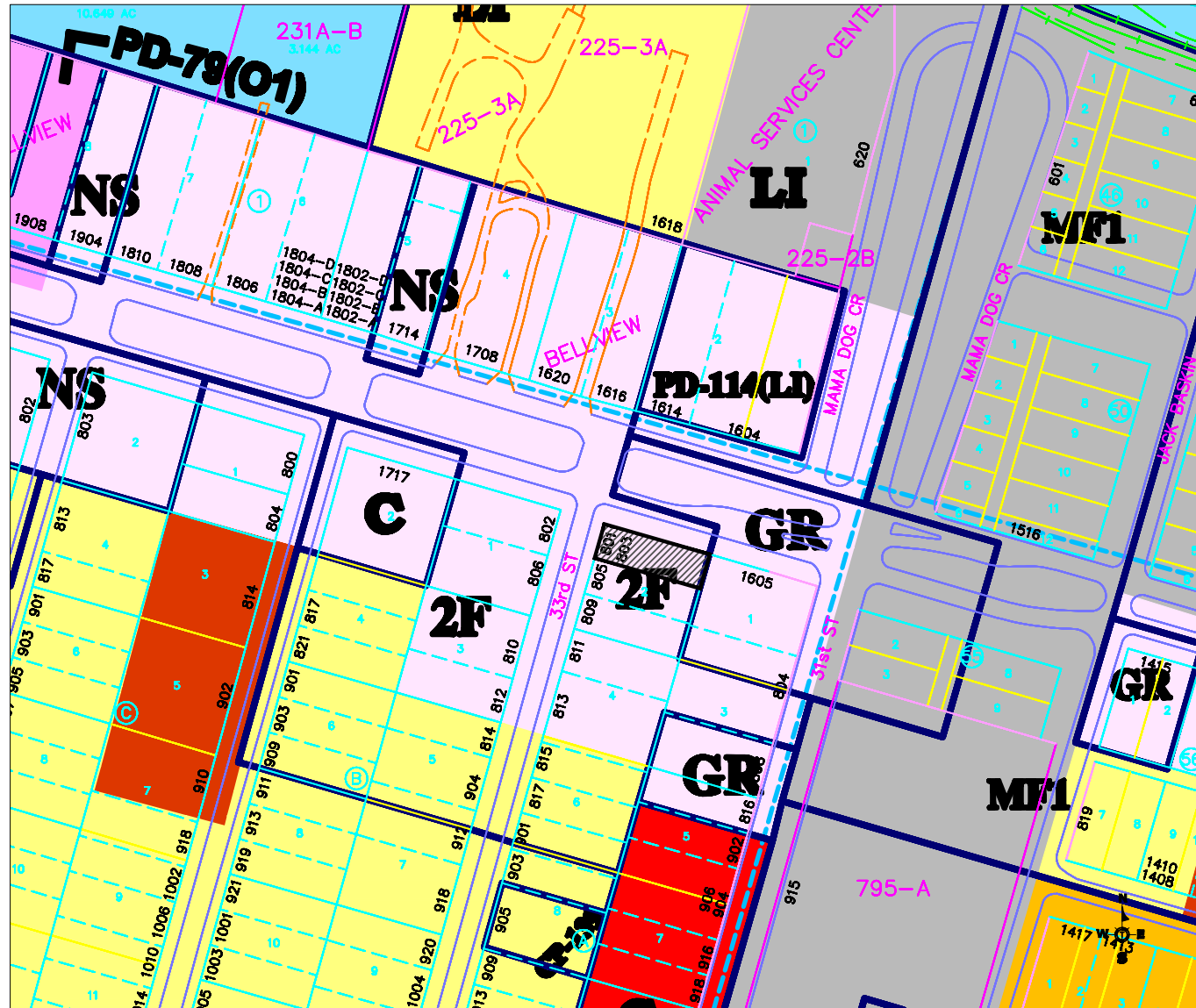
● Light and Heavy  
Industrial  
(LI, HI)

**COMMUNITY  
FACILITIES**

● CF-E (Schools)  
● CF-G (General)  
● CF-M (Medical)  
● CF-R (Religious)

● PARKS

 **Proposed  
Rezone**



**2F Zoning**

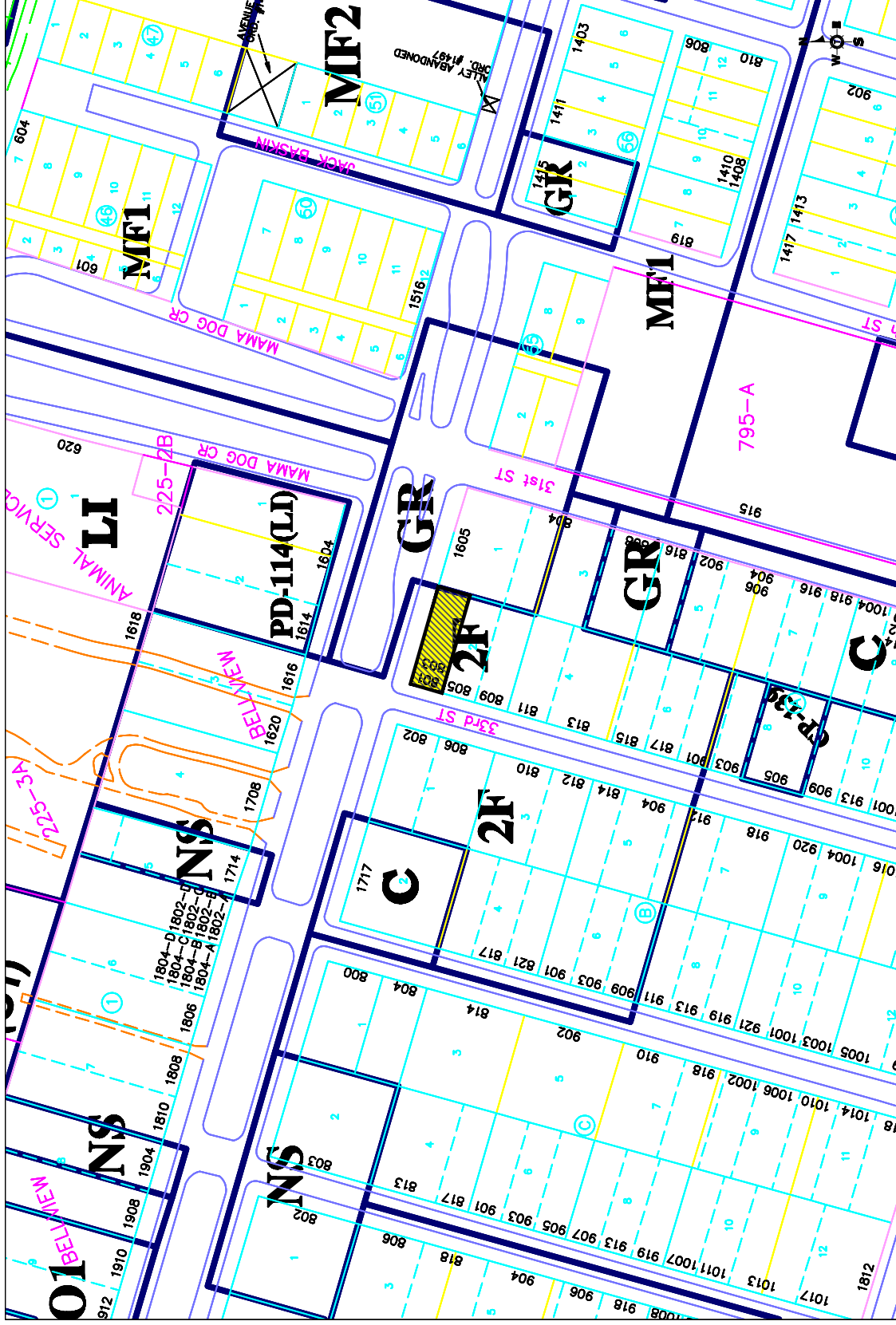
**J Stone/GIS Mapping  
06-19-07**



**Z-FY-07-45**

**803 S 33rd**

**N 50' of Lot 2, Blk A, Bentley Bellview**



**Area of Proposed  
Zone Change**

**2F Zoning**

**J. Stone/GIS Mapping  
06-19-07  
Scale: 1"=200'**





**Z-FY-07-45**

**803 S 33rd Street**

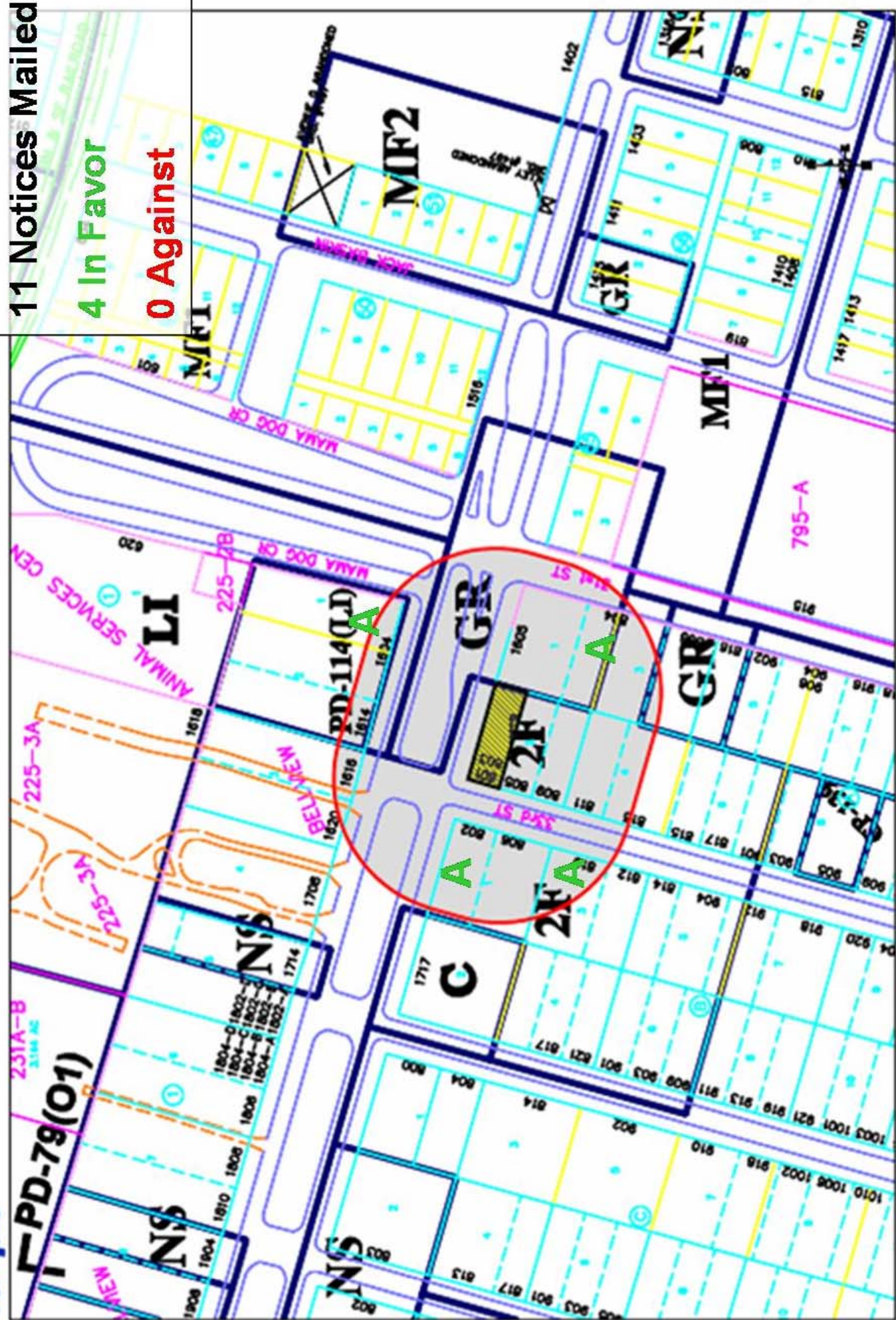
**N 50' of Lot 2, Blk A, Bentley Bellview**

**PD-79(01)**

**11 Notices Mailed**

**4 In Favor**

**0 Against**



**Area of Proposed  
Zone Change**



**200' Radius**

**2F Zoning**

**J. Stone/GIS Mapping  
06-19-07  
Scale: 1"=200'**



# PLANNING AND ZONING COMMISSION AGENDA ITEM

07/16/07  
Item 4  
Page 1 of 3

**APPLICANT:** Melinda Bulls

**CASE MANAGER:** Brian Mabry, AICP, Senior Planner

**ITEM DESCRIPTION:** Z-FY-07-45 Hold a public hearing to consider a zone change from the Two Family District (2F) to the Neighborhood Service District (NS) on the North 50 Feet of Lot 2, Block A, Bentley Bellview Addition, located at 801 and 803 South 33<sup>rd</sup> Street. (Applicant: Melinda Bulls)

**BACKGROUND:**

The applicant proposes to establish what the zoning ordinance calls a “general business and professional office” on the subject property. This use is listed as permitted by right in the NS District. The applicant proposes to use the existing 1,190 square foot structure for the office.

**Surrounding Property and Uses**

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

Direction	Zoning	Current Land Use
North	GR	W. Ave. H (including medians)
East	GR	Beauty salon and office
South	2F	Single-family detached house
West	2F	Single-family detached house

A zoning request should be reviewed for compliance with the Comprehensive Plan.

**Future Land Use Plan & Future Trends**

The Future Land Use Map shows Neighborhood and Community Retail as the future land use category for the subject property and its surroundings. This category recommends the NS, Neighborhood Service and GR, General Retail Districts. The zoning request complies with the Future Land Use Plan and Future Trends.

**Thoroughfare Plan**

West Avenue H is designated a Major Arterial on the Thoroughfare Plan. The Plan states that Major Arterials move traffic to and from freeways (I-35 and the Loop) and move traffic through parts of town not served by freeways. South 33<sup>rd</sup> Street is designated a Local Street on the Thoroughfare Plan. Local Streets are intended to serve residential uses. The existing parking lot for the property takes access from Avenue H. The zoning request complies with the Thoroughfare Plan.

**Adequacy of Public Facilities**

A six-inch water line runs along the north side of the property and a six-inch sewer line runs along the east side of the property. The zoning request complies with Adequacy of Public Facilities.

**Double Sided**



### Development Regulations for the NS District

The NS District is the most restrictive nonresidential district and is intended to provide day-to-day retail and service needs for residential neighborhood service areas. This District should be located convenient to residential areas in locations such as the corner of a Local Street and a Collector Street that serves the neighborhood. The subject property is located at the corner of a Local Street and a Collector Street.

Permitted land uses include, but are not limited to a convenience store, office, bank, barber or beauty shop, small cleaners, or florist, as well as any residential use except apartments. The NS District regulations prohibit bars, outdoor entertainment, most vehicle sales and service uses (except for fuel sales which require a conditional use permit (CUP)) and manufacturing and industrial uses.

The NS District has the following dimensional requirements for nonresidential uses.

<b>Neighborhood Service (NS)</b>	
<b>Min. Lot Area (sq. ft.)</b>	--
<b>Min. Lot Width (ft.)</b>	--
<b>Min. Lot Depth (ft.)</b>	--
<b>Max. Height (stories)</b>	2 ½
<b>Min. Yard (ft)</b>	
Front	15
Side	10
Rear	--

The existing structure does not meet the side yard setback requirement shown above. Should any expansion of the structure occur in the future, such expansion would have to be within the required setbacks.

Section 13-102 of the Zoning Ordinance requires screening between residential and nonresidential uses in the form of a six-foot fence or wall or a natural landscape screen. A wood fence at the lot line where the subject property abuts a residential use to the south complies with this screening standard.

The Zoning Ordinance requires one off-street parking space per 300 square feet of gross floor area for an office. The existing parking lot at the rear of the building is adequate.

### Public Notice

Eleven notices were sent out. As of Wednesday, July 11 at 5 PM, no notices were returned in favor of and no notices were returned in opposition to the request. The newspaper printed notice of the public hearing on July 6, 2007 in accordance with state law and local ordinance

**STAFF RECOMMENDATION:** Staff recommends approval of the zoning request from 2F to NS for the following reasons:

1. The request complies with the Future Land Use Plan;
2. The request complies with the Thoroughfare Plan; and
3. The request complies with Adequacy of Public Facilities.

**FISCAL IMPACT:** Not Applicable

### **ATTACHMENTS:**

Application

**Double Sided**

Future Land Use Map  
Zoning Map  
Aerial  
Notice Map  
Response Letters

**EXCERPTS FROM THE  
PLANNING & ZONING COMMISSION MEETING  
MONDAY, JULY 16, 2007**

**ACTION ITEMS**

4. **Z-FY-07-45** Hold a public hearing to consider a zone change from the Two Family District (2F) to the Neighborhood Service District (NS) on the North 50 feet of Lot 2, Block A, Bentley Bellview Addition, located at 801 and 803 south 33<sup>rd</sup> Street. (Applicant: Melinda Bulls)

Mr. Brian Mabry, Senior Planner, presented this item as outlined in the Planning and Zoning Commission agenda background. He displayed an aerial map of the subject property, pictures of the subject property and surrounding area, the future land use map, the zoning map, the thoroughfare plan for the subject area, and adequacy of public facilities. Mr. Mabry said the applicant proposes to establish a beauty salon on the subject property. He displayed the aerial map that shows the existing parking area on the subject property which holds approximately five (5) spaces and takes access from Avenue H. rather than from the local street. Mr. Mabry briefly went over the development regulations for the Neighborhood Service District. He said eleven notices were mailed to surrounding property owner within 200 feet of the subject property. Four notices were returned in favor of the request and none were returned in opposition to the request. Mr. Mabry said Staff is recommending approval of the zone change request from 2F to NS.

Commissioner Hurd asked if the existing structure was once a duplex dwelling. Mr. Mabry stated that it was a duplex in the past; however, it is now a single dwelling.

Chair Thomas opened the public hearing asking anyone wishing to speak in favor or in opposition to the request to address the Commission.

Ms. Melinda Bulls, 803 S. 33<sup>rd</sup> St., applicant and owner, addressed the Commission requesting approval of the zone change.

Chair Thomas closed the public hearing.

Motion to recommend approval of Z-FY-07-45 by Commissioner Kasberg; seconded by Commissioner Hurd.

Motion passed (8/0).

ORDINANCE NO. \_\_\_\_\_  
(ZONING NO. Z-FY-07-45)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A ZONING CHANGE FROM TWO FAMILY DISTRICT (2F) TO NEIGHBORHOOD SERVICE DISTRICT (NS) ON THE NORTH 50 FEET OF LOT 2, BLOCK A, BENTLEY BELLVIEW ADDITION, LOCATED AT 801 AND 803 SOUTH 33<sup>RD</sup> STREET; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

**Part 1:** The City Council approves a zoning change from Two Family District (2F) to Neighborhood Service District (NS) on the north 50 feet of Lot 2, Block A. Bentley Bellview Addition, located at 801 and 803 South 33<sup>rd</sup> Street, 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 2<sup>nd</sup> day of August, 2007.

PASSED AND APPROVED on Second Reading on the 16<sup>th</sup> day of August, 2007.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Clydette Entzminger  
City Secretary

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Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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08/16/07  
Item #4(O)-1  
Consent Agenda  
Page 1 of 1

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

Tim Dolan, Planning Director

**ITEM DESCRIPTION:** SECOND READING – Z-FY-07-47: Consider adopting an ordinance authorizing an amendment to the Future Land Use Plan Map to reflect a change from Medium Density Residential to Neighborhood and Community Retail uses on Lot 20, Block 1, Tal-Coe Place Addition, located at 1118 South 29<sup>th</sup> Street.

**P&Z COMMISSION RECOMMENDATION:** The Planning and Zoning Commission voted 7/1 to recommend approval of an amendment to the Future Land Use Map from Medium Density Residential to Neighborhood and Community Retail at its meeting on July 16, 2007.

**STAFF RECOMMENDATION:** Staff recommends approval of an amendment to the Future Land Use Map to reflect the Neighborhood and Community Retail future land use category for the subject property based on the following reasons:

1. The amendment conforms to Policy 3.3.4.A of the Comprehensive Plan;
2. The proposed amendment partially conforms with current and planned uses for the area.

**ITEM SUMMARY:** Please refer to the Staff Report and draft minutes of case Z-FY-07-47, from the Planning and Zoning meeting, July 16, 2007. The applicants are James Brooks and Jack Folsom.

Seventeen notices were sent out. As of Tuesday, July 24 at 8 AM, no notices were returned in favor of and no notices were returned in opposition to the request. The newspaper printed notice of the Planning and Zoning Commission's public hearing on Friday, July 6, 2007 in accordance with state law and local ordinance

**FISCAL IMPACT:** None

### **ATTACHMENTS:**

[Future Land Use Map](#)  
[P&Z Staff Report \(Z-FY-07-47\)](#)  
[P&Z Minutes \(07/16/07\)](#)  
[Ordinance](#)

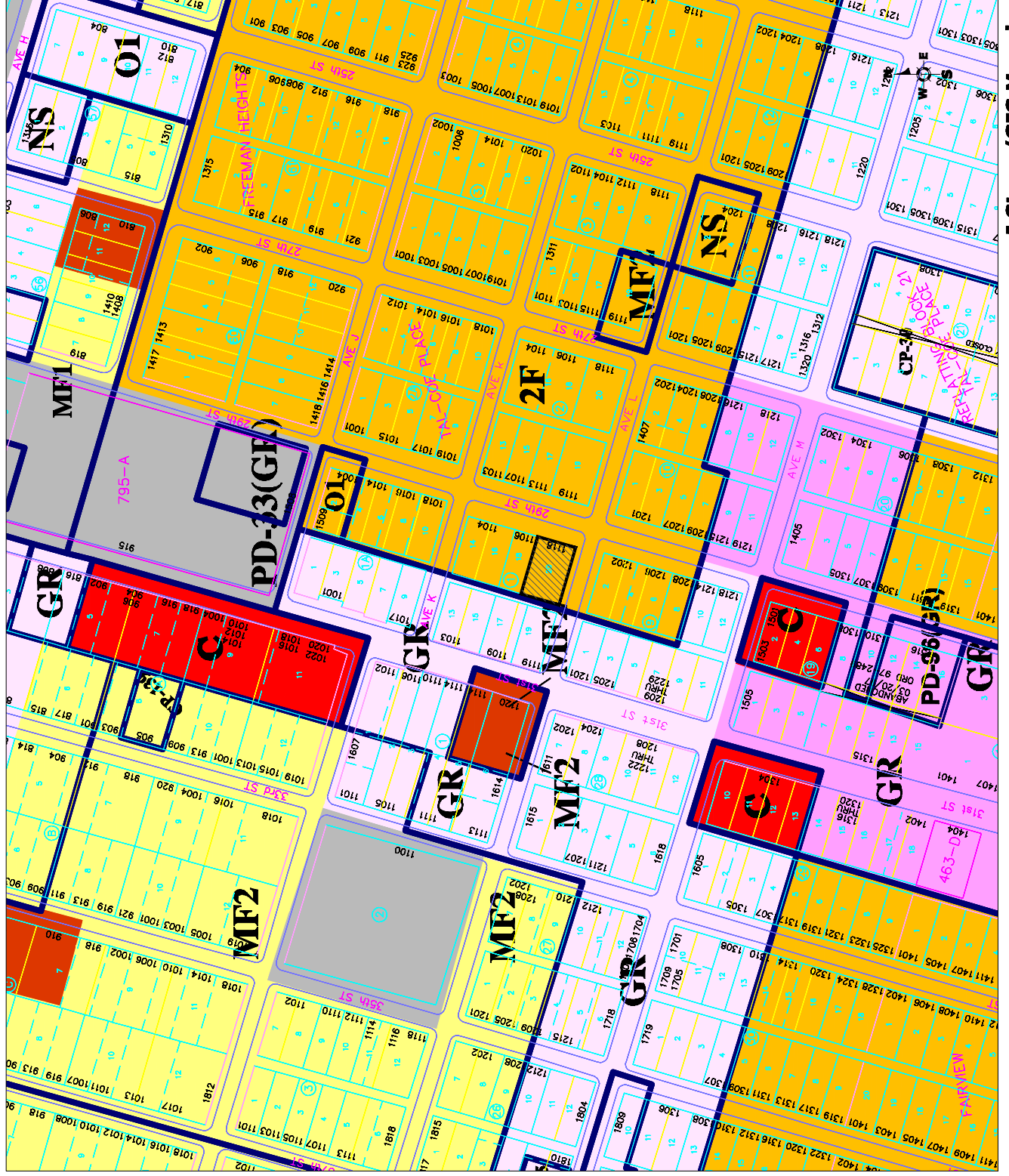




**Z-FY-07-47**

**1118 S 29th**

**Lot 20, Blk 1 - Talcoe Place**



- 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**



# PLANNING AND ZONING COMMISSION AGENDA ITEM

07/16/07  
Item 5a  
Page 1 of 2

**APPLICANS:** James Brooks and Jack Folsom

**CASE MANAGER:** Brian Mabry, AICP, Senior Planner

**ITEM DESCRIPTION:** Z-FY-07-47 Hold a public hearing and consider an amendment to the Future Land Use Plan Map to reflect a change from Medium Density to Neighborhood and Community Retail uses on Lot 20, Block 1, Tal-Coe Place Addition, located at 1118 South 29<sup>th</sup> Street. (Applicant: James Brooks/Jack Folsom)

**BACKGROUND:** This request tracks with Z-FY-07-48, a zone change request from Two-Family (2F) District to the Neighborhood Services (NS) District. The applicant wants to rezone this property to NS to accommodate a beauty salon.

The Comprehensive Plan was adopted in December 1988. Policy 3.3.3.A of the Comprehensive Plan encourages the location of commercial uses at the intersection of Arterial Streets. The subject property, however, is at the intersection of two streets that the Thoroughfare Plan designates as Local Streets: South 29<sup>th</sup> Street and West Avenue L.

Policy 3.3.4.A of the Comprehensive Plan discourages development with the following characteristics:

- Shallow lot depth;
- Excessive curb cuts;
- Little or no landscaping;
- Limited parking in front of the building; and
- Parking that dangerously backs up onto Arterial Streets.

The existing development on the subject property has none of these discouraged characteristics. And the applicant intends to use the existing house for the beauty shop.

The future land use category for the subject property is currently Medium Density Residential. The future land use category supports the Manufactured Home (HM), Two-Family (2F), Townhouse (TH) and Multiple Family One (MF-1) Districts. The requested Neighborhood and Community Retail future land use category supports the Neighborhood Service (NS) and General Retail (GR) Districts.

Future land use categories abutting the subject property are as follows:

Direction	Future Land Use Category
North	Medium Density Residential
East	Medium Density Residential
South	Medium Density Residential
West	Neighborhood and Community Retail

The requested Future Land Use Map amendment would extend the Neighborhood and Community Retail designation from South 31<sup>st</sup> Street, east to South 29<sup>th</sup> Street. The proposed amendment would partially conform with current and planned uses for the area. The properties to the rear of the subject

property are and will likely continue to be retail and office uses. The properties to the side and across South 29<sup>th</sup> Street and West Avenue L are and will likely continue to be residential uses; however, the strong retail and office character of the properties along South 31<sup>st</sup> Street make the properties to the rear good candidates for a light retail service use such as the one proposed.

The subject property is one-half of a block from a Major Arterial (South 31<sup>st</sup> Street) and one block from a Minor Arterial (West Avenue M). Vehicular access to the existing parking lot on the property would be taken either via Avenue L or from the parking area belonging to the abutting optometrist office to the rear that fronts on 31<sup>st</sup> Street, since there is only an alley separating the two parking areas.

**STAFF RECOMMENDATION:** Staff recommends approval of an amendment to the Future Land Use Map to reflect the Neighborhood and Community Retail future land use category for the subject property based on the following reasons:

1. The amendment conforms to Policy 3.3.4.A of the Comprehensive Plan;
2. The proposed amendment partially conforms with current and planned uses for the area; and

**Public Notice**

Seventeen notices were sent out. As of Wednesday, July 11 at 5 PM, no notices were returned in favor of and no notices were returned in opposition to the request. The newspaper printed notice of the public hearing on Friday, July 6, 2007 in accordance with state law and local ordinance

**FISCAL IMPACT:** Not Applicable

**ATTACHMENTS:**

Future Land Use Map

**EXCERPTS FROM THE**  
**PLANNING & ZONING COMMISSION MEETING**  
**MONDAY, JULY 16, 2007**

**ACTION ITEMS**

- 5.(a) Z-FY-07-47** Hold a public hearing to consider an amendment to the Future Land Use Plan Map to reflect a change from Medium Density to Neighborhood and Community Retail uses on Lot 20, Block 1, Tal-Coe Place Addition, located at 1118 South 29<sup>th</sup> Street. (Applicant: James Brooks/Jack Folsom)

Mr. Brian Mabry, Senior Planner, presented this item as outlined in the Planning and Zoning Commission agenda background. He displayed an aerial map of the subject property and surrounding properties and the future land use map of the area. Mr. Mabry said the purpose of the request is to amend the Future Land Use Plan to reflect a change from Medium Density to Neighborhood and Community Retail uses to accommodate a beauty salon. He said Staff is recommending approval of an amendment to the Future Land Use Map as written in the staff report.

Motion to recommend approval for Z-FY-07-47, by Commissioner Hurd; seconded by Commissioner Kjelland.

Motion passed (8/0).

- 5.(b) Z-FY-07-48** Hold a public hearing to consider a zone change from Two Family District (2F) to Neighborhood Service District (NS) on Lot 20, Block 1, Tal-Coe Place Addition located at 1118 South 29<sup>th</sup> Street. (Applicant: James Brooks/Jack Folsom)

Mr. Brian Mabry, Senior Planner, presented this item as outlined in the Planning and Zoning Commission agenda background. He displayed an aerial of the subject property and surrounding area, pictures of the area, the Future Land Use Map, Thoroughfare Plan, locations of public facilities, permitted and prohibited uses, and recapped the purpose of Neighborhood Service zoning. Mr. Mabry showed existing 14 parking spaces which the owner of the salon and the owner of the optometrist would need to work out an agreement for parking to assure that the proposed salon would have the required number of parking spaces. There is a sign that displays additional parking in the rear of the property which belongs to the subject property. Mr. Mabry said seventeen notices were mailed to surrounding property owner within 200 feet of the subject property for the amendment to the Future Land Use Map and the requested zone change. No notices were returned in favor or in opposition to either request. He said Staff is recommending approval of the zone change from Two Family (2F) to Neighborhood Service (NS), as written in the staff report.

Chair Thomas asked how the parking agreement between both businesses would be enforced if the subject property did not require a permit. Mr. Mabry said the City could not enforce the agreement if there is no building permit; however, it is his understanding that when there is a change from residential to commercial, a permit is required to verify the property complies with City code.

Vice-Chair Luck asked if there is an agreement between the two owners is worked out on the property, would the agreement be valid if the owner sells out. Mr. Mabry replied that the agreement would remain with the property.

Commissioner Kasberg said if the zone change is for the entire property and the parking lot is on the subject property, why does there need to be an agreement between the optometrist and the salon. Mr. Mabry said the parking lot belongs to the subject property and if the two agree that the optometrist will be allowed to use part of the spaces the agreement should be in writing and if not the optometrist would need to remove the sign showing additional parking in back.

Chair Thomas opened the public hearing asking anyone wishing to speak in favor or in opposition to Z-FY-07-47 or Z-FY-07-48 to address the Commission.

Ms. Jodie Folsom, 501 Cherokee, Temple, applicant and owner, addressed the Committee on both the amendment to the Future Land Use Map and the requested zone change for the property. She informed the Commissioner's that a building permit will be required due to remodeling of the building. Ms. Folsom stated that she has discussed the parking issue with the owner of the optometrist business and will allow parking for his employees if needed and will instruct him to remove the sign showing additional parking in the back.

Commissioner Pope asked Ms. Folsom if primary entry to the salon would be from the back. Ms. Folsom replied that the intent is to have entry from the front or the back with a walkway in place. If parking is not allowed on the street, entry will have to be from the back which will be addressed in the permitting process.

Chair Thomas closed the public hearing.

Motion to recommend approval of Z-FY-07-48, by Commissioner Hurd; seconded by Commissioner Kjelland.

Motion passed (7/1). Commissioner Kasberg voted nay.

ORDINANCE NO. \_\_\_\_\_  
(ZONING NO. Z-FY-07-47)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN AMENDMENT TO THE FUTURE LAND USE MAP TO REFLECT A CHANGE FROM MEDIUM DENSITY RESIDENTIAL TO NEIGHBORHOOD AND COMMUNITY RETAIL USES ON LOT 20, BLOCK 1, TAL-COE ADDITION LOCATED AT 1118 SOUTH 29<sup>TH</sup> STREET; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

**Part 1:** The City Council approves an amendment to the Future Land Use Map to reflect a change from Medium Density Residential to Neighborhood and Community Retail Uses on Lot 20, Block 1, Tal-Coe Addition located at 1118 South 29<sup>th</sup> Street, 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 Future Land Use 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 2<sup>nd</sup> day of August, 2007.

PASSED AND APPROVED on Second Reading on the **16<sup>th</sup>** day of **August**, 2007.

THE CITY OF TEMPLE, TEXAS

---

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Clydette Entzminger  
City Secretary

---

Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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08/16/07  
Item #4(O)-2  
Consent Agenda  
Page 1 of 2

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

Tim Dolan, Planning Director

**ITEM DESCRIPTION:** SECOND READING – Z-FY-07-48: Consider adopting an ordinance authorizing a zoning change from Two Family (2F) District to Neighborhood Service (NS) District on Lot 20, Block 1, Tal-Coe Place Addition located at 1118 South 29<sup>th</sup> Street.

**P&Z COMMISSION RECOMMENDATION:** The Planning and Zoning Commission voted 7/1 to recommend approval of a zone change from 2F to NS at its meeting on July 16, 2007. Commissioner Kasberg voted against and Commissioner Norman was absent.

**STAFF RECOMMENDATION:** Staff recommends approval of the zoning request from 2F to NS for the following reasons:

4. The request complies with the requested amendment to the Future Land Use Plan;
5. The request complies with the Thoroughfare Plan; and
6. The request complies with Adequacy of Public Facilities.

**ITEM SUMMARY:** Please refer to the Staff Report and draft minutes of case Z-FY-07-48, from the Planning and Zoning meeting, July 16, 2007. The applicants, James Brooks and Jack Folsom, propose to establish a beauty shop in the 1,677 square-foot structure already existing on the subject property. This use is permitted by right in the NS District. Although zoned 2F, the structure has been unlawfully used as a laboratory for the optometrist office across the alley. Consequently, there is already a parking lot at the rear of the property with 14 spaces.

Concerns of the Planning and Zoning Commission are shown in the draft minutes. Staff has found after further analysis that a parking agreement, as originally recommended, is not needed prior to issuance of a building permit since the shared parking lot is located on the subject property and not on the property of the optometrist office across the alley.

Seventeen notices were sent out. As of Tuesday, July 24 at 8 AM, no notices were returned in favor of and no notices were returned in opposition to the request. The newspaper printed notice of the Planning & Zoning Commission's public hearing on Friday, July 6, 2007 in accordance with state law and local ordinance



**FISCAL IMPACT:** None

**ATTACHMENTS:**

Arial  
Future Land Use Map  
Zoning Map  
Notice Map  
P&Z Staff Report (Z-FY-07-48)  
P&Z Minutes (07/16/07)  
Ordinance



Z-FY-07-48    1118 S. 29<sup>th</sup> St.    Lot 20, Blk 1, Talcoe Place



S. 31<sup>st</sup> St.

W. Ave. L

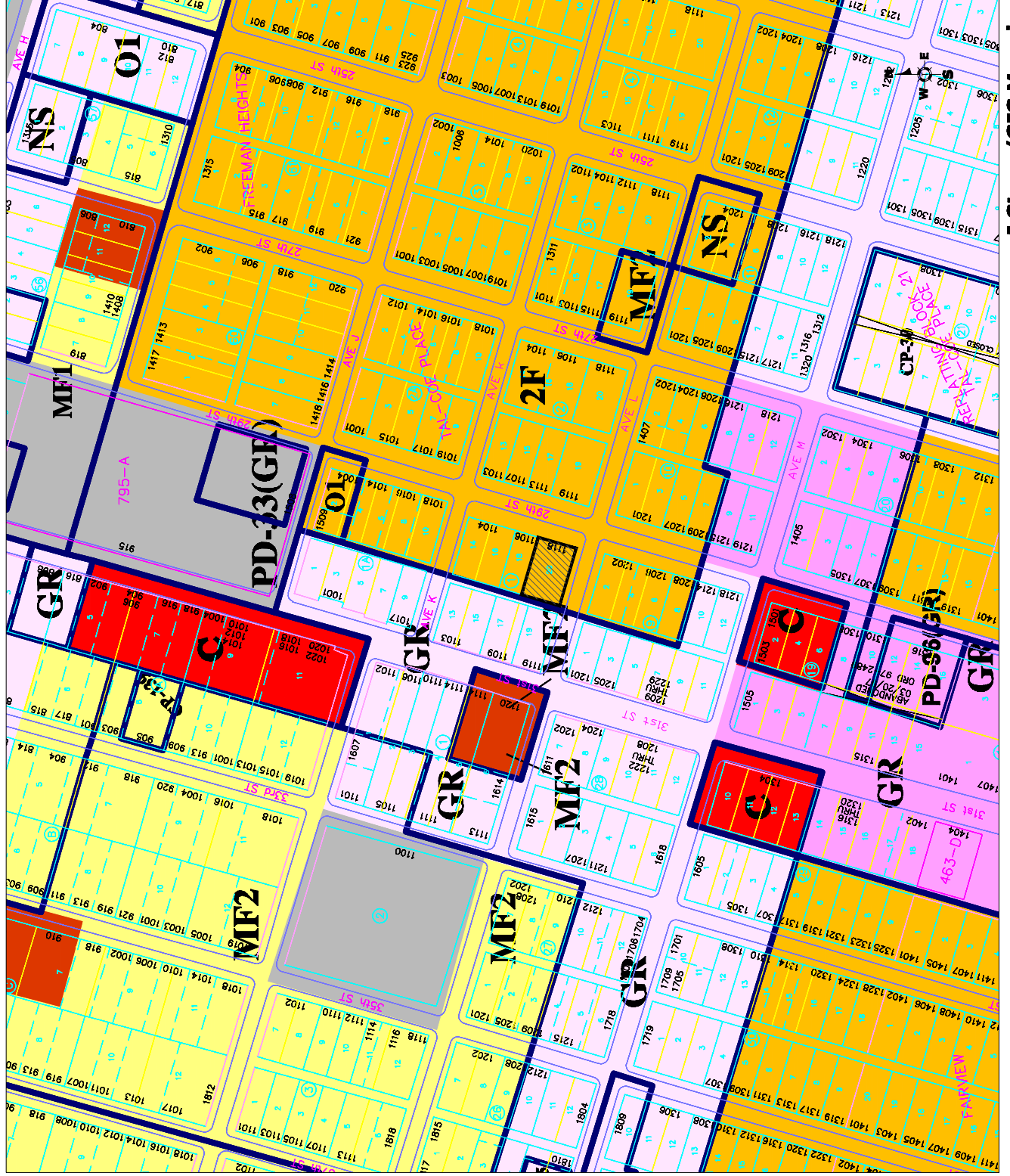




**Z-FY-07-47**

**1118 S 29th**

**Lot 20, Blk 1 - Talcoe Place**



- 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

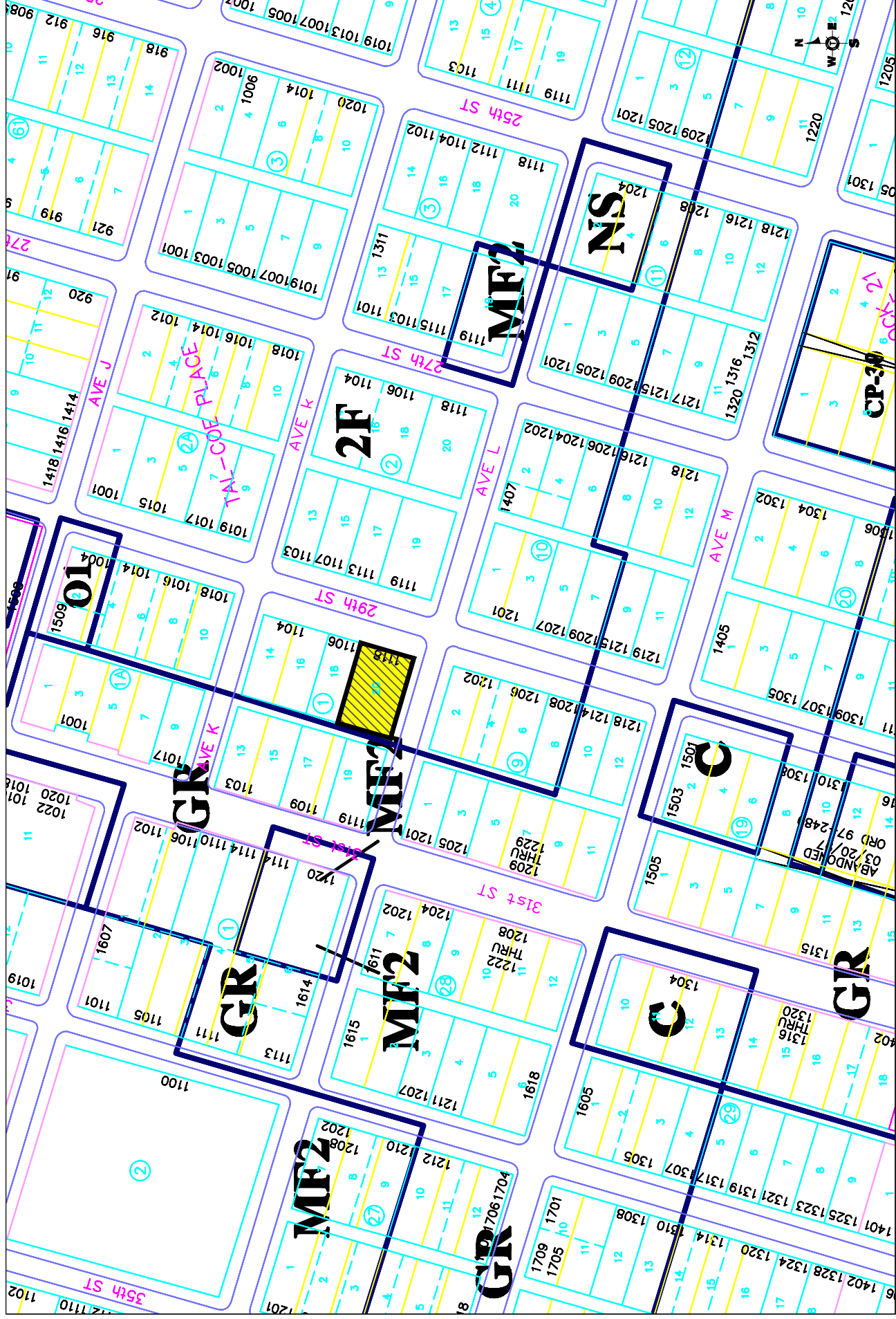
**Proposed**  
**Rezone**



**Z-FY-07-47**

**1118 S 29th**

**Lot 20, Blk 1 - Talcoe Place**



**Area of Proposed  
Zone Change**

**2F**

**J. Stone/GIS Mapping  
06-29-07  
Scale: 1"=300'**





**Z-FY-07-47**

**1118 S 29th**

**Lot 20, Blk 1 - Talcoe Place**

**PD-33(GR)**

**17 Notices Mailed**  
**0 In Favor**  
**0 Against**



**Area of Proposed  
Zone Change**



**200' Radius**

**2F**

**J. Stone/GIS Mapping**  
**06-29-07**  
**Scale: 1"=200'**





# PLANNING AND ZONING COMMISSION AGENDA ITEM

07/16/07  
Item 5b  
Page 1 of 3

**APPLICANT / DEVELOPMENT:** James Brooks and Jack Folsom

**CASE MANAGER:** Brian Mabry, AICP, Senior Planner

**ITEM DESCRIPTION:** Z-FY-07-48 Hold a public hearing and consider a zone change from Two Family District (2F) to Neighborhood Service District (NS) on Lot 20, Block 1, Tal-Coe Place Addition located at 1118 South 29<sup>th</sup> Street.

**BACKGROUND:**

The applicant proposes to establish a beauty shop in the 1,677 square-foot structure already existing on the subject property. This use is permitted by right in the NS District. Although zoned 2F, the structure has been unlawfully used as a laboratory for the optometrist office across the alley. Consequently, there is already a parking lot at the rear of the property with 14 spaces.

**Surrounding Property and Uses**

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

Direction	Zoning	Current Land Use
North	2F	Single-family detached house
East	2F	Single-family detached house
South	2F	Single-family detached house
West	GR	Optometrist office and dental office

A zoning request should be reviewed for compliance with the Comprehensive Plan.

**Future Land Use Plan & Future Trends**

The future land use category for the subject property is Medium Density Residential. This category supports all three Single-Family Residential Districts and the Manufactured Home (MH) and Two-Family (2F) Districts. The applicant has requested a Future Land Use Map amendment for the subject property to the Neighborhood and Community Retail future land use category. The zoning request complies with the requested amendment.

**Thoroughfare Plan**

The subject property is located at the intersection of two Local Streets: South 29<sup>th</sup> Street and West Avenue L. Local Streets are not given a definition or function in the Thoroughfare Plan. However, established planning practice is that Local Streets provide access to each abutting property and serve low levels of local traffic between collector roads at low speeds. The existing parking area would discourage on-street parking and allow the abutting Local Streets to carry out their function. The applicant should be required to execute a parking agreement with the abutting optometrist (who currently uses the site for parking) to guarantee adequate parking will be available to the applicant. The zoning request complies with the Thoroughfare Plan.

**Double Sided**

### Adequacy of Public Facilities

A six-inch water line runs along the south side of the property and a six-inch sewer line runs along the west side of the property. The zoning request complies with Adequacy of Public Facilities.

### Development Regulations

The NS District is the most restrictive nonresidential district and is intended to provide day-to-day retail and service needs for residential neighborhood service areas. This District should be located convenient to residential areas in locations such as the corner of a Local Street and a Collector Street that serves the neighborhood. The subject property is located at the corner of two local streets.

Permitted land uses include, but are not limited to a convenience store, office, bank, barber or beauty shop, small cleaners, or florist, as well as any residential use except apartments. The NS District regulations prohibit bars, outdoor entertainment, most vehicle sales and service uses (except for fuel sales which require a conditional use permit (CUP)) and manufacturing and industrial uses.

The NS District has the following dimensional requirements for nonresidential uses.

<b>Neighborhood Service (NS)</b>	
<b>Min. Lot Area (sq. ft.)</b>	--
<b>Min. Lot Width (ft.)</b>	--
<b>Min. Lot Depth (ft.)</b>	--
<b>Max. Height (stories)</b>	2 ½
<b>Min. Yard (ft)</b>	
Front	15
Side	10
Rear	--

Section 13-102 of the Zoning Ordinance requires screening between residential and nonresidential uses in the form of a six-foot fence or wall or a natural landscape screen. A wood fence at the lot line where the subject property abuts a residential use to the north complies with this screening standard.

The Zoning Ordinance requires one off-street parking space per 250 square feet of gross floor area for a beauty shop. The optometrist across the alley currently uses the existing parking lot at the rear of the subject property for parking. The parking lot is adequate to support both uses since there is additional parking at the front of the optometrist's building; however, a shared parking agreement should be executed between the optometrist and the beauty shop owners if the optometrist wants to continue to direct its customers to the parking in the rear. In addition, in order to guarantee adequate parking for the beauty shop, at the time of building permit application, the site plan will need to show that seven parking spaces (1,677 sq. ft./250) will have signs reserving those spaces for beauty shop clients only.

### Public Notice

Seventeen notices were sent out. As of Wednesday, July 11 at 5 PM, no notices were returned in favor of and no notices were returned in opposition to the request. The newspaper printed notice of the public hearing on Friday, July 6, 2007 in accordance with state law and local ordinance

**STAFF RECOMMENDATION:** Staff recommends approval of the zoning request from 2F to NS:

1. Provided that the applicant executes a shared parking agreement with the abutting optometrist guaranteeing adequate parking prior to building permit approval;
2. Because request complies with the requested amendment to the Future Land Use Plan;
3. Because the request complies with the Thoroughfare Plan; and
4. Because the request complies with Adequacy of Public Facilities.

**FISCAL IMPACT:** Not Applicable

**ATTACHMENTS:**

Application  
Future Land Use Map  
Zoning Map  
Aerial  
Notice Map  
Response Letters



**EXCERPTS FROM THE**  
**PLANNING & ZONING COMMISSION MEETING**  
**MONDAY, JULY 16, 2007**

**ACTION ITEMS**

- 5.(a) Z-FY-07-47** Hold a public hearing to consider an amendment to the Future Land Use Plan Map to reflect a change from Medium Density to Neighborhood and Community Retail uses on Lot 20, Block 1, Tal-Coe Place Addition, located at 1118 South 29<sup>th</sup> Street. (Applicant: James Brooks/Jack Folsom)

Mr. Brian Mabry, Senior Planner, presented this item as outlined in the Planning and Zoning Commission agenda background. He displayed an aerial map of the subject property and surrounding properties and the future land use map of the area. Mr. Mabry said the purpose of the request is to amend the Future Land Use Plan to reflect a change from Medium Density to Neighborhood and Community Retail uses to accommodate a beauty salon. He said Staff is recommending approval of an amendment to the Future Land Use Map as written in the staff report.

Motion to recommend approval for Z-FY-07-47, by Commissioner Hurd; seconded by Commissioner Kjelland.

Motion passed (8/0).

- 5.(b) Z-FY-07-48** Hold a public hearing to consider a zone change from Two Family District (2F) to Neighborhood Service District (NS) on Lot 20, Block 1, Tal-Coe Place Addition located at 1118 South 29<sup>th</sup> Street. (Applicant: James Brooks/Jack Folsom)

Mr. Brian Mabry, Senior Planner, presented this item as outlined in the Planning and Zoning Commission agenda background. He displayed an aerial of the subject property and surrounding area, pictures of the area, the Future Land Use Map, Thoroughfare Plan, locations of public facilities, permitted and prohibited uses, and recapped the purpose of Neighborhood Service zoning. Mr. Mabry showed existing 14 parking spaces which the owner of the salon and the owner of the optometrist would need to work out an agreement for parking to assure that the proposed salon would have the required number of parking spaces. There is a sign that displays additional parking in the rear of the property which belongs to the subject property. Mr. Mabry said seventeen notices were mailed to surrounding property owner within 200 feet of the subject property for the amendment to the Future Land Use Map and the requested zone change. No notices were returned in favor or in opposition to either request. He said Staff is recommending approval of the zone change from Two Family (2F) to Neighborhood Service (NS), as written in the staff report.

Chair Thomas asked how the parking agreement between both businesses would be enforced if the subject property did not require a permit. Mr. Mabry said the City could not enforce the agreement if there is no building permit; however, it is his understanding that when there is a change from residential to commercial, a permit is required to verify the property complies with City code.

Vice-Chair Luck asked if there is an agreement between the two owners is worked out on the property, would the agreement be valid if the owner sells out. Mr. Mabry replied that the agreement would remain with the property.

Commissioner Kasberg said if the zone change is for the entire property and the parking lot is on the subject property, why does there need to be an agreement between the optometrist and the salon. Mr. Mabry said the parking lot belongs to the subject property and if the two agree that the optometrist will be allowed to use part of the spaces the agreement should be in writing and if not the optometrist would need to remove the sign showing additional parking in back.

Chair Thomas opened the public hearing asking anyone wishing to speak in favor or in opposition to Z-FY-07-47 or Z-FY-07-48 to address the Commission.

Ms. Jodie Folsom, 501 Cherokee, Temple, applicant and owner, addressed the Committee on both the amendment to the Future Land Use Map and the requested zone change for the property. She informed the Commissioner's that a building permit will be required due to remodeling of the building. Ms. Folsom stated that she has discussed the parking issue with the owner of the optometrist business and will allow parking for his employees if needed and will instruct him to remove the sign showing additional parking in the back.

Commissioner Pope asked Ms. Folsom if primary entry to the salon would be from the back. Ms. Folsom replied that the intent is to have entry from the front or the back with a walkway in place. If parking is not allowed on the street, entry will have to be from the back which will be addressed in the permitting process.

Chair Thomas closed the public hearing.

Motion to recommend approval of Z-FY-07-48, by Commissioner Hurd; seconded by Commissioner Kjelland.

Motion passed (7/1). Commissioner Kasberg voted nay.

ORDINANCE NO. \_\_\_\_\_  
(ZONING NO. Z-FY-07-48)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A ZONING CHANGE FROM TWO FAMILY DISTRICT (2F) TO NEIGHBORHOOD SERVICE DISTRICT (NS) ON LOT 20, BLOCK 1, TAL-COE ADDITION LOCATED AT 1118 SOUTH 29<sup>TH</sup> STREET; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

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

**Part 1:** The City Council approves a zoning change from Two Family District (2F) to Neighborhood Service District (NS) on Lot 20, Block 1, Tal-Coe Addition located at 1118 South 29<sup>th</sup> Street, 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 2<sup>nd</sup> day of August, 2007.

PASSED AND APPROVED on Second Reading on the 16<sup>th</sup> day of August, 2007.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Clydette Entzminger  
City Secretary

---

Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORADUM

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08/16/07  
Item #4(P)  
Consent Agenda  
Page 1 of 1

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

Tim Dolan, Planning Director

**ITEM DESCRIPTION:** Consider adopting a resolution granting a street use license for a 2.4 foot encroachment of an existing house in a 7.5 foot wide utility easement along the north property line at 205 Burnham Drive, on Lot 18, Block 1, Crescent View Phase One.

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

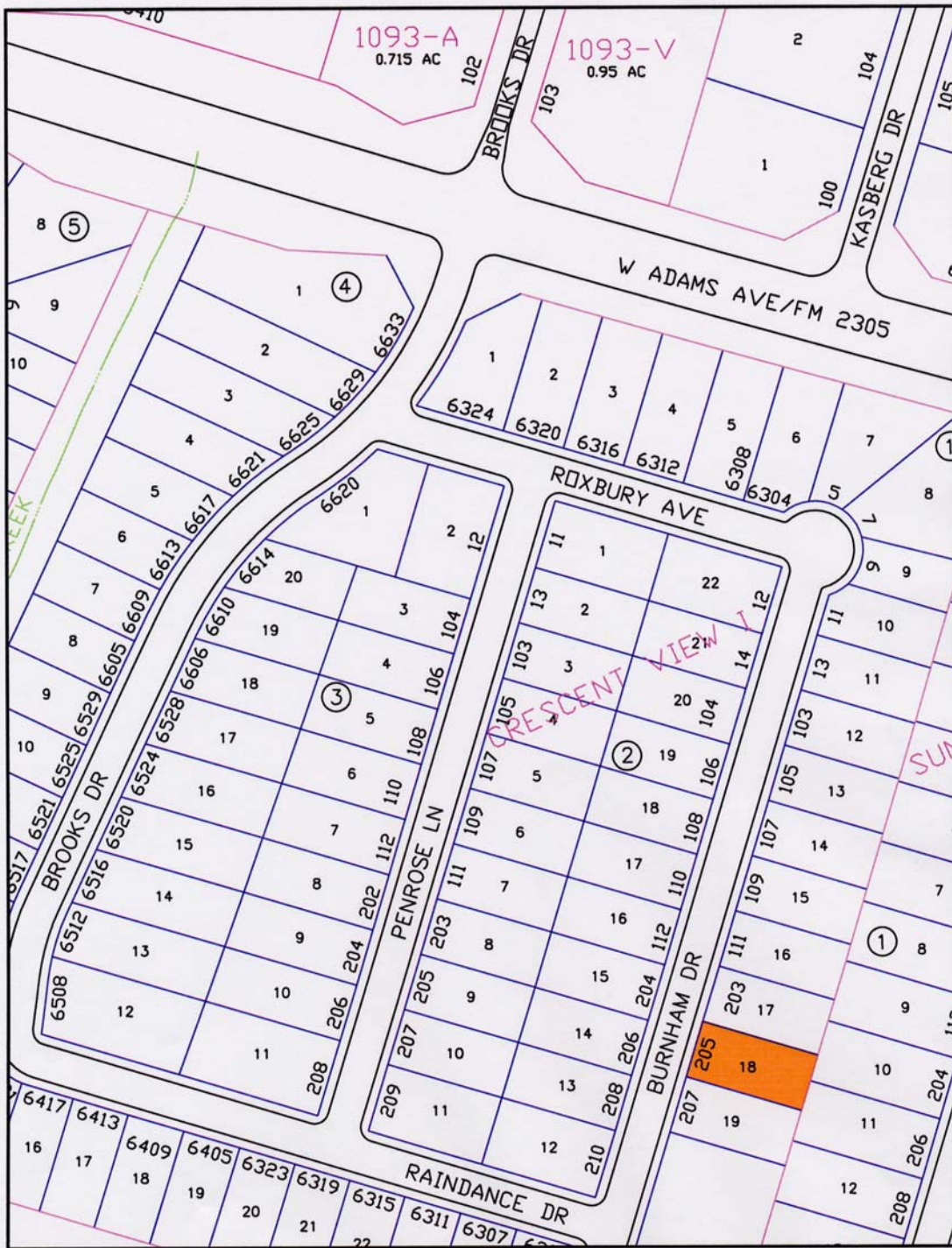
**ITEM SUMMARY:** David Crisp of David Crisp Homes requests this street use license for a newly constructed house at 205 Burnham Drive. The house was mistakenly placed 7.5 feet from the south property line instead of 7.5 feet from the north property line to avoid the 7.5 foot wide utility easement along the north property line. Although the house encroaches 2.4 feet into the utility easement, the house meets the minimum 5 foot side yard setbacks allowed by the property's Single Family Two District (SF2).


All utility companies, including the City of Temple Public Works Department, were contacted regarding the requested street use license. There are no objections to the street use license.

**FISCAL IMPACT:** Street use licenses require a \$150.00 fee for a 15-year term. The applicant paid the \$150.00 fee for processing this street use license request.

### **ATTACHMENTS:**

[Location Map](#)  
[Application](#)  
[Survey](#)  
[Resolution](#)



 Street Use License Site  
205 Burnham Drive



APPLICATION FOR  
STREET USE LICENSE

JUL

City  
Planning

Name, address, telephone no., and fax no. of individual or entity applying for license

David Crisp  
4216 622 4330 Lemping TX  
512-734-3098 - Fax 512-556-8886

Name, address, telephone no., and fax no. of agent representing applicant

Same

Capacity of agent: ☐ Officer ☐ Broker ☐ Prospective buyer ☒ Builder

Does applicant own real property affected by the encroachment? ☒ Yes ☐ No

Address and legal description of applicant's real property

205 Burnham  
Lot 18 B1K1

Current status of encroachment: ☒ Existing ☐ Proposed ☐ Expansion proposed

If existing, date encroachment was constructed 05-07

Encroachment location: ☐ Alley ☐ Street ☒ Utility easement ☐ Drainage easement

Encroachment description (type of structure, use, composition, dimensions)

7.5' Easement Required on Left side

mistake made when slab poured

Easement is on opposite side

Construction area (description of any additional area needed during construction, including excavation depth)

Attached: ☒ Survey ☐ Building plans for proposed construction ☒ Fee (\$150)

Applicant's name (typed)

David Crisp

Applicant's signature

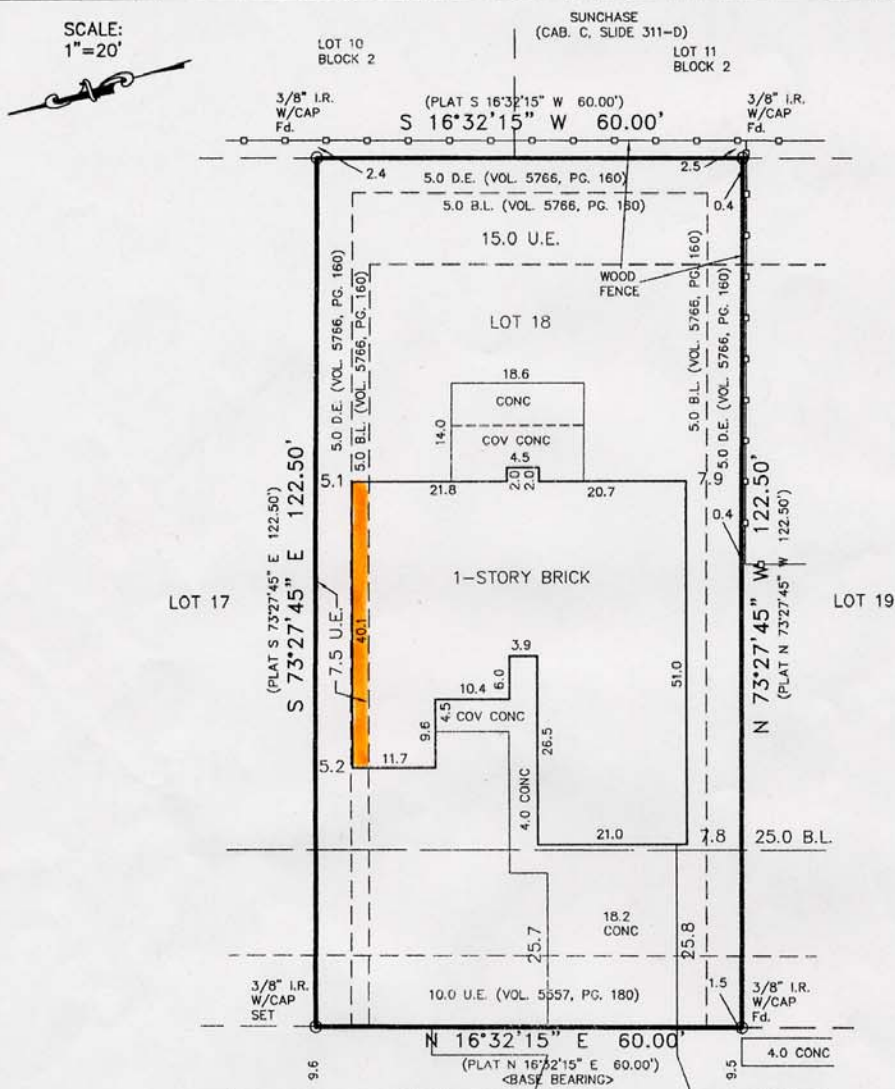
David Crisp





MITCHELL & ASSOCIATES, INC.  
ENGINEERING & SURVEYING  
102 N. COLLEGE ST., KILLEEN, TEXAS (254) 634-5541

SCALE:  
1"=20'



205 BURNHAM DRIVE

Lot 18, Block 1, CRESTCENT VIEW PHASE ONE, TEMPLE, BELL COUNTY, TEXAS.

Recorded in Cabinet C, Slide 377-C, Plat Records of Bell County, Texas.

STATE OF TEXAS  
COUNTY OF BELL

KNOW ALL MEN BY THESE PRESENTS, That I, Gary W. Mitchell, Registered Professional Land Surveyor, do hereby certify that I did cause to be surveyed on the ground the above described tract of land and to the best of my knowledge and belief, the said description is true and correct.

IN WITNESS THEREOF, My hand and seal this the 6th day of July, 2007.

Gary W. Mitchell  
Registered Professional  
Land Surveyor, No. 4982



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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, GRANTING A STREET USE LICENSE TO **DAVID CRISP** FOR A 2.4 FOOT ENCROACHMENT OF AN EXISTING HOUSE IN A 7.5 FOOT WIDE UTILITY EASEMENT ALONG THE NORTH PROPERTY LINE AT 205 BURNHAM DRIVE, ON LOT 18, BLOCK 1, CRESCENT VIEW PHASE ONE; PROVIDING FOR THE TERMS AND CONDITIONS OF THIS LICENSE; PROVIDING FOR COMPENSATION; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, a Street Use License has been requested to allow a 2.4 foot encroachment of an existing house in a 7.5 foot wide utility easement along the north property line at 205 Burnham Drive, on Lot 18, Block 1, Crescent View Phase One;

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

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

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

**Part 1:** A Street Use License is granted to **DAVID CRISP**, or any successors in interest, hereinafter "Licensee," to occupy, maintain, and utilize property to allow a 2.4 foot encroachment of an existing house in a 7.5 foot wide utility easement along the north property line at 205 Burnham Drive, on Lot 18, Block 1, Crescent View Phase One, in the City of Temple, Bell County, Texas, more fully shown on Exhibit A, attached hereto and made a part hereof for all purposes. This Street Use License is approved in accordance with the following terms and conditions:

### **I. Term**

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

### **II. Fee**

Licensee shall pay to the City of Temple, Texas, the sum of One Hundred Fifty Dollars (\$150) for the fifteen (15) year term for the license herein granted upon the execution by Licensee and approval by the City of the agreement.

### **III. Purpose**

The above-described property shall be used by the Licensee to occupy, maintain, and utilize property to allow a 2.4 foot encroachment of an existing house in a 7.5 foot wide utility

easement along the north property line at 205 Burnham Drive, on Lot 18, Block 1, Crescent View Phase One, in the City of Temple, Bell County, Texas.

#### **IV. Conditions of License**

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

(a) **Maintenance of Encroachment Area.**

(1) Licensee shall maintain the encroachment area at all times in a neat, attractive, and orderly manner. A sufficient area of the public street, right-of-way, alley, sidewalk, or other public property shall remain open after the encroachment, unobstructed and preserved for pedestrian or vehicular traffic (including access for impaired or handicapped persons), as appropriate. No other permanent structure, building, or enclosure shall be installed within the public right-of-way. Licensee shall at all times allow access to utilities and trash receptacles located within the encroachment area.

(2) Licensee shall restore the encroachment area to its original condition at the end of the license period, unless renewed or extended, or in the event that this license is terminated by the City as provided herein. If Licensee fails to maintain the encroachment area as provided herein, or fails to restore the encroachment area when the license is expired or terminated, the City may cause such work to be done, the costs of which shall be born by Licensee.

(3) In the event that City requests removal of the encroachment or any other physical improvement in the area of the license, Licensee shall remove said improvement at his own expense within thirty (30) days of notice thereof. In the event that Licensee fails to remove the improvements within the required thirty day period, the City reserves the right to remove the improvements, and Licensee agrees to reimburse the City for the expense of removing said improvements, and Licensee further agrees to hold the City harmless for any and all claims arising out of the removal of improvements or maintenance of the encroachment area. City shall not be required to restore the improvements, which shall be the sole responsibility of Licensee.

(b) **Right of Cancellation.**

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

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

insofar as the City's determination as to the public necessity of the use of said area for public use.

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

(d) **Hold Harmless.**

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

(2) Licensee shall never make any claim of any kind or character against the City of Temple for damages that it may suffer by reason of the installation, construction, reconstruction, operation, and/or maintenance of any public improvement or utility, whether presently in place or which may in the future be constructed or installed, including but not limited to, any water and/or sanitary sewer mains, and/or storm sewer facilities, and whether such damage is due to flooding, infiltration, natural causes or from any other cause of whatsoever kind or nature.

(3) It is the intention of this indemnity agreement on the part of the Licensee and a condition of this license, that it shall be a full and total indemnity against any kind or character or claim whatsoever that may be asserted against the City of Temple by reason or a consequence of having granted permission to Licensee to use and maintain the above described public property. Licensee hereby agrees to defend any and all suits, claims, or causes of action brought against the City of Temple on account of same, and discharge any judgment or judgments that may be rendered against the City of Temple in connection herewith.

## **V. Acceptance by Licensee**

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

**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 on the **16<sup>th</sup>** day of **August**, 2007.

THE CITY OF TEMPLE, TEXAS

\_\_\_\_\_  
WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Clydette Entzminger  
City Secretary

\_\_\_\_\_  
Jonathan Graham  
City Attorney

STATE OF TEXAS           §

COUNTY OF BELL         §

This instrument was acknowledged before me on the \_\_\_\_\_ day of August, 2007, by  
WILLIAM A. JONES, III, Mayor of the City of Temple, Texas.

\_\_\_\_\_  
Notary Public, State of Texas

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## AGREEMENT OF LICENSEE

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

I, **David Crisp**, hereby accept the terms and conditions of Resolution No. \_\_\_\_\_  
granting a Street Use License for a 2.4 foot encroachment of an existing house in a 7.5 foot wide  
utility easement along the north property line at 205 Burnham Drive, on Lot 18, Block 1,  
Crescent View Phase One.

\_\_\_\_\_  
**David Crisp**

County of Bell       §

State of Texas       §

This instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_, 2007, by  
**David Crisp**.

\_\_\_\_\_  
Notary Public, State of Texas

***RETURN RECORDED DOCUMENT TO:***

City Attorney's Office  
2 N Main ST  
Temple TX 76501



## COUNCIL AGENDA ITEM MEMORANDUM

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08/16/07  
Item #4(Q)  
Consent Agenda  
Page 1 of 1

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

Ken Cicora, Parks and Leisure Services Director

**ITEM DESCRIPTION:** Consider adopting a resolution dedicating a tract of City owned land adjacent to West Ridge Park as City park land.

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

**ITEM SUMMARY:** We are requesting that a tract of City owned lot adjacent to West Ridge Park be dedicated as city park land. The tract of land to be dedicated is:

A 2.497 acre tract of land situated in the George Givens Survey, Abstract No. 905, Bell County, Texas, and being a part of portion of Tract I and being a part or portion of Tract II, 205 West Industrial Subdivision, Phase IV, an addition to the City of Temple, Bell County, Texas according to the map or plat of record in Cabinet A, Slide 69-C Platt Records of Bell County, Texas.

This tract of land was donated by the McLane Company, Inc. in 2006 with the understanding that the land was dedicated as City Park land.

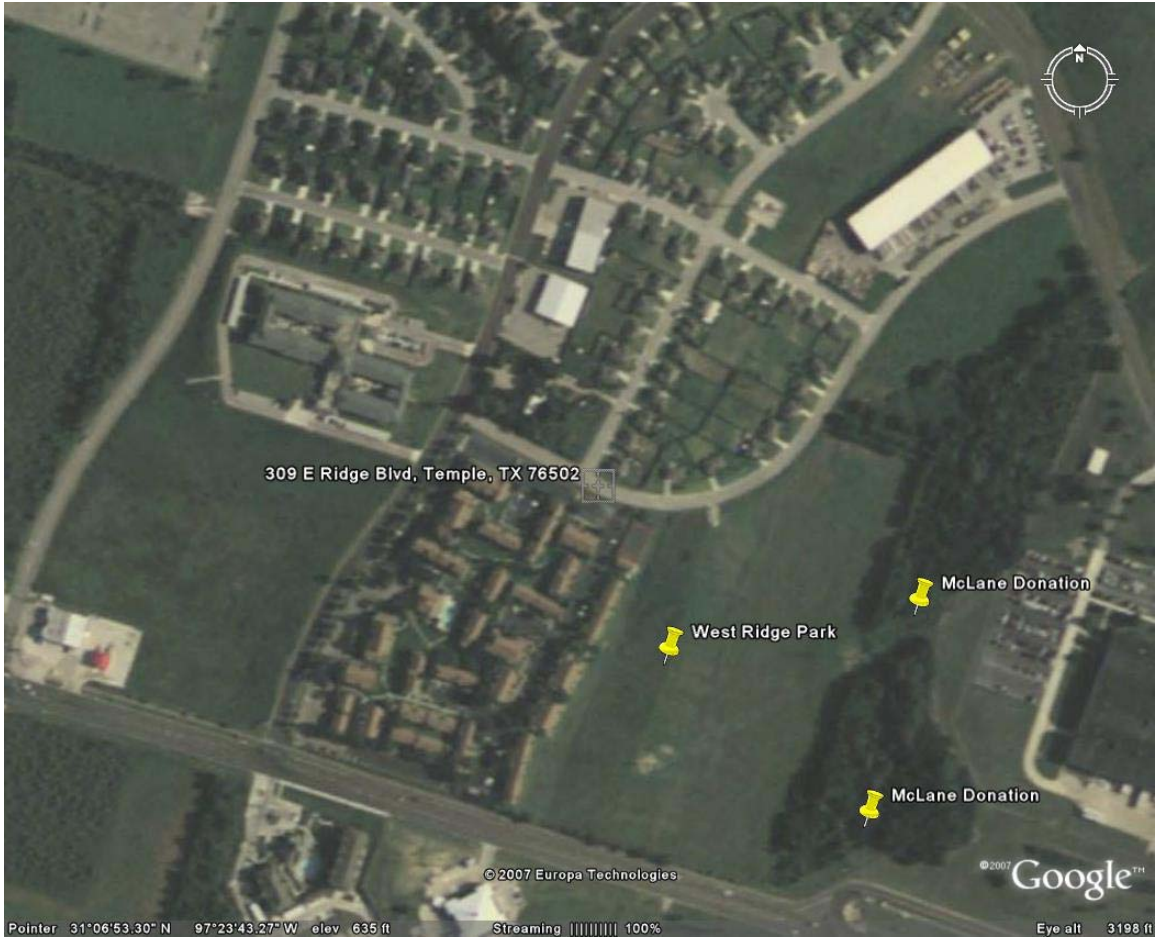
This land was donated to the City with the plan to develop it into an extension of the FM 2305 Hike and Bike Trail. The land, which when donated, will become part of West Ridge Park, a neighborhood park. This plan for this park, once fully developed will provide the neighborhood with a play area for children, open space for hiking playing soccer and softball, parking and an extension to the FM 2305 Hike and Bike Trail.

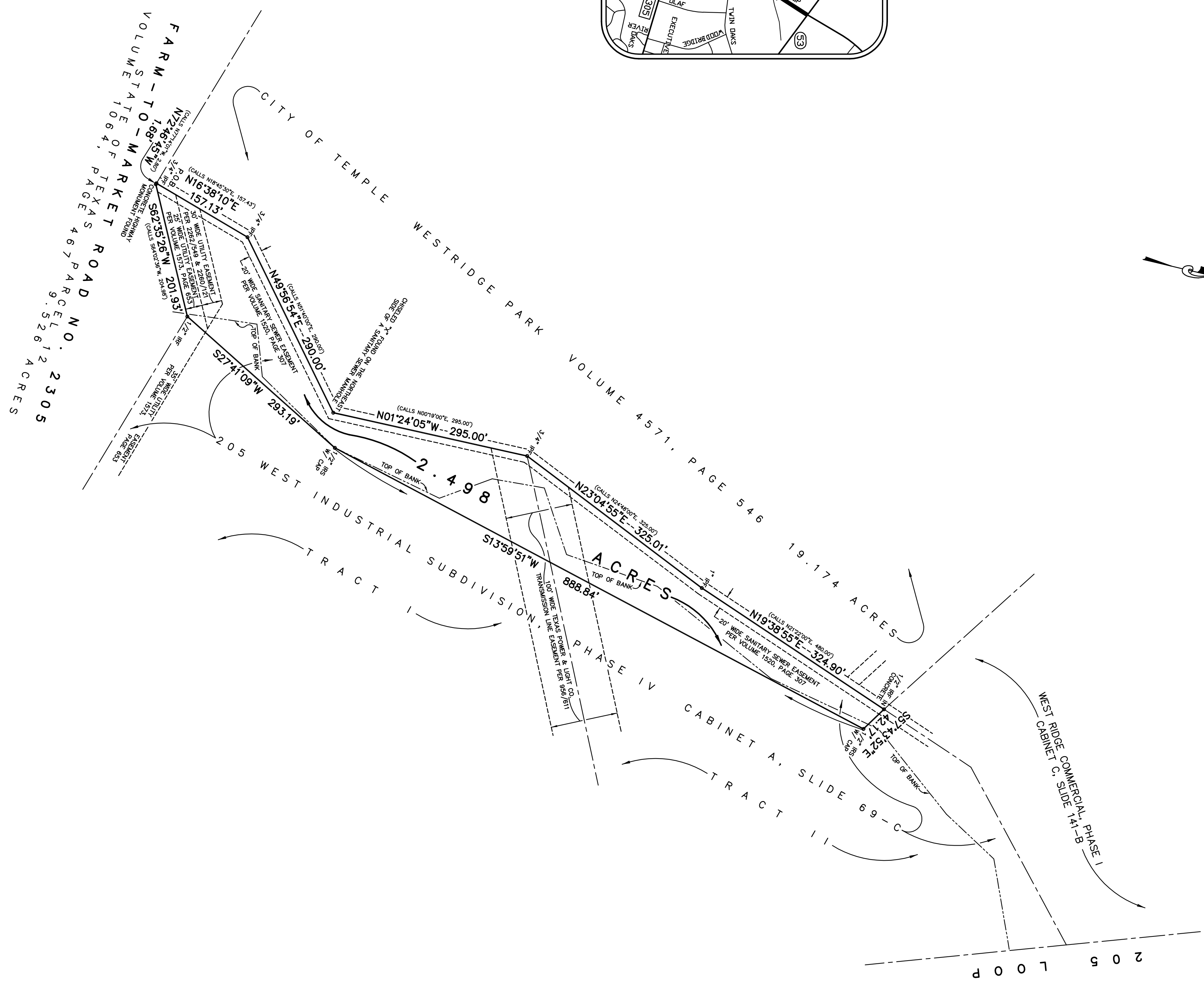
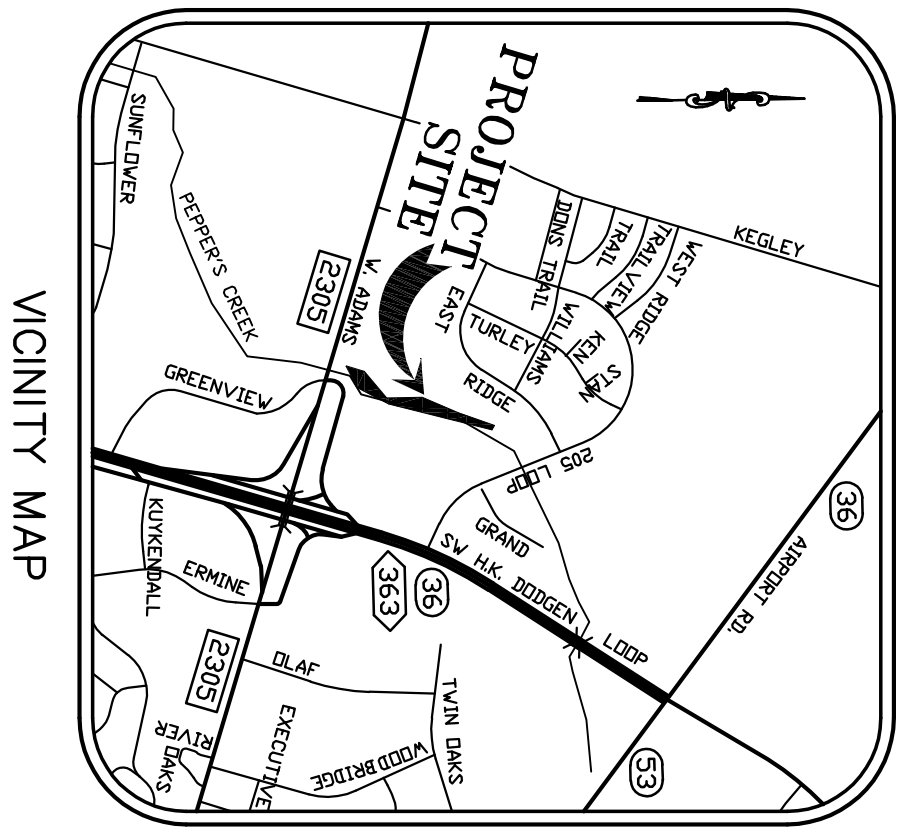
**FISCAL IMPACT:** None

### **ATTACHMENTS:**

[Maps](#)  
[Resolution](#)







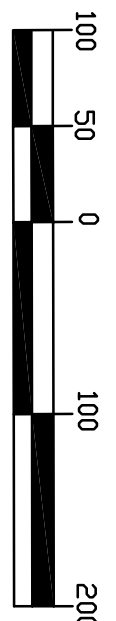
NOTE: This project is referenced to the City of Temple Coordinate System, on extension of the Texas Coordinate System of 1983, Central Zone. All distances are horizontal surface distances unless noted, and all bearings are true bearings. All coordinate values are referenced to City Monument No. 511. The theta angle of said monument is 01°30'27". The Combined Correction Factor (CCF) is 0.000056. Published City Coordinates are N=10381514.93 E=32122276.86. The tie from the above City Monument to the POB of the 2.498 acre tract is S75°28'45"E, 4238.33 feet. Grid Distance= Surface Distance X CCF. Geodetic North= Grid North + theta angle.

BEING a 2.498 acre tract of land situated in the GEORGE GIVENS SURVEY, ABSTRACT No. 905, Bell County, Texas and being a part or portion of TRACT I and being a part or portion of TRACT II, 205 WEST INDUSTRIAL SUBDIVISION, PHASE IV, an addition to the City of Temple, Bell County, Texas according to the map or plat of record in Cabinet A, Slide 69-C, Plat Records of Bell County, Texas.

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

IN WITNESS THEREOF, my hand and seal, this the 19th day of October, 2005.

Victor D. Turley, R.P.L.S. #2475



2.498 ACRES MORE FULLY DESCRIBED BY METES & BOUNDS BY SEPARATE FIELD NOTES.



ENGINEERING • PLANNING • SURVEYING  
CONSTRUCTION MANAGEMENT

**TURLEY ASSOCIATES, INC.**

301 N. 3rd ST. TEMPLE, TEXAS (254) 773-2400  
E-MAIL: VDTURLEY@AOL.COM FAX NO. (254) 773-3998

SURVEY OF: **2.498 ACRES**  
GEORGE GIVENS SURVEY, ABSTRACT NO. 905  
PARKLAND ADDITION TO WESTRIDGE PARK OUT OF  
205 WEST INDUSTRIAL SUBDIVISION, PHASE IV  
CITY OF TEMPLE, BELL COUNTY, TEXAS

PREPARED FOR:  
**CITY OF TEMPLE**  
3210 EAST AVENUE H, BUILDING C  
TEMPLE, TEXAS 76501

REVISIONS


DATE: 10/19/05

DRN. BY: JRG

REF.: 9032-D 6614-D  
6880-D 10176-D 5938-D  
6350-D 1163-D 6348-D

FIELD BOOK 669/73

JOB NO.: 05389

SHEET 1 OF 1

COMPUTER DMC. NO. 05389

11510-D  
DRAWING NUMBER

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, DEDICATING A TRACT OF CITY OWNED LAND ADJACENT TO WEST RIDGE PARK AS CITY PARK LAND; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas,** the Staff recommends dedicating a tract of City owned land adjacent to West Ridge Park as City park land;

**Whereas,** the tract of land was donated to the City by the McLane Company in 2006 with the understanding that the land be dedicated as park land; 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 approves dedicating the following City owned land adjacent to West Ridge Park as City park land:

A 2.497 acre tract of land situated in the George Givens Survey, Abstract No. 905, Bell County, Texas, and being a part of portion of Tract I and being a part or portion of Tract II, 205 West Industrial Subdivision, Phase IV, an addition to the City of Temple, Bell County, Texas according to the map or plat of record in Cabinet A, Slide 69-C, Plat Records of Bell County, Texas.

**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 **16<sup>th</sup>** day of **August**, 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

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08/16/07  
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Page 1 of 1

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

Lonzo Wallace, Jr., Emergency Management Coordinator

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the adoption of the Regional Hazard Mitigation Plan created by the Central Texas Council of Governments (CTCOG).

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

**ITEM SUMMARY:** The Central Texas Council of Governments has received FEMA approval of a Regional Hazard Mitigation Plan for the counties of Bell, Coryell, Hamilton and Milam, which also includes each city in the county. This plan must be adopted by each jurisdiction's legislative body to ensure that the jurisdiction remains eligible to receive disaster funding should an event occur in the future.

**FISCAL IMPACT:** With the adoption of this plan, the City of Temple will incur no cost per the Emergency Management Coordinator for the City of Temple. By adopting the plan, should there be a disaster in the City, the City of Temple would be eligible for funding from FEMA.

**ATTACHMENTS:**

[Executive Summary](#)  
[Resolution](#)

# EXECUTIVE SUMMARY

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The commitment was made by counties and municipalities that fall under the jurisdiction of the Central Texas Council of Governments to develop a multi-jurisdictional, hazard mitigation action plan (HMAP) in conjunction with Annex "P" of local Emergency Management Plans. These hazard mitigation planning efforts, facilitated by the Central Texas Council of Governments, were funded by the Hazard Mitigation Grant Program.

Mandated by the Robert T. Stafford Act of 1988, (44 CFR 206.405) which requires the development of a mitigation plan within 180 days following a presidential disaster declaration, the Central Texas Council of Governments began the process of development of this multi-jurisdictional, hazard mitigation plan in September of 2002. Additional staff was hired to assist in the collaborative planning effort between citizens, elected officials, stakeholders and other agencies. No contractors were used to develop the plan.

The Central Texas Council of Governments' Hazard Mitigation Plan entitled, "The Road to a Disaster Resistant Central Texas" is designed to protect people and property from the effects of hazards. Having a plan that successfully addresses hazards that pose significant threats to member counties and communities enables participating counties and municipalities to apply for pre- and post-disaster mitigation funding and also paves the road to a disaster resistant Central Texas.

The plan identifies hazards that are most likely to have the Central Texas region. Hazards identified and include: drought, flood, wildfire, urban interface, heat, hail, ice storm, and tornado. By proactively successfully mitigate potentially hazardous situations, to no longer lay in wait for recovery. Planning ahead projects to be coordinated well in advance, priorities lined up and projects started before disaster strikes. many steps in establishing communities that cannot storm but continue to flourish in face of adverse



adverse affects on addressed in the plan lightning, extreme seeking ways to Central Texas agrees allows mitigation set, funding sources This is the first of only withstand the conditions.

**Written commentary may be addressed to:**

**The Central Texas Council of Governments  
Planning and Regional Services Division  
2180 North Main  
P.O. Box 729  
Belton, TX 76513**

**or e-mailed to: [help@ctcogmpo.org](mailto:help@ctcogmpo.org)**

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, ADOPTING THE REGIONAL HAZARD MITIGATION PLAN CREATED BY THE CENTRAL TEXAS COUNCIL OF GOVERNMENTS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas,** the City of Temple has the potential to experience repetitive disasters that could damage commercial, residential and public properties, displace citizens and businesses, close streets and bridges dividing the community both physically and emotionally, and present general public health and safety concerns;

**Whereas,** the City of Temple has prepared a *Hazard Mitigation Plan* that outlines the options to reduce overall damage and impact from hazards;

**Whereas,** the *Hazard Mitigation plan* has been reviewed by federal, state, and local agencies, and has been revised to reflect their concerns; 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 *Hazard Mitigation plan* is hereby adopted as an official plan of the City of Temple.

**Part 2:** The Emergency Management Coordinator is charged with supervising the implementation of the Plan's recommendations within the funding limitations as provided by the City Council or other sources.

**Part 3:** The Emergency Management Coordinator would work on mitigation priority items outlined in Annex P of the City of Temple Emergency Management Plan as funds come available.

**Part 4:** The Emergency Management Coordinator shall monitor implementation of the plan and shall submit a written progress report to the City Council in accordance with the following:

- a. An annual review and/or update of the original plan.
- b. A review of any disaster or emergencies that occurred during the previous calendar year.
- c. A review of the actions taken, including what was accomplished during the year.

- d. A discussion of any implementation problems.
- e. Recommendations for new projects or revised action items, subject to approval by the City Council.
- f. Submit a copy of the review to the Central Texas Council of Governments to be forwarded to The Governor's Division of Emergency Management and the Federal Emergency Management Agency.

**Part 5:** 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 **16<sup>th</sup>** day of **August**, 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

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

Traci L. Barnard, Director of Finance

**ITEM DESCRIPTION:** Consider adopting a resolution approving third quarter financial results for Fiscal Year 2007.

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

**ITEM SUMMARY:** This item will present in detail the third quarter ending June 30, 2007, for the General, Water & Sewer, Drainage and Hotel/Motel Tax Funds.

Included with these third quarter results will be various schedules detailing grants, sales tax, capital projects and investments.

The third quarter financial statements also include a forecast of year-end financial results for the General Fund as of September 30, 2007.

**FISCAL IMPACT:** N/A

### **ATTACHMENTS:**

Quarterly Financial Statements (Hard copy)  
[Resolution](#)

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING THE THIRD QUARTER FINANCIAL RESULTS FOR THE FISCAL YEAR 2006-2007; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, the third quarter 2006-2007 fiscal year financial results need to be approved by the City Council;

**Whereas**, included in the third quarter results are various schedules detailing grants, sales tax, capital projects and investments; and

**Whereas**, the City Council 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 approves the third quarter 2006-2007 fiscal year financial results, 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 **16<sup>th</sup>** day of **August**, 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

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

Traci Barnard, Director of Finance

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing budget amendments for fiscal year 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 \$46,866.

**ATTACHMENTS:**

[Budget amendments  
Resolution](#)

**CITY OF TEMPLE**  
**BUDGET AMENDMENTS FOR FY 2006-2007 BUDGET**  
**August 16, 2007**

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
<b>110-2000-521-2516</b>		Judgments & Damages (Police)	\$ 1,561	
<b>110-1500-515-6531</b>		<b>Contingency - Judgments &amp; Damages</b>		<b>\$ 1,561</b>
Deductible reimbursement to the Texas Municipal League for settlement of a claim filed against the City by Abel Hernandez seeking reimbursement for damage to a vehicle after it was involved in an accident with a Police vehicle on May 30, 2007				
<b>110-2000-521-2516</b>		Judgments & Damages (Police)	\$ 5,000	
<b>110-1500-515-6531</b>		<b>Contingency - Judgments &amp; Damages</b>		<b>\$ 5,000</b>
Deductible reimbursement to the Texas Municipal League for settlement of a claim filed against the City by Rosa Gama seeking reimbursement for damage to a vehicle after it was involved in an accident with a Police vehicle on May 23, 2007				
<b>110-3110-551-2713</b>		Cost of Goods Sold/Merchandise (Golf Course)	\$ 9,000	
<b>110-0000-445-2515</b>		Sammons Golf Pro Shop		\$ 9,000
This increase is needed to cover additional goods to be sold in the pro shop. Increase in spending will be offset by increased revenues.				
<b>110-3130-551-2721</b>		Food Products/Preparation (Golf Course- Food & Beverage)	\$ 7,500	
<b>110-3130-551-2725</b>		Alcohol Beverages	\$ 1,000	
<b>110-0000-445-2530</b>		Golf Course Food Sales		\$ 7,500
<b>110-0000-445-2540</b>		Golf Course Alcohol Beverages		\$ 1,000
This increase is to cover the cost of resale items in the grill for the remainder of the fiscal year. The increase in spending will be offset by an increase in revenues.				
<b>110-3400-531-2516</b>		Judgments & Damages (Street)	\$ 842	
<b>110-1500-515-6531</b>		<b>Contingency - Judgments &amp; Damages</b>		<b>\$ 842</b>
Deductible reimbursement to the Texas Municipal League for attorney fees for a lawsuit filed against the City by Mary Klein seeking reimbursement for personal injuries from a fall on a broken sidewalk.				
<b>110-3500-552-2516</b>		Judgments & Damages (Parks)	\$ 285	
<b>110-1500-515-6531</b>		<b>Contingency - Judgments &amp; Damages</b>		<b>\$ 285</b>
Deductible reimbursement to the Texas Municipal League for settlement of a claim filed against the City by Melinda Canava seeking reimbursement for damage to her vehicle after a rock thrown by an edger shattered the passenger window on May 17, 2007				
<b>110-4000-555-2225</b>		Books & Periodicals (Library)	\$ 653	
<b>110-0000-461-0841</b>		Donations/Gifts		\$ 653
Spend donated funds from Vista Care Hospice as designated for grief related books.				

**CITY OF TEMPLE**  
**BUDGET AMENDMENTS FOR FY 2006-2007 BUDGET**  
**August 16, 2007**

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
520-5900-535-6368	540003	Sewer Line Extensions (Water & Sewer Capital Projects)	\$ 21,025	
520-0000-374-0625		Reserve for Approach Mains		\$ 21,025

To appropriate funds for the cost sharing agreement with Kiella Development for an offsite utility extension (sewer lines) to the Hills of Westwood, Phase IV residential subdivision, located south of Tarver Road and north of Hogan Road. This utility extension is for approximately 215 LF of 8" sanitary sewer main from the proposed development to the existing 18" interceptor. After approval of this budget amendment, \$109,089 will remain for future cost sharing agreements during fiscal year 2007.

<b>TOTAL AMENDMENTS</b>	<b>\$ 46,866</b>	<b>\$ 46,866</b>
-------------------------	------------------	------------------

**GENERAL FUND**

Beginning Contingency Balance	\$ 38,765
Added to Contingency Sweep Account	\$ -
Carry forward from Prior Year	\$ 65,000
Taken From Contingency	\$ (69,467)
Net Balance of Contingency Account	\$ 34,298
Beginning Judgments & Damages Contingency	\$ 70,000
Added to Contingency Judgments & Damages from Council Contingency	\$ -
Taken From Judgments & Damages	\$ (53,119)
Net Balance of Judgments & Damages Contingency Account	\$ 16,881
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	\$ -
<b>Net Balance Council Contingency</b>	<b>\$ 51,179</b>
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	\$ (3,002)
Net Balance of Contingency Account	\$ 3,357
Beginning Compensation Plan Contingency	\$ 136,500
Added to Compensation Plan Contingency	\$ -
Taken From Compensation Plan Contingency	\$ (136,500)
Net Balance of Compensation Plan Contingency Account	\$ -
<b>Net Balance Water &amp; Sewer Fund Contingency</b>	<b>\$ 3,357</b>

**CITY OF TEMPLE**  
**BUDGET AMENDMENTS FOR FY 2006-2007 BUDGET**  
**August 16, 2007**

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
		<b>HOTEL/MOTEL TAX FUND</b>		
		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
		<b>DRAINAGE FUND</b>		
		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
		<b>FED/STATE GRANT FUND</b>		
		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 31<sup>st</sup> 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 16<sup>th</sup> day of **August**, 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

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08/16/07  
Item #5  
Regular Agenda  
Page 1 of 1

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

Bruce Butscher, Director of Public Works

**ITEM DESCRIPTION:** FIRST READING – PUBLIC HEARING – Consider adopting an ordinance establishing school crosswalks and setting speed limits within school zones to conform to school schedules.

**STAFF RECOMMENDATION:** Conduct public hearing and adopt ordinance presented in item description, on first reading, and schedule second reading and final adoption for September 6, 2007.

**ITEM SUMMARY:** In 2003 the City adopted an ordinance establishing school crosswalks and setting speed limits within the school zones as agreed upon by the City, TISD and BISD. TISD has requested that the flasher controlled school zone on East Avenue H and South 24<sup>th</sup> Street be removed, and that those flashers be moved to the school zone at South 30<sup>th</sup> Street and East Avenue J. BISD has requested a school zone be added around the new Tarver Elementary School that is in the Temple City limits. The ordinance needs to be updated to accommodate these changes.

**FISCAL IMPACT:** N/A

**ATTACHMENTS:**

[List of school crossings](#)  
[Ordinance](#)

SCHOOLS	CONES	FLAGS	FLASHING LIGHTS
Bethune Elementary 510 East Ave J A. Crossing Guard works "Crosswalk" on 8th Street and Ave J. B. School Zone is on East Ave. J and on 10th Street, (In front and on the West side of the school)	X	X	
Cater Elementary 4111 Lark Trail A. Crossing Guard works "Crosswalk" in school parking area. B. School Zone is on Lark Trail. (In front of the school)	X	X	
Emerson Elementary 1400 East Ave. B A. Crossing Guard works Ave. B and 24th Street. B. Crossing Guard works Ave. B and Adams C. Crossing Guard works Ave. H and 24th Street.	X	X	
Hector Garcia Elementary 2525 Lavendusky Drive A. No "Crosswalks" planned at this time. School Zone 50th & E. Adams Lights			X 6:30 to 8:15 14:45 to 15:30
Jefferson Elementary 400 West Walker A. Crossing Guards (2) work "Crosswalk" on 3rd and Walker. B. Crossing Guard works 3rd and Industrial (This is a controlled signal light) C. Flashing Lights on North 3rd Street and Walker (Lights are north and south of Walker on 3 <sup>rd</sup> Street)	X	X	X 6:30 to 8:15 14:45 to 15:30
Kennedy-Powell Elementary 3707 West Nugent A. Crossing Guard will work Nugent and Cearly Roads B. No lights.	X	X	
Meridith-Dunbar Elementary 1717 East Ave. J A. Crossing Guard works 30th Street and Ave. J. B. Flashing lights at S 30 <sup>th</sup> and Ave J	X	X	X 6:30 to 8:15 14:45 to 15:30

SCHOOLS	CONES	FLAGS	FLASHING LIGHTS
Raye-Allen Elementary 5015 South 5th Street A. Crossing Guards will work South 5th and Marlandwood Road. B. Crossing Guard to work RxR Crossing on South 5th Street C. Flashing Lights to be activated north of Marlandwood on 5th Street and south of school site on 5th Street.	X	X	X 6:30 to 8:15 14:45 to 15:30
Scott Elementary 2301 West Ave. P A. Crossing Guard works 45th Street and Ave M. B. School Zone is on Ave. P in front of the school.	X	X	
Thornton Elementary 2900 Pin Oak Drive A. Crossing Guard works on Pin Oak and East Street. B. School Zones on Pin Oak and Cottonwood.	X	X	
Western Hills Elementary 600 Arapaho A. Crossing Guard works Deer and Apache. B. Crossing Guard works Gila and Apache. C. Flashing Lights north of Deer on Apache and south of Gila on Apache.	X	X	X 6:30 to 8:15 14:45 to 15:30
Bonham Middle School 4600 Midway Drive A. Flashing Lights east of school and west of school on Midway.			X 7:00 to 8:30 15:00 to 16:30
Lamar Middle School 2120 North 1st Street A. School Zone is north at Virginia and 1st Street and south to Oakland Avenue. One way north from Oakland to Virginia B. Flashing lights north of Shell Avenue and south of Shell Avenue, on North 3 <sup>rd</sup> Street (Spur 290)			X 7:00 to 8:30 15:00 to 16:30
Travis Middle School 1500 South 19th Street A. Crossing Guards works at 19th Street and Ave M. B. Flashing Lights west of 19th Street on Ave. M and east of 19th on Ave. M. C. Flashing lights west of 19th Street on Ave. R and east of 19th Street on Ave. R.	X	X	X 7:00 to 8:30 15:00 to 16:30

SCHOOLS	CONES	FLAGS	FLASHING LIGHTS
Temple High School 415 North 31st Street A. School Zone from north of Barton on 31st to north of Houston Drive on 31st Street.			x 7:00am to 16:00pm
Temple High South Campus 1414 West Barton A. School Zone west on Barton to 31st Street and East on Barton to 27th Street.			

Belton School Zones (in Temple City Limits)

Lakewood Elementary 2305 Lake Road A. School Zone Flashing Lights			X 7:15 to 8:00 14:15 to 15:00
Tarver Middle School 8818 Tarver A. School signs.			
Joe M. Pirtle Elementary 714 South Pea Ridge A. 25 mph zone (school hours)			X 7:15 to 8:00 14:15 to 15:00

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, ESTABLISHING SCHOOL CROSSWALKS IN THE CITY OF TEMPLE; PROVIDING FOR REASONABLE AND PRUDENT PRIMA FACIE MAXIMUM SPEED LIMITS IN THE SCHOOL ZONES; DECLARING FINDINGS OF FACT; PROVIDING FOR A PENALTY FOR VIOLATIONS NOT TO EXCEED \$500 FOR EACH VIOLATION; PROVIDING AN EFFECTIVE DATE; PROVIDING A REPEALER; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the City Staff and the Temple Independent School District worked together to establish recommended school crosswalk locations in the City of Temple and entered into an interlocal agreement in 1997 regarding the designation and equipping of school zones within the City;

**Whereas**, the Temple Independent School District and the City of Temple desire to update the crosswalk and school zone time schedule;

**Whereas**, an engineering and traffic investigation has been made to determine the reasonable and prudent prima facie maximum speed for motor vehicles within the school zones;

**Whereas**, it has been determined by these traffic and engineering investigations that the reasonable and safe prima facie maximum speed limit shall be 20 miles per hour; and

**Whereas**, the City Council has considered the matter and deems it in the public interest to approve the school crosswalks, including the speed limits within the school zones, for the benefit of the citizens for the promotion of the public welfare and safety.

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

**Part 1:** The City of Temple hereby establishes the school crosswalk locations, which are more fully described in Exhibit "A," attached hereto and made a part hereof for all purposes.

**Part 2:** The Director of Public Works is authorized to proceed with installation of flashing lights and school crossing painting and signage, as needed, for the locations described in Exhibit "A."

**Part 3:** The reasonable and prudent prima facie maximum speed limit for vehicular traffic within the school zones described in Exhibit "A," shall be established at 20 miles per hour on the days when school is in session.

**Part 4:** It shall be unlawful for any person to drive or operate a motor vehicle, bicycle, or other vehicle of any kind, whether or not motor powered, on that portion of the roadways described above under the conditions described herein, at a speed greater than is reasonable and prudent under the circumstances then existing, but any speed in excess of the

reasonable and prudent prima facie maximum speed limits as set forth in Part 3 hereof shall be prima facie evidence that such speed is not reasonable or prudent and that it is unlawful.

**Part 5:** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are to the extent of such conflict hereby repealed.

**Part 6:** A person who violates a provision of this ordinance is guilty of a separate offense for each day or portion of a day which the offense is committed, continued, or permitted, and each offense is punishable by a fine not to exceed \$500.

**Part 7:** 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 8:** 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 9:** 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 on the **16<sup>th</sup>** day of **August**, 2007.

PASSED AND APPROVED on Second Reading on the **6<sup>th</sup>** day of **September**, 2007.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Clydette Entzminger  
City Secretary

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Jonathan Graham  
City Attorney

SCHOOLS	CONES	FLAGS	FLASHING LIGHTS
Bethune Elementary 510 East Ave J A. Crossing Guard works "Crosswalk" on 8th Street and Ave J. B. School Zone is on East Ave. J and on 10th Street, (In front and on the West side of the school)	X	X	
Cater Elementary 4111 Lark Trail A. Crossing Guard works "Crosswalk" in school parking area. B. School Zone is on Lark Trail. (In front of the school)	X	X	
Emerson Elementary 1400 East Ave. B A. Crossing Guard works Ave. B and 24th Street. B. Crossing Guard works Ave. B and Adams C. Crossing Guard works Ave. H and 24th Street.	X	X	
Hector Garcia Elementary 2525 Lavendusky Drive A. No "Crosswalks" planned at this time. School Zone 50th & E. Adams Lights			X 6:30 to 8:15 14:45 to 15:30
Jefferson Elementary 400 West Walker A. Crossing Guards (2) work "Crosswalk" on 3rd and Walker. B. Crossing Guard works 3rd and Industrial (This is a controlled signal light) C. Flashing Lights on North 3rd Street and Walker (Lights are north and south of Walker on 3 <sup>rd</sup> Street)	X	X	X 6:30 to 8:15 14:45 to 15:30
Kennedy-Powell Elementary 3707 West Nugent A. Crossing Guard will work Nugent and Cearly Roads B. No lights.	X	X	
Meridith-Dunbar Elementary 1717 East Ave. J A. Crossing Guard works 30th Street and Ave. J. B. Flashing lights at S 30 <sup>th</sup> and Ave J	X	X	X 6:30 to 8:15 14:45 to 15:30



SCHOOLS	CONES	FLAGS	FLASHING LIGHTS
Raye-Allen Elementary 5015 South 5th Street A. Crossing Guards will work South 5th and Marlandwood Road. B. Crossing Guard to work RxR Crossing on South 5th Street C. Flashing Lights to be activated north of Marlandwood on 5th Street and south of school site on 5th Street.	X	X	X 6:30 to 8:15 14:45 to 15:30
Scott Elementary 2301 West Ave. P A. Crossing Guard works 45th Street and Ave M. B. School Zone is on Ave. P in front of the school.	X	X	
Thornton Elementary 2900 Pin Oak Drive A. Crossing Guard works on Pin Oak and East Street. B. School Zones on Pin Oak and Cottonwood.	X	X	
Western Hills Elementary 600 Arapaho A. Crossing Guard works Deer and Apache. B. Crossing Guard works Gila and Apache. C. Flashing Lights north of Deer on Apache and south of Gila on Apache.	X	X	X 6:30 to 8:15 14:45 to 15:30
Bonham Middle School 4600 Midway Drive A. Flashing Lights east of school and west of school on Midway.			X 7:00 to 8:30 15:00 to 16:30
Lamar Middle School 2120 North 1st Street A. School Zone is north at Virginia and 1st Street and south to Oakland Avenue. One way north from Oakland to Virginia B. Flashing lights north of Shell Avenue and south of Shell Avenue, on North 3 <sup>rd</sup> Street (Spur 290)			X 7:00 to 8:30 15:00 to 16:30
Travis Middle School 1500 South 19th Street A. Crossing Guards works at 19th Street and Ave M. B. Flashing Lights west of 19th Street on Ave. M and east of 19th on Ave. M. C. Flashing lights west of 19th Street on Ave. R and east of 19th Street on Ave. R.	X	X	X 7:00 to 8:30 15:00 to 16:30

SCHOOLS	CONES	FLAGS	FLASHING LIGHTS
Temple High School 415 North 31st Street A. School Zone from north of Barton on 31st			x 7:00am to 16:00pm

to north of Houston Drive on 31st Street.			
Temple High South Campus 1414 West Barton A. School Zone west on Barton to 31st Street and East on Barton to 27th Street.			

Belton School Zones (in Temple City Limits)

Lakewood Elementary 2305 Lake Road A. School Zone Flashing Lights			X 7:15 to 8:00 14:15 to 15:00
Tarver Middle School 8818 Tarver A. School signs.			
Joe M. Pirtle Elementary 714 South Pea Ridge A. 25 mph zone (school hours)			X 7:15 to 8:00 14:15 to 15:00

Lake Belton Middle School 8818 Tarver A. School signs.			
Joe M. Pirtle Elementary 714 South Pea Ridge A. 25 mph zone (school hours)			X 7:15 to 8:00 14:15 to 15:00
Tarver Elementary School			
7949 Stone Hollow Dr			
School Zone is on Stone Hollow (in Front of School)			
Prairie Lark (on North side of school)			
Westfield (on South side of school)			7:00 to 8:00
A. 20mph zone (school hours)			14:15 to 15:00



## COUNCIL AGENDA ITEM MEMORANDUM

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08/16/07  
Item #6  
Regular Agenda  
Page 1 of 2

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

Tim Dolan, Planning Director

**ITEM DESCRIPTION:** FIRST READING – PUBLIC HEARING - Z-FY-07-50: Consider adopting an ordinance amending the City of Temple Zoning Ordinance Section 7-625 regarding HUD-Code Manufactured Home Design Standards and adding Section 7-626 for existing land lease communities.

**P & Z COMMISSION RECOMMENDATION:** The Planning & Commission recommended approval to amend the City of Temple Zoning Ordinance Section 7-625 regarding HUD-Code Manufactured Home Design Standards using an expanded title and to add Section 7-626 for existing land lease communities.

**STAFF RECOMMENDATION:** Conduct public hearing and adopt ordinance as presented in item description, on first reading, and schedule second reading and final adoption for September 6, 2007.

**ITEM SUMMARY:** Staff worked with several owners of land lease communities, sales persons, and representatives associated with manufactured homes. Staff made them aware of difficulties using the ordinance in association with building permits, and sought their ideas for possible ordinance amendments. The proposed ordinance reflects those ideas, making it easier to administer building permits.

Please refer to the Staff Report and draft minutes of case Z-Y-07-50 from the Planning and Zoning Commission meeting on August 6, 2007.

**FISCAL IMPACT:** Not Applicable

### **ATTACHMENTS:**

[P&Z Staff Report](#)  
[P&Z Minutes](#)  
[Ordinance](#)



# PLANNING AND ZONING COMMISSION AGENDA ITEM

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08/06/07  
Item #3  
Page 1 of 1

**APPLICANT / DEVELOPMENT:** City of Temple

**CASE MANAGER:** Tim Dolan, AICP, Planning Director

**ITEM DESCRIPTION:**

Z-FY-07-50 Hold a public hearing to consider amending the City of Temple Zoning Ordinance Section 7-625 regarding HUD-Code Manufactured Home Design Standards and to add Section 7-626 for existing land lease communities. (Applicant: Staff-Tim Dolan)

**STAFF RECOMMENDATION:** Staff requests the Commission recommend approval of Zoning Ordinance Section 7-625 regarding HUD-Code Manufactured Home Design Standards using an expanded title and to add Section 7-626 for existing land lease communities.

**BACKGROUND:** Staff worked with several owners of land lease communities, sales persons, and representatives associated with manufactured homes. Staff made them aware of difficulties using the ordinance in association with building permits, and sought their ideas for possible ordinance amendments. The attached outline explains the suggestion additions highlighted in yellow and the suggested deletions highlighted in red for existing facilities. The outline uses the same format as approved.

Staff requests two things from the Commission:

1. Amend the Title of 7-625 to read 7-625 HUD Code Manufactured Home Design Standards for the Expansion or Creation of Land Lease Communities – keeping the existing regulations, and
2. Create a new section of 7-626 for Existing Land Lease Communities.

**Public Notice**

The newspaper printed notice of the public hearing on July 26, 2007 in accordance with state law and local ordinance

**FISCAL IMPACT:** Not Applicable

**ATTACHMENTS:**

Proposed Outline

**7-626. HUD-Code Manufactured Home Design Standards – Existing Land Lease Communities.**

HUD-Code Manufactured Home Developments in existing Land Lease Communities shall be subject to the following standards:

1. Perimeter screening. Screening walls or landscaping shall enclose all HUD-Code Manufactured Developments and Land Lease Communities at the perimeter of the development, excluding drive approaches. Screening walls shall be consistent with Section 13-102. Landscape screening shall consist of not less than one shade tree per 40 feet of boundary, including street frontage, with continuous shrubs screening the space between trees.
2. Dimensions. HUD-Code Manufactured Homes shall be ~~“double-wide” units at least 24 feet in width~~ “single-wide” or a “double-wide” unit with no structure more than ten (10) years of age.
3. Transport Equipment. Running gear, tongues, axles and wheels shall be removed at the time of installation.
4. Roof. ~~The roof must be predominately double pitched and have a minimum rise of 3 inches for every 12 inches of vertical run (3:12 roof pitch).~~ The roof must be covered with material that is commonly used on site-built single-family dwellings within the city, including but not limited to wood, asphalt composition shingles, fiberglass, galvanized metal, or architectural metal panels, and excluding corrugated aluminum, corrugated fiberglass or corrugated metal. ~~The roof shall have a minimum eave projection and roof overhang of eight inches.~~
5. Siding. Exterior siding shall be of a material that is commonly used on site-built single-family dwellings within the city that does not have a high-gloss finish. It may include wood, cementation’s board, composition, clapboard, conventional vinyl or metal siding, brick, stucco or similar materials, but exclude smooth, ribbed or corrugated metal or plastic panels.
6. Foundation. All units must be installed on a permanent foundation in accordance with the Texas Department of Housing and Community Affairs (TDHCA) rules.
7. Skirting. The perimeter of the crawl space shall be skirted, with openings only for crawl space ventilation, access, and equipment operation. Skirting shall be constructed of brick, masonry, concrete, stucco, or the same material as the siding on the unit. ~~Shrubs shall be placed along at least 50 percent of the skirting around each unit.~~
8. Storage Building. A storage building shall be provided at each site and shall be installed on a concrete foundation prior to occupancy of the unit. The A storage building, if used, shall be installed on a concrete foundation, shall be placed in the rear or side yard, constructed of low maintenance materials, and if painted, shall match be compatible with the color of the unit manufactured house.

**EXCERPS FROM THE  
PLANNING & ZONING COMMISSION MEETING  
MONDAY, AUGUST 6, 2007**

**ACTION ITEMS**

3. **Z-FY-07-50** Hold a public hearing to consider amending the City of Temple Zoning Ordinance Section 7-625 regarding the title for HUD-Code Manufactured Home Design Standards and to add Section 7-626 for existing land lease communities. (Applicant: Staff-Tim Dolan)

Mr. Tim Dolan, Planning Director, presented this item as outlined in the Planning and Zoning Commission agenda background. He said Staff requests two things from the Commission:

1. Amend the Title of 7-625 to read 7-625 HUD Code Manufactured Home Design Standards for the Expansion or Creation of Land Lease Communities – keeping the existing regulations, and
2. Create a new section of 7-626 for Existing Land Lease Communities.

Commissioner Kjelland asked Mr. Dolan to explain the storage building requirements. Mr. Dolan explained that the existing ordinance states a storage building “shall” be built. He went on to say that some of the older spaces in Temple do not physically have the room for a storage building. Mr. Dolan said the amendment to the ordinance will give the owner the option to have a storage building or not. He said if the owner chooses to place a storage building it will have to meet the same standards and regulations as the existing ordinance requires.

Chair Thomas opened the public hearing asking anyone wishing to speak in favor or in opposition to the request to address the Commission.

Mr. Mike Ringstaff, owner of A+ Homes on I-35, addressed the Commission. He said he would like to strongly urge the Commission to change and adopt the ruling as they are known to be now. Mr. Ringstaff said single unit manufactured homes are more affordable and are needed in the older manufactured home communities.

Mr. Larry Wright, 88 Cedar Trail Dr., Belton, Texas, addressed the Commission. He said he concurs with Mr. Ringstaff and asked approval from the Commission on this request.

Chair Thomas closed the public hearing.

Motion to recommend approval of Z-FY-07-50, by Commissioner Kjelland; seconded by Commissioner Kasberg.

Motion passed (6/0).

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING ORDINANCE NO. 91-2101, THE ZONING ORDINANCE OF THE CITY OF TEMPLE, TEXAS, AMENDING SECTION 7-625, “HUD-CODE MANUFACTURED HOME DESIGN STANDARDS,” AND ADDING SECTION 7-626, TO DISTINGUISH STANDARDS FOR CREATION AND EXPANSION OF DEVELOPMENTS OR COMMUNITIES FROM STANDARDS FOR EXISTING SITES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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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 Ordinance No. 91-2101, the Zoning Ordinance of the City of Temple, by amending Section 7-625, entitled, “HUD-Code Manufactured Home Design Standards,” to read as follows:

**7-625. HUD-Code Manufactured Home Design Standards--Expansion or Creation of Developments or Communities.**

HUD-Code Manufactured Home Developments and Land Lease Communities shall be subject to the following standards:

1. *Perimeter screening.* Screening walls or landscaping shall enclose all HUD-Code Manufactured Developments and Land Lease Communities at the perimeter of the development, excluding drive approaches. Screening walls shall be consistent with Section 13-102. Landscape screening shall consist of not less than one shade tree per 40 feet of boundary, including street frontage, with continuous shrubs screening the space between trees.
2. *Dimensions.* HUD-Code Manufactured Homes shall be “double-wide” units at least 24 feet in width.
3. *Transport Equipment.* Running gear, tongues, axles and wheels shall be removed at the time of installation.
4. *Roof.* The roof must be predominately double pitched and have a minimum rise of 3 inches for every 12 inches of vertical run (3:12 roof pitch). The roof must be covered with material that is commonly used on site-built single-family dwellings within the city, including but not limited to wood, asphalt composition shingles, fiberglass, or architectural metal panels, and excluding corrugated aluminum, corrugated fiberglass



or corrugated metal. The roof shall have a minimum eave projection and roof overhang of **8** ~~eight~~ inches.

5. *Siding.* Exterior siding shall be of a material that is commonly used on site-built single-family dwellings within the city, that does not have a high-gloss finish. It may include wood, cementitious board, composition, clapboard, conventional vinyl or metal siding, brick, stucco or similar materials, but exclude smooth, ribbed or corrugated metal or plastic panels.

6. *Foundation.* All units not located in Land Lease Communities must be installed on a permanent foundation in accordance with the Texas Department of Housing and Community Affairs (TDHCA) rules.

7. *Skirting.* The perimeter of the crawl space shall be skirted, with openings only for crawl space ventilation, access, and equipment operation. Skirting shall be constructed of brick, masonry, concrete, stucco, or the same material as the siding on the unit. Shrubs shall be placed along at least 50 percent of the skirting around each unit.

8. *Storage Building.* A storage building shall be provided at each site and shall be installed on a concrete foundation prior to occupancy of the unit. The storage building shall be placed in the rear or side yard, constructed of low maintenance materials, and if painted, shall match the color of the unit.

**Part 2:** The City Council approves an amendment to Ordinance No. 91-2101, the Zoning Ordinance of the City of Temple, by adding a new Section 7-626, entitled, “HUD-Code Manufactured Home Design Standards – Existing Land Lease Communities,” to read as follows:

#### **7-626. HUD-Code Manufactured Home Design Standards—Existing Sites**

HUD-Code Manufactured Home Developments and Land Lease Communities established before September 7, 2007, shall be subject to the following standards:

1. *Perimeter screening.* Screening walls or landscaping shall enclose all HUD Code Manufactured Developments and Land Lease Communities at the perimeter of the development, excluding drive approaches. Screening walls shall be consistent with Section 13-102. Landscape screening shall consist of not less than one shade tree per 40 feet of boundary, including street frontage, with continuous shrubs screening the space between trees.

2. *Dimensions.* HUD-Code Manufactured Homes shall be single-wide or double-wide units with no structure more than 10 years of age when installed.

3. *Transport Equipment.* Running gear, tongues, axles and wheels shall be removed at the time of installation.

4. *Roof.* The roof of a single-wide or double-wide unit must be covered with material

that is commonly used on site-built single-family dwellings within the city, including but not limited to wood, asphalt composition shingles, fiberglass, galvanized metal, or architectural metal panels, and excluding corrugated aluminum, corrugated fiberglass or corrugated metal. The roof of a double-wide home must be predominately double pitched and have a minimum rise of 3 inches for every 12 inches of vertical run (3:12 roof pitch). The roof shall have a minimum eave projection and roof overhang of 8 inches.

5. *Siding*. Exterior siding shall be of a material that is commonly used on site-built single-family dwellings within the city that does not have a high-gloss finish. It may include wood, cementation's board, composition, clapboard, conventional vinyl or metal siding, brick, stucco or similar materials, but exclude smooth, ribbed or corrugated metal or plastic panels.

6. *Foundation*. All units must be installed on a permanent foundation in accordance with the Texas Department of Housing and Community Affairs (TDHCA) rules.

7. *Skirting*. The perimeter of the crawl space shall be skirted, with openings only for crawl space ventilation, access, and equipment operation. Skirting shall be constructed of brick, masonry, concrete, stucco, or the same material as the siding on the unit.

8. *Storage Building*. A storage building, if used, shall be installed with a concrete foundation, placed in the rear or side yard, constructed of low maintenance materials, and if painted, shall be compatible with the color of the manufactured house.

**Part 3:** 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 4:** Ordinance No. 91-2101, the Zoning Ordinance of the City of Temple, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

**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 16<sup>th</sup> day of August, 2007.

PASSED AND APPROVED on Second Reading and Public Hearing on the 6<sup>th</sup> day of September, 2007.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Clydette Entzminger  
City Secretary

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Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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08/16/07  
Item #7  
Regular Agenda  
Page 1 of 2

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

Tim Dolan, AICP, Planning Director

**ITEM DESCRIPTION:** FIRST READING – PUBLIC HEARING - Z-FY-07-51: Consider adopting an ordinance amending the City of Temple Zoning Ordinance Sections 7-103, 8-902, 10-101, and 21-101 regarding accessory dwelling units in a non-residential zoning district and associated design standards.

**P&Z COMMISSION RECOMMENDATION:** The P&Z Commission voted 6/0 to recommend approval to amend this ordinance at its meeting on August 6, 2007.

**STAFF RECOMMENDATION:** Staff recommends approval of the first reading for Z-FY-07-51 to amend the City of Temple Zoning Ordinance as follows. New language is underlined. Deletions have a ~~strikethrough~~.

Section 7-103 - Amend the Accessory and Incidental Uses table to allow "Accessory Dwelling Unit" by right in all non-residential districts.

Section 8-902 - Change the title of this section to "Accessory Building and Structure and Use Regulations" and amend the outline of this subsection to:

### **8-902 Accessory Building and Use Regulations**

#### **1. Residential ~~Accessory Buildings~~ in Residential Districts**

1. Front Yard
2. Side Yard
3. Rear Yard

#### **2. ~~Non-Residential~~ Accessory Buildings in Non-Residential Districts**

#### **3. Accessory Dwelling Units in Non-Residential Districts**

Accessory dwelling units must be located within the main structure. Detached accessory dwelling units are prohibited in non-residential districts.

##### **1. Except in the CA district**

- a. Only one accessory dwelling unit is allowed per lot.
- b. An accessory dwelling unit may not occupy more than 49% of the total floor area of the main structure.

- c. An accessory dwelling unit may only be occupied by an employee of the business or industry occupying the main structure and that employee's family.
- d. Parking is required for the accessory dwelling unit in accordance with Section 10-101.

**2. In the CA district**

- a. More than one accessory dwelling unit is allowed per lot.
- b. Accessory dwelling units may occupy more than 49% of the total floor area of the main structure.
- c. Parking is required for each accessory dwelling unit in accordance with Section 10-101.

Section 10-101 - Amend the Vehicle Parking Regulations table to require the following number of parking spaces for accessory dwelling units:

MU	<u>(d) Accessory Dwelling Unit - two (2) each dwelling unit</u>
O-1	Two (2) each dwelling unit; <u>two (2) each accessory dwelling unit</u>
O-2	Two (2) each dwelling unit; <u>two (2) each accessory dwelling unit</u>
NS	Two (2) each dwelling unit; <u>two (2) each accessory dwelling unit</u>
GR	Two (2) each dwelling unit; <u>two (2) each accessory dwelling unit</u>
CA	One (1) each dwelling unit; <u>one (1) each accessory dwelling unit</u>
C	One (1) each dwelling unit; <u>one (1) each accessory dwelling unit</u>
LI	<del>Dwellings are excluded</del> <u>Two (2) each accessory dwelling unit</u>
HI	<del>Dwellings are excluded</del> <u>Two (2) each accessory dwelling unit</u>

Section 21-101 - Add a definition for "Accessory Dwelling – A dwelling unit subordinate to and incidental to the primary use of the main building or to the primary use of the premises."

If approved on first reading, the second reading is set for September 6, 2007.

**ITEM SUMMARY:** While *primary* residential uses are permitted by right in most of Temple's non-residential zoning districts, the ordinance is silent on the topic of *accessory* residential uses in non-residential districts. The catalyst for this code amendment is a recent building permit application submitted by a physician with permanent residence in Paris, TX who is establishing a practice in Temple. The applicant proposes to remodel an existing office building on S. 45<sup>th</sup> and Ave J in the O-1 District to contain a doctor's office on one side and a small accessory dwelling unit on the other side. He plans will reside in the accessory dwelling unit on the days he sees patients in Temple.

Several cities including Killeen, Marble Falls, and Georgetown allow this type of use. The primary intent of the amendment is to allow one accessory dwelling unit in a non-residential structure with associated design standards. The owner or an employee of the business would occupy the unit.

The amendment will allow more than one accessory dwelling unit per lot in the CA District only where the units do not have to be occupied by an employee of the business on-premises.

**FISCAL IMPACT:** None

**ATTACHMENTS:**

[Zoning Ordinance Section 7-103, 8-902, 10-101, and 21-101 Suggested Revisions](#)  
[P&Z Staff Report](#)  
[P&Z Minutes](#)  
[Ordinance](#)

[illegible]

## SECTION 8

### AREA REGULATIONS

...

#### 8-902 ACCESSORY BUILDING AND ~~STRUCTURE~~ **USE** REGULATIONS

...

##### **1. ~~RESIDENTIAL~~ ACCESSORY BUILDINGS IN RESIDENTIAL DISTRICTS**

...

##### **2. ~~NON-RESIDENTIAL~~ ACCESSORY BUILDINGS IN NON-RESIDENTIAL DISTRICTS**

...

##### **3. ACCESSORY DWELLING UNITS IN NON-RESIDENTIAL DISTRICTS**

Accessory dwelling units must be located within the main structure. Detached accessory dwelling units are prohibited in non-residential districts.

###### **1. Except in the CA district**

- a. Only one accessory dwelling unit is allowed per lot.
- b. An accessory dwelling unit may not occupy more than 49% of the total floor area of the main structure.
- c. An accessory dwelling unit may only be occupied by an employee of the business occupying the main structure and that employee's family.
- d. Parking is required for the accessory dwelling unit in accordance with Section 10-101.

###### **2. In the CA district**

- a. More than one accessory dwelling unit is allowed per lot.
- b. Accessory dwelling units may occupy more than 49% of the total floor area of the main structure.
- c. Parking is required for each accessory dwelling unit in accordance with Section 10-101.



## SECTION 10

### VEHICLE PARKING REGULATIONS

**10-100** Except as hereinafter provided, no building or structure or part thereof may be erected, altered or converted for any use permitted in the district in which it is located unless there ...

**10-101** In the following zoning districts, the minimum off-street parking spaces for residential uses are:

DISTRICTS	NUMBER SPACES REQUIRED
A, Agricultural	Two (2) each dwelling unit
UE, Urban Estates	Two (2) each dwelling unit
SF-1, Single Family	Two (2) each dwelling unit
SF-2, Single Family	Two (2) each dwelling unit
SF-3, Single Family	Two (2) each dwelling unit
SFA, Single Family Attached	Two (2) each dwelling unit
SFA-2, Single Family Attached	Two (2) each dwelling unit
SFA-3, Single Family Attached	Two (2) each dwelling unit
2F, Two Family	Two (2) each dwelling unit
TH, Townhouse	Two (2) each dwelling unit
MH, Manufactured Home	Two (2) per each HUD-Code Manufactured Home plus one guest space per four (4) sites in land use communities located in the vicinity of the sites to be served.
MF-1, Multiple Family	(a) 1.75 spaces each dwelling unit with one bedroom. (b) Two (2) spaces each dwelling unit with two or more bedrooms. (c) One (1) space each dwelling unit designed for occupancy exclusively by elderly and/or low-income persons. (d) Two (2) each dwelling unit if less than three (3) units (e) .75 space each dwelling if units designed exclusively for handicapped residents.
MF-2, Multiple Family	Same as MF-1 above, except two (2) each dwelling unit if less than three (3) units
MF-3, Multiple Family	Same as MF-1 above, except two (2) each dwelling unit if less than three (3) units
MU, Mixed Use	(a) Single family dwelling attached—two (2) each dwelling unit (b) Two family, single family dwelling detached, and townhouse—one (1) each 900 square feet of living area (c) Multiple family dwelling—one (1) for first bedroom of unit and 0.5 for each additional bedroom. (d) Accessory Dwelling Unit – two (2) each dwelling unit
O-1, Office	Two (2) each dwelling unit; two (2) each accessory dwelling unit
O-2, Office	Two (2) each dwelling unit; two (2) each accessory dwelling unit
NS, Neighborhood Service	Two (2) each dwelling unit; two (2) each accessory dwelling unit
GR, General Retail	Two (2) each dwelling unit; two (2) each accessory dwelling unit
CA, Central Area	One (1) each dwelling unit; one (1) each accessory dwelling unit
C, Commercial	One (1) each dwelling unit; one (1) each accessory dwelling unit
<b>LI, Light Industrial</b>	<del>Dwellings are excluded</del> Two (2) each accessory dwelling unit
<b>HI, Heavy Industrial</b>	<del>Dwellings are excluded</del> Two (2) each accessory dwelling unit

## SECTION 21

### DEFINITIONS

...

**21-101** Words in the present tense include the future, words in the singular number include the plural number and words in the plural number include the singular number; the word "building" includes the word "structure"; the word "lot" includes the words "plot" or "tract"; the word "shall" is mandatory and not discretionary.

...

**ACCESSORY DWELLING** - A dwelling unit subordinate to and incidental to the primary use of the main building or to the primary use of the lot.

...



# PLANNING AND ZONING COMMISSION AGENDA ITEM

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8/6/07  
Item 4  
Page 1 of 2

**APPLICANT / DEVELOPMENT:** City of Temple

**CASE MANAGER:** Aaron Adel, AICP – Special Projects Planner

**ITEM DESCRIPTION:** Z-FY-07-51 Hold a public hearing to consider amending the City of Temple Zoning Ordinance Sections 7-103, 8-902, 10-101, and 21-01 regarding accessory dwelling units in non-residential zoning district and associated design standards.

**BACKGROUND:** The City of Temple Zoning Ordinance currently makes no provision for accessory dwelling uses in non-residential districts. A building permit application was submitted recently requesting an accessory dwelling use within an office building. The applicant for the building permit is proposing one structure to contain a doctor's office and small accessory dwelling unit. This application has highlighted the City's lack of regulation in this regard and has been the catalyst for the suggested amendment to the Zoning Ordinance.

Several cities in Central Texas have provisions in their ordinance to allow accessory dwelling uses in non-residential districts. Among the cities allowing this type of use are Killeen, Marble Falls, and Georgetown. The primary intent of the suggested ordinance amendment is to provide a dwelling unit within a non-residential structure that can be occupied by the owner or other employee of the business such as a manager or caretaker.

Provisions are also included in the suggested ordinance amendment to allow accessory dwelling uses in the CA – Central Area District where:

1. The unit does not have to be occupied by an employee of the primary non-residential use, and
2. The dwelling can occupy an area equal to more than 50% of the building area occupied by the primary non-residential use. An example would be a loft apartment above a first-story storefront. This type of use configuration was suggested by the 1998 American Institute of Architects Regional/Urban Design Assistance Team (R/UDAT) study of Downtown Temple.

The suggested amendment to the Zoning Ordinance pertains to the following Sections:

Section 7-103 Amend the "Accessory and Incidental Uses" table to allow "Accessory Dwelling" by right in all non-residential districts.

Section 8-902 a. Change the title of this Section to "*Accessory Building and Use Regulations*"

b. Add text to the Non-Residential subsection stating: "*Accessory dwelling uses are permitted in non-residential districts when the dwelling unit is clearly incidental to the primary use of the premises. Accessory dwelling uses must be located in the main structure. Except in the CA district, accessory dwelling uses must be less than 50% of the total floor area of the main structure. Except in the CA district, the accessory dwelling unit must be occupied by a family having at least one member employed on-premises. Except in the CA district, only one accessory dwelling unit shall be*

*permitted per lot or parcel Parking is required for the accessory dwelling unit in accordance with Section 10-101."*

Section 10-101 Amend the table for LI and HI to require *"Two (2) parking spaces for each accessory dwelling unit."*

Section 21-101 Add a definition for *"Accessory Dwelling – A dwelling unit subordinate to and incidental to the primary use of the main building or to the primary use of the premises."*

Public Notice

The newspaper printed a Notice of Public Hearing on July 27, 2007 in accordance with state law and local ordinance

**STAFF RECOMMENDATION:** Approval.

**FISCAL IMPACT:** Not Applicable

**ATTACHMENTS:**

Zoning Ordinance Section 7-103 Suggested Revisions  
Zoning Ordinance Section 8-902 Suggested Revisions  
Zoning Ordinance Section 10-101 Suggested Revisions  
Zoning Ordinance Section 21-101 Suggested Revisions

**EXCERPS FROM THE  
PLANNING & ZONING COMMISSION MEETING  
MONDAY, AUGUST 6, 2007**

**ACTION ITEMS**

4. **Z-FY-07-51** Hold a public hearing to consider amending the City of Temple Zoning Ordinance Sections 7-103, 8-902, 10-101, and 21-01 regarding accessory dwelling units in non-residential zoning district and associated design standards. (Applicant: Staff-Aaron Adel)

Ms. Aaron Adel, Special Projects Planner, presented this item as outlined in the Planning and Zoning Commission agenda background. She said the existing ordinance allows a variety of primary residential uses in non-residential districts. Ms. Adel said the main catalyst for this item is a building permit application that was submitted to the Permit Department proposing one structure to contain a doctor's office and a small accessory dwelling unit. She said several cities in Central Texas allow accessory dwelling uses in non-residential districts; including Killeen, Marble Falls, and Georgetown.

There was discussion on allowing accessory dwelling uses in the Central Area District, and required parking for these structures.

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 recommend approval of Z-FY-07-51 by Commissioner Hurd; seconded by Commissioner Pilkington.

Motion passed (6/0).

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING ORDINANCE NO. 91-2101, THE ZONING ORDINANCE OF THE CITY OF TEMPLE, TEXAS, AMENDING SECTION 7-103, 8-902, 10-101, AND 21-101, REGARDING ACCESSORY DWELLING UNITS IN A NON-RESIDENTIAL ZONING DISTRICT AND ASSOCIATED DESIGN STANDARDS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

**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 Ordinance No. 91-2101, the Zoning Ordinance of the City of Temple, by amending Section 7-103, entitled, “Accessory and Incidental Uses,” in accordance with the chart attached hereto as Exhibit “A.”

**Part 2:** The City Council approves an amendment to Ordinance No. 91-2101, the Zoning Ordinance of the City of Temple, amending Section 8-902, entitled, “Accessory Building and Structure Regulations,” to read as follows:

## **8-902 ACCESSORY BUILDING AND STRUCTURE- USE REGULATIONS**

Area regulations for accessory buildings or accessory structures in residential and non-residential districts.

### **1. ~~RESIDENTIAL~~ ACCESSORY BUILDINGS IN RESIDENTIAL DISTRICTS**

The following setback regulations for accessory buildings apply to the listed residential districts:

A	Agricultural	SFA-3	Single Family Attached
UE	Urban Estate	MH	Mobile Home
SF-1	Single Family	2-F	Two Family
SF-2	Single Family	TH	Townhouse
SF-3	Single Family	MF-1	Multiple Family
SFA	Single Family Attached	MF-2	Multiple Family
SFA-2	Single Family Attached	MF-3	Multiple Family

- FRONT YARD:** Attached accessory buildings are deemed a part of the main building and require the same yard space as the main building.

Detached accessory buildings or structures must be located in the area defined as the rear yard.

2. **SIDE YARD:** A side yard is required for any accessory building or structure located in a residential area of not less than three (3) feet from any side lot line, alley line or easement line, except that adjacent to a side street the side yard shall never be less than ten (10) feet. Where a one-hour fire wall is provided, no side yard need be provided on one side of a lot only for an accessory building located in the rear one-half (1/2) of the lot. (See Appendix Illustration 3)

### 3. REAR YARD

- a. A rear yard is required for any accessory building or structure of not less than three (3) feet measured from any lot line, alley line or easement line. In residential districts, the main building and all accessory buildings shall not cover more than fifty (50) percent of that portion of the lot lying to the rear of a line erected joining the midpoint of one side lot line with the midpoint of the opposite side lot line. Detached carports, garages or other detached accessory buildings located within the rear portion of the lot as heretofore described may not be located closer than ten (10) feet to the main building nor nearer than three (3) feet to any side lot line, except where a fire wall has been provided which meets the requirements of the building and fire codes of the City, in which case no rear yard for accessory buildings is required. (See Appendix Illustration 3)
- b. Where a garage or carport is designed and constructed to be entered from an alley or side street, such garage or carport must be set back from the side street or alley a minimum distance of fifteen (15) feet to facilitate access without interference to the use of the street or alley by other vehicles or persons.

## 2. **NON-RESIDENTIAL ACCESSORY BUILDINGS IN NON-RESIDENTIAL DISTRICTS**

Accessory structures in non-residential districts, except MU, shall be subject to the same front yard, side yard, and rear yard setback requirements as the main building (See Section 8-402, 8-502, and 8-600 through 8-604). Except for a carport or fence for a dwelling in MU, an accessory building or structure must be located in the area defined as the rear yard (See Appendix Illustration 3) and separation between the main building and any accessory building (minimum of twenty-five (25) feet) must meet the requirements of the City of Temple's Fire Code dependant upon the buildings' uses.

## 3. **ACCESSORY DWELLING UNITS IN NON-RESIDENTIAL DISTRICTS**



Accessory dwelling units must be located within the main structure. Detached accessory dwelling units are prohibited in non-residential districts.

**1. Except in the CA district**

- a. Only one accessory dwelling unit is allowed per lot.
- b. An accessory dwelling unit may not occupy more than 49% of the total floor area of the main structure.
- c. An accessory dwelling unit may only be occupied by an employee of the business occupying the main structure and that employee's family.
- d. Parking is required for the accessory dwelling unit in accordance with Section 10-101.

**2. In the CA district**

- a. More than one accessory dwelling unit is allowed per lot.
- b. Accessory dwelling units may occupy more than 49% of the total floor area of the main structure.
- c. Parking is required for each accessory dwelling unit in accordance with Section 10-101.

**Part 3:** The City Council approves an amendment to Ordinance No. 91-2101, the Zoning Ordinance of the City of Temple, amending Section 10-101, entitled, "Vehicle Parking Regulations," to read as follows:

SECTION 10  
VEHICLE PARKING REGULATIONS

10-100 Except as hereinafter provided, no building or structure or part thereof may be erected, altered or converted for any use permitted in the district in which it is located unless there shall be provided on the lot or tract or on an immediately contiguous lot or tract, or on a lot or tract within one-hundred-fifty (150) feet of such building or structure, vehicle parking in the following ratio of vehicle spaces for the uses specified in the designated districts, except that an established use lawfully existing at the effective date of this ordinance need not provide vehicle parking as hereinafter set forth and that no existing vehicle parking in connection with said uses at the effective date of this ordinance may be reduced below the minimum number of spaces as hereinafter required.

10-101 In the following zoning districts, the minimum off-street parking spaces for residential uses are:

DISTRICTS	NUMBER SPACES REQUIRED
A, Agricultural	Two (2) each dwelling unit
UE, Urban Estates	Two (2) each dwelling unit

SF-1, Single Family	Two (2) each dwelling unit
SF-2, Single Family	Two (2) each dwelling unit
SF-3, Single Family	Two (2) each dwelling unit
SFA, Single Family Attached	Two (2) each dwelling unit
SFA-2, Single Family Attached	Two (2) each dwelling unit
SFA-3, Single Family Attached	Two (2) each dwelling unit
2F, Two Family	Two (2) each dwelling unit
TH, Townhouse	Two (2) each dwelling unit
MH, Manufactured Home	Two (2) per each HUD-Code Manufactured Home plus one guest space per four (4) sites in land use communities located in the vicinity of the sites to be served.
MF-1, Multiple Family	(a) 1.75 spaces each dwelling unit with one bedroom. (b) Two (2) spaces each dwelling unit with two or more bedrooms. (c) One (1) space each dwelling unit designed for occupancy exclusively by elderly and/or low-income persons. (d) Two (2) each dwelling unit if less than three (3) units (e) .75 space each dwelling if units designed exclusively for handicapped residents.
MF-2, Multiple Family	Same as MF-1 above, except two (2) each dwelling unit if less than three (3) units
MF-3, Multiple Family	Same as MF-1 above, except two (2) each dwelling unit if less than three (3) units
MU, Mixed Use	(a) Single family dwelling attached—two (2) each dwelling unit (b) Two family, single family dwelling detached, and townhouse—one (1) each 900 square feet of living area (c) Multiple family dwelling—one (1) for first bedroom of unit and 0.5 for each additional bedroom. (d) Accessory Dwelling Unit – two (2) each dwelling unit
O-1, Office	Two (2) each dwelling unit; two (2) each accessory dwelling unit
O-2, Office	Two (2) each dwelling unit; two (2) each accessory dwelling unit
NS, Neighborhood Service	Two (2) each dwelling unit; two (2) each accessory dwelling unit
GR, General Retail	Two (2) each dwelling unit; two (2) each accessory dwelling unit
CA, Central Area	One (1) each dwelling unit; one (1) each accessory dwelling unit
C, Commercial	One (1) each dwelling unit; one (1) each accessory dwelling unit
LI, Light Industrial	<del>Dwellings are excluded</del> Two (2) each accessory dwelling unit
HI, Heavy Industrial	<del>Dwellings are excluded</del> Two (2) each accessory dwelling unit

**Part 4:** The City Council approves an amendment to Ordinance No. 91-2101, the Zoning Ordinance of the City of Temple, amending Section 21-101, entitled, “Definitions,” adding a new definition for *Accessory Dwelling*, to read as follows:

**ACCESSORY DWELLING** – A dwelling unit subordinate to and incidental to the primary use of the main building or to the primary use of the premises.

**Part 5:** 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 6:** Ordinance No. 91-2101, the Zoning Ordinance of the City of Temple, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

**Part 7:** 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 8:** 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 **16<sup>th</sup>** day of **August**, 2007.

PASSED AND APPROVED on Second Reading and Public Hearing on the **6<sup>th</sup>** day of **September**, 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

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08/16/07  
Item#8  
Regular Agenda  
Page 1 of 1

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

Tim Dolan, Planning Director

**ITEM DESCRIPTION:** FIRST READING – PUBLIC HEARING - Z-FY-07-53: Consider adopting an ordinance amending the City of Temple Zoning Ordinance Section 13 regarding Fence and Wall Regulations, Display for Sale, Open Storage; adding Metal Building Regulations to the title; and creating Section 13-200, Regulations for Residential Accessory Metal Buildings.

**P&Z COMMISSION RECOMMENDATION:** This item will be presented to the Commission at its August 20<sup>th</sup> meeting.

**STAFF RECOMMENDATION:** Conduct public hearing and take no action on this ordinance. Following consideration by the Planning & Zoning Commission on August 20<sup>th</sup>, the item will be brought back to Council for first reading on September 6<sup>th</sup>, with second reading and final adoption for September 20, 2007.

**ITEM SUMMARY:** The City Council directed the City Manager, who then directed Planning Staff to draft regulations for considering building exteriors in residential districts. No current provisions exist with regulating exterior building materials. The draft ordinance does not prohibit metal buildings anywhere, yet they propose regulations and process for how they are to be considered.

The City Manager directed Staff to meet several times and take opinions from stakeholders with the Chamber of Commerce, Temple Economic Development Corporation, Keep Temple Beautiful and the Temple Area Builder's Association. Staff invited them for comment for today's hearing.

The proposed ordinance classifies two types of residential lots: those under two acres and those equal to or greater than two acres. Some of the Keep Temple Beautiful stakeholders wanted to have a larger acreage requirement closer to 5 acres or larger, plus deeper setbacks from the property lines.

**FISCAL IMPACT:** N/A

### **ATTACHMENTS:**

None



## COUNCIL AGENDA ITEM MEMORANDUM

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08/16/07  
Item #9  
Regular Agenda  
Page 1 of 2

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

Tim Dolan, Planning Director

**ITEM DESCRIPTION:** P-FY-07-44 -Consider adopting a resolution authorizing the final plat of Hills of Westwood Phase III, Section 3, a 1.508 acre, 10 lot, 2 block residential replat of Common Area "F", Block 5, Lots 21 & 22, Block 5 and Lots 3,4,17& 18, Block 8, Hills of Westwood Phase III, located south of Tarver Drive; and abandonment of the existing 0.585 acre utility and drainage easement previously platted on Common Area "F", Block 5, Hills of Westwood Phase III.

**P& Z COMMISSION RECOMMENDATION:** At its August 6, 2007, Planning and Zoning Commission meeting, the Commission voted 7/0 to recommend approval of the final plat of Hills of Westwood Phase III, Section 3, subject to City Council's approval of the developer's requested abandonment of the existing 0.585 acre utility and drainage easement as described in the item description.

**STAFF RECOMMENDATION:** Adopt resolution as presented in item description, subject to the developer's requested utility and drainage easement abandonment.

**ITEM SUMMARY:** Please refer to the Staff Report and draft minutes of case P-FY-07-44, from the Planning and Zoning Commission meeting, August 6, 2007. The final plat of Hills of Westwood Phase III, Section 3, is a residential replat of Hills of Westwood Phase III. A public hearing was held at the August 6, 2007 meeting to satisfy state law and Subdivision Ordinance Section 33-39, requiring public hearings for residential replats. The final plat of Hills of Westwood Phase III, Section 3 proposes four additional residential lots in the area originally platted in 2006, as Common Area "F" in Hills of Westwood Phase III. Common Area "F" is a 0.585 acre utility and drainage easement which requires abandonment by the City Council. The replat proposes a new series of utility and drainage easements.

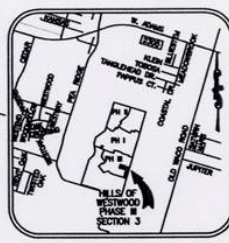
This plat was reviewed by the Design Review Committee (DRC) on July 10, 2007, and was considered administratively complete on July 31, 2007.

Park requirements have been satisfied by a previous agreement for improvements to Von Rosenberg Park. The developer assures staff that previously approved playground structures will be constructed for Von Rosenberg Park in January or February of 2008.

**FISCAL IMPACT:** None

**ATTACHMENTS:**

[Plat](#)  
[P&Z Minutes](#)  
[Resolution](#)



FINAL PLAT of:  
HILLS OF WESTWOOD,  
Phase III, Section 3  
A REPLAT OF COMMON AREA "F", BLOCK 5 (0.585 ACRES),  
LOTS 21-22, BLOCK 5 (0.292 ACRES),  
AND LOTS 3,4,17&18, BLOCK 8 (0.631 ACRES)  
HILLS OF WESTWOOD, Phase III  
10 LOTS, 2 BLOCKS  
1.506 ACRES  
OUT OF AND A PART OF THE BALDWIN HOBBSSTON LEAGUE SURVEY, ABSTRACT #17  
A SUBDIVISION IN THE CITY OF TEMPE  
MILL COUNTY, YEAH  
  
TRACT SURVEYED MARCH 5, 2008  
1.506 ACRES MORE FULLY DESCRIBED BY MEAS & BOUNDS BY SEPARATE  
TELL MEASUREMENTS AND ATTACHED TO DEEDSATION INSTRUMENT

REPLAT of:  
HILLS OF WESTWOOD, PHASE III-SECTION 3  
BALDWIN ROBERTSON LEAGUE SURVEY, ABSTRACT#17  
A SUBDIVISION IN THE  
CITY OF TEMPLE, BELL COUNTY, TEXAS

DEVELOPED BY:  
KIELLA DEVELOPMENT, INC.  
P.O. BOX 1344  
TEMPLE, TEXAS 76503

	REVISONS	
7/14/01	ADD NOTICES	JGR
DATE: <i>Page 22, 2001</i>		
DRAWN BY: JGR		
REF:	06-871, 11071-D	
02-290, 11089-D	(Survey)	
02-290, 11095-D	(Master)	
L.B.	680/74, 688/76	
JOB NO.: 07-296		
SHEET 1 OF 1		
COMPUTER PLOT NO. 07296-fp		
11788-D		
DRAWING NUMBER		



**EXCERPS FROM THE  
PLANNING & ZONING COMMISSION MEETING  
MONDAY, AUGUST 6, 2007**

**ACTION ITEMS**

7. **P-FY-07-44** Hold a public hearing and consider a recommendation to approve the final plat of Hills of Westwood Phase III, Section 3, a 1.508 acre, 10 lot, 2 block residential replat of Common Area "F", Block 5, Lots 21 and 22, Block 5 and Lots 3, 4, 17, and 18, Block 8, Hills of Westwood Phase III, located south of Tarver Drive. (Zoned SF3 – Applicant: Kiella Development, Inc.)

Ms. Tammy Lyerly, Planner, presented this item as outlined in the Planning and Zoning Commission agenda background. She explained that this plat is considered a residential replat which requires a public hearing. Ms. Lyerly displayed a vicinity map and aerial of the area. She said the final plat of Hills of Westwood Phase III, Section 3 proposes four additional residential lots in the area originally platted as Common Area "F" in Hills of Westwood Phase III. Common Area "F" is a 0.585 acre utility and drainage easements which requires abandonment by City Council. She discussed existing utilities and a proposed off-site drainage easement to the east of Common Area "F". Ms. Lyerly explained that City Council would be the final plat authority since the developer requests the abandonment of the existing 0.585 acre utility and drainage easement.

Chair Thomas opened the public hearing asking anyone wishing to speak in favor or in opposition to the request to address the Commission.

Mr. Victor Turley, 301 N. 3<sup>rd</sup> St., Temple, Texas, addressed the Commission and talked about the subdivision's drainage to the east.

Chair Thomas closed the public hearing.

Motion to recommend approval of P-FY-07-44, by Commissioner Pope; seconded by Commissioner Hurd.

Motion passed (6/0).

Chair Thomas turned the meeting over to Commissioner Pope due to his abstaining from the following case; P-FY-07-48. Commissioner Pope read the item description.



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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING THE FINAL PLAT OF HILLS OF WESTWOOD PHASE III, SECTION 3, A 1.508 ACRE, 10 LOT, 2 BLOCK RESIDENTIAL REPLAT OF COMMON AREA "F," BLOCK 5, LOTS 21 AND 22, BLOCK 5 AND LOTS 3, 4, 17 AND 18, BLOCK 8, HILLS OF WESTWOOD PHASE III, LOCATED SOUTH OF TARVER DRIVE; ABANDONING THE EXISTING 0.585 ACRE UTILITY AND DRAINAGE EASEMENT PREVIOUSLY PLATTED ON COMMON AREA "F," BLOCK 5, HILLS OF WESTWOOD PHASE III; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on August 6, 2007, the Planning and Zoning Commission approved the final plat of Hills of Westwood Phase III, Section 3, a 1.508 acre, 10 lot, 2 block residential replat of Common Area "F," Block 5, Lots 21 and 22, Block 5 and Lots 3, 4, 17 and 18, Block 8, Hills of Westwood Phase III, located south of Tarver Road;

**Whereas**, the Planning and Zoning Commission also approved abandoning the existing 0.585 acre utility and drainage easement previously platted on Common Area "F," Block 5, Hills of Westwood Phase III;

**Whereas**, there was no citizen opposition expressed at the August 6, 2007, Planning and Zoning Commission meeting; and

**Whereas**, the City Council has considered the matter and deems it in the public interest to approve the final plat of Hills of Westwood Phase III, Section 3

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

**Part 1:** The City Council approves the final plat of Hills of Westwood Phase III, Section 3, a 1.508 acre, 10 lot, 2 block residential replat of Common Area "F," Block 5, Lots 21 and 22, Block 5 and Lots 3, 4, 17 and 18, Block 8, Hills of Westwood Phase III, located south of Tarver Road; and approves abandoning the existing 0.585 acre utility and drainage easement previously platted on Common Area "F," Block 5, Hills of Westwood Phase III, more fully shown on the Plat which is on file in the City's Planning Department, incorporated herein and referred to by reference.

**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 **16<sup>th</sup>** day of **August**, 2007.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, MAYOR

ATTEST:

APPROVED AS TO FORM:

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Clydette Entzminger  
City Secretary

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Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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08/16/07  
Item #10  
Regular Agenda  
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### **DEPT./DIVISION SUBMISSION & REVIEW:**

William A. Jones, III, Mayor

**ITEM DESCRIPTION:** Consider adopting resolutions appointing members to the following City boards and commissions:

- (A) Airport Advisory Board – five members to fill expiring terms through September 1, 2010
- (B) Animal Services Advisory Board – two members to fill expiring terms through September 1, 2010 and appoint Chair for the period of September 1, 2007 through August 31, 2008
- (C) Civil Service Commission - one member to fill expiring term through September 1, 2010
- (D) Community Services Advisory Board – three members to fill expiring terms through September 1, 2010
- (E) Comprehensive Plan Advisory Committee – one member representing Temple College to fill an unexpired term
- (F) Convention Center and Tourism Advisory Board – three members to fill expiring terms through September 1, 2010
- (G) Library Board – three members to fill expiring terms through September 1, 2010 and one member to fill an unexpired term through September 1, 2009
- (H) Parks and Recreation Board – one member to fill an unexpired term through March 1, 2009
- (I) Planning & Zoning Commission – three members to fill expiring terms through September 1, 2010
- (J) Reinvestment Zone No. 1 Board of Directors – five members to fill expiring terms through September 1, 2009
- (K) Temple Economic Development Commission – four members to fill expiring terms through September 1, 2010
- (L) Temple Public Safety Advisory Board – six members to fill expiring terms through September 1, 2010 and two members to fill unexpired terms, one through September 1, 2008 and one through September 1, 2009
- (M) Transit Advisory Committee – three members to fill expiring terms through September 1, 2010 and one member to fill an unexpired term through September 1, 2008

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

**ITEM SUMMARY:** The City Council adopted a resolution in June, 2003, establishing policies governing the appointment and training of citizens to City boards. In accordance with that resolution, appointments to the above stated boards are to be made at the second regular meeting in August, with an effective date of September 1, 2007.

Please see the attached board summary forms, which list current board members, purpose, membership requirements, term and meeting time/place for the boards. Also attached is a summary listing of all applications received for board appointments. We will present any other Staff recommendations for appointments to you prior to the meeting.

**FISCAL IMPACT:** N/A

**ATTACHMENTS:**

Board Application Summary w/  
Board Summary Forms – hard copy