

TEMPLE CITY COUNCIL

MUNICIPAL BUILDING

2 NORTH MAIN STREET

TEMPLE, TX

NOTICE OF MEETING

THURSDAY, DECEMBER 20, 2007

3:30 P.M. 3RD FLOOR CONFERENCE ROOM

WORKSHOP AGENDA

- 1. Discuss the operation and maintenance of the City's Landfill.
- 2. Receive update regarding the Strategic Investment Zones (SIZ) project including redevelopment grant/incentive guidelines and standards for construction materials for non-residential structures, including metal facades.
- 3. Executive Session: Chapter 551, Government Code, §551.074 Personnel Matter The City Council will meet in executive session to discuss the employment, evaluation, duties and work plan of the City Attorney. No final action will be taken.
- 4. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, December 20, 2007 as follows:

5:00 P.M. CITY COUNCIL CHAMBERS – 2ND 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 <u>discussion</u> or final action will be taken by the City Council.

III. PRESENTATION

- 3. Receive presentation of check from Oncor Electric Delivery in the amount of \$3,680 for the City's participation in the CitySmart Program.
- 4. Presentation by Jon Burrows, Bell County Judge, and Sharon Long, Tax Assessor/Collector, of Child Safety Funds collected in the amount of \$73,673.54.

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.

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

<u>Minutes:</u>

- (A) December 4, 2007 Special Called Meeting
- (B) December 6, 2007 Special Called Meeting and Regular Meeting
- (C) December 11, 2007 Special Called Meeting
- (D) December 12 2007 Special Called Meeting

Contracts, Leases & Bids:

- (E) 2007-5278-R: Consider adopting a resolution authorizing a one year extension to the lease agreement with Wings Over Texas Aviation, Inc., for the rental of a hangar for the purpose of operating a flight training and aircraft rental service business at the Draughon-Miller Central Texas Regional Airport.
- (F) 2007-5279-R: Consider adopting a resolution authorizing an agreement with PKF Consulting of Houston, Texas to perform a market and financial feasibility study for a mixed use development in downtown Temple including a possible hotel and performing arts theater for an amount not to exceed \$69,500.
- (G) 2007-5280-R: Consider adopting a resolution authorizing the purchase of 18 various vehicles in the amount of \$366,021.70 from the following vendors:
 - 1. Sam Pack's Five Star Ford, Carrollton, Texas three vehicles in the amount of \$32,802;
 - 2. Grand Prairie Ford, Grand Prairie, Texas thirteen vehicles in the amount of \$292,230;
 - 3. Fisher Vincent Ford, Belton, Texas one vehicle in the amount of \$18,498.70; and
 - 4. Caldwell Country Chevrolet, Caldwell, Texas one vehicle in the amount of \$22,491.
- (H) 2007-5281-R: Consider adopting a resolution authorizing the purchase of Foundry network equipment and 1 year Foundry maintenance from CDW in the amount of \$163,875.05.

Ordinances- Second & Final Reading:

(I) 2007-4780: SECOND READING – Consider adopting an ordinance authorizing the renaming of "Industrial Boulevard" to "Central Pointe Parkway," from the western boundary of Loop 363 and continuing through a planned extension of Industrial Boulevard west of Old Howard Road.

<u>Misc:</u>

(J) 2007-5282-R: Consider adopting a resolution authorizing budget amendments for fiscal year 2007-2008.

V. REGULAR AGENDA

ORDINANCES

 (A) 2007-4781: SECOND READING – Z-FY-08-02: Consider adopting an ordinance authorizing a zoning change from Agricultural District to Urban Estate District, on approximately 24.384 acres out of land commonly known as Outblock 2752B-A, City Addition, located on the east side of FM 2271, east of Waskow Acres. (B) 2007-5283-R: P-FY-08-05: Consider adopting a resolution authorizing the approval of the preliminary plat of Overlook Ridge Estates, a 24.38 acre, 15 lot residential subdivision, located south of FM 2305, on the east side of FM 2271 behind Waskow Acres Subdivision with the developer's requested exceptions for centerline curve radii minimum of 200' and cul-de-sac maximum length of 500'.

- 7. 2007-4782: FIRST READING PUBLIC HEARING Consider adopting an ordinance establishing school crosswalks and setting speed limits within school zones to conform to school schedules.
- 8. 2007-4783: FIRST READING PUBLIC HEARING Consider adopting an ordinance approving 0.268 acres of partial street abandonments of North Main Street (between Lots 4 and 3, Block 30, Moore's First Addition) and West Calhoun Avenue (between North Main Street and the west property line of Lot 2, Block 30, Moore's First Addition), with the retention of a 1,700 square foot easement along West Calhoun Avenue.
- 9. 2007-4784: FIRST READING PUBLIC HEARING Z-FY-08-04: Consider adopting an ordinance amending the City of Temple Zoning Ordinance Section 10-100 regarding Vehicle Parking Regulations and Section 11-100, Off-Street Loading Regulations of the Zoning Ordinance.
- (A) 2007-4785: FIRST READING PUBLIC HEARING Z-FY-08-05(A): Consider adopting an ordinance amending the Temple Comprehensive Plan to reflect commercial uses on Lot 17 and a portion of Lot 16, Block 1, Bentley Bellview Addition at 723 and 725 South General Bruce Drive and 2220 West Avenue H.

(B) 2007-4786: FIRST READING – PUBLIC HEARING - Z-FY-08-05(B): Consider adopting an ordinance authorizing a zoning change from Planned Development (General Retail) District and General Retail District to Commercial District on Lot 17 and a portion of Lot 16, Block 1, Bentley Bellview Addition at 723 and 725 South General Bruce Drive and 2220 West Avenue H.

RESOLUTIONS

11. 2007-5251-R: P-FY-08-04: Consider adopting a resolution authorizing the final plat of the Clark Addition, one single family lot on a 3 acre tract of land, located on the north side of Moore's Mill Road, between Wendland Road and Brewster Road, subject to the developer's requested exceptions to the Subdivision Ordinance for paving, curb and fire protection requirements.

EXECUTIVE SESSION

12. Discuss the possible acquisition of land in West Temple for a regional park.

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

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

I hereby certify that a true and correct copy of this Notice of Meeting was posted in a public place at 3:20 PM, on December 14, 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

12/20/07 Item #5(A)-(D) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Clydette Entzminger, City Secretary

ITEM DESCRIPTION: Approve Minutes:

- (A) December 4, 2007 Special Called Meeting
- (B) December 6, 2007 Special Called Meeting & Regular Meeting
- (C) December 11, 2007 Special Called Meeting
- (D) December 12, 2007 Special Called 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:

December 4, 2007 Special Called Meeting December 6, 2007 Special Called Meeting & Regular Meeting December 11, 2007 Special Called Meeting December 12, 2007 Special Called Meeting

SPECIAL MEETING OF THE TEMPLE CITY COUNCIL

DECEMBER 4, 2007

Present:

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

The City Council of the City of Temple, Texas conducted a Special Meeting on Tuesday, December 4, 2007 at 8:30 am in the 3rd Floor Confernece Room, Municipal Building, 2 North Main Street.

Mayor Jones called the Special Meeting of the Temple City Council to order in the City Council Chambers at 8:30 a.m. The Council then departed to conduct on-site public hearings in growth management study areas being considered for City initiated annexation. The public hearings were conducted at the following locations at the times noted. Councilmember Jeter was present for the public hearings in Areas A and B only.

9:00 A.M. - VETERANS OF FOREIGN WAR POST 10377, 4 WOODLAND TRAIL AREA A (COMMENTS ON THIS AREA ONLY) Approximately 0.9 square miles located west of the current City limits along a line generally following FM 2305 and extending to Temple Lake Park.

11:00 A.M. -VACANT LAND LOCATED ALONG FM 2483, APPROXIMATELY 2100 FEET WEST OF INTERSECTION OF FM 2483 AND SH 317 AREA B (COMMENTS ON THIS AREA ONLY) Approximately 1 square mile located west of the current City limits in the proximity of FM 317 north of FM 2305 and south of SH 36

1:30 P.M. - VACANT LAND LOCATED AT CORNER OF SH 317 & CEDAR CREEK ROAD AREA C (COMMENTS ON THIS AREA ONLY) Approximately 5.4 square miles located northwest of the current City limits in the proximity of SH 36 toward Lake Belton and north and west of Draughon-Miller Regional Airport.

3:30 P.M. - 8060 BREWSTER ROAD AREA D (COMMENTS ON THIS AREA ONLY) Approximately 2.6 square miles located north of the current City limits in the proximity of an area east of the BNSF rail line and north of Moore's Mill Road and west of I-35.

At each area, Mayor Jones opened the meeting and introduced the Council and staff present. He then outlined the procedure to be followed for this public meeting. The next public hearing will be held on Wednesday, December 12, 2007 at the same times and locations.

Next, Tim Dolan, Planning Director, made some comments on the Municipal Services Plan for that particular area. Jonathan Graham, City Attorney, provided some information about the development agreements being offered to those owners with agricultural, timber or wildlife management exemptions from the Bell County Tax Appraisal District.

Mayor Jones then opened the public hearing in each area, noting that speakers would be called from speaker cards submitted. Questions and comments were received, with no responses given from Council or Staff.

The following is a summary, by Area, of the comments either made at the meeting or submitted on speaker cards.

AREA A

The following spoke at the public hearing:

Paul Parker – 62 Oak Trail, Belton, TX 76513-6249 ,780-3218: lives next door to VFW Post; having less than 100 dwellings in the study area denies the property owners a vote; how was specific properties in study area determined? What are our legal parameters?

Smith Dr., ТΧ Dan 117 Eagle Landing Belton, 76513 780-2678, _ dansmith1111@msn.com: present as property owner, not in official capacity as Sheriff. Don't see any services to be gained, already get City water and pay a higher rate. Have outstanding law enforcement services already. Will anything be said or done today or in the future by the residents out here that will affect the annexation? What revenue will be generated by annexation?

Chris Anderson, 12075 Bonnie Lane, Belton, TX 76513, 780-2685, suechris@vvm.com: His property is currently in the City, except about 1/3 which is outside and in this study area. He has drainage issues on his property. Will this be addressed by the City?

Howard Aycock, 730 Cen-Tex Sportsman Club Road, Belton, TX 76513, 780-1336: Questioned why the meeting was at 9:00 a.m. when working people cannot attend. What benefits would they receive from the City? He had property annexed into the City in 1996 (FM 2271 area) and promises made then have not been fulfilled, such as sewer service. Increased property taxes will be a burden on elderly and those with fixed income. City is only looking at tax valuation of homes in Area A. Asked why the City is not taking both sides of the road all the way down. Why is the Boston property not included?

Helen Campbell, 238 Eagle Landing, Belton, TX 75613, 780-3046, duncan516@cox.net: Less than 100 tracts in the study area, taken from the 2000 Census. Would like a confirmation of that number now. Were new homes/those under construction considered in the '100 tract' count? New property owners in this area have already borne the expense of septic tanks, lights, etc. Would like for something to provided if their property is annexed, such as a park or other City services.

A.C. Boston (no speaker card): Stated he has been part of this annexation since day 1.

He is not opposed to the annexation.

Carl Blanchard, P O Box 743, Temple, TX 76503, 773-3556: Representing Central Texas Sportsman Club. They prefer not to be annexed. If annexed will they be obligated to tie into the sewer line? Club could not afford to do so.

Hilde Nichols, 12 South 19th Street, Temple, TX 76504, 773-3556, blanchn@vvm.com: Is treasurer of Central Texas Sportsman Club. How far would they have to go to hook onto the sewer, all the way to FM 2305 or just down the road? This would be a tremendous expense to the club. Won't gain anything by being in the City.

Edward P. Brown/Marisol Carpio-Brown, 239 Eagle Landing, Belton, TX 76513, 780-9991, imasurjen@yahoo.com:

My wife and I moved from suburban Syracuse, NY and we researched the area and specifically chose Belton for various reasons, schools, population, crime, etc. Want to be a voice of opposition today. Will school boundaries change due to annexation? He stated he only heard about this annexation a week ago and he is very disappointed.

Brett Matney, 579 Benchmark, Belton, TX 76513, 780-9449: Doesn't live in the area being annexed, lives in Woodland Trails II. Is the City going to annex them within the next 5 years?

Chris Hodges, 3409 West Adams, Temple, TX 76501, 718-3747, swiftysticker@aol.com: What date is annexation going to be official? How is it going to be zoned? Property is already being used commercially and planning is underway for more construction. How will this affect us? Are metal building permitted? Has boat storage business on FM 2305 and Arrowhead. Will we have to get building permits? Any new or different building codes we have to meet? When will we have to comply with City rules?

Jack Sebastian, 419 Woodland Point Road, Belton, TX 76513, 780-1810: Difference between County taxes and City taxes per \$100,000 value if annexed?

Tom Moser, 13401 Marigold Trail, Belton, TX 76513: *Future taxes!* How will questioned be addressed? Need to add URL to speaker cards and other documents. How will annexation affect our taxes?

Edward Dawkins, 12714 FM 2305, Belton, TX 76513-9742, 780-2726: Will address change? Will taxes go up? Will Temple collect trash? Will Temple maintain our road (Birdsong)? Will you have to have a fence around above ground pool? Will we get a fire station? Will we get a police station? Are animals under grandfather clause? Why are we having meeting at 9:00 in the morning when people are at work? Will we get sewer?

Dennis Smith, 330 Woodland Trail, Belton, TX 76513, 780-2818, dasmith@vvm.com: *Will anything said or done today or in the future by the residents out here affect the annexation?* Involved with the last annexation along FM 2271. Petitions signed, attorney hired and marches around City Hall but nothing affected the outcome.

Jimmy Drake, Jr., 12914 FM 2305, Belton, TX 76513-6741, 780-9605,

WJPS12914@aol.com: How would taxes be collected if we are annexed? Are they subject to City collection or would they go through the County as they are now? How would schools be affected? Would permits be required to burn? If so, how much would they cost? Will my address change?

The following submitted written comments but did not speak at the public hearing:

Betty Bounds, 1 Sextant Lane & 55 Rocky Oaks Dr., Belton, TX 76513, 780-1671, bsb1935@sbc.yahoo: I own Rocky Oaks Mobile Home Park. Around 9 years ago we tried to close the road between their properties. There was a hearing and it was protested by Marie Barrier and it was put on hold. Since then, my husband died and it is still on hold. At that time the road wasn't on the plat at the Courthouse. Now it has been added in the Courthouse as County Road. I would like to know why this hasn't been settled. The lot out in front is a mess because I cannot improve it.

Nancy Bullard, 14050 Woodland Point Loop, Belton, TX 76513, 780-9398: no comments submitted

Shelly Buuck (Judith Lewis), 331 Woodland Trail, Belton, TX 76513, 780-3502: no comments submitted

Jon A. Chasny, 12509 FM 2305, Belton, TX 76513, 780-2138: How would this affect modular home owners? Is there going to be City sewer system and how much is it going to cost the homeowner? Is there going to be a grandfather clause on taxes?

Liz Chasny, 12509 FM 2305, Belton, TX 76513, 780-2138: How will this affect modular home owners? If our real estate taxes are already frozen for disability or age, will this cause them to raise? Will owners on FM 2305 expect to lose any of their property to road expansion?

Janaan Compton, 14057 Hahn Lane, Belton, TX 76513-6884, 780-9551, janaanc@myway.com: Submitted letter with map of property, attached to speaker card. *Please consider this request to remove our property from Study Area A for annexation.* 1. *Only about 1/4 to 1/3 of our lot (14057 Hahn Lane) is shown in the area.* 2. *No other lots on our side of the street are in the area.*

Brad Dusek, Eagle Oaks Subdivision, P O Box 3313, Temple, TX 76505-3313, 421-2215, edanbra@msn.com: no comments submitted

Cindy Fry, 165 Woodland Trail, Belton, TX 76513, 780-9948: no comments submitted

Sonya I. Jutzy, 13650 Rocky Lane, Belton, TX 76513-6733, 780-1688, sontex@aol.com: *I have lived in peace and quiet for 36 years - a widow now caring for 96 year old mother. It matters not to you – I know. But now in retirement on fixed income you come demanding huge taxes for no service. I do not even use public water service. None of these properties on lakeside of Rocky Lane have been developed and has remained rural. All of the houses are older homes on acreage. Why do you want these properties?*

Why are you excluding the developed areas and annexing the rural areas?

Samuel E. Kaiser, 176 Maple Trail, Belton, TX 76513, skaiser@vvm.com: *Who, by name, will benefit financially by this annexation? Are there any elected officials benefiting from this annexation?*

Edward M. Leary, 12800 Summit Trail, Belton, TX 76513, 780-2401, edwardleary@sbcglobal.net: Dealing with sewer, if annexed, does property owner have to get rid of the septic tank and hook to the sewer line provided by the City? Who pays for this? Can one not want the garbage system? Prices of that system are too high.

Robin LeFever, 12726 FM 2305, Belton, TX 76513, 780-2563, rllcjl@sbcglobal.net: / would like to know if the City of Temple will maintain and/or pave Birdsong Lane.

Marilyn Packard, 13960 Woodland Point Loop, Belton, TX 76513, 541-5000, marirob@vvm.com: I thought we lived in a democracy.

V.D. Paulk, 203 Rocky Lane, Belton, TX 76513, 780-1643: no comment submitted

John Pickett, 1011 Bench Mark Trail, Belton, TX 76513, 780-2358, numedpick@aol.com: Indicated he would speak at the December 12th public hearing on speaker card.

Brad Russell, 474 Woodland Point, Belton, TX 76513, 780-3266, rexwater@vvm.com: Why is Woodland Point not included in the annexation along with all the other land on the north side of FM 2305? Please don't misunderstand this as an invitation or complaint.

<u>AREA B</u>

The following spoke at the public hearing:

Grady Bailey, 1650 Connell, Belton, TX 76513, 939-3774, graybay346@c-s.com: Intends to execute a development agreement. Will we have to get City permission to build anything even if agreement signed? We allow bow hunting in the field now....can that continue? Barn is currently being expanded/improved. Do we need a permit for that work? Will we have to comply with new codes/regulations for barn expansion?

Tricia Watts, 1911 FM 2483, Belton, TX 76513, 780-9339: Would like 2 large maps of Area B. Owns property just outside study area, Morgan's Point ETJ. Where is the proposed water line to be located and where does it terminate?

<u>AREA C</u>

The following spoke at the public hearing:

David Leigh, 6530 Cedar Creek Road, Temple, TX 76504, 773-6599, deleigh@harvesttech.com: What is the boundary of the annexation area in reference to the roadways....south, north or center of the road?

Creek Road, Temple, ТХ 771-3948. Crisp. 8260 Cedar 76504. Omar alphainc@vvm.com: Live outside study area C but own property in study area that is currently being planned for development. Will I have to build a detention pond to serve the development? Can I have 1/2 acre lots or have to meet City requirements? Sewer or septic tanks? What is the future expansion plan for the Airport? Don't want helicopter traffic expanded in this area, already a big problem. Who's jurisdiction are the helicopters under? Need contact number for noise complaints. What are future expansion plans for SH 317? Why annex more property before taking care of commitments from previous annexation?

John Conner, 5321 Cedar Ridge Park Road, 721-7804, Temple, TX 76502, 986-3580, johnwconner@clearwire.net: The area south of SH 36 has Sprint phones (Killeen), McClendon Electricity (McGregor), Moffat Water, Belton Schools and is part of a community already. Why would Temple annex only a few houses that are part of the Moffat community and not all.

Barbara Smith, 4526 Lakeview Dr., Belton, TX 76513, 939-6247: What about new homesites for family members on ag exempt land? Their property has an agricultural exemption. If they build a single family home on that property will that mean automatic annexation of their property? Why do they have to sign the development agreement by Dec. 21st if annexation will not occur for several months?

Cathy Boniface, 5038 Lakeaire Circle, Temple, TX 76502, 913-8103: *Can exemption be renewed over and over?* If annexed, where does water come from, rural water supply as it does now or City? Any reimbursement to water supply if we pay City taxes? What is the frame for final decision relating to annexation? Don't want control over development is this area. There is no benefit for property owners here.

Scott Black, 9251 Whitehall Road, Temple, TX 76504-6042, 986-1117: What were these areas chosen and why weren't other areas included?

Louis Hernandez (no speaker card): What is going to happen to those people that live behind the Airport? Are they going to have to move? Lots of elderly people live there.

Steve McNamara, 7701 Cedar Creek Road, Temple, TX 76504, 913-9351, mmcnamara@clearwire.net: What are the plans for the government land along Cedar Creek Road? His property backs up to government land. Will hunting still be allowed?

Carl Grisham, 4191 Airport Trail, Temple, TX 76504, 778-5623: How are services going to be provided when some areas are annexed and adjoining properties are not because of the development agreements? There won't be any services provided to those that execute development agreements. If promises are made with this annexation, they need to be fulfilled.

? :typos and mistakes in service plan.

The following submitted written comments but did not speak at the public hearing:

Leslie Paul Bruton, 9929 South Whitehall Road, Temple, TX 76504, 986-8162: no comments submitted

Steve Elliott, 7551 Little Mexico Road, Temple, TX 76501, 534-1234: Ag exempt, will it transfer when I sell my place? I have a trailer house. How long can I live in it or upgrade it? Target practices? Metal building for a house? If I take ag exemption will I be controlled by City around me or will I still be under County controls?

Mike O'Toole, 5060 Airport Trail, Temple, TX 76504, 778-7369, mtoole@clearwire.com: *Fire Station #8*?

D.C. Ratliff, 5174 Airport Trail, Temple, TX 76504, 773-7530: Want assurance of maintaining roads, taking care of run off water due to overflowing out of ditch. I'm also complaining of helicopter traffic.

<u>AREA D</u>

The following spoke at the public hearing:

Harold Lesikar, 7323 Brewster Road, Temple, TX 76501-6605, 778-2331: *Who is our Council person? At what time do we get City services?* What will be provided, the same as in other parts of town? When will the annexation be effective? Why are some of the areas in Pendleton left out of the study area (mobile homes)? Several businesses in this area. Will the zoning be residential? Will businesses be allowed to continue if not in conformance with zoning. If annexed, he wants City sewer, animal control, code enforcement, police protection, etc.

Mary Miller, 6115 Brewster Road, Temple, TX 76501, 771-5615: Did not receive notice. Do we have any say so about being annexed?

Tanya Altum, 2902 FM 1237, Temple, TX 76501-6623, 899-1000, tanyag@clearwire.net: Why do we only have until 12-21 to sign the ag agreement? Won't have answers to our questions by then. Are we limited to the number and type of pets?

Carl Grisham (no speaker card): Same comments as offered at Area C public hearing. How are services going to be provided when some areas are annexed and adjoining properties are not because of the development agreements? There won't be any services provided to those that execute development agreements. If promises are made with this annexation, they need to be fulfilled. Need to address what is grandfathered and what is not.

Nolan Young, 1651 Clarence Road, Temple, TX 76501, 493-8200, mg1@clearwire.net: What is this land going to do for development? Why are you annexing us? What are we doing for the City? How much money will you get from us?

What development is occurring here?

John Hawkins, 2953 FM 1237, Temple, TX 76501-6686, (no speaker card): Why are you annexing us?

Linda Young, 1651 Clarence Road, Temple, TX 76501, 493-8200, mg1@clearwire.net: Allowed to burn? Allowed to have farm animals? Firing range? What do we do about clearing fence lines and burning trees? If ag exempt properties are surrounded by areas that are annexed, will that limit what can be done on the exempt property? They operate a mobile grooming business from their property? Can retail business continue on ag exempt property?

Patricia Reno, 7498 Brewster Road, Temple, TX 76501-6604, 760-6465, dnutlady@sbcglobal.net: What development (i.e. road widenings, water detention, rail lines) can we look to see in the area adjacent to 'D'? What are the plans for Moores Mill Road? What zoning is proposed? What is involved in getting a TCEQ burning permit? How long will it take to get one?

Steven Sullivan, P O Box 1827, Temple, TX 76503-1827, 718-6030: Legally, can agreements be reached with all parties to prevent industrial development, without requiring annexation? Who is the Councilmember for the Pegasus Road area?

Royce Oliver, 2391, FM 1237, Temple, TX 76501-6688, 770-1538, royceoliver@sbcglobal.net: *If I choose to exercise exemption offered and remain in ETJ, what applies if surrounding property is annexed? Can I use fireworks, burn trash, etc?* What about having animals within 150' of another residence if land is leased?

Following the conclusion of the public hearing in Area D, the City Council returned to the Municipal Building to adjourn the Special Called Meeting of the Temple City Council at 4:50 p.m. No action was taken.

William A. Jones, III, Mayor

ATTEST:

Clydette Entzminger City Secretary

TEMPLE CITY COUNCIL

DECEMBER 6, 2007

The City Council of the City of Temple, Texas conducted a Special Meeting on Thursday, December 6, 2007 at 3:30 pm in the 3rd Floor Confernece Room, Municipal Building, 2 North Main Street.

Present:

Councilmember Tony Jeter Councilmember Patsy E. Luna Councilmember Russell Schneider Mayor William A. Jones, III

1. Discuss proposed amendments to the City's Fire Code and the 2006 International Fire Code.

David Blackburn, City Manager, stated the City's Fire Codes have not been updated in approximately ten years. Staff has reviewed Chapter 12 of the Code of Ordinances and is recommending some amendments, as well as the adoption of the 2006 International Fire Code, with various amendments. Temple Area Homebuilders Association has been involved in the review process with City staff. The purpose of this work session is to introduce a few of the topics that will be addressed with the update, some of which are policy issues and some just housekeeping items.

Lonzo Wallace, Fire Chief, explained the reasons the International Fire Code was developed and why Temple Fire & Rescue wishes to adopt the 2006 version, with amendments, at this time.

Mark Smith, Fire Marshal, reviewed some of the proposed modifications to Chapter 12 relating to burning of debris, flammable and combustible liquids, LPG, fire prevention and business registrations. Next, Mr. Smith reviewed some of the requirements in the 2006 International Fire Code relating to open burning and addressing that he is proposing not be adopted since either City ordinances or other laws address these issues. Two areas that are not addressed in current codes relate to mobile food vendors and fire apparatus access roads. Mr. Smith also addressed some areas of potential contention, which include parking on one side of the street, cul-de-sac diameters and developments with one way in and one way out. He showed photos of these particular situations and discussed the areas of concern.

2. Executive Session: Chapter 551, Government Code, §551.074 - Personnel Matter -The City Council will meet in executive session to discuss the employment, evaluation, duties and work plan of the Director of Finance. No final action will be taken.

Mayor Jones stated the Council would enter into executive session at this time,

approximately 4:40 p.m., to conduct the executive session.

The regular session was reconvened at approximately 5:00 p.m. with no action being taken.

3. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, December 6, 2007 as follows:

There was no discussion of this item.

The City Council of the City of Temple, Texas conducted a Regular Meeting on Thursday, December 6, 2007 at 5:00 PM in the Council Chambers, Municipal Building, 2nd Floor, 2 North Main Street.

Present:

Councilmember Tony Jeter Councilmember Patsy E. Luna Councilmember Russell Schneider Mayor William A. Jones, III

I. CALL TO ORDER

1. Invocation

Pastor Pat Dietrich, First Lutheran Church, voiced the Invocation.

2. Pledge of Allegiance

Mr. Greg Hartigan, Veterans of Foreign War Post 1820, voiced the Invocation.

II. PUBLIC COMMENTS

There were no public comments made at this meeting.

III. ELECTION OF MAYOR PRO TEM

3. 2007-5255-R: Consider adopting a resolution electing a Mayor Pro Tem for the City of Temple.

Motion by Councilmember Tony Jeter to adopt resolution appointing Councilmember Patsy E. Luna as Mayor Pro Tem, seconded by Councilmember Russell Schneider.

Motion passed unanimously.

IV. CONSENT AGENDA

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

(A) November 15, 2007 Special Called Meeting and Regular Meeting

(B) November 19, 2007 Special Called Meeting

(C) 2007-5256-R: Consider adopting a resolution authorizing a one year extension to the contract with ExxonMobil Oil Corporation to supply aviation bulk fuels and other business support to operate a fuel dealership at the Draughon-Miller Central Texas Regional Airport.

(D) 2007-5257-R: Consider adopting a resolution authorizing a contract with Miller Uniforms & Emblems of Austin, Texas for the purchase of fire department uniforms in an estimated annual amount of \$27,450.

(E) 2007-5258-R: Consider adopting a resolution ratifying the authorization of a construction contract with Bell Contractors, Inc., of Belton, Texas in the amount of \$54,100 for emergency replacement of a 6" sewer line in the area of North 11th Street and West Park Avenue.

(F) 2007-5259-R: Consider adopting a resolution authorizing a construction contract with TTG Utilities, LP of Gatesville, Texas for the FM 2305 Pump Station Improvements Project in the amount of \$211,000.

(G) 2007-5260-R: Consider adopting a resolution authorizing a professional services agreement with Kimley-Horn & Associates of Dallas, Texas for Phase I services (Preliminary Architectural), Phase II services (Final Architectural) and Phase III (Construction Management) for the Family Aquatics Center in the amount of \$333,220 and the Indoor Swimming Pool in the amount of \$156,800 and declaring an official intent to reimburse this expenditure prior to the issuance of tax-exempt General Obligation bonds for this project.

(H) 2007-5261-R: Consider adopting a resolution authorizing a professional services agreement with Post, Buckley, Schuh & Jernigan, Inc. (PBS & J) of Austin, Texas for Phase I services (Preliminary Architectural), Phase II services (Final Architectural) and Phase III (Construction Management) for the Summit Recreation and Fitness Center expansion and family changing rooms in the amount of \$129,672 and declaring an official intent to reimburse this expenditure prior to the issuance of tax-exempt General Obligation bonds for this project.

(I) 2007-5262-R: Consider adopting a resolution authorizing the purchase of an IBM Power6 525 Server and 4 years maintenance with IBM and Clear Technologies (State of Texas approved DIR vendors DIR-SDD-190) in the amount of \$133,479.86.

(J) 2007-5263-R: Consider adopting a resolution authorizing the purchase of an armored vehicle from Lenco Armored Vehicles of Pittsfield, Massachusetts, through the GSA 1122 procurement program contract in the amount of \$202,834, rejecting all bids received for the armored vehicle on November 13, 2007, and declaring an official intent to reimburse this expenditure made prior to the issuance of tax-exempt obligations for this purchase.

(K) 2007-5264-R: Consider adopting a resolution authorizing the purchase of a street sweeper from Tymco, Inc. of Waco, Texas in the amount of \$144,465.

(L) 2007-5265-R: Consider adopting a resolution authorizing the purchase of a Toro Multi-Pro 1250 Sprayer off the BuyBoard in the amount of \$29,118.77.

(M) 2007-5266-R: Consider adopting a resolution authorizing the purchase of the following equipment for the Solid Waste Division:

- 1. Two side-loading refuse trucks from Longhorn International, Temple, Texas in the amount of \$317,332.26; and
- 2. One brush truck from Temple Freightliner, Temple, Texas in the amount of \$112,449.

(N) 2007-5267-R: Consider adopting a resolution authorizing the purchase of a dump truck from Temple Freightliner of Temple, Texas in the amount of \$71,921.

(O) 2007-5268-R: Consider adopting a resolution authorizing the purchase of eight marked and three unmarked police vehicles from Philpott Motor Company of Nederland, Texas, under the Joint Venture/Cooperative Purchase Interlocal Agreement with Tarrant County, in the amount of \$272,320.46.

(P) 2007-4779: SECOND & FINAL READING - Consider adopting an ordinance providing for the continued taxation of goods-in-transit otherwise exempt pursuant to Section 11.253(b) of the Texas Tax Code.

(Q) 1. 2007-4177: THIRD & FINAL READING - Consider adopting an ordinance authorizing a franchise with Central Texas Regional EMS to provide non-emergency ambulance transfer services within the City.

2. 2007-4178: THIRD & FINAL READING - Consider adopting an ordinance authorizing a franchise with Scott and White EMS to provide non-emergency ambulance transfer services within the City.

(R) 2007-5269-R: Consider adopting a resolution authorizing an agreement with the Texas State Library and Archives Commission for the Loan Star Libraries

Grant in the amount of \$19,447.

(S) 2007-5270-R: Consider adopting a resolution authorizing the renewal of the Emergency Management Performance Grant (EMPG) for 2008 which funds a portion of the administration cost for Emergency Management for the City of Temple.

(T) 2007-5271-R: Consider adopting a resolution calling a Special Election for January 19, 2008 for the election of the District 3 Councilmember to fill an unexpired term through May 2008.

(U) 2007-5272-R: Consider adopting a resolution approving the annual report of the Tax Increment Financing Reinvestment Zone Number One for fiscal year 2006-2007.

(V) 2007-5273-R: Consider adopting a resolution authorizing budget amendments for fiscal year 2007-2008.

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

Motion passed unanimously.

V. REGULAR AGENDA

ORDINANCES

5. 2007-4780: FIRST READING - PUBLIC HEARING - Consider adopting an ordinance authorizing the renaming of "Industrial Boulevard" to "Central Pointe Parkway," from the western boundary of Loop 363 and continuing through a planned extension of Industrial Boulevard west of Old Howard Road.

Tim Dolan, Director of Planning, presented this item to the City Council, which is a request to rename a portion of the existing Industrial Boulevard, as well as the future extension west of Old Howard Road, to Central Pointe Parkway. This street name change will help facilitate the City's and TEDC's marketing efforts. Mr. Dolan showed the location of the current and future roadway extension on a map. He also displayed a photo of the Central Pointe gateway entrance.

The RZ No. 1 Board of Directors recommended approval of the street renaming at its November 28th meeting. The proposed name does not conflict with other roads inside the City limits and is in compliance with the City's street naming policy.

Mayor Jones declared the public hearing open with regard to agenda item 5 and asked if anyone wished to address this item. There being no comments, Mayor Jones closeed the public hearing.

Motion by Councilmember Russell Schneider to adopt ordinance on first reading, with second and final reading set for December 20, 2007, seconded by Councilmember Patsy E. Luna.

Motion passed unanimously.

6. 2007-4781: FIRST READING - PUBLIC HEARING - Z-FY-08-02: Consider adopting a resolution authorizing a zoning change from Agricultural District to Urban Estate District, on approximately 24.384 acres out of land commonly known as Outblock 2752B-A, City Addition, located on the east side of FM 2271, east of Waskow Acres.

Brian Mabry, Senior Planner, gave a brief presentation of this item to the Council. He presented the location of the requested rezoning and showed photos of properties in the vicinity. Mr. Mabry also presented the zoning districts in the surrounding areas, which is predominately Agricultural. Low density is the recommended land use and urban estates is consistent with that recommendation. The request also complies with the Thoroughfare Plan and public facilities will be adequate to service this site. Mr. Mabry reviewed the purpose of the Urban Estates Zoning District, as well as the permitted and prohibited uses. The Planning and Zoning Commission voted 8/0 in favor of approval of the zoning change.

Mayor Jones declared the public hearing open with regard to agenda item 6 and asked if anyone wished to address this item. There being no comments, Mayor Jones closed the public hearing.

Motion by Councilmember Patsy E. Luna to adopt ordinance on first reading, with second and final reading set for December 20, 2007, seconded by Councilmember Russell Schneider.

Motion passed unanimously.

RESOLUTIONS

7. 2007-5274-R: P-FY-07-61: Consider adopting a resolution approving the final plat of Eagle Oaks at The Lake Phase III, a 20 lot residential subdivision located on the north side of FM 2305, west of FM 2271, in Temple's Western ETJ, with the developer's requested exception for block length.

Aaron Adel, Special Projects Coordinator, presented this item to the Council. She showed the location of this proposed subdivision and provided the platting history. Mrs. Adel also showed the proposed utility and thoroughfare extensions. The developer is requesting an exception to the block length. Since there were no exceptions requested with the preliminary plat, the Council must consider the exceptions at this time. She showed the location of the requested exception. All other subdivison requirements are met with the exception of the block length. The Planning and Zoning Commission unanimously recommended approval of the final plat with the requested exception.

8. 2007-5275-R: Consider adopting a resolution supporting the development and funding of the Northwest Loop 363 Project, and urging the Texas Transportation Commission and the Texas Department of Transportation to make this project a top priority and to execute a Pass-Through Finance Agreement with the City of Temple.

David Blackburn, City Manager, presented this item to the Council. He provided some background information relating to this project. The City has had a project for the improvement of the Northwest Loop 363 for several years, which originally included completion of the frontage road, but not the main lanes, an overpass and rail spur relocation, and some interchange work at SH 36 and SH 53 and the Loop. The City made a delegation appearance before the Texas Transportation Commission and pledged support for the project by offering to acquire the necessary right of way, relocate the utilities and pay \$5,000,000 toward the project.

Over the past several months, the City has been pursing another approach toward getting the complete build-out and expansion of the Northwest Loop. This new approach is a tool the State Legislature has made availale to TxDOT called pass thru financing, which would allow the City to take over the project, complete it, and have TxDOT pay the City back over time based on a negotiated agreement between the City and TxDOT.

Earlier this year, the Council engaged Pate Transportation Partners to assist the City in putting together the application for submission to TxDOT for pass thru financing consideration of the project. The application is substantially complete and is anticipated to be filed in late December. This resolution of support is part of the application submission. Mr. Blackburn noted the application will include the completion of the main lanes and frontage lanes and will also include high-speed connectors on both the south and north ends of the Northwest Loop as they intersect with I-35.

Councilmember Schneider asked if the application would be filed for a single project or for several phases of one project.

Mr. Blackburn stated the City will have some flexibility but we will file the application for the total project buildout, but a two-prong approach. There will be a single application and a single agreement but multiple phases of the project.

Motion by Councilmember Patsy E. Luna to adopt resolution, seconded by Councilmember Russell Schneider.

Motion passed unanimously.

BOARD APPOINTMENTS

9. 2007-5276-R: Consider adopting a resolution appointing one member to the Tax Increment Financing Reinvestment Zone No. 1 Board of Directors to fill an expired term through September 1, 2009 and designate the Chair of the board for 2008.

Motion by Councilmember Russell Schneider to adopt resolution reappointing Perry Cloud to fill the expired term and designating Mr. Cloud as Chair for 2008, seconded by Councilmember Patsy E. Luna.

Motion passed unanimously.

10. 2007-5277-R: Consider adopting a resolution appointing the Assistant City Manager to the Board of Directors of the Temple Business Incubator to fill an expired term through November 1, 2010.

Motion by Councilmember Patsy E. Luna to adopt resolution appointing Kim Foutz, Assistant City Manager, to fill the expired term on the Temple Business Incubator Board of Directors, seconded by Councilmember Russell Schneider.

Motion passed unanimously.

William A. Jones, III, Mayor

ATTEST:

Clydette Entzminger City Secretary

SPECIAL MEETING OF THE TEMPLE CITY COUNCIL

DECEMBER 11, 2007

The City Council of the City of Temple, Texas conducted a Special Meeting on Tuesday, December 11, 2007 at 8:00 am in the City Council Chambers, 2nd Floor, Municipal Building, 2 North Main Street.

Mayor Jones voiced the Invocation and led the Pledge of Allegiance.

Present:

Councilmember Tony Jeter Mayor William A. Jones, III Mayor Pro Tem Patsy Luna

Absent:

Councilmember Russell Schneider

1. FIRST READING - PUBLIC HEARING - Consider adopting an ordinance authorizing the voluntary annexation of three tracts of land in the vicinity of Witter Lane and Forrester Road, known as the Witter Lane Voluntary Annexation:

(A) Central Texas Christian School tract—approximately 39.2 acres

(B) H. A. Johnson tract—approximately 22.3 acres

(C) VB Connected, LTD. tract—approximately 44.5 acres

Jonathan Graham, City Attorney, stated petitions for these three voluntary annexations were filed with the City in October 2007. These petitions meet the statutory requirements for voluntary annexation and were granted by the City Council on November 1, 2007. Public hearings were conducted on November 15th and November 19th. No comments were made at either hearing. Mr. Graham added that the municipal services plan for this area has been prepared and the City will begin providing services immediately.

Mayor Jones declared the public hearing open with regard to agenda item 1 and asked if anyone wished to address this item. There being no comments, Mayor Jones closed the public hearing.

Motion by Mayor Pro Tem Patsy Luna to adopt ordinance on first reading, with second reading scheduled for December 12, 2007, seconded by Councilmember Tony Jeter.

Motion passed unanimously.

2. (A) Receive a briefing from the City Manager, discuss and make recommendations for the schedule and process for the annexation proceedings currently underway for Areas A-D; and

David Blackburn, City Manager, reviewed his memo to Council regarding tomorrow's onsite annexation public hearings. He also provided the Council with copies of letters and emails sent to property owners asking questions at the first public hearings. The FAQ document and Service Plans are being updated and will be available for tomorrow's public hearings. The FAQ will also be posted on the City's web site later today. The annexation calendar has also been modified to move the first reading and final public hearing of the annexation ordinance to January 10th, 5:00 p.m., Mayborn Civic Center, and the second and final reading to January 11th, 8:00 a.m.

Next, Mr. Blackburn reviewed his suggested format for the second round of annexation onsite public hearings. He suggested having several tables set up with information, manned by staff, to allow those in attendance to go to with their specific questions. Approximately 15-20 minutes could be allotted for this, followed by comments from the City Manager relating to some of the more frequently asked questions. Next, Mr. Graham can provide a brief overview of the legal process relating to annexation and discuss the changes to the development agreement and the time extension for executing the agreements. Following these comments, the Mayor can then open the public hearing to receive comments. As in the first public hearing, Mr. Blackburn suggested comments only be received, with no direct response from staff or Council.

(B) Receive a briefing from the City Attorney, and discuss the status and terms of development agreements in lieu of annexation offered by the City to property owners in Areas A-D whose properties are appraised by the Bell County Appraisal District as agricultural, timber land, or wildlife management.

Jonathan Graham, City Attorney, stated the new legislation that created the requirements to offer certain property owners development agreements is silent on many areas and there is no history of what others are doing. The due date for the execution of the agreements was tied to the first reading of the annexation ordinance. We are required to conduct two public hearings within the 20-40 day window prior to the first reading of the ordinance. Staff needs time to modify boundary descriptions prior to the first reading. By moving the first reading to January 10th, we are able to extend the due date for execution of the development agreements to December 31st.

Mr. Graham also explained the current agreement does not allow construction of buildings except one accessory building. He is recommending the agreement be amended to allow the construction of one single family residence or the replacement of one home, as well as construction of multiple accessory buildings. The City can require development regulations for these areas as long as they do not interfere with the agricultural use. We need to determine what regulations will apply following completion of the annexation process. We are recommending that building permits be required as a means to track with is occurring on the property. With Council concurrence, Mr. Graham stated postcards will be mailed to property owners that are eligible to execute development agreements notifying them of

these changes.

Mr. Graham also discussed several areas the staff would recommend be removed from various study areas, one being in the southwest corner of Study Area B, where two tracts are bisected by ETJ. Another is in Study Area A, Hahn Lane, where the neighborhood is split by the annexation boundary. The area adjacent to the VFW Post in Area A is also part of a neighborhood to the south and is recommended for removal from the study area. Mr. Graham asked Council to let staff know if there are other areas to be removed from consideration.

William A. Jones, III, Mayor

ATTEST:

Clydette Entzminger City Secretary

SPECIAL MEETING OF THE TEMPLE CITY COUNCIL

DECEMBER 12, 2007

The City Council of the City of Temple, Texas conducted a Special Meeting on Wednesday, December 12, 2007 at 8:00 am in the City Council Chambers, 2nd Floor, Municipal Building, 2 North Main Street.

Present:

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

Councilmember Schneider voiced the Invocation and Councilmember Jeter led the Pledge of Allegiance.

- 1. SECOND READING Consider adopting an ordinance authorizing the voluntary annexation of three tracts of land in the vicinity of Witter Lane and Forrester Road, known as the Witter Lane Voluntary Annexation:
 - (A) Central Texas Christian School tract—approximately 39.2 acres

(B) H. A. Johnson tract—approximately 22.3 acres

(C) VB Connected, LTD. tract—approximately 44.5 acres

Jonathan Graham, City Attorney, stated petitions from property owners were received by the City in October for the voluntary annexation of these tracts. The petitions were accepted and two public hearings have been conducted prior to initiating annexations proceedings yesterday. Since the petitions meet the state law requirements for voluntary annexation, Mr. Graham recommended approval of the ordinance.

Motion by Mayor Pro Tem Patsy Luna to adopt ordinance on second and final reading, seconded by Councilmember Russell Schneider.

Motion passed unanimously.

2. Conduct on-site public hearings.

Mayor Jones stated the Temple City Council would depart the Municipal Building to conduct on-site public hearings in growth management study areas being considered for City initiated annexation. These public hearings will be conducted at the following locations at the times noted.

9:00 A.M. - VETERANS OF FOREIGN WAR POST 10377, 4 WOODLAND TRAIL AREA A (COMMENTS ON THIS AREA ONLY) Approximately 0.9 square miles located west of the current City limits along a line generally following FM 2305 and extending to Temple Lake Park.

11:00 A.M. -VACANT LAND LOCATED ALONG FM 2483, APPROXIMATELY 2100 FEET WEST OF INTERSECTION OF FM 2483 AND SH 317 AREA B (COMMENTS ON THIS AREA ONLY) Approximately 1 square mile located west of the current City limits in the proximity of FM 317 north of FM 2305 and south of SH 36

1:30 P.M. - VACANT LAND LOCATED AT CORNER OF SH 317 & CEDAR CREEK ROAD AREA C (COMMENTS ON THIS AREA ONLY) Approximately 5.4 square miles located northwest of the current City limits in the proximity of SH 36 toward Lake Belton and north and west of Draughon-Miller Regional Airport.

3:30 P.M. - 8060 BREWSTER ROAD AREA D (COMMENTS ON THIS AREA ONLY) Approximately 2.6 square miles located north of the current City limits in the proximity of an area east of the BNSF rail line and north of Moore's Mill Road and west of I-35.

At each area, Mayor Jones opened the meeting and introduced the Council and staff present. He then outlined the procedure to be followed for this public meeting. The final public hearing will be held on Thursday, January 10, 2008, 5:00 p.m.,. at the Mayborn Convention Center.

For approximately 15-20 minutes, question and answer sessions were conducted at several tables set up and manned by City Staff. Following that, David Blackburn, City Manager, discussed some of the reasons for the annexation and addressed some of the common questions and issues. Next, Mr. Graham, City Attorney, talked about the legal process of annexation and the changes in the development agreements. Mayor Jones then opened the public hearing in each area, noting that speakers would be called from speaker cards submitted. Questions and comments were received, with no responses given from Council or Staff. The following is a summary, by Area, of the comments either made at the meeting or submitted on speaker cards. Time allowing, staff returned to the information tables following the public comment period to field specific questions.

AREA A

The following spoke at the public hearing:

Sonya Jutzy, 13650 Rocky Lane, Belton, TX 76513, 780-1688: They live on a small road and Eagle Landing subdivision is across the road from the (Rocky Lane). She has her own water system and won't get wastewater in her lifetime. The City says it wants to control development but there is no development on Rocky Lane. They don't want to be developed and all property owners refused to sell out to the

developers of Eagle Landing. You are annexing people, not just property. Why couldn't they have three years notice? None of the 40 properties in Eagle Landing were counted or that would have put the total over 100. They will have to get a permit to burn if annexed. It would be an extreme hardship on her to take brush to the road to be removed by the City. The City would have to blast through the rock to install a sewer. This annexation is happening too quickly and the exclusion of the Eagle Landing houses have subverted them from being included in a three year plan. She pleaded for Rocky Lane to be exempted from the annexation.

Samuel E. Kaiser, 176 Maple Trail, Belton, TX 76513, 780-2185, skaiser@vvm.com: *Ref. Question 3 in FAQ – who, by name, asked for additional services in Area A? Ref. Question 17 in FAQ, who, by name or firm, will benefit financially by this annexation of Area A?* These were not answered in the FAQ.

Michael Kemmons Drake, 12718 FM 2305, Belton, TX 76513, 780-1517: His property has been in the family over 100 years. How come Birdsong Lane won't be maintained? What about a water line? He is 'crazy mad' and doesn't want to be annexed.

John W. Hagel, Jr., 122 Eagle Landing Drive, Belton, TX 76513, 780-9022, j.hagel@sbcglobal.net: What is the process to prevent the annexing of Area A? Were Eagle Landing homes counted in the initial survey?

Sara Dawkins, 12714 FM 2305, Belton, TX 76513, 780-2726, sdawkins7777@yahoo.com: How will this affect existing septic systems? Does anyone on the Council have personal involvement in any present or future development in Area A? Is this a 'done deal'? What can stop this? She stated she is not totally opposed to the annexation but what can the City offer her?

Randy Pittenger, 292 Woodland Trail, Belton, TX 76513, 780-1283, rpittenger@aol.com: Oppose involuntary annexation in principle. Concern regarding encroachment into Woodland trails neighborhood. Split Neighborhood. Time line/plan for further annexation of Woodland Trails? Concern regarding fire protection – stretched too far for Station #7. City utilities – it was stated that services are already being provided. However, as stated in Question #64 water is a "rate based service, not supported by property taxes.

Shelly Buuck. 331 Woodland Trail, Belton, ТХ 76513. 780-3502. buucks@hotmail.com: We do not wish to be annexed! If annexation does occur. when will it take place? If annexation does occur, what is the time line for infrastructure improvements? Specifically sewer? Why is there an attempt to annex seven residential properties from the Woodland Trails subdivision? After reading FAQ #59 and realizing that there are no plans to extend sewer services to the west now I'm really curious why you are attempting to annex our property? Will the police/fire communications system allow them to know where to go in an emergency?

The following submitted written comments but did not speak at the public

hearing:

Janice Bell, 7088 Ross Cole Lane, Temple, TX 76501, 986-2557: *I am strongly against this City annexation. I am a small business owner and all this is going to do is hurt the small business owner. Do you like hurting the small person? I will not benefit anything except higher taxes. I put my business here to be out of the City limits. Stop the annexing!! This is no benefit only higher taxes!*

Brett Matney, 579 Benchmark Trail, Belton, TX 76513, 780-9449: Did not speak at public hearing; indicated Mayor has already answered his question.

Jo Parmer, 325 Woodland Trail, Belton, TX 76513, 541-8026: 1. We do not want to be annexed! We live on (2nd) Wood Trail and do not think it is fair that we would pay higher taxes than our neighbor 4 houses down. Say, if we put our house up for sale and guy down the street has his house up for sale, obviously people are going to be more interested in the house that does not have higher city taxes! 2. Sewage lines are going to cost us more money as we have to take care of that ourselves. 3. Fire Department (West Adams) and EMS (Scott & White) would easily take up to 15 min. to get to our house, if not longer! This is way too long. Morgans Point and Belton are closer. 4. You have no plans to build new police dept. or fire/ambulance. We have to take care of sewage lines ourselves and pay a tap fee. Water stays the same. Seems that we are not getting much, if anything, out of this annexation, but the City of Temple get plenty. Again, we do not want to be annexed!

John and Gladine Starling, 14066 Hahn Lane, Belton, TX 75613, 780-1202: Submitted the following letter: *It appears that only 3 homes in our neighborhood were included in Study Area A for annexation, and a large number of homes closer to the current Temple city limits were skipped over. In the interest of fairness, we are requesting that you remove our property (14066 Hahn Lane) from Study Area A. Thanks for considering this request.*

Woodland Trail Country Store (Fina) Azmi Alsadi, 2 Woodland Trail, Belton, TX 76513, 780-1332, 780-9890, 780-9033, 231-1760, alsadi-family@hotmail.com: / would like to be in city of Temple.

AREA B

The following spoke at the public hearing:

Jerry Cross, 1213 Woodcock, Robinson, TX 76706-5438, 254-662-0247, crossranch.2@juno.com: The map has been changed, why the crooked line? His property is agricultural and he will execute the development agreement. He is building a lodge on the property, which he started about three years ago.

Mr. Graham explained the boundary is crooked because that is the ETJ line with Morgan's Point. He also explained the deadline to execute the development agreement has been extended to December 31st and he reviewed the other changes

in the development agreement, as well as how to complete the Affidavit of Use for his property.

James Cross, 10737 FM 2483, Belton, TX 75613, 780-3745: He asked if he has to list everything on the Affidavit that is on his property. He stated there is no easement to this land, it is landlocked by the surrounding subdivisions. They have a private road easement through the Watts property.

Mr. Graham stated all improvements currently on the land need to be listed on the Affidavit. The term of the agreement is for 12 years but an extension can be requested at the end of the first 12-year term. Mr. Dolan explained the City now requires stub out streets through subdivisions now to ensure access in the future.

AREA C

The following spoke at the public hearing:

Alice Fellers, 5555 Cedar Ridge Park Road, Belton, TX 76513, 986-8116, alfellers47@yahoo.com: She stated she appreciated the responses but FAQ #8 indicates it is up to the Council to decide whether they are annexed. What choice do they have? She hasn't heard anyone who wants to be annexed and she asked for a show of hands of those who do want to be annexed (no hands raised). How can we influence the process?

Louis Griffin, 33 Lake Forest Drive, Belton, TX 75613, 780-1560: What air noise restrictions (Airport) are being considered for this annexation? Why is the term of the development agreement restricted to 12 years instead of 15 years as allowed by state law. Can I build a house?

Mr. Graham provided Mr. Griffin with a copy of the revised development agreement and indicated he could construct a new home on his property.

Walter Jerry Fellers, 5555 Cedar Ridge Park Road, Belton, TX 76513, 986-8116, WJF_Kidsatm@yahoo.com: He likes to burn brush on his property. The City won't be able to get to his property to pick up brush. He won't get any City services. Why not take the road when taking the property?

Louis Griffin, Jr., 14022 SH 317, #900, Temple, TX 76501, 290-8209; canlovkids@aol.com: If there will be no decision by the Council until January shouldn't they wait until after the ordinance is adopted before signing the development agreements. Council could change the agreements after they are executed. He stated he lives one mile off of SH 317. There are no fire hydrants and tankers will be needed for fire protection. There is not adequate fire protection for this area.

Sally Coleman, 9876 W SH 36, #800, Belton, TX 76513, 986-1410: The Corps of Engineer property is located next to hers. Will hunting be allowed? Is there anything specific regarding the Corps property? If a permit is required to burn, how long is the

permit good for -1 day, 1 week, or is a permit needed each time they burn? Can they get a refund if a burn ban is put into place? It would be a great hardship for them to haul their brush to the road for the City to pickup.

Carl Grisham, 4191 Airport Trail, Temple, TX 75604, 718-6502: City said they have met the commitments of the previous annexation but they haven't. City said they would start the sewer line within 2 years and finish in 4 years but they are just now starting the sewer project. There are not street lights at intersections as promised. The question in the FAQ was not answered honestly. Regarding FAQ #63, they won't have a choice but to continue with the rural water provider, which will cost more.

Mark Insko, 8130 Cedar Creek Road, Belton, TX 76513, 535-1500, minsko@clearwire.net: Services you provide to us we already have. All we getting will be taxes.

The following submitted written comments but did not speak at the public hearing:

John & Youlanda Hille, 14855 SH 317, Temple, TX 76504, 986-1163, john@jhille.com: I would like to be informed about the process via email.

Virgel Smith, 4526 Lakeview, Belton, TX 76513, 939-6247: The green and yellow map is showing a section of land that is labeled non-ag. That is an error. All my land is ag exempt. (#108623 property ID)

Lafonda Wilsey, 13202 Capstan, Temple, TX 75602, 760-0336, lafonda@embarqmail.com: I would like to have a written copy of all questions/answers and updates to the service plan. Thank you.

Ms. Wilsey told Shannon Gowan she is the manager of the Moffat Water Supply and needs all the service plans and questions for their engineer.

AREA D

The following spoke at the public hearing:

Tanya Altum, 2962 FM 1237, Temple, TX 76501, 899-1000, tanyag@clearwire.net: December 11 Temple paper states land agreement is 14 years. Our papers state 12. Which is it? Will they remain in the Troy school district?

Harold Lesikar, 7323 Brewster Road, Temple, TX 76501: Question on burning brush.

Royce Oliver, 2391 FM 1237, Temple, TX 76501, 770-1538: *City ordinance does interfere with current use of some property. How will it be addressed?* What about livestock within 150' of another residence not inhabited by property owner? Which is correct City ordinance or HB 1472?

Following the conclusion of the public hearing in Area D, the City Council returned to the Municipal Building to adjourn the Special Called Meeting of the Temple City Council. No action was taken.

ATTEST:

William A. Jones, III, Mayor

Clydette Entzminger City Secretary



COUNCIL AGENDA ITEM MEMORANDUM

12/20/07 Item #5(E) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Sharon Rostovich, Airport Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing a one year extension to the lease agreement with Wings Over Texas Aviation, Inc., for the rental of a hangar for the purpose of operating a flight training and aircraft rental service business at the Draughon-Miller Central Texas Regional Airport.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The Wings Over Texas Aviation lease will expire on January 31, 2008.

On January 18, 2007, the City approved a one year lease agreement with Wings Over Texas Aviation, Inc., for the purpose of establishing and operating a flight training and aircraft rental service business and other general aviation services at the Draughon-Miller Central Texas Regional Airport. The lease with Wings Over Texas allows the City Council the right to extend the lease for one additional year as it deems in the best interest of the City. Wings Over Texas would like to continue to provide the flight training and aircraft rental services on the Airport through January 31, 2009.

Wings Over Texas has demonstrated in the first year of the lease that they are capable of operating an effective and productive flight training and aircraft rental service business on the Airport; therefore, staff recommends that a one year extension to the Wings Over Texas Aviation, Inc. lease be approved to run through January 31, 2009.

FISCAL IMPACT: The Airport will receive \$6,000 in hangar rent plus additional revenue from increased flight activity and fuel sales.

ATTACHMENTS:

Resolution

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE YEAR EXTENSION TO THE LEASE AGREEMENT WITH WINGS OVER TEXAS AVIATION, INC., FOR THE RENTAL OF A HANGAR FOR THE PURPOSE OF OPERATING A FLIGHT TRAINING AND AIRCRAFT RENTAL SERVICE BUSINESS AT THE DRAUGHON-MILLER CENTRAL TEXAS REGIONAL AIRPORT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on January 18, 2007, the City Council approved a one year lease agreement with Wings Over Texas Aviation, Inc., for the purpose of establishing and operating a flight training and aircraft rental services business and other general aviation services at the Draughon-Miller Central Texas Regional Airport;

Whereas, Wings Over Texas requested a one year extension to the lease to continue to provide flight training and aircraft rental services on the Airport through January 31, 2009;

Whereas, the Staff recommends approving the lease extension because Wings Over Texas has demonstrated in the first year of the lease that they are capable of operating an effective and productive flight training and aircraft rental service business on the Airport; and

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

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

<u>**Part 1:**</u> The City Council authorizes the City Manager, or his designee, to execute a one year extension to the lease agreement between the City of Temple, Texas, and Wings Over Texas Aviation, Inc., after approval as to form by the City Attorney, for the rental of a hangar for the purpose of operating a flight training and aircraft rental services business at the Draughon-Miller Central Texas Regional Airport.

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

PASSED AND APPROVED this the **20th** day of **December**, 2007.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

APPROVED AS TO FORM:

Clydette Entzminger City Secretary

ATTEST:

Jonathan Graham City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

12/20/07 Item #5(F) Consent Agenda Page 1 of 3

DEPT./DIVISION SUBMISSION & REVIEW:

Kim Foutz, Assistant City Manager

ITEM DESCRIPTION: Consider adopting a resolution authorizing an agreement with PKF Consulting of Houston, Texas to perform a market and financial feasibility study for a mixed use development in downtown Temple including a possible hotel and performing arts theater for an amount not to exceed \$69,500.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: As you may recall, last summer the Hawn Hotel Feasibility Committee recommended that a feasibility study be conducted to determine the highest and best use for all properties within the block bounded by Central Avenue, Adams Avenue, 2nd Street, and 4th Street. The Committee recommended that the study include an evaluation of the feasibility of the Hawn being developed as a boutique hotel and evaluate the feasibility of the area as a performing arts complex.

Astin Redevelopment group, the group that was recommended by the Committee to redevelop the Hawn Hotel, has agreed to extend their development proposal for the duration of the feasibility process. This extension included the time it took to conduct an RFP for professional services, performance of the feasibility study, plus the time period necessary for all parties to review the report. The Committee also recommended that the City delay entering into contract negotiations until this process is complete.

It was the opinion of the Committee that, although the Hawn and Arcadia buildings are owned separately and would be addressed separately, the redevelopment of the properties are inseparable. They indicated that one redeveloped and the other in a state of disrepair would jeopardize any project. The Committee, therefore, recommended the City undertake a feasibility study which includes both properties and adjacent areas. With the City being the sponsor of such a study, the Committee believed the conclusion reached would be more objective.

12/20/07 Item #5(F) Consent Agenda Page 2 of 3

In close cooperation with the Hawn Subcommittee, the City issued an RFQ for a market and financial feasibility study for mixed use development including a possible hotel and performing arts theater. In November a committee comprised of staff and Hawn Committee members (Clay Roming and John Kiella) reviewed four proposals and conducted an interview with its top selection. Based on the written proposal and interview, the Hawn Subcommittee recommends selection of PKF Consulting, in cooperation with CDS Market Research of Houston, as the most qualified firm to do the study. Collectively these two firms have extensive experience working with Texas cities and other cities throughout the nation on similar projects.

The detailed proposal scope and methodology as submitted by PKF and CDS is attached. A summary of the scope of services is as follows:

Hotel

- Interview key representatives of the City and the business community
- Perform research using available planning materials and other census-related, economic, demographic, and transportation data
- Prepare financial projections of estimated annual revenues and expenses for a subject hotel for the first 10 years of operation
- Prepare a written detailed report of conclusions and recommendations
- In the event the hotel is found not to be feasibile, the consultants will provide a highest and best use analysis for the property

Performing Arts Theater

- Assess the needs of the performing arts community through surveys and interviews
- Estimate the future performance of the Arcadia for the first five years of operation
- Prepare financial projections of estimated annual revenues and expenses for the performing arts theater for the first 10 years of operation
- Prepare a written detailed report of conclusions and recommendations
- In the event the theater is found not to be feasibile, the consultants will provide a highest and best use analysis for the property

Mixed Use Analysis: Retail, Office and Residential Uses

- Prepare an assessment of the market potential for mixed-uses
- Evaluate the short and long term demand for each of the uses and assess likely future supply of developed properties
- Incorporate the implications of the hospitality use on potential mixed use development
- Assess the potential for redevelopment/reuse of the properties within the block and a half Economic Impact Analysis
- Coordinate the elements of all the study areas into one final report
- Indicate total economic impact as a result of new direct and indirect spending within the local economy

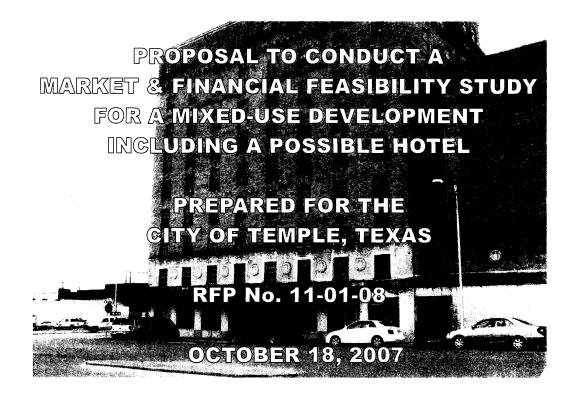
This firm will conduct extensive interviews with existing hoteliers, representatives of the arts community, and real estate professionals who list property in the downtown area.

The timeline for completion is 120 days from issuance of the notice to proceed.

FISCAL IMPACT: A budget amendment is presented for Council's approval appropriating \$69,500 from the General Fund's Designated for Capital Projects-Unallocated Fund Balance, account 110-0000-352-1345, to account 351-1100-513-2616, Professional Services, to fund the agreement with PKF Consulting for the Hawn Hotel, Arcadia and entire block feasibility study. No funding is currently designated for any improvements within this area.

ATTACHMENTS:

Proposal Scope and Methodology Budget Adjustment Resolution



PROJECT TEAM: PKF CONSULTING & CDS MARKET RESEARCH

CONTACT PERSON:

JOHN M. KEELING PKF CONSULTING 1100 LAMAR, SUITE 400 HOUSTON, TEXAS 77002 (713) 621-5252 EXT 20 FAX: (713) 728-6962



INTRODUCTION

This section of the proposal outlines the work steps that will be used to complete the market and financial feasibility study for the mixed-used development in downtown Temple, Texas. The scope of work has been divided into three sections based on type of use: hotel, performing arts theater, and retail, office and residential uses. An additional section for the economic impact of the total project is presented following these three sections below. PKF Consulting will be responsible for the hotel and performing arts theater analyses and the overall economic impact analysis, while CDS Market Research will be responsible for the retail, office and residential analyses.

BACKGROUND

As we understand, the City of Temple is interested in the economic feasibility, financial viability and highest and best use for redevelopment of 1-1/2 city blocks located in Downtown Temple bounded by 2nd Street, Central Avenue, Adams Avenue and 4th Street, as well as a surface parking lot across 4th Street. The City would like an analysis of the feasibility of multiple uses but are most interested in a comprehensive analysis of a proposed hotel and performing arts theater/complex.

The City of Temple purchased the former historic Hawn Hotel with the intent of attracting a developer to restore and redevelop the building back into a hotel. The City has indicated that it has a private sector proposal for hotel redevelopment, subject to the outcome of the feasibility study. Additionally, the City would like explore the redevelopment of the historic Arcadia Theater, which is attached to the Hawn Hotel, into a performing arts theater. The theater is currently owned by a local arts group.

The City's goals for this redevelopment project are, as follows:

- Rehabilitate the historic Hawn Hotel and Arcadia Theater buildings.
- Increase pedestrian and visitor activity in Downtown Temple.
- Create an "anchor" for future downtown development.
- Develop a successful, attractive and unique project.
- Expand the tax base and generate economic impact.
- Create employment opportunities.
- Incorporate the surrounding resources with compatible uses.

HOTEL

Phase 1 - Market Study

- Review any available planning materials relative to the project and the historic Hawn Hotel. Such materials could include site plans, preliminary drawings, proposed facilities programs, market and financial projections, and other data.
- Meet with the City and its associates prior to commencing fieldwork in order to better understand the site, market, concept and project details. At this meeting, we will discuss any questions related to the aforementioned topics and obtain additional input from you that confirms or amends our understanding of the details of the project and provides additional pertinent information.

SCOPE AND METHODOLOGY

- Inspect the subject site and the surrounding area to determine its impact on the
 performance of the subject hotel. Such determinations will not include any
 engineering or environmental considerations, but will encompass an evaluation
 of site accessibility, visibility, aesthetic appeal, location in relation to supply and
 demand, proximity to food and beverage facilities and demand generators, and
 physical characteristics which might affect the marketability of the subject hotel.
- Assemble and review economic, demographic, real estate and transportation data pertaining to the Temple area in general and the downtown area in particular to evaluate the present economic climate and future growth potential, particularly as it relates to lodging demand.
- Interview key representatives of area government and the business community to discuss the market potential and operation of the subject hotel.
- Develop a census of competitive lodging facilities for the subject hotel. This census will include the following data:
 - Name / brand / management
 - Location
 - Date opened or last renovated
 - Facilities
 - Rate structure
 - Services and amenities
- Interview representatives of the competitive hotels regarding their properties and historic, current and expected future hotel market conditions.
- To the extent the information is available, identify other proposed lodging developments to assess their probability of completion and the degree to which they will compete with the proposed subject hotel.
- Identify key sources of area lodging demand, including but not limited to, major corporations and businesses, tourist attractions, meeting/training facilities and public sector entities.
- Determine the current competitive market demand for rooms and the share of market demand that is generated by individual business travelers, group meetings, leisure demand and any other identifiable segments.
- Quantify competitive market supply, demand, occupancy, ADR and RevPAR for the prior five year period and year to-date.
- Identify seasonal and day of week variations in lodging demand and room rate present in the market.
- Recommend the brand, size and type of hotel facilities and amenities for the subject hotel that would be appropriate to meet the identified needs of the market.

- Estimate the future performance of the competitive hotel market for the first five years of operation of the subject hotel.
- Estimate the future competitive position of the subject hotel based upon a consideration of location, brand, extent and quality of facilities, rate structure, management, marketing and other factors.
- Estimate the average annual occupancies and attainable ADR and RevPAR for the subject hotel over its first five-year period of operation.
- Meet with you and/or your associates to present key data and analysis for your review and discussion.

Upon your approval of our Phase 1 conclusions, we would proceed with Phase 2.

Phase 2 – Financial Projections

- Prepare estimates of annual revenue and expenses for the subject hotel to the point of cash flow from operations available for debt service and income taxes for the first 10 years of operation. The bases for the prospective financial analysis and key assumptions underlying inflation estimates will be indicated in the financial section of the report.
- Meet with you and/or your associates via teleconference to discuss these estimates.

Upon your approval of our Phase 2 conclusions, we would proceed with Phase 3.

Phase 3 – Written Report

The written report will be either one report that incorporates all of the potential uses or individual reports for each use depending on the outcome of the research for each component and the needs of the City of Temple. We have separated the reports for purposes of this proposal.

- Prepare a detailed report outlining our conclusions and recommendations concerning the project. The report will be presented in a format generally acceptable to major sources of debt and equity financing, credit rating agencies, and franchise and management organizations. Though the exact format of the report will evolve as the engagement progresses, the following probable section headings provide an outline of the expected final report.
 - o Introduction
 - Executive Summary
 - Area Economic/Demographic Review
 - Project Description
 - Competitive Hotel Supply and Demand
 - Recommended Facilities
 - Estimated Subject Hotel Performance
 - Prospective Financial Analysis

PERFORMING ARTS THEATER

Phase 1 – Market Study

- Review any available planning materials relative to the project and the historic Arcadia Theater. Such materials could include site plans, preliminary drawings, proposed facilities programs, market and financial projections, previous performing arts studies and other data.
- Meet with the City and the owners of the Arcadia Theater prior to commencing fieldwork in order to better understand the facilities, market, concept and project details. At this meeting, we would like to discuss the potential renovation and utilization of the theater, Temple performing arts community, existing performing arts/community facilities, key contacts within the performing arts community and appropriate means for assessing the needs of the performing arts community.
- Tour the Arcadia Theater and other existing performing arts facilities to get a better understanding of the potential that the Arcadia Theater has in meeting the needs of the performing arts community.
- Evaluate the location of the Arcadia Theater in Downtown Temple relative to the surrounding area, existing performing arts venues and its access to the Temple community.
- Assess the needs of the performing arts community. Based on the number of
 performing arts organizations in Temple, we would utilize surveys, a meeting of
 the various organizations and/or individual interviews with key organizations to
 assess the needs of the community and the extent to which the Arcadia meeter
 can meet those needs. We would need the City of Temple to provide a list of the
 representatives of the performing arts organizations and existing facilities and to
 facilitate the involvement of these contacts in our study.
- Interview existing performing arts venues to establish an inventory of facilities, identify the strengths and weaknesses of these facilities, determine the unmet needs, understand the cost structure for performing arts groups, determine the utilization of existing facilities and to understand the potential role of the Arcadia Theater in the overall performing arts community.
- Evaluate comparable performing arts venues in similar size cities to be used as a benchmark in evaluating the recommended facilities for the Arcadia Theater.
- Recommend the size and type of performing arts facilities that would be appropriate to meet the identified needs of the performing arts community and the extent to which Arcadia Theater would be able to meet those needs.
- *** ***

SCOPE AND METHODOLOGY

- Estimate the future performance of the Arcadia Theater for the first five years of operation, including the potential number and types of performances. We would work with the current owners of the Arcadia Theater and/or any other performing arts representatives that are recommended by the City of Temple to develop these estimates.
- Meet with you and/or your associates to present key data and analysis for your review and discussion.

Upon your approval of our Phase 1 conclusions, we would proceed with Phase 2.

Phase 2 – Financial Projections

- Prepare estimates of annual revenue and expenses for the performing arts theater to the point of cash flow from operations available for debt service and income taxes for the first 10 years of operation. Once again, we would work with the current owners of the Arcadia Theater and/or any other performing arts representatives that are recommended by the City to develop these estimates to assure their reasonableness.
- Meet with you and/or your associates via telecommunications to discuss these estimates.

Upon your approval of our Phase 2 conclusions, we would proceed with Phase 3.

Phase 3 – Written Report

The written report will be either one report that incorporates all of the potential uses or individual reports for each use depending on the outcome of the research for each component and the needs of the City of Temple. We have separated the reports for purposes of this proposal.

- Prepare a detailed report outlining our conclusions and recommendations concerning the project. The report will be presented in a format generally acceptable to major sources of debt and equity financing, credit rating agencies, and franchise and management organizations. Though the exact format of the report will evolve as the engagement progresses, the following probable section headings provide an outline of the expected final report.
 - o Introduction
 - Executive Summary
 - Project Description
 - Existing Performing Arts Facilities
 - Needs of the Performing Arts Community
 - Recommended Facilities
 - o Estimated Performance
 - Prospective Financial Analysis

RETAIL, OFFICE, AND RESIDENTIAL USES

- Participate in initial and final meetings in Temple
 CDS Team will participate in the initial meeting and report presentation in Temple
- Gather area population, demographics & economic data

 Information relevant to the historic and current drivers for the retail, office and residential markets will be gathered and analyzed
 - \circ Project trends for 5 and 10-year futures (with/without the Texas T-Bone High Speed Rail)
- Gather information on area and downtown office, retail and multi-family market trends

 \circ Gather information on past trends in the Temple area for each use as available including retail sales, absorption of space, occupancy levels, and rents if available.

 $\circ\,$ Contact retail establishments in Temple downtown to assess recent sales trends

• Contact office building owners to assess supply and demand

 $\circ\,$ Gather information on competitive downtown multi-family housing projects – market rate, tax credit and other subsidized.

Interview key stakeholders - officials, business owners, brokers, developers

 Work with City officials to identify 30-35 key individuals with knowledge of
 Temple real estate markets including City officials, business owners, real estate
 brokers and developers.

Prepare discussion guides for the interviews

• Arrange and conduct approximately 20 interviews

Prepare an assessment of the market potential for mixed-uses

Evaluate the short and long-term demand for each of the uses

Assess the current and likely future supply of developed properties

 Incorporate the implications of the hospitality use potential toward integration of potential residential and commercial uses into the mixed-use environment

 $\circ\,$ Assess the potential for redevelopment/reuse of the properties within and adjacent to the study area

Coordination of final report

• Compile all of the results into a final draft report

• Receive comments and make changes for the Final Report

SCOPE AND METHODOLOGY

ECONOMIC IMPACT

Total economic impact is a product of new direct and indirect spending within the local economy. New direct spending comes from construction wages paid and materials purchased in the local economy, new employee spending and new visitor spending. Each dollar spent (direct) has a multiplied effect on the economy in the form of increased revenues to local businesses, increased employment and increased wages (indirect). These direct and indirect expenditures represent the total impact to the economy.

Following the completion of the analysis of the feasibility of each of the potential components, we will prepare an economic impact analysis for the total project. Our analysis will be presented in a separate section of the final report or as a separate document depending on the results of the analyses and the needs of the City.

MEETINGS

Upon notification of contract award, the PKF and CDS team would request an initial meeting with the appropriate points of contact involved in the project, as outlined above. In addition to the kick-off meeting, we would meet with the City and other designated groups to discuss our preliminary results at the end of Phase 1 and again to discuss our draft report. We would also be available to make a presentation of our findings to the City Council. While we would be pleased to have additional meetings, we have not budgeted for such meetings and they would be billed at our standard hourly rates.

FY	2008

BUDGET ADJUSTMENT FORM

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

				+		-						
ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	IN	CREASE		DECREASE						
351-1100-513-26-16		Professional Services	\$	69,500			Γ					
351-0000-490-25-82		Transfer in - General Fund		69,500								
110-9100-591-81-51		Transfer out-Capital Projects Fund		69,500			Γ					
110-0000-352-13-45		Des Capital Projects-Unallocated				69,500						
		DO NOT POST										
OTAL												
account are available.	JUSTMEN	FREQUEST- Include justification for increase	es ANI	D reason wh	ny fu	inds in decrease	ed					
	ck feasibility	600 needed for the agreement with to fund a pr study. The total of the services are not to exce ed.										
DOES THIS REQUEST REQ DATE OF COUNCIL MEETIN		CIL APPROVAL? X 12/20/2007	Yes		No							
WITH AGENDA ITEM?		X	Yes		No							
Department Head/Division	n Director	Date			Dis	proved approved						
Finance		Date				oroved approved						
City Manager		Date				proved approved						

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN AGREEMENT WITH PKF CONSULTING OF HOUSTON, TEXAS, TO PERFORM A MARKET AND FINANCIAL FEASIBILITY STUDY FOR A MIXED USE DEVELOPMENT IN DOWNTOWN TEMPLE INCLUDING A POSSIBLE HOTEL AND PERFORMING ARTS THEATER FOR AN AMOUNT NOT TO EXCEED \$69,500; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, in close cooperation with the Hawn Hotel Feasibility Committee the City issued an RFQ for a market and financial feasibility study for mixed use development in Downtown Temple including a possible hotel and performing arts theater;

Whereas, in November, a committee comprised of Staff and Hawn Committee members reviewed 4 proposals and conducted an interview with its top selection – based on the written proposal and interview, the committee recommends selection of PKF Consulting of Houston, Texas, as the most qualified firm to do the study;

Whereas, funds are available for this project, but an amendment to the FY2007-08 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 an agreement, for a cost not to exceed \$69,500, with PKF Consulting of Houston, Texas, after approval as to form by the City Attorney, to perform a market and financial feasibility study for a mixed use development in downtown Temple including a possible hotel and performing arts theater.

Part 2: The City Council approves an amendment to the FY2007-2008 budget, substantially in the form of the copy attached as Exhibit A, for this purpose.

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

PASSED AND APPROVED this the **20th** day of **December**, 2007.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

APPROVED AS TO FORM:

Clydette Entzminger City Secretary

ATTEST:

Jonathan Graham City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

12/20/07 Item #5(G) Consent Agenda Page 1 of 3

DEPT./DIVISION SUBMISSION & REVIEW:

Belinda Mattke, Director of Purchasing Sam Weed, Fleet Superintendent

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of 18 various vehicles in the amount of \$366,021.70 from the following vendors:

- 1. Sam Pack's Five Star Ford, Carrollton, Texas three vehicles in the amount of \$32,802;
- 2. Grand Prairie Ford, Grand Prairie, Texas thirteen vehicles in the amount of \$292,230;
- 3. Fisher Vincent Ford, Belton, Texas one vehicle in the amount of \$18,498.70; and
- 4. Caldwell Country Chevrolet, Caldwell, Texas one vehicle in the amount of \$22,491.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On November 13, 2007, the City received bids from six various vendors as shown on the attached nine bid tabulations. Staff recommends award of the bids as follows:

1) Sam Pack's Five Star Ford:

Tab #	Description	Qty	Account	Project #	Budget	Recommended Bid
1	Facility Services: 1/2 ton mid-size pickup (replaces assets 9809, 9795, & 9990)	3	110-5924-519-6213	100267	\$48,000.00	\$32,802.00

The City has not done business in the past with Sam Pack's Five Star Ford. Staff checked references, and all were satisfactory.

2) Grand Prairie Ford: Bid

Bid Tab				Project		
#	Description	Qty	Account	#	Budget	Recommended Bid
2	Construction Safety: 1/2 ton full size pickup (replaces asset 9987)	1	110-5900-524-6213	100277	\$18,000.00	\$15,007.00
2	Code Enforcement: 1/2 ton full size pickups (fleet additions)	2	110-5900-524-6213	100278	\$36,000.00	\$30,014.00
2	Water Metering: 1/2 ton full size pickup (fleet addition)	1	520-5300-535-6213	100311	\$19,162.00	\$16,757.00
4	Streets: 3/4 ton full size pickups (replaces assets 10361 & 10362)	2	110-5900-531-6213	100279	\$43,500.00	\$36,452.00
5	Water Distribution: 3/4 ton light duty full size extended cab 4x4 pickup (replaces asset 10640)	1	520-5200-535-6213	100308	\$24,000.00	\$22,825.00
6	Solid Waste: 1 ton diesel cab/chassis/stake (replaces asset 7427)	1	110-5900-540-6213	100285	\$50,000.00	\$45,507.00
7	Parks: 1 ton cab/chassis/utility body (replaces asset 9940)	1	110-5935-552-6213	100291	\$30,000.00	\$27,057.50
7	Sewer Collection 1 ton cab/chassis/utility body (replaces asset 10449)	1	520-5400-535-6213	100312	\$31,000.00	\$27,661.25
7	Sewer Collection 1 ton cab/chassis/utility body (fleet addition for new construction crew)	1	520-5400-535-6213	100313	\$31,000.00	\$27,661.25
8	Parks: 4x4 mid size sports utility vehicle (replaces asset 10096)	1	110-5935-552-6213	100290	\$26,000.00	\$21,644.00
8	Engineering: 4x4 mid size sports utility vehicles (replaces asset 9799)	1	110-5900-533-6213	100284	\$26,000.00	\$21,644.00
			TOTAL	<u> </u>	\$ 334,662.00	\$ 292,230.00

Exceptions were taken on several of Grand Prairie Ford's bids. Based on review of the exceptions by staff, staff deems the exceptions to be minor, and similar to the exceptions taken by the other vendors, and the exceptions do not impact the overall operability of the vehicles. Therefore, staff recommends acceptance of the exceptions taken by the Grand Prairie Ford.

The City has not done business in the past with Grand Prairie Ford. Accordingly, staff checked references, and concluded that Grand Prairie Ford should be a responsible vendor.

3) Fisher Vincent Ford:

Tab #	Description	Qty	Account	Project #	Budget	Recommended Bid
3	Mayborn Center: 1/2 ton light duty extended cab pickup (replaces asset 9944)	1	240-4400-551-6213	100322	\$ 20,000.00	\$18,498.70

The City has done business with Fisher Vincent Ford in the past and finds them to be a responsible vendor.

4) Caldwell Country Chevrolet:

ыо Tab #	Description	Qty	Account	Project	Budget	Recommended Bid
9	Fleet Services: 7	1	110-5938-519-6213	100264	\$22,500.00	\$22,491.00
9	passenger mini van (replaces asset 11143)		110-3930-319-0213	100204	φ22,300.00	φΖΖ,491.00

The low bidder on the mini van was Fisher Vincent Ford of Belton. However, Fisher Vincent Ford did not meet specifications in one major line item: unavailability of a sliding passenger side door. This item is needed to better access the third row of rear seating.

The City has done business with Caldwell Country Chevrolet in the past and finds them to be a responsible vendor.

FISCAL IMPACT: Funding for the purchase of the vehicles in identified in the accounts as defined in the Item Summary above in the amount of \$425,162.00. Total funding needed for the purchases is \$366,021.70 resulting in a savings over budget in the amount of \$59,140.30.

ATTACHMENTS:

Bid Tabulations (9) Resolutions

Tabulation of Bids Received on November 13, 2007 at 2:30 p.m. 2008 1/2 Ton Mid-Size Pickups

						Bid	Iders								
		Johnson Bros Ford		Plane	Planet Ford		Grand Prairie Ford		ive Star Ford	Fisher Vincent Ford					
		Temple		Calo	dwell	Grand	Prairie	Carro	ollton	Be	lton				
Description	Qty	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price				
1/2 Ton Mid Size Pickups	3	\$11,447.95	\$34,343.85	\$10,660.00	\$31,980.00	\$10,592.00	\$31,776.00	\$10,150.00	\$30,450.00	\$12,389.70	\$37,169.10				
Sprayed-on Bed Liner	3	\$350.00	\$1,050.00	\$325.00	\$975.00	\$280.00	\$840.00	\$319.00	\$957.00	\$350.00	\$1,050.00				
Tool box	3	\$495.00	\$1,485.00	\$490.00	\$1,470.00	\$350.00	\$1,050.00	\$465.00	\$1,395.00	\$430.00	\$1,290.00				
Total Bid Price		\$36,8	78.85	\$34,4	25.00	\$33,6	66.00	\$32,80	02.00	\$39,509.10					
Delivery within 120 days?		Y	es	Y	es	Y	es	Ye	es	Y	es				
Local Preference?		Y	es	N	lo	N	lo	N	0	N	lo				
Exceptions?		Y	Yes		Yes No		No		None		None		None		one
CIQ Form		Yes		Yes		Yes		Yes		Yes					
Credit Check Authorization		Y	es	Y	es	Y	es	Yes		Yes					

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

Note: Highlighted bid is recommended for Council approval.

Belinda Mattke

13-Nov-07

Belinda Mattke, Director of Purchasing

Tabulation of Bids Received on November 13, 2007 at 2:30 p.m. 2008 1/2 Ton Light Duty Full-Size Pickups

						Bio	dders				
		Johnson	Bros Ford	Plane	t Ford	Grand Pr	airie Ford	Sam Packs Fi	ve Star Ford	Fisher Vincent Ford	
		Ter	nple	Calo	Caldwell		Grand Prairie		llton	Belton	
Description	Qty	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
1/2 Ton Light Duty Full-Size Pickups	4	\$14,063.95	\$56,255.80	\$12,988.00	\$51,952.00	\$12,966.00	\$51,864.00	\$12,792.00	\$51,168.00	\$13,211.70	\$52,846.80
Trailer Towing Package	4	\$435.00	\$1,740.00	\$291.00	\$1,164.00	\$325.00	\$1,300.00	\$359.00	\$1,436.00	\$300.00	\$1,200.00
Power Door Locks	4	\$795.00	\$3,180.00	\$660.00	\$2,640.00	\$636.00	\$2,544.00	\$660.00	\$2,640.00	\$680.00	\$2,720.00
Remote Keyless Entry	4	Included	Included	Included	Included	Included	Included	Included	Included	Included	Included
Sprayed-on Bed Liner	4	\$350.00	\$1,400.00	\$325.00	\$1,300.00	\$300.00	\$1,200.00	\$319.00	\$1,276.00	\$350.00	\$1,400.00
Headache Rack	4	\$295.00	\$1,180.00	\$320.00	\$1,280.00	\$250.00	\$1,000.00	\$275.00	\$1,100.00	\$280.00	\$1,120.00
Class 3 Receive Hitch	4	\$165.00	\$660.00	\$60.00	\$240.00	Included	Included	\$199.00	\$796.00	\$185.00	\$740.00
Tool box	4	\$495.00	\$1,980.00	\$490.00	\$1,960.00	\$450.00	\$1,800.00	\$459.00	\$1,836.00	\$430.00	\$1,720.00
Back-up Alarm	4	\$45.00	\$180.00	\$90.00	\$360.00	\$80.00	\$320.00	\$99.00	\$396.00	\$50.00	\$200.00
Pair of Full Length Entry Steps	1	\$165.00	\$660.00	\$385.00	\$385.00	\$250.00	\$250.00	\$320.00	\$320.00	\$250.00	\$250.00
Light Bar	1	No Bid	No Bid	\$1,560.00	\$1,560.00	\$1,500.00	\$1,500.00	\$1,888.00	\$1,888.00	\$2,100.00	\$2,100.00
Total Bid Price		Not Cor	nparable	\$62,8	\$62,841.00		\$61,778.00		6.00	\$64,2	296.80
Delivery within 120 days?		Y	es	Y	es	Y	es	Ye	S	Y	es
Local Preference?		Y	es	N	0	N	о	No)	Ν	10
Exceptions?	xceptions? Yes		es	Yes		Yes		None		Yes	
CIQ Form	Yes		Yes		Yes		Yes		Yes		
Credit Check Authorization		Y	es	Y	es	Y	es	Ye	S	Y	es

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

Note: Highlighted bid is recommended for Council approval.

Belinda Mattke

13-Nov-07

Belinda Mattke, Director of Purchasing

Tabulation of Bids Received on November 13, 2007 at 2:30 p.m. 2008 Half-Ton Light Duty Extended Cab Pickup

			Bidders		
	Johnson Bros Ford	Planet Ford	Grand Prairie Ford	Sam Packs Five	
				Star Ford	Fisher Vincent Ford
	Temple	Caldwell	Grand Prairie	Carrollton	Belton
Description					
Half-Ton Light Duty Extended Cab Pickup	\$19,101.95	\$18,440.00	\$18,802.00	\$18,534.00	\$18,098.70
Sprayed-on Bed Liner	\$350.00	\$325.00	\$300.00	\$319.00	\$350.00
Class 3 Receiver Hitch	\$180.00	\$60.00	\$325.00	\$199.00	Included
Back-Up Alarm	\$45.00	\$90.00	\$80.00	\$99.00	\$50.00
Delivery within 120 days?	Yes	Yes	Yes	Yes	Yes
Total Bid Price	\$19,676.95	\$18,915.00	\$19,507.00	\$19,151.00	\$18,498.70
Local Preference? (applicable for bids					
greater than \$25,000)	Yes	No	No	No	No
Exceptions?	Yes	Yes	Yes	None	None
CIQ Form	Yes	Yes	Yes	Yes	Yes
Credit Check Authorization	Yes	Yes	Yes	Yes	Yes

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

Note: Highlighted bid is recommended for Council approval.

Belinda Mattke

13-Nov-07

Belinda Mattke, Director of Purchasing

Tabulation of Bids Received on November 13, 2007 at 2:30 p.m. 2008 3/4 Ton Full-Size Pickups

						Bid	ders					
		Johnson I	Bros Ford	Plane	t Ford	Grand Prairie Ford		Sam Pack	s Five Star	Fisher Vincent Ford		
		_							ord			
		Temple			dwell		Prairie		ollton		ton	
Description	Qty	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	
3/4 Ton Full-Size Pickups	2	\$16,807.27	\$33,614.54	\$15,764.00	\$31,528.00	\$15,436.00	\$30,872.00	\$15,775.00	\$31,550.00	\$15,724.02	\$31,448.04	
Sprayed-on Bed Liner	2	\$350.00	\$700.00	\$325.00	\$650.00	\$300.00	\$600.00	\$319.00	\$638.00	\$350.00	\$700.00	
Headache Rack	2	\$295.00	\$590.00	\$320.00	\$640.00	\$250.00	\$500.00	\$275.00	\$550.00	\$280.00	\$560.00	
Class 3 Receive Hitch	2	\$180.00	\$360.00	\$60.00	\$120.00	\$85.00	\$170.00	N/C	N/C	Included	Included	
Tool box	2	\$695.00	\$1,390.00	\$715.00	\$1,430.00	\$400.00	\$800.00	\$459.00	\$918.00	\$430.00	\$860.00	
Back-up Alarm	2	\$45.00	\$90.00	\$90.00	\$180.00	\$80.00	\$160.00	\$99.00	\$198.00	\$50.00	\$100.00	
Electric Trailer Brake Controller	2	\$120.00	\$240.00	\$179.00	\$358.00	\$175.00	\$350.00	\$179.00	\$358.00	\$110.00	\$220.00	
Light Bar	2	No bid	No bid	\$1,560.00	\$3,120.00	\$1,500.00	\$3,000.00	\$1,888.00	\$3,776.00	\$2,100.00	\$4,200.00	
Total Bid Price		Not Com	parable	\$38,0	026.00 \$36,4		452.00 \$37,988.00		88.00	\$38,0	88.04	
Delivery within 120 days?		Ye	es	Y	es	Y	es	N	0	Y	es	
Local Preference?		Ye	es	N	0	N	10	N	0	N	lo	
Exceptions?		ye	es	Y	es	Yes		None		Yes		
CIQ Form		Ye	es	Y	Yes		Yes		Yes		Yes	
Credit Check Authorization		Ye	es	Y	es	Y	es	Y	es	Y	es	

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

Note: Highlighted bid is recommended for Council approval.

Belinda Mattke

13-Nov-07

Belinda Mattke, Director of Purchasing

Tabulation of Bids Received on November 13, 2007 at 2:30 p.m. 2008 Three Quarter Ton Light Duty Full Size Extended Cab 4x4 Pickup

			Bidders		
	Johnson Bros Ford	Planet Ford	Grand Prairie Ford	Sam Packs Five	Fisher Vincent Ford
				Star Ford	
	Temple	Caldwell	Grand Prairie	Carrollton	Belton
Description					
Three Quarter Ton Light Duty Full Size Extended Cab 4x4 Pickup	\$21,587.27	\$20,446.00	\$20,125.00	\$20,450.00	\$20,408.02
Sprayed-on Bed Liner	\$350.00	\$325.00	\$300.00	\$319.00	\$350.00
Headache Rack	\$295.00	\$320.00	\$250.00	\$275.00	\$280.00
Pair of Full Length Entry Steps	\$165.00	\$385.00	\$250.00	\$320.00	\$250.00
Toolbox	\$495.00	\$490.00	\$400.00	\$459.00	\$430.00
Lightbar	No Bid	\$1,560.00	\$1,500.00	\$1,888.00	\$2,100.00
Total Bid Price	Not Comparable	\$23,526.00	\$22,825.00	\$23,711.00	\$23,818.02
Delivery within 120 days?	Yes	Yes	Yes	No	Yes
Local Preference? (applicable for bids over \$25,000)	Yes	No	No	No	No
Exceptions?	Yes	Yes	Yes	None	Yes
CIQ Form	Yes	Yes	Yes	Yes	Yes
Credit Check Authorization	Yes	Yes	Yes	Yes	Yes

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

Note: Highlighted bid is recommended for Council approval.

Belinda Mattke

13-Nov-07

Belinda Mattke, Director of Purchasing

Tabulation of Bids Received on November 13, 2007 at 2:30 p.m. 2008 Light Duty Diesel Cab and Chassis with Steel Floor Stake Body

			Bidders		
	Johnson Bros Ford	Planet Ford	Grand Prairie Ford	Sam Packs Five	Fisher Vincent Ford
				Star Ford	
	Temple	Caldwell	Grand Prairie	Carrollton	Belton
Description					
Light Duty Diesel Cab & Chassis w/Steel Floor Stake Body	No Bid	\$22,490.00	\$22,627.00	\$22,938.00	No Bid
Extended Warranty	No Bid	\$1,480.00	\$1,545.00	\$2,150.00	No Bid
Set of Shop/Service Manuals on CD-Rom	No Bid	\$580.00	\$185.00	\$125.00	No Bid
Back-up Alarm	No Bid	\$90.00	\$80.00	\$80.00	No Bid
Steel Stake Body	No Bid	\$5,278.00	\$3,855.00	\$5,650.00	No Bid
Electric/Hydraulic Crane	No Bid	\$9,630.00	\$8,610.00	\$9,500.00	No Bid
Portable Arc Welder	No Bid	\$4,285.00	\$4,545.00	\$3,475.00	No Bid
6-Inch Vise	No Bid	\$495.00	\$560.00	\$375.00	No Bid
Air Compressor	No Bid	\$2,685.00	\$3,500.00	\$2,720.00	No Bid
Total Bid Price	No Bid	\$47,013.00	\$45,507.00	\$47,013.00	No Bid
Delivery within 120 days?	No Bid	No	No	No	No Bid
Local Preference?	No Bid	No	No	No	No Bid
Exceptions?	No Bid	None	Yes	Yes	No Bid
CIQ Form	No Bid	Yes	Yes	Yes	No Bid
Credit Check Authorization	No Bid	Yes	Yes	Yes	No Bid

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

Note: Highlighted bid is recommended for Council approval.

Belinda Mattke

13-Nov-07

Belinda Mattke, Director of Purchasing

Tabulation of Bids Received on November 13, 2007 at 2:30 p.m. 2008 Light Duty One-Ton Cab and Chassis with Special Purpose Bodies

					Bidd	ers			
		Johnson Bros Ford Temple	Plane Calc	t Ford Iwell	Grand Prand Prand			Five Star Ford ollton	Fisher Vincent Ford Belton
Description	Qty	Unit Price Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price Total Price
Light Duty 1-Ton Cab & Chassis w/Special Purpose Bodies	3	No Bid	\$16,996.00	\$50,988.00	\$17,385.00	\$52,155.00	\$16,986.00	\$50,958.00	No Bid
Extended Warranty	3	No Bid	\$1,045.00	\$3,135.00	\$1,545.00	\$4,635.00	\$1,660.00	\$4,980.00	No Bid
Set of Shop/Service Manuals on CD-Rom	1	No Bid	\$580.00	\$580.00	\$185.00	\$185.00	\$125.00	\$125.00	No Bid
Dual Spotlights	2	No Bid	\$449.00	\$898.00	\$650.00	\$1,300.00	\$850.00	\$1,700.00	No Bid
General Purpose Utility Body	3	No Bid	\$5,895.00	\$17,685.00	\$6,545.00	\$19,635.00	\$8,285.00	\$24,855.00	No Bid
Ladder/Pipe Rack	3	No Bid	\$2,440.00	\$7,320.00	\$1,415.00	\$4,245.00	Included	Included	No Bid
Class 3 Receive Hitch	3	No Bid	\$390.00	\$1,170.00	Included	Included	Included	Included	No Bid
Back -Up Alarm	3	No Bid	\$90.00	\$270.00	\$75.00	\$225.00	\$80.00	\$240.00	No Bid
Electric Trailer Brake Controller	3	No Bid	\$179.00	\$537.00	Included	Included	\$179.00	\$537.00	No Bid
Total Bid Price		No Bid	\$82,5	83.00	\$82,3	80.00	\$83,3	395.00	No Bid
Delivery within 120 days?		No Bid	N	0	N	0	N	lo	No Bid
Local Preference?		No Bid	N	0	No		No		No Bid
Exceptions?		No Bid	Ye	es	Ye	Yes		one	No Bid
CIQ Form		No Bid	Ye	es	Ye	es	Y	es	No Bid
Credit Check Authorization		No Bid	Ye	es	Ye	es	Y	es	No Bid

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

Note: Highlighted bid is recommended for Council approval.

Belinda Mattke

Belinda Mattke, Director of Purchasing

13-Nov-07

Tabulation of Bids Received on November 13, 2007 at 2:30 p.m. 2008 4x4 Midsize Sport Utility Vehicles

						Bid	ders					
		Johnson I	Bros Ford	Planet Ford		Grand Prairie Ford		Sam Packs Five Star Ford		Fisher Vincent Ford		
		Ten	nple	Cal	dwell	Grand	Prairie Carrollton		ollton	Belton		
Description	Qty	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	
2008 4x4x Midsize Sport Utility Vehicles	2	\$21,982.95	\$43,965.90	\$20,986.00	\$41,972.00	\$20,414.00	\$40,828.00	\$20,938.00	\$41,876.00	\$20,737.70	\$41,475.40	
Extended Warranty	2	\$1,250.00	\$2,500.00	\$1,000.00	\$2,000.00	\$980.00	\$1,960.00	\$1,485.00	\$2,970.00	\$1,204.00	\$2,408.00	
Full Length Running Boards	2	\$495.00	\$990.00	\$391.00	\$782.00	\$250.00	\$500.00	\$421.00	\$842.00	\$425.00	\$850.00	
Total Bid Price		\$47,4	55.90	\$44,7	54.00	\$43,2	88.00	\$45,6	688.00	\$44,7	\$44,733.40	
Delivery within 120 days?		Ye	es	Y	es	Y	es	Y	es	Yes		
Local Preference?		Ye	es	Ν	lo	N	lo	Ν	No		lo	
Exceptions?		Ye	es	No	one	Y	es	No	one	Y	es	
CIQ Form		Ye	es	Y	es	Y	es	Y	es	Y	es	
Credit Check Authorization		Ye	es	Y	es	Y	es	Y	es	Y	es	

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

Note: Highlighted bid is recommended for Council approval.

Belinda Mattke

13-Nov-07

Belinda Mattke, Director of Purchasing

Tabulation of Bids Received on November 13, 2007 at 2:30 p.m. 2008 Extended Seven Passenger Mini Van

			Bidders		
	Johnson Bros Ford	Caldwell Country	Grand Prairie Ford	Sam Packs Five Star	Fisher Vincent Ford
		Chevrolet		Ford	
	Temple	Caldwell	Grand Prairie	Carrollton	Belton
Description					
2008 Extended Seven Passenger Mini Van	No Bid	\$22,491.00	No Bid	No Bid	\$22,246.70
Extended Warranty	No Bid	\$1,165-not awarding	No Bid	No Bid	\$1,204.00
Remote Keyless Entry	No Bid	Included	No Bid	No Bid	Included
Delivery within 120 days?	No Bid	Yes	No Bid	No Bid	Yes
Local Preference?	No Bid	No	No Bid	No Bid	No
Exceptions?	No Bid	None	No Bid	No Bid	Yes
CIQ Form	No Bid	Yes	No Bid	No Bid	Yes
Credit Check Authorization	No Bid	Yes	No Bid	No Bid	Yes

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

Bid recommended to Council for award Did not meet bid specifications

Belinda Mattke 13-Nov-07

Belinda Mattke, Director of Purchasing

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF 3 VEHICLES FROM SAM PACK'S FIVE STAR FORD OF CARROLTON, TEXAS, IN THE AMOUNT OF \$32,802; 13 VEHICLES FROM GRAND PRAIRIE FORD OF GRAND PRAIRIE, TEXAS, IN THE AMOUNT OF \$292,230; 1 VEHICLE FROM FISHER VINCENT FORD OF BELTON, TEXAS, IN THE AMOUNT OF \$18,498.70; AND 1 VEHICLE FROM CALDWELL COUNTRY CHEVROLET OF CALDWELL, TEXAS, IN THE AMOUNT OF \$22,491; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on November 13, 2007, the City received bids from 6 various vendors for the purchase of various vehicles for several departments;

Whereas, the Staff recommends accepting bids from Sam Pack's Five Star Ford of Carrolton, Texas, Grand Prairie Ford of Grand Prairie, Texas, Fisher Vincent Ford of Belton, Texas, and Caldwell Country Chevrolet of Caldwell, Texas, as more fully described below;

Whereas, funds are available for the purchases in the departmental FY2007-08 budgets; 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 the following vehicles:

3 vehicles from Sam Pack's Five Star Ford of Carrolton, Texas, in the amount of \$32,802;

13 vehicles from Grand Prairie Ford of Grand Prairie, Texas, in the amount of \$292,230;

1 vehicle from Fisher Vincent Ford of Belton, Texas, in the amount of \$18,498.70; and

1 vehicle from Caldwell Country Chevrolet of Caldwell, Texas, in the amount of \$22,491.

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

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

PASSED AND APPROVED this the **20th** day of **December**, 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

12/20/07 Item #5(H) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Alan DeLoera, Information Technology Director Brandon Harris, Assistant Information Technology Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of Foundry network equipment and 1 year Foundry maintenance from CDW in the amount of \$163,875.05.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The City currently uses Foundry network equipment at the core and edge of our data network. These switches form the foundation that enables City computers to communicate with each other and with our Financial, Public Safety, email and other applications. Our network and its applications have grown considerably over the past 5 years and City departments rely more heavily on the network to support daily transactions. The network also carries voice communications for City Hall and Police Headquarters and will soon transport the voice traffic for all City facilities. The City's current core network infrastructure is almost 7 years old and Foundry has recently announced it is End of Life. These factors necessitate replacing the core network infrastructure with robust equipment using a fault tolerant design.

We recommend the purchase of Foundry network equipment and 1 year Foundry maintenance from CDW (State of Texas DIR vendor DIR-SDD-227) in the amount of \$163,875.05.

FISCAL IMPACT: A budget amendment is attached for Council's approval appropriating \$136,443 to account 351-1900-519-6240, project #100365. Funding in the amount of \$25,000 will be appropriated from Reserved for Public Education Channel (PEG) funds. Additional funding will come from Designated Capital Unallocated – Technology Funds in the amount of \$111,443. The remaining \$27,432.60 will come from account 110-1900-519-2338, which was budgeted for this fiscal years Foundry maintenance.

ATTACHMENTS:

Budget Adjustment Resolution

FY 2008

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			
351-1900-519-62-40	100365	Network Equipment	\$ 136,443				
351-0000-490-25-82		Transfer In - Desg Capital Proj Fund	\$ 136,443				
110-0000-351-09-43		Desg Capital Unallocated Tech Funds		\$ 111,443			
110-0000-315-19-00		Reserverd for Public Ed. Chan (PEG)		\$ 25,000			
110-9100-591-81-51		Transfer Out Desg Capital Proj Fund	\$ 136,443				
TOTAL			\$ 409,329	\$ 136,443			
account are available. Our network and its application network to support daily trans will soon transport the voice to	ons have grov actions. The raffic for all C ced it is End	REQUEST- Include justification for increase on considerably over the past 5 years and City of network also carries voice communications for ity facilities. The City's current core network inf of Life. These factors necessitate replacing the	departments rely City Hall and Pc rastructure is alr	more heavily on the lice Headquarters and nost 7 years old and			
DOES THIS REQUEST REQ DATE OF COUNCIL MEETIN		CIL APPROVAL? X 12/20/2007	Yes	No			
WITH AGENDA ITEM?		X	Yes	No			
Department Head/Divisior	n Director	Date	X	Approved Disapproved			
Finance		Date	Approved Disapproved				
City Manager		Date		Approved Disapproved			

Revised form - 10/27/06

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF FOUNDRY NETWORK EQUIPMENT AND RELATED NETWORK CABLING IN THE AMOUNT OF \$120,507.08; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City of Temple currently uses Foundry Networking Equipment for high speed network services;

Whereas, the Staff recommends replacement of the equipment which will become obsolete in the next three months;

Whereas, purchase of new equipment will ensure adequate capacity for present and future City needs;

Whereas, funds are available for this purchase, but an amendment to the FY2002-2003 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:

<u>PART 1:</u> The City Council authorizes the purchase of Foundry Network Equipment and related network cabling, not to exceed \$120,507.08, and authorizes the City Manager to execute any documents which may be necessary for this purchase, after approval as to form by the City Attorney.

PART 2: The City Council authorizes an amendment to the FY2002-2003 budget, substantially in the form of the copy attached as Exhibit "A," for this purchase.

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

PASSED AND APPROVED this the **17th** day of **April**, 2003.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

APPROVED AS TO FORM:

ATTEST:

Clydette Entzminger City Secretary

Jonathan Graham City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

12/20/07 Item #5(I) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Tim Dolan, AICP, Planning Director

ITEM DESCRIPTION: SECOND READING – Consider adopting an ordinance authorizing the renaming of "Industrial Boulevard" to "Central Pointe Parkway," from the western boundary of Loop 363 and continuing through a planned extension of Industrial Boulevard west of Old Howard Road.

STAFF RECOMMENDATION: Adopt ordinance on second and final reading.

ITEM SUMMARY: At its meeting on November 28, 2007, the Board of Directors for Tax Increment Financing Reinvestment Zone No. 1 recommended changing the name for a portion of "Industrial Boulevard," the section from Northwest Loop 363 westward through a planned extension of Industrial Boulevard west of Old Howard Road," to "Central Pointe Parkway." The proposed street name does not conflict with other names in Temple. The two affected property owners, McLane Group and McLane Company, have been contacted and are supportive of the proposed name change.

While the City's naming policy for public streets and facilities, Resolution #2002-3395-R, makes it clear that changing the name of an existing street should not be considered lightly, it does allow for name changes when doing so is in the best interest of the community. The name changing policy provides that "if a street is proposed to be renamed, it is recommended that only street for a geographic location, outstanding feature or a subdivision be considered for renaming" (conversely, the policy provides that streets named for a particular person should almost never be changed).

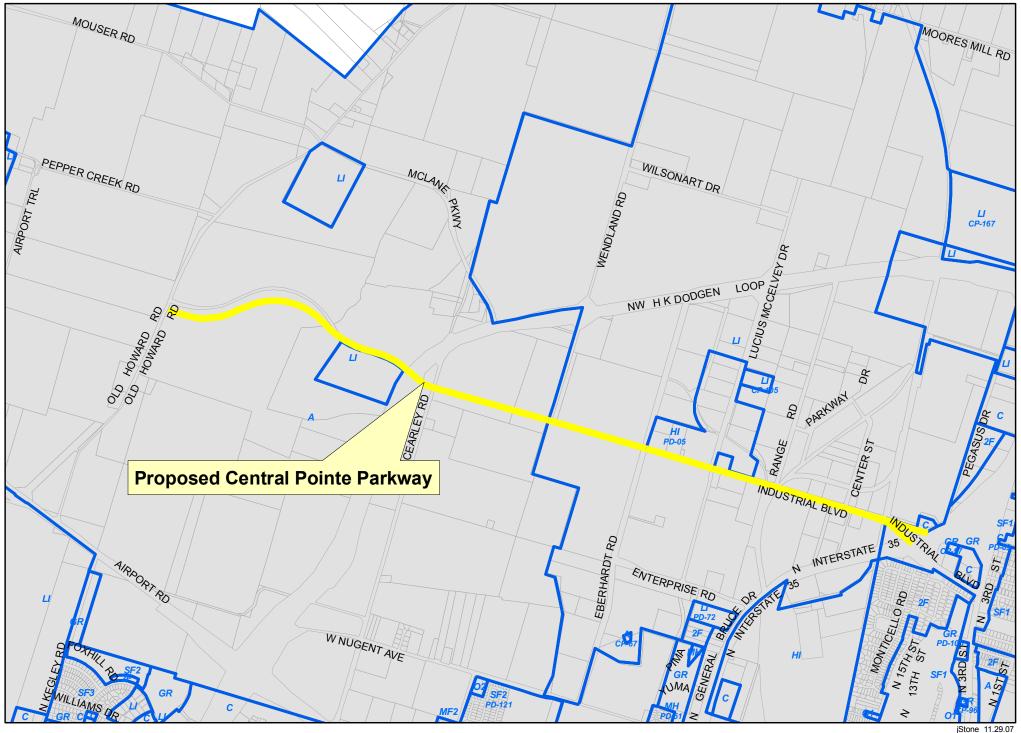
The portion of Industrial Boulevard that is proposed to be renamed is less "industrial" in nature than the portion of Industrial Boulevard to the east, and the entire area that has been renamed "Central Pointe" in the City's and TEDC's marketing efforts (including the recent entrance signs). The naming of this street brings additional attention to the area known as Central Pointe and furthers the purpose of providing a connection to the City's newest economic development parks.

FISCAL IMPACT: None

ATTACHMENTS:

Map Ordinance





ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, RENAMING *INDUSTRIAL BOULEVARD* TO *CENTRAL POINTE PARKWAY*, FROM THE WESTERN BOUNDARY OF LOOP 363 AND CONTINUING THROUGH A PLANNED EXTENSION OF INDUSTRIAL BOULEVARD WEST OF OLD HOWARD ROAD; DECLARING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, at its meeting on November 28, 2007, the Reinvestment Zone Committee unanimously recommended renaming Industrial Boulevard to Central Pointe Parkway from the western boundary of Loop 363 and continuing through a planned extension of Industrial Boulevard west of Old Howard Road;

Whereas, the Staff concurs in this recommendation and feels that the change will be beneficial as a significant contribution to the enhancement of the quality of life in the community; and

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

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

<u>**Part 1:**</u> The City Council approves renaming *Industrial Boulevard* to *Central Pointe Parkway* from the western boundary of Loop 363 and continuing through a planned extension of Industrial Boulevard west of Old Howard Road.

<u>**Part 2:**</u> The City Council directs the Street Department of the City of Temple, Texas, to make and place the appropriate signs on said streets after the effective date of this ordinance.

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

<u>**Part 4:**</u> This ordinance shall take effect upon its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

<u>**Part 5:**</u> It is hereby officially found and determined that the meeting at which this ordinance 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 **6**th day of **December**, 2007.

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

12/20/07 Item #5(J) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Traci Barnard, Director of Finance

ITEM DESCRIPTION: Consider adopting a resolution authorizing budget amendments for fiscal year 2007-2008.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: This item is to recommend various budget amendments, based on the adopted FY 2007-2008 budget. The amendments will involve transfers of funds between contingency accounts, department and fund levels.

FISCAL IMPACT: The total amount of budget amendments is \$66,968.

ATTACHMENTS:

Budget amendments Resolution

		CITY OF TEMPLE				
		BUDGET AMENDMENTS FOR FY 2008 BUDGET December 20, 2007				
		December 20, 2007				
				APPROP	RIAT	IONS
ACCOUNT # I	PROJECT #	DESCRIPTION		Debit		Credit
110-2330-540-2516		Judgments & Damages (Solid Waste - Residential)	\$	3,468		
110-1500-515-6531		Contingency - Judgments & Damages			\$	3,468
		Deductible reimbursement to the Texas Municipal League for settlement of claim filed against the City by Jo Ann Cox seeking reimbursement for damage to her vehicle after it was struck by a Solid Waste Dept. truck on Sept. 25, 2007, in the 1100 block of North 7th Street AND settlement of claim filed by Margaret Salvany after her vehicle was struck by a Solid Waste Dept. truck on Feb. 6, 2007 in the 800 block of North 7th Street.				
110-2200-522-2516		Indements & Demense (Fine Dementment)	\$	5,000		
110-2200-522-2516 110-1500-515-6531		Judgments & Damages (Fire Department) Contingency - Judgments & Damages	Э	5,000	\$	5,00
		Deductible reimbursement to the Texas Municipal League for settlement of a claim filed against the City of Temple by Chelsea Cuellar seeking reimbursement for dam	nage	;		
		to her vehicle after it was struck by a fire truck on August 19, 2007, in the 3200 blo of Oaklawn Drive.	ock			
520-5300-535-2516		of Oaklawn Drive.	ock	450		
520-5300-535-2516 520-5300-535-6532		• • • •		450	\$	45
		of Oaklawn Drive. Judgments & Damages (Metering)	\$	450	\$	45
		of Oaklawn Drive. Judgments & Damages (Metering) Contingency - Judgments & Damages Settlement of claim filed against the City of Temple by Robert Devereaux seeking reimbursement for damage to the ceiling in the duplex located at 5125 Davy Crocket	\$	450 29,025	\$	45
520-5300-535-6532 351-1600-512-2616 351-0000-490-2582		of Oaklawn Drive. Judgments & Damages (Metering) Contingency - Judgments & Damages Settlement of claim filed against the City of Temple by Robert Devereaux seeking reimbursement for damage to the ceiling in the duplex located at 5125 Davy Crocka after the water was turned on briefly testing the installation of a meter. Professional Transfer in - General Fund	\$ ett	29,025	\$	45 29,02
520-5300-535-6532 351-1600-512-2616 351-0000-490-2582 110-9100-591-8151		of Oaklawn Drive. Judgments & Damages (Metering) Contingency - Judgments & Damages Settlement of claim filed against the City of Temple by Robert Devereaux seeking reimbursement for damage to the ceiling in the duplex located at 5125 Davy Crocka after the water was turned on briefly testing the installation of a meter. Professional Transfer in - General Fund Transfer out - Capital Projects Fund	\$ ett		•	29,02
520-5300-535-6532 351-1600-512-2616 351-0000-490-2582		of Oaklawn Drive. Judgments & Damages (Metering) Contingency - Judgments & Damages Settlement of claim filed against the City of Temple by Robert Devereaux seeking reimbursement for damage to the ceiling in the duplex located at 5125 Davy Crocka after the water was turned on briefly testing the installation of a meter. Professional Transfer in - General Fund	\$ ett	29,025	•	29,02
520-5300-535-6532 351-1600-512-2616 351-0000-490-2582 110-9100-591-8151		of Oaklawn Drive. Judgments & Damages (Metering) Contingency - Judgments & Damages Settlement of claim filed against the City of Temple by Robert Devereaux seeking reimbursement for damage to the ceiling in the duplex located at 5125 Davy Crocka after the water was turned on briefly testing the installation of a meter. Professional Transfer in - General Fund Transfer out - Capital Projects Fund	\$ ett \$ sl fo	29,025 29,025 \$24,625 and	* \$	

		CITY OF TEMPLE	
		BUDGET AMENDMENTS FOR FY 2008 BUDGET	
		December 20, 2007	
ACCOUNT #	PROJECT #	DESCRIPTION Debit	Credit
		GENERAL FUND	
		Beginning Contingency Balance	\$ -
		Added to Contingency Sweep Account	\$ -
		Carry forward from Prior Year	\$ -
		Taken From Contingency	\$ -
		Net Balance of Contingency Account	\$-
		Beginning Judgments & Damages Contingency	\$ 70,000
		Added to Contingency Judgments & Damages from Council Contingency	\$ 70,000
		Taken From Judgments & Damages	\$ (13,358)
		Net Balance of Judgments & Damages Contingency Account	\$ 56,642
		Beginning Master Plan Implementation Contingency	\$ 250,000
		Added to Master Plan Implementation Contingency	\$ -
		Taken From Master Plan Implementation Contingency Net Balance of Master Plan Implementation Contingency Accoun	\$ - \$ 250,000
		Net Balance of Master Fran Implementation Contingency Account	\$ 230,000
		Beginning Compensation Plan Contingency	\$ 150,000
		Added to Compensation Plan Contingency	\$ -
		Taken From Compensation Plan Contingency	\$ -
		Net Balance of Compensation Plan Contingency Account	\$ 150,000
		Net Balance Council Contingency	\$ 456,642
			ф.
		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	¢ 004 672
		Added to Contingency Sweep Account	\$ 904,672 \$
		Taken From Contingency	\$ (12,750)
		Net Balance of Contingency Account	\$ 891,922
		Beginning Compensation Plan Contingency	\$ 30,000
		Added to Compensation Plan Contingency	\$ -
		Taken From Compensation Plan Contingency Net Balance of Compensation Plan Contingency Account	\$ - \$ 30,000
		Net Balance of Compensation Fian Contingency Account	φ 30,000
		Beginning Approach Mains Contingency	\$ 500,000
		Added to Approach Mains Contingency	\$ -
		Taken From Approach Mains Contingency	\$ (141,419)
		Net Balance of Approach Mains Contingency Account	\$ 358,581
		Net Balance Water & Sewer Fund Contingency	\$ 1,280,503
		HOTEL/MOTEL TAX FUND	
		Beginning Contingency Balance	\$ 20,126
		Added to Contingency Sweep Account	\$ -
		Taken From Contingency	\$ -
		Net Balance of Contingency Account	\$ 20,126
		Pasinning Compensation Plan Contingency	¢ 0.000
		Beginning Compensation Plan Contingency Added to Compensation Plan Contingency	\$ 8,000 \$
		Taken From Compensation Plan Contingency	\$ - \$ -
		Net Balance of Compensation Plan Contingency Account	\$ 8,000

Net Balance Hotel/Motel Tax Fund Contingency

28,126

\$

	CITY OF TEMPLE			
	BUDGET AMENDMENTS FOR FY 2008 BUDGET			
	December 20, 2007			
		APPROP	RIAT I	ONS
ACCOUNT #	PROJECT # DESCRIPTION	Debit	(Credit
	DRAINAGE FUND			
	Beginning Contingency Balance		\$	1,495
	Added to Contingency Sweep Account		\$	-
	Taken From Contingency		\$	-
	Net Balance of Contingency Account		\$	1,495
	Beginning Compensation Plan Contingency		\$	2,000
	Added to Compensation Plan Contingency		\$	-
	Taken From Compensation Plan Contingency		\$	-
	Net Balance of Compensation Plan Contingency Account		\$	2,000
	Net Balance Drainage Fund Contingency		\$	3,495
	FED/STATE GRANT FUND		¢	
	Beginning Contingency Balance		\$	-
	Carry forward from Prior Year		\$	86,477
	Added to Contingency Sweep Account		\$ ¢	-
	Taken From Contingency		\$	-
	Net Balance of Contingency Account		\$	86,477

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING BUDGET AMENDMENTS TO THE 2007-2008 CITY BUDGET; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on the 23rd day of August, 2007, the City Council approved a budget for the 2007-2008 fiscal year; and

Whereas, the City Council deems it in the public interest to make certain amendments to the 2007-2008 City Budget.

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

<u>**Part 1**</u>: The City Council approves amending the 2007-2008 City Budget by adopting the budget amendments which are more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

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

PASSED AND APPROVED this the **20th** day of **December**, 2007.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger City Secretary Jonathan Graham City Attorney



12/20/07 Item #6(A) Regular Agenda Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Tim Dolan, Planning Director

ITEM DESCRIPTION: SECOND READING – Z-FY-08-02: Consider adopting an ordinance authorizing a zoning change from Agricultural District to Urban Estate District, on approximately 24.384 acres out of land commonly known as Outblock 2752B-A, City Addition, located on the east side of FM 2271, east of Waskow Acres.

STAFF AND P&Z COMMISSION RECOMMENDATION: At its meeting on November 19, 2007, the Planning and Zoning Commission voted 8/0 in accordance with the Staff recommendation to recommend approval of a zoning change from A to UE. Commissioner Norman was absent. Staff recommends approval of the zoning request from A to UE for the following reasons:

- 1. The request complies with the Future Land Use Plan;
- 2. The request complies with the Thoroughfare Plan; and
- 3. Adequate public facilities will service the site.

ITEM SUMMARY: Please refer to the Staff Report and draft minutes of case Z-FY-08-02, from the Planning and Zoning meeting on November 19, 2007. This zoning change application tracks with case P-FY-08-05 for a subdivision proposed to be called Overlook Ridge Estates. The applicants, Turley Associates/Trey Gallaway, request UE, Urban Estates zoning for the subject property to be used for single-family houses.

The draft minutes show that one citizen was concerned that "institutional and educational uses" are permitted in the UE, Urban Estates zoning district. It was explained that in Temple, all residential districts allow these uses and that the size of the proposed lots in the Overlook Ridge Estates plat makes it unlikely that such uses would locate in the subject area. In addition, it was explained that often subdivisions have deed restrictions that would prevent such activity in the first place. The Planning & Zoning Commission had no concerns with the case and voted without discussion.

Sixteen notices of the Planning & Zoning Commission public hearing were sent out. As of Monday, November 26, 2007 at 8 AM, two 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 November 9, 2007 in accordance with state law and local ordinance.

12/20/07 Item #6(A) Consent Agenda Page 2 of 2

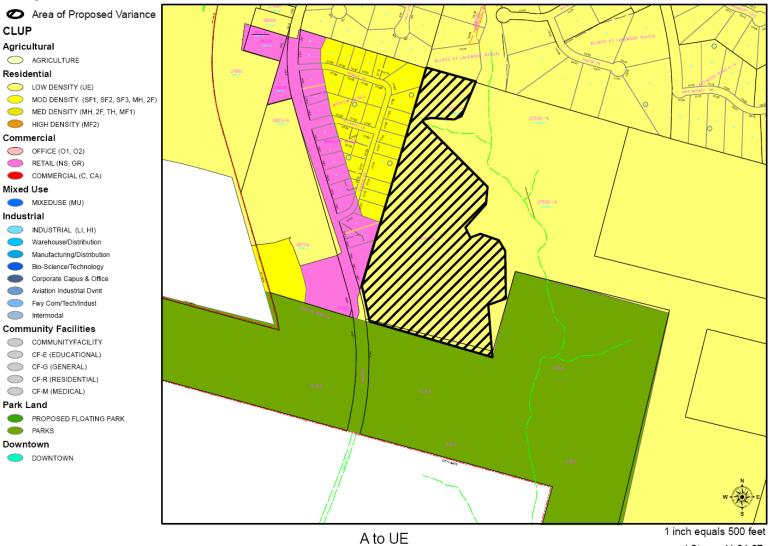
FISCAL IMPACT: NA

ATTACHMENTS:

Future Land Use Map Zoning Map Arial Notice Map P&Z Staff Report (Z-FY-08-02) P&Z Minutes (11/19/07) Ordinance

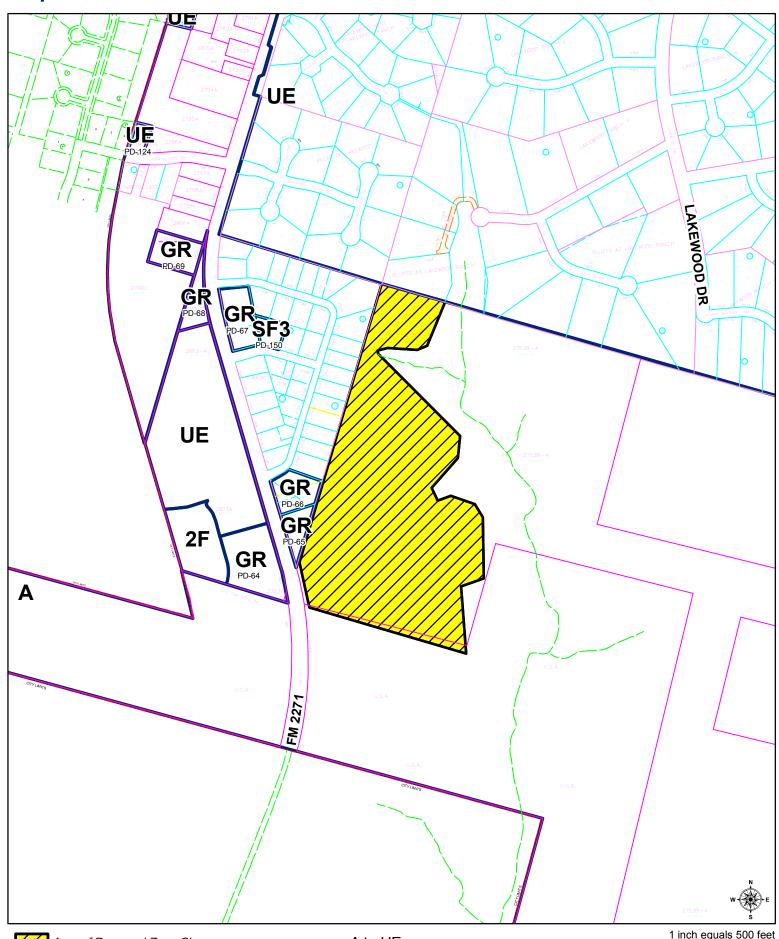


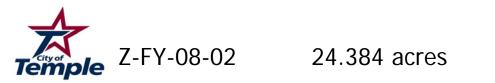
24.384 Acres



J Stone 11.01.07



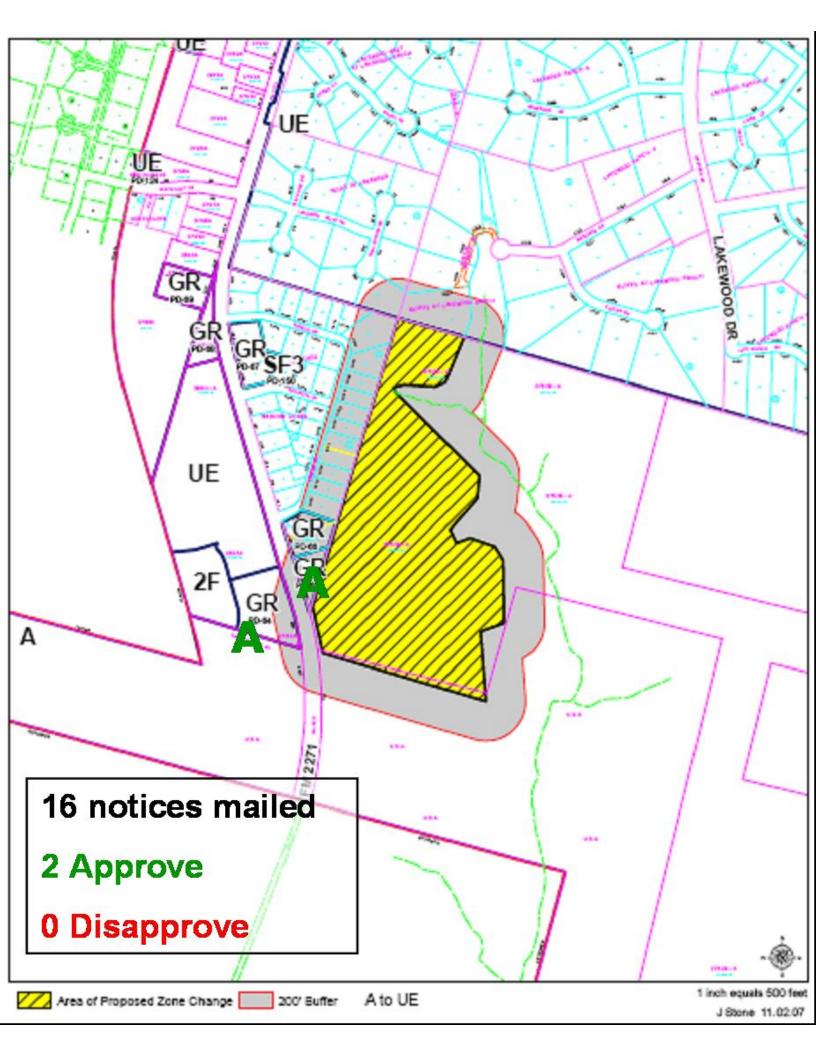




OB 2752B-A, City Addition



Area of Proposed Zone Change



PLANNING AND ZONING COMMISSION AGENDA ITEM

11/19/07 Item 3 Page 1 of 2

APPLICANT / DEVELOPMENT: Trey Gallaway c/o Turley & Associates / Overlook Ridge Estates

CASE MANAGER: Brian Mabry, AICP, Senior Planner

ITEM DESCRIPTION: Z-FY-08-02 Hold a public hearing to consider a zone change request from Agricultural District to Urban Estate District, on approximately 24.384 acres out of land commonly known as Outblock 2752B-A, City Addition, located on the east side of FM 2271, east of Waskow Acres. (Applicant: Turley Associates/Trey Gallaway)

BACKGROUND: This zone change application tracks with case P-FY-08-05 for a subdivision proposed to be called Overlook Ridge Estates. The applicant requests UE, Urban Estates zoning for the subject property to be used for single-family houses.

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	UE	Single-family residential subdivision
East	A	Vacant
South	A	Vacant
West	GR (PD)	Vacant
VVESI	A	Single-family residential subdivision

The GR (PD) zoning for the two vacant properties to the west of the subject property allows all GR, General Retail uses and allows boat sales and storage. In addition, along with all other recently rezoned nonresidential properties on FM 2271, the PD requires a residential look to all buildings, limited signs and increased screening of parking areas.

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

Future Land Use Plan & Future Trends

The Future Land Use Map shows Low Density Residential as the future land use category for the subject property. This category recommends the UE, Urban Estates District. The zoning request complies with the Future Land Use Plan.

Thoroughfare Plan

FM 2271 is designated as a local street on the Thoroughfare Plan; however, it functions as a minor arterial road, serving major movements of traffic between different areas of the City. The Thoroughfare Plan says that residential uses should not have direct access to minor arterials. The plat for this development prohibits direct access to FM 2271, so the zoning request complies with the Thoroughfare Plan.

Adequacy of Public Facilities

The plat for this development establishes an 8" water line to serve the subdivision. Septic systems will be used instead of sewer. Adequate public facilities will serve the development.

Development Regulations

The UE, Urban Estates District accommodates large lot single-family residential developments. This district is suitable for estate development or areas in which it is desirable to permit only low-density development. Projects should typically be rural in character and well buffered from more intensely developed uses.

Permitted land uses include, but are not limited to single-family detached dwellings, educational uses and institutional uses. The UE District prohibits all residential uses other than single-family detached and prohibits most nonresidential uses.

The UE District has the following dimensional requirements for residential uses.

Urban Estates (UE)	
Min. Lot Area (sq. ft.)	22,500
Min. Lot Width (ft.)	80
Min. Lot Depth (ft.)	125
Max. Height (stories)	3
Min. Yard (ft)	
Front	30
Side	15
Rear	10

Public Notice

Sixteen notices were sent out. As of Wednesday November 14, 2007 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 November 9, 2007 in accordance with state law and local ordinance.

STAFF RECOMMENDATION: Staff recommends approval of the zoning request from A to UE for

the following reasons:

- 1. The request complies with the Future Land Use Plan;
- 2. The request complies with the Thoroughfare Plan; and
- 3. Adequate public facilities will service the site.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Land Use Map Zoning Map Aerial Application Public Notice Map

EXCERPTS FROM THE

PLANNING & ZONING COMMISSION MEETING

MONDAY, NOVEMBER 19, 2007

ACTION ITEMS

3. Z-FY-08-02 Hold a public hearing to consider a zone change request from Agricultural District to Urban Estate District on approximately 24.384 acres out of land commonly known as Outblock 2752B-A, City Addition, located on the east side of FM 2271, east of Waskow Acres. (Applicant:

Turley Associates/Trey Gallaway)

Mr. Brian Mabry, Senior Planner, presented this item. He said this zone change request tracks with the proposed plat for Overlook Ridge Estates requesting Urban Estate zoning to be used for single-family houses. Mr. Mabry displayed graphics of the property from near the entrance to the proposed subdivision. He also displayed a zoning map of the area, an aerial, and the public notice map of the area. Mr. Mabry went over surrounding property and uses, the Future Land Use Plan and future trends, the Thoroughfare Plan, adequacy of public facilities, and development regulations. He said there would be an 8" water line to serve the proposed subdivision and septic systems would be used instead of running sewer lines in that area. Mr. Mabry said Staff recommends approval of the zone change request because the request complies with the above requirements for the Urban Estates District. He said sixteen notices were mailed to surrounding property owners within 200 feet. Two notices were returned in favor of the request and none were returned in opposition of the request.

Chair Luck opened the public hearing asking anyone wishing to speak in favor or against this item to address the Commission.

Mr. Victor Turley, 301 N. 3rd Street, representative for the applicant, addressed the Commission. He spoke in favor of the zone change request.

Ms. Morgan, 11244 Whiterock Drive, addressed the Commission. She asked if the property in question could be used as a multi-family use such as Churches, institutional uses, medical facilities, etc. Mr. Mabry said the Zoning Ordinance lists different types of uses that are permitted in each zoning district and in this particular one there are institutional uses allowed which usually in residential areas, it would be Churches. He said the size of the lots make it so that it would be hard to allow a clinic or something of that type. Mr. Mabry said often subdivisions would have separate restrictions for the property. Ms. Morgan asked about a particular part of the property and what the potential use would be. Mr. Mabry replied that it was part of one of the residential lots shown on the proposed plat.

Chair Luck closed the public hearing.

Motion to recommend approval of Z-FY-08-02, by Commissioner Secrest; seconded by Commissioner Martin.

Motion passed. (8/0)

ORDINANCE NO. ___

(Zoning No. Z-FY-08-02)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A ZONING CHANGE FROM AGRICULTURAL DISTRICT (A) TO URBAN ESTATES DISTRICT (UE) ON APPROXIMATELY 24.384 ACRES OF LAND COMMONLY KNOWN AS OUTBLOCK 2752B-A, CITY ADDITION, LOCATED ON THE EAST SIDE OF FM 2271, EAST OF WASKOW ACRES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

<u>**Part 1**</u>: The City Council approves a zoning change from Agricultural District (A) to Urban Estates District (UE) on approximately 24.384 acres of land commonly known as Outblocks 2752B-A, City Addition, located on the east side of FM 2271, east of Waskow Acres, in the City of Temple, Texas, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

<u>**Part 2:**</u> The City Council directs the Director of Planning to make the necessary changes to the City Zoning Map 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.

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

<u>**Part 5**</u>: It is hereby officially found and determined that the meeting at which this Ordinance 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 6th day of December, 2007.

PASSED AND APPROVED on Second Reading on the **20th** day of **December**, 2007.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger City Secretary Jonathan Graham City Attorney



12/20/07 Item #6(B) Consent Agenda Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Tim Dolan, Planning Director

ITEM DESCRIPTION: P-FY-08-05: Consider adopting a resolution authorizing the approval of the preliminary plat of Overlook Ridge Estates, a 24.38 acre, 15 lot residential subdivision, located south of FM 2305, on the east side of FM 2271 behind Wascow Acres Subdivision with the developer's requested exceptions for centerline curve radii minimum of 200' and cul-de-sac maximum length of 500'.

STAFF AND P&Z COMMISSION RECOMMENDATION: At its meeting on November 19, 2007, the Planning and Zoning Commission voted 8/0 in accordance with the Staff recommendation to recommend approval of the preliminary plat of Overlook Ridge Estates without exception to 33-102(d)(2) (park fees) and with exceptions to Sec. 33-93(e) (centerline curve radii) and 33-93(h) (culde-sac length). Commissioner Norman was absent.

ITEM SUMMARY: Please refer to the Staff Report and draft minutes of case P-FY-08-05, from the Planning and Zoning Commission meeting on November 19, 2007. This plat was reviewed and deemed complete by the Design Review Committee on 10/30/07.

This plat tracks with zone change case Z-FY-08-02. The zone change request had its first reading before City Council on December 6, 2007 and was voted for approval 4/0. The zone change request is having its second reading on December 20, 2007.

Lots in the subdivision are adequately sized and have adequate setbacks for the requested UE, Urban Estates zoning district.

The final plat for the subdivision (which is in the process of staff review) shows that the applicant has withdrawn the request for an exception from payment of park fees.

The applicant requests exceptions to the following provisions:

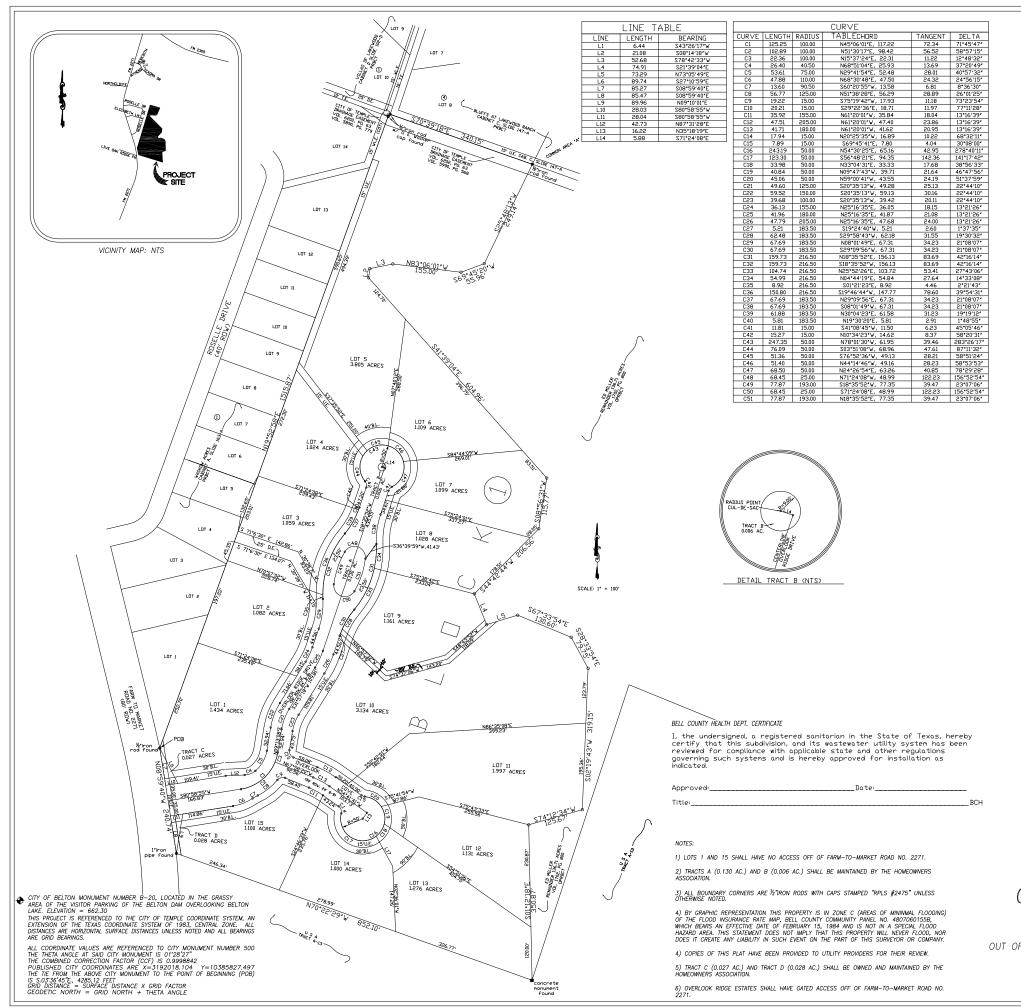
Subdivision Regulations Citation	Requirement	Applicant's Justification	P&Z and Staff Support?
Sec. 33-93(e)	Centerline curve radii minimum of 200'	To preserve 5 oak trees shown on tree survey. One tree is 60" caliper and four of the trees are grouped together with a 96" total caliper.	Yes
Sec. 33-93(h)	Cul-de-sac maximum length of 500' (Canyon Ridge Drive)	Amount of road frontage is prohibitive for additional entrances.	Yes

The City Council is the final review authority since exceptions have been requested.

FISCAL IMPACT: NA

ATTACHMENTS:

Plat Tree Survey P&Z Staff Report (Z-FY-08-02) P&Z Minutes (11/19/07) Resolution



STATE OF TEXAS COUNTY OF BELL

GALLAWAY INVESTMENTS, LLC, OWNER HEREIN AS OVERLOOK RIDGE ESTATES AND WHOSE NAME IS SUBSCRIBED H FOREVER ALL STREETS, ALLEYS, WATE SHOWN HEREON.

GALLAWAY INVESTMENTS, LLC

TREY GALLAWAY, PRESIDENT

STATE OF TEXAS

COUNTY OF BELL THIS INSTRUMENT WAS ACKNOWLEDGI TREY GALLAWAY, PRESIDENT OF GALL SAID CORPORATION.

NOTARY PUBLIC

THIS FINAL PLAT HAS BEEN SUBMITT COMMISSION OF THE CITY OF TEMPL DATED THIS_____ DAY OF

CHAIRPERSON

THIS PLAT HAS BEEN SUBMITTED TO AN OF THE CITY OF TEMPLE, AND IS HEREI DATED TH<u>IS____</u>DAY OF_____

SECRETARY TO PLANNING & ZONING C

THIS PLAT HAS BEEN SUBMITTED TO TEXAS, AND IS HEREBY APPROVED B DATED THIS______DAY O<u>F___</u>DAY O<u>F___</u>

CITY SECRETARY

STATE OF TEXAS

COUNTY OF BELL

I, THE UNDERSIGNED, A REGISTERE CERTIFY, THAT PROPER ENGINEERIN

VICTOR D. TURLEY, P.E. NO. 32525

STATE OF TEXAS

COUNTY OF BELL

I, THE UNDERSIGNED, A REGISTERED HEREBY CERTIFY, TO THE BEST OF CORRECT, THAT IT WAS PREPARED F MY SUPERVISION ON THE GROUND, , CORRECTLY SHOWN THEREON.

VICTOR D. TURLEY, R.P.L.S. NO. 2475

PRELIMINA OVERLOOK 1 BLOCK 24.38 OUT OF THE GEORGE LINDSEY SU A SUBDIVISION IN BELL COU

24.384 ACRES MORE FULLY DESRI TRACT SUVEY

AVEYING ENT 5, INC. EAX NO. (254) 773-2400
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ENGINEERING CONSTRU CONSTRU TURLEY A 301 N. 3rd ST. E-MAIL: VDTURLEY@AOL.COM
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OF: STATES StATES a. 513. BELL COUNTY. TEXAS a. 513. BELL TEMPLE 'VTS, LLC '
PRELIMINARY PLAT OF: OVERLOOK RIDGE EST 24.384 ACRES sour of the genee under surver, abstract no. 5 a subdivision in the city of tem BELL COUNTY, TEXAS PREPARED FOR: GALLAWAY INVESTMENT: BELTON, TEXAS 76513 BELTON, TEXAS 76513
REVISIONS
DATE: 9/7/7 DRN. BY: MEA FIELD BOOK REF.: JOB NO.: 07–423
SHEET 1 OF 1 <u>COMPUTER 07423-FP</u> 11822-D



PLANNING AND ZONING COMMISSION AGENDA ITEM

11/19/07 Item 4 Page 1 of 2

APPLICANT / DEVELOPMENT: Trey Gallaway c/o Turley & Associates / Overlook Ridge Estates

CASE MANAGER: Brian Mabry, AICP, Senior Planner

ITEM DESCRIPTION: P-FY-08-05 Consider a recommendation to approve the preliminary plat of Overlook Ridge Estates, a 24.38 acre, 15 lot residential subdivision, located south of FM 2305, on the east side of FM 2271 behind Wascow Acres Subdivision with the developer requesting exceptions to park fee, centerline curve radii and cul-de-sac length requirements. (Applicant: Turley Associates)

<u>STAFF RECOMMENDATION</u>: Staff recommends approval of the preliminary plat without exception to 33-102(d)(2) (park fees) and with exceptions to Sec. 33-93(e) (centerline curve radii) and 33-93(h) (cul-de-sac length).

BACKGROUND: This plat tracks with zone change case Z-FY-08-02. This plat was reviewed and deemed complete by the Design Review Committee (DRC) on 10/30/07.

Lots in the subdivision are adequately sized and have adequate setbacks for the requested UE, Urban Estates zoning district.

Streets in this subdivision are built slightly wider than rural local street standards. Rural local streets may be 22 feet measured back of curb to back of curb in subdivisions with a density of 2 units per acre or less. The density of this subdivision is 1.6 units per acre and the streets are 24 feet in width. In addition, this subdivision will be gated and on November 12, 2007, the applicant applied for a street use license for the gates.

The applicant requests exceptions to the following provisions.

Subdivision Regulations Citation	Requirement	Applicant's Justification	Staff Support?*
Sec. 33-102(d)(2)	Payment of \$225 in park fees per dwelling unit	No existing or future parks in area.	No
Sec. 33-93(e) Centerline curve radii minimum of 200'		To preserve 5 oak trees shown on tree survey. One tree is 60" caliper and four of the trees are grouped together with a 96" total caliper.	Yes
Sec. 33-93(h)	Cul-de-sac maximum length of 500' (Canyon Ridge Drive)	Amount of road frontage is prohibitive for additional entrances.	Yes

*See explanations below

The Parks and Leisure Services Department does not support the waiver of park fees in the sum of \$3,375. A subdivision has to be in the ETJ in order for the Department to consider supporting a park fee waiver. Furthermore, the City Council has not made it a practice to grant park fee waivers for subdivisions in the City limits. Since FM 2271 is not designated as a collector street on the Thoroughfare Plan, sidewalks are not required on lots 1 and 15. However, the Hike and Bike Master Plan calls for a hike and bike trail to be along FM 2271 in the future and therefore sidewalks are considered appropriate to allow for future connection.

The Public Works Department supports the waiver for centerline curve radii due to the low number of average daily trips that will be generated by only 15 lots and due to the presence of the gate which will act as a traffic calming device.

The Planning Department supports the cul-de-sac waiver due to the applicant's reason stated above and due to the lack of a stub-out in Waskow Acres that prevents a second connection to a street outside of the subdivision.

The City Council is the final review authority since exceptions have been requested.

ATTACHMENTS:

Plat Tree Survey

EXCERPTS FROM THE

PLANNING & ZONING COMMISSION MEETING

MONDAY, NOVEMBER 19, 2007

ACTION ITEMS

4. P-FY-08-05 Consider a recommendation to approve the preliminary plat of Overlook Ridge Estates, a 24.38 acre, 15 lot residential subdivision located south of FM 2305, on the east side of FM 2271 behind Waskow Acres Subdivision with the developer's requested exceptions to park fees, centerline curve radii and cul-de-sac length requirements. (Applicant: Turley Associates)

Mr. Brian Mabry, Senior Planner, presented this item as outlined in the Planning and Zoning Commission Agenda. He displayed a view of the plat and said the lots in the subdivision are adequately sized and have adequate setbacks for the requested Urban Estate District. Mr. Mabry said the plat was reviewed and deemed complete by the Design Review Committee (DRC) on October 30, 2007. He said the applicant has requested exceptions to this plat as follows: 1) Park fees, 2) Centerline curve radii, and 3) Cul-de-sac length. Staff supports and recommends approval of the plat with the exceptions to the centerline curve radii and the cul-de-sac length requirement but does not support the exception to the park fee requirement. Mr. Mabry said the main cul-de-sac in the subdivision is built to a rural local street standard which is something that the subdivision regulations allow. He added that the subdivision would be gated which would require a street use license that will need to be applied for and approved before the subdivision is built. He said the Staff recommendation is to approve the preliminary plat without exception to the park fee requirement but with exception to the centerline curve radii and the cul-de-sac length requirements and with any additions or alterations to the engineering plans as the Engineering Department requires. Mr. Mabry said City Council is the final plat authority due to the requested exceptions.

Commissioner Pilkington asked Mr. Turley if there is any particular reason for asking an exception to the park fees. Mr. Turley replied that this development is joining to the largest recreational area in Central Texas. The applicant felt it is a reasonable request due to the extraordinary circumstances. He said normally the Parks Department identifies where the park fees will be allocated.

Ms. Kim Mettenbrink, Parks Planner, addressed the Commission. She said it is customary that when the park fees are taken, they are given five

years to borrow in and develop an existing park. There is no existing park within a 5 mile radius therefore Parks will hold the money in escrow and if in five years park land has not been acquired, the money is refunded to the developer or homeowners. She said that the Master Plan does show a hike and bike trail to extend from FM 2305 down to the core property land which could be ten years or more, hopefully in five years.

Motion to recommend approval of P-FY-08-05 subject to staff recommendations, by Vice-Chair Pope; seconded by Commissioner Talley.

Motion passed (8/0).

RESOLUTION NO.

(ZONING NO. P-FY-08-05)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING THE PRELIMINARY PLAT OF OVERLOOK RIDGE ESTATES, A 24.38 ACRE, 15 LOT RESIDENTIAL SUBDIVISION, LOCATED SOUTH OF FM 2305, ON THE EAST SIDE OF FM 2271 BEHIND WASKOW ACRES SUBDIVISION, SUBJECT TO THE DEVELOPER'S REQUESTED EXCEPTIONS TO THE SUBDIVISION ORDINANCE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on November 19, 2007, the Planning and Zoning Commission approved the preliminary plat of Overlook Ridge Estates, a 24.38 acre, 15 lot residential subdivision, located south of FM 2305, on the east side of FM 2271 behind Waskow Acres Subdivision, subject to the staff recommendation regarding the developer's requested exceptions to the Subdivision Ordinance regarding centerline curve radii and cul-de-sac length; and

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

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

Part 1: The City Council approves the preliminary plat of Overlook Ridge Estates, a 24.38 acre, 15 lot residential subdivision, located south of FM 2305, on the east side of FM 2271 behind Waskow Acres Subdivision, more fully shown on the Plat which is on file in the City's Planning Department, incorporated herein and referred to by reference, and including the following exception to the Subdivision Ordinance: *Section 33-91(e)* authorizing an exception to the centerline curve radii minimum of 200 feet; and *Section 33-93(h)* authorizing a cul-de-sac maximum length of 500 feet for Canyon Ridge Drive.

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

PASSED AND APPROVED this the **20th** day of **December**, 2007.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, MAYOR

APPROVED AS TO FORM:

Clydette Entzminger City Secretary

ATTEST:

Jonathan Graham City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

12/20/07 Item #7 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.

<u>STAFF RECOMMENDATION</u>: Conduct public hearing and adopt ordinance as presented in item description, on first reading, and schedule second reading and final adoption for January 3, 2008.

ITEM SUMMARY: In August of 2007 the City adopted an ordinance establishing school Crosswalks and setting limits within the school zones as agreed upon by the City, TISD and BISD.

TISD has requested that a flasher controlled school zone be installed at the 3700 block of West Nugent Avenue in front of Kennedy-Powell Elementary School. 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	Х	Х	
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)			
Cater Elementary	Х	Х	
4111 Lark Trail			
A. Crossing Guard works "Crosswalk"			
in school parking area. B. School Zone is on Lark Trail. (In front of			
the school)			
Emerson Elementary	Х	Х	
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.			
Hector Garcia Elementary			Х
2525 Lavendusky Drive			6:30 to 8:15
A. No "Crosswalks" planned at this time.			14:45 to 15:30
School Zone 50th & E. Adams Lights			
Jefferson Elementary	Х	Х	Х
400 West Walker			6:30 to 8:15
A. Crossing Guards (2) work "Crosswalk" on			14:45 to 15:30
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 rd Street)			
vvalker on 3 Street)			
Kennedy-Powell Elementary	Х	Х	
3707 West Nugent			
A. Crossing Guard will work Nugent and			
Cearly Roads			
B. No lights.			
Meridith-Dunbar Elementary	Х	Х	Х
1717 East Ave. J			6:30 to 8:15
A. Crossing Guard works 30th Street and			14:45 to 15:30
Ave. J.			
B. Flashing lights at S 30 th and Ave J			
			<u> </u>

SCHOOLS	CONES	FLAGS	FLASHING LIGHTS
Raye-Allen Elementary	Х	Х	X
5015 South 5th Street			6:30 to 8:15
A. Crossing Guards will work South 5th and			14:45 to 15:30
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.			
Scott Elementary	Х	Х	
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.			
Thornton Elementary	Х	Х	
2900 Pin Oak Drive			
A. Crossing Guard works on Pin Oak and			
East Street.			
B. School Zones on Pin Oak and			
Cottonwood.			
Western Hills Elementary	Х	Х	Х
600 Arapaho			6:30 to 8:15
A. Crossing Guard works Deer and Apache.			14:45 to 15:30
B. Crossing Guard works Gila and Apache.			
C. Flashing Lights north of Deer on Apache			
and south of Gila on Apache.			
Kennedy-Powell Elementary			Х
3707 W Nugent Ave			
A. Flashing Lights north of school on W			6:30 to 8:15
Nugent Ave			14:45 to 15:30
Bonham Middle School			Х
4600 Midway Drive			7:00 to 8:30
A. Flashing Lights east of school and west			15:00 to 16:30
of school on Midway.			
Lamar Middle School			Х
2120 North 1st Street			7:00 to 8:30
A. School Zone is north at Virginia and 1st			15:00 to 16:30
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 rd Street (Spur 290)			
Travis Middle School	Х	Х	Х
1500 South 19th Street	~	~	7:00 to 8:30
A. Crossing Guards works at 19th Street			15:00 to 16:30
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.			

SCHOOLS	CONES	FLAGS	FLASHING LIGHTS
Temple High School			х
415 North 31st Street			7:00am to 16:00pm
A. School Zone from north of Barton on 31st			
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	X
714 South Pea Ridge	7:15 to 8:00
A. 25 mph zone (school hours)	14:15 to 15:00

Lake Belton Middle School	
8818 Tarver	
A. School signs.	
Joe M. Pirtle Elementary	X
714 South Pea Ridge	7:15 to 8:00
A. 25 mph zone (school hours)	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

ORDINANCE NO.

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.

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:

<u>Part 1</u>: 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.

<u>Part 2</u>: 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.

<u>Part 5</u>: 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.

<u>**Part 9**</u>: 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 **20th** day of **December**, 2007.

PASSED AND APPROVED on Second Reading on the 3rd day of January, 2008.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger City Secretary Jonathan Graham City Attorney

SCHOOLS	CONES	FLAGS	FLASHING LIGHTS
Bethune Elementary	Х	Х	
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) Cater Elementary	Х	Х	
4111 Lark Trail	^	~	
A. Crossing Guard works "Crosswalk"			
in school parking area.			
B. School Zone is on Lark Trail. (In front of			
the school)			
Emerson Elementary	Х	Х	
1400 East Ave. B			
A. Crossing Guard works Ave. B and 24th			
Street.			
B. Crossing Guard works Ave. B and AdamsC. Crossing Guard works Ave. H and 24th			
Street.			
Hector Garcia Elementary			Х
2525 Lavendusky Drive			6:30 to 8:15
A. No "Crosswalks" planned at this time.			14:45 to 15:30
School Zone 50th & E. Adams Lights			
Jefferson Elementary	Х	Х	Х
400 West Walker			6:30 to 8:15
 Crossing Guards (2) work "Crosswalk" on 3rd and Walker. 			14:45 to 15:30
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 rd Street)			
Kennedy-Powell Elementary	Х	Х	Х
3707 West Nugent			6:30 to 8:15
A. Crossing Guard will work Nugent and			14:45 to 15:30
Cearly Roads			
Meridith-Dunbar Elementary	Х	Х	Х
1717 East Ave. J			6:30 to 8:15
A. Crossing Guard works 30th Street and			14:45 to 15:30
Ave. J.			
B. Flashing lights at S 30 th and Ave J			

SCHOOLS	CONES	FLAGS	FLASHING LIGHTS
Raye-Allen Elementary	X	X	X
5015 South 5th Street			6:30 to 8:15
A. Crossing Guards will work South 5th and			14:45 to 15:30
Marlandwood Road.			
B. Crossing Guard to work RxR Crossing on	1		
South 5th Street			
C. Flashing Lights to be activated north of Marlandwood on 5th Street and south of			
school site on 5th Street.			
Scott Elementary	Х	Х	
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.			
Thornton Elementary	Х	Х	
2900 Pin Oak Drive			
 Crossing Guard works on Pin Oak and East Street. 			
B. School Zones on Pin Oak and			
Cottonwood.			
Western Hills Elementary	Х	Х	Х
600 Arapaho			6:30 to 8:15
A. Crossing Guard works Deer and Apache.			14:45 to 15:30
B. Crossing Guard works Gila and Apache.C. Flashing Lights north of Deer on Apache			
and south of Gila on Apache.			
Bonham Middle School			Х
4600 Midway Drive			7:00 to 8:30
A. Flashing Lights east of school and west			15:00 to 16:30
of school on Midway.			
Lamar Middle School			Х
2120 North 1st Street			7:00 to 8:30
A. School Zone is north at Virginia and 1st			15:00 to 16:30
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 rd Street	+		
	`		
(Spur 290)			
Travis Middle School	x	х	х
1500 South 19th Street			7:00 to 8:30
A. Crossing Guards works at 19th Street			15:00 to 16:30
and Ave M.			
B. Flashing Lights west of 19th Street on			

1	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.		

SCHOOLS	CONES	FLAGS	FLASHING LIGHTS
Temple High School			х
415 North 31st Street			7:00am to 16:00pm
A. School Zone from north of Barton on 31st			
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	X
2305 Lake Road	7:15 to 8:00
A. School Zone Flashing Lights	14:15 to 15:00
Tarver Middle School 8818 Tarver A. School signs.	
Joe M. Pirtle Elementary	X
714 South Pea Ridge	7:15 to 8:00
A. 25 mph zone (school hours)	14:15 to 15:00



COUNCIL AGENDA ITEM MEMORANDUM

12/20/07 Item #8 Regular Agenda Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Tim Dolan, Planning Director

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING - Consider adopting an ordinance approving 0.268 acres of partial street abandonments of North Main Street (between Lots 4 and 3, Block 30, Moore's First Addition) and West Calhoun Avenue (between North Main Street and the west property line of Lot 2, Block 30, Moore's First Addition), with the retention of a 1,700 square foot easement along West Calhoun Avenue.

<u>STAFF RECOMMENDATION</u>: Conduct public hearing and adopt ordinance as presented in item description, on first reading, and schedule second reading and final adoption for January 3, 2008. Due to potential traffic visibility, traffic flow and fire issues associated with the above request, staff only recommends approval of the requested abandonment with the following conditions:

- 1. A 1,700 square foot public utility easement needs to be retained along West Calhoun Avenue for existing aerial and underground utilities (see proposed easement exhibit).
- 2. No street parking will be allowed on North Main Street between West Calhoun and Downs Avenues.
- 3. As a solution to potential traffic visibility issues, Christ Episcopal Church would be responsible for a new sidewalk "bump-out" with handicapped ramp in front of the law office at the southwest corner of West Calhoun Avenue and North Main Street to be built even with the Church's proposed relocated curbing along North Main Street.

ITEM SUMMARY: Christ Episcopal Church, located at 300 North Main Street, requests partial street abandonments and narrowing of North Main Street between West Calhoun Avenue and West Downs Avenue, and West Calhoun Avenue between North Main Street and the east edge of the alley between North 1st Street and North Main Street. This request is to allow for expansion of the church out toward West Calhoun Avenue and North Main Street.

The Church's proposal would result in narrowing North Main Street in front of the law firm (Blanks, Greenfield, & Rhodes) to 26 feet-6 inches at the proposed sidewalk "bump-out" and handicap ramp; narrowing North Main Street in front of the Church to 32 feet-8 inches; and narrowing West Calhoun Avenue to 26 feet-6 inches. Christ Episcopal Church has provided field notes for a 1,700 square foot public utility easement that needs to be retained for existing aerial and underground utilities in the alley and along West Calhoun Avenue.

12/20/07 Item #8 Regular Agenda Page 2 of 2

All utility providers, including the City's Public Works Department, were contacted regarding this request. Existing Oncor Electric, Atmos Energy, and AT&T Texas utilities (overhead electric and phone lines and buried gas and phone lines) require the retention of a 1,700 square foot easement along West Calhoun Avenue. Several existing street lights are in conflict with the proposed church expansion. The street lights will need to be relocated away from their current location in the North Main Street right-of-way along the east edge of the existing sidewalk. Ike Weathers, on behalf of Christ Episcopal Church, says the church will pay Oncor for the relocation of the street lights that will need to be relocated into the remaining North Main Street right-of-way.

Staff met several times with representatives of Christ Episcopal Church to discuss potential fire collapse zone issues along West Calhoun Avenue and North Main Street; and traffic visibility issues at the southwest corner of the intersection of West Calhoun Avenue and North Main Street. The Fire Department's concerns are that operations will be hampered if an incident occurs at the two-story law offices on the south side of West Calhoun Avenue. The Fire Department's other concern is that narrowing North Main Street will affect the flow of traffic because it is a very excessively used street because of the Post Office and Social Security building.

The Engineering Department cautions that the proposed curb realignments resulting from the right-ofway abandonment will cause unsafe traffic conditions related to sight distance. The Engineering Department recommends the Church provide a sidewalk "bump-out" with a handicap ramp, even with the Church's requested relocated curbing along North Main Street. Another concern is that the proposed narrowing of North Main Street may negatively impact traffic flow on North Main Street. The Post Office shares this concern.

The Post Office, across the street from Christ Episcopal Church, foresees potential safety issues primarily from the previously approved closure of North 2nd Street (their main thoroughfare) to the rear of the post office building. The closure of North 2nd Street will force all of the Post Office's trucks, LLV's (Long Life Vehicles-Postal Jeeps), HCR's (Highway Contract Routes-18 Wheelers), and postal employees to utilize Main Street. The Post Office's safety concerns are due to congestion and the closing of North 2nd Street that may be imposed on postal employees and their customers.

Other property owners within 200 feet of the requested street abandonment areas were sent notification letters and exhibits of the Church's proposal. They have not contacted staff with responses to the Church's requested abandonments and narrowing of the streets.

FISCAL IMPACT: If approved, Christ Episcopal Church would pay the City of Temple the fair market value of \$11, 900 to purchase the 0.268 acres of abandoned street rights-of-way.

ATTACHMENTS:

Aerial Map Application Site Plan Proposed Easement Ordinance





APPLICATION FOR ABANDONMENT

Name, address, telephone no., and fax no. of individual or entity applying for abandonment PROTESTANT EPISCOPAL CHURCH COUNCIL OF THE DIOCESE OF TEXAS "CHRIST EPISCOPAL CHURCH "

Name, address, telephone no., and fax no. of agent representing applicant MR JOHN HANCOCK - 300 N. MAIN ST -- TEMPLE, TEXAS 76501 Telephone - 254-773-1657 Fax - 254-773-4310

Type of abandonment: Alley Street Easement Wother PART OF MAIN ST & CALHOUN AVE Explain reason why the abandonment is needed

LAND IS NEEDED FOR BUILDING EXPANSION

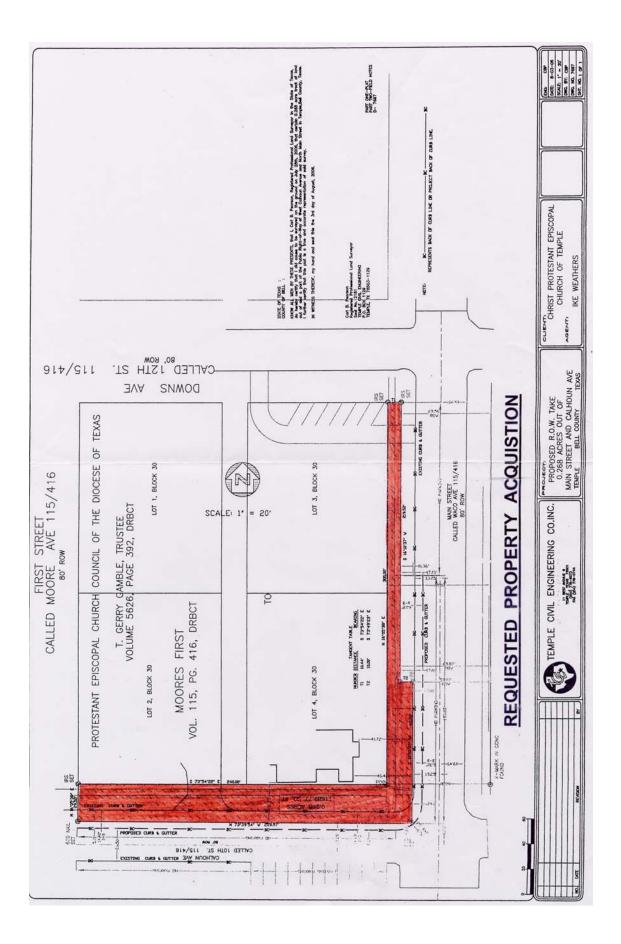
Attached: KNSurvey Building plans for proposed abandoned property

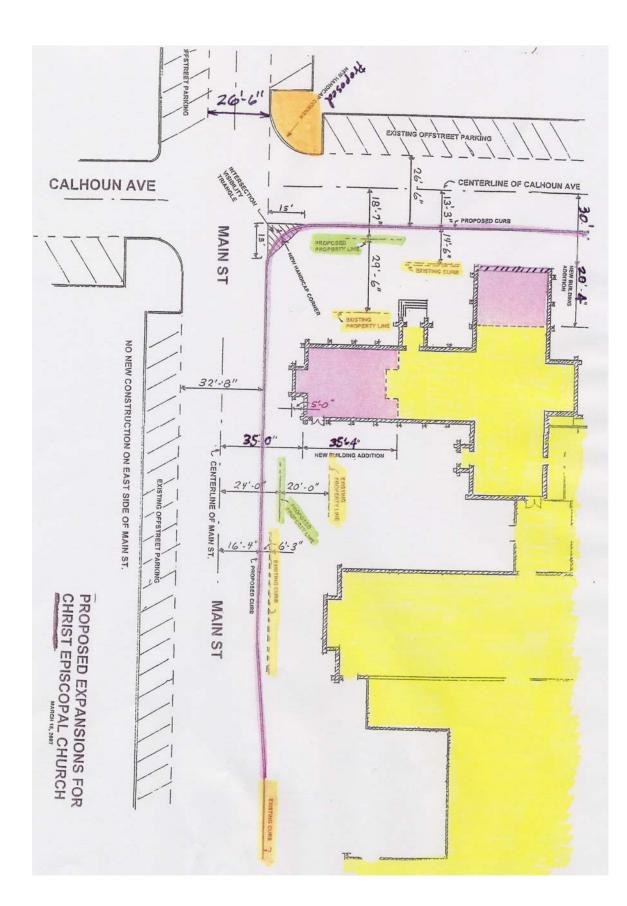
XXI Fee (\$100 + Broker's opinion)

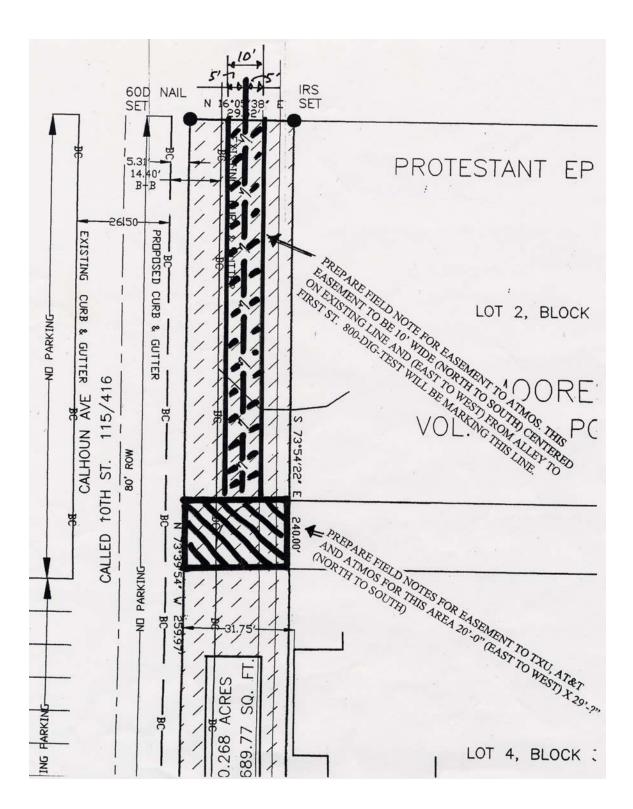
* Any abandonment of a street reflected on the City's adopted thoroughfare plan may be presented to the Planning & Zoning Commission and the City Council.

Provide proposed use of abandoned property, if granted BUILDING EXPANSION

Applicant's name (typed) _______ CHEIST_EPISCOPAL_CHURCH Applicant's signature _______ John Gancord







Field Notes for a 1700 square feet Public Utility Easement out of and a part of the right-of-way of Calhoun Avenue, the North line of said 1700 square feet Easement being 10.74 feet South of and parallel to the South line of Lot 2, Block 30, Moore's First Addition, according to the Plat of Record in Volume 115, Page 416, Deed Records, Bell County, Texas, said 1700 Square Foot Easement being more fully described as follows:

Beginning at a point in the East line of North First Street for the Northwest corner of this easement which bears South 16° 05' 38" West, 10.74 feet, from an iron rod set for the Southwest Corner of Lot 2, Block 30, Moore's First Addition.

Thence: South 73° 54' 22" East, 110.00 feet, with the North line of this easement being 10.74 feet South of and parallel to the South line of the aforementioned Lot 2, Block 30, Moore's First Addition to a point for an Ell corner of this easement, said corner being in the projection of the West line of a 20' abandoned alley.

Thence: North 16° 05' 38" East, 10.74 feet, continuing with the North line of this Easement and the West line of the aforementioned alley to a point in the North line of the Dedicated right-of-way of Calhoun Avenue for a corner in the North line of this Easement, said corner also being the Southeast corner of the aforementioned Lot 2, Block 30, Moore's First Addition.

Thence: South 73° 54' 22" East, 20.00.feet, continuing with the North line of this Easement abd the South line of the aforementioned Block 30, Moore's First Addition to a point for the Northeast corner of this Easement, said point also being the Southwest corner of of Lot 4, Block 30, Moore's First Addition.

Thence: South 16° 05' 38" West, 30.07 feet, with the East line of this Easement being the projection of the East line of the aforementioned 20' abandoned Alley to a point within the dedicated right-of-way of Calhoun Avenue for the Southeast corner of this Easement, said Southeast corner being in the South line of a 0.268 acre tract being a part of the dedicated right-of-way of Calhoun Avenue and the dedicated right-of-way of North Main Street.

Thence: North 73° 39' 54" West, 20.00 feet, with the South line of this Easement and the South line of the aforementioned 0.268 acre tract to a point for an outside Ell Corner of this easement, said corner being in the projection of the West line of the aforementioned 20' abandoned Alley.

Page 1 of 2

Thence: North 16° 05' 38" East, 9.24 feet, continuing with the South line of this Easement and the West line of the projection of the West line of the aforementioned 20' abandoned alley to a point for an inside Ell Corner of this easement.

Thence: North 73° 54' 22" West, 110.00 feet, with the South line of this Easement being 10' South of and parallel to the above described North line of this easement to a point in the East line of North First Street for the Southwest corner of this Easement.

Thence: North 16° 05' 38" East, 10.00 feet, with the West line of this Easement and with the East Right-of Way line of North First Street to the place of beginning, containing 1700 square feet of land.

All bearings are grid North bearings based upon the Texas Plane Coordinate System, NAD83, & City of Temple Monument # 46, 10375404.33 North, 3233393.70 East, Convergence 1° 32' 31", combined correction factor 0.999848.

STATE OF TEXAS: COUNTY OF BELL:

KNOW ALL MEN BY THESE PRESENTS, that I Carl B. Pearson, Registered Professional Land Surveyor, do hereby certify that I did cause to be surveyed on the ground on the 19th day of July, 2006, and the 30th day August, 2006, the above described 1700. square feet easement and to the best of my knowledge and belief, said description is true and accurate.

IN WITNESS THEREOF, my hand and seal, this 30th day of August, 2006.

Carl B. Pearson Registered Professional Land Surveyor Seal No. 2181

TEMPLE CIVIL ENGINEERING P.O. BOX 1129 TEMPLE, TEXAS 76503-1129

PART ONE – PLAT PART TWO – FIELD NOTES FN – 7697 Easement



Page 2 of 2

Field Notes for a 0.268 acre tract of land out of and a part of the Right-of-Way of North Main Street and the Right-of-Way of Calhoun Avenue, said 0.247 acre tract being common to the South line of Lot 2 & Lot 3, Block 30 and the East line of Lot 3 & Lot 4, Block 30, Moore's First Addition, according to the Plat of Record in Volume 115, Page 416, Deed Records, Bell County, Texas, said 0.268 acre tract being more fully described as follows:

Beginning at an iron rod set for an inside ELL corner of this tract and the Southeast corner of the aforementioned Lot 4, Block 30, Moore's First Addition to the City of Temple.

Thence: North 16° 05' 38" East, 300.00 feet, (plat 300 feet w/ no bearing reference) with the East line of the aforementioned Lot 3 & Lot 4, Block 30, Moore's First Addition to the City of Temple, to an iron rod set for the most Northerly Northwest corner of this tract and the Northeast corner of the said Lot 3, Block 30, Moore's First Addition to the City of Temple.

Thence: South 73° 54' 22" East, 10.44 feet, with the North line of this tract and the South line of the Right-of-Way of Downs Avenue to and iron rod set for the Northeast corner of this tract of land.

Thence: South 16° 10' 37" West, 219.52 feet, with the East line of this tract to an iron rod for an inside Ell corner of this tract of land.

Thence: South 73° 49' 23" East, 10.00 feet, continuing with the East line of this tract to an iron rod set for an outside Ell corner in the East line of this tract of land.

Thence: South 16° 10' 37" West, 111.08 feet, continuing with the East line of this tract to a 60d nail set in the pavement of Calhoun Ave for the Southeast corner of this tract of land.

Thence: North $73^{\circ} 39' 54''$ West, 259.97 feet, with the South line of this tract, to a 60d nail set in the existing pavement of Calhoun Avenue and in the East line of North First Street for the Southwest corner of this tract of land.

Thence: North 16° 05' 38" East, 29.52 feet, with the West line of this tract and with the East Right-of Way line of North First Street to an iron rod set for the Southwest corner of the aforementioned Lot 2, Block 30, Moore's First Addition to the City of Temple.

Page 1 of 2

Thence: South 73° 54' 22" East, 240.00 feet, (Plat 240.0' & no reference bearing) with the South line of the aforementioned Lot 2 & Lot 4, Block 30, Moore's First Addition to the City of Temple to the place of BEGINNING, containing 0.268 acres of land / or 11,689.7 square feet of land.

All bearings are grid North bearings based upon the Texas Plane Coordinate System, NAD83, & City of Temple Monument # 46, 10375404.33 North, 3233393.70 East, Convergence 1° 32' 31", combined correction factor 0.999848.

STATE OF TEXAS: COUNTY OF BELL:

KNOW ALL MEN BY THESE PRESENTS, that I Carl B. Pearson, Registered Professional Land Surveyor, do hereby certify that I did cause to be surveyed on the ground on the 19th day of July, 2006, the above described tract of land and to the best of my knowledge and belief, said description is true and accurate.

IN WITNESS THEREOF, my hand and seal, this 28th day of July, 2006.

Carl B. Pearson Registered Professional Land Surveyor Seal No. 2181

TEMPLE CIVIL ENGINEERING P.O. BOX 1129 TEMPLE, TEXAS 76503-1129

PART ONE – PLAT PART TWO – FIELD NOTES FN – 7697



Page 2 of 2

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE. TEXAS. ABANDONING PORTIONS OF NORTH MAIN STREET (BETWEEN LOTS 4 AND 5, BLOCK 30, MOORE'S FIRST ADDITION) AND WEST CALHOUN AVENUE (BETWEEN NORTH MAIN STREET AND THE WEST PROPERTY LINE OF LOT 2, BLOCK 30, MOORE'S FIRST ADDITION) CONSISTING OF APPROXIMATELY 0.268 ACRES; RETAINING A 1,700 SQUARE FEET EASEMENT ALONG WEST CALHOUN AVENUE: DECLARING FINDINGS OF FACT: AUTHORIZING CONVEYANCE OF SUCH PROPERTY BY A DEED WITHOUT WARRANTY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City has a request to abandon portions of North Main Street (between Lots 4 and 3, Block 30, Moore's First Addition) and West Calhoun Avenue (between North main Street and the west property line of Lot 2, Block 30, Moore's First Addition) consisting of approximately 0.268 acres;

Whereas, the Staff recommends that the property be abandoned, that fair market value be determined, and that the land be sold for not less than the fair market value;

Whereas, the land is not necessary for the purpose of serving the general public or landowners adjacent thereto for any public purposes; however, a 1,700 square foot easement along West Calhoun Avenue needs to be retained by the City; and

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

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

<u>**Part 1**</u>: The City Council abandons portions of North Main Street (between Lots 4 and 3, Block 30, Moore's First Addition) and West Calhoun Avenue (between North main Street and the west property line of Lot 2, Block 30, Moore's First Addition) consisting of approximately 0.268 acres, more fully described in Exhibit A, attached hereto for all purposes.

<u>Part 2</u>: The City Council approves the abandonment as described in Part 1 with the following conditions: (a) a 1,700 square foot easement located along West Calhoun Avenue, more fully described in Exhibit B, attached hereto for all purposes, is retained; (b) no street parking will be allowed on North Main Street between West Calhoun and Downs Avenues; and (c) as a solution to potential traffic visibility issues, Christ Episcopal Church is responsible for a new sidewalk "bump out" with handicapped ramp in front of the law office

at the southwest corner of West Calhoun Avenue and North Main Street to be built even with the church's proposed relocated curbing along North Main Street.

<u>**Part 3:**</u> The City Council authorizes the Mayor of the City of Temple, Texas, for the consideration set out in Part 4, to execute a Deed Without Warranty conveying the rights and interests of the City of Temple, Texas, to the abutting property owner, which when done, shall be and become a binding act and deed of the City of Temple.

<u>**Part 4**</u>: As consideration for the conveyance described in Part 1, Christ Episcopal Church shall pay an amount which is equal to or greater than the appraised fair market value of \$11,900 for the property.

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

<u>**Part 6**</u>: 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 **20th** day of **December**, 2007.

PASSED AND APPROVED on Second Reading the **3rd** day of **January**, 2008.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

ATTEST:

Clydette Entzminger City Secretary Jonathan Graham City Attorney

STATE OF TEXAS §

COUNTY OF BELL §

This instrument was acknowledged before me on the _____ day of January, 2008, by WILLIAM A. JONES, III, Mayor of the City of Temple, Texas.

Notary Public, State of Texas



COUNCIL AGENDA ITEM MEMORANDUM

12/20/07 Item #9 Regular Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Tim Dolan, AICP, Planning Director

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING - Z-FY-08-04: Consider adopting an ordinance amending the City of Temple Zoning Ordinance Section 10-100 regarding Vehicle Parking Regulations and Section 11-100, Off-Street Loading Regulations of the Zoning Ordinance.

<u>STAFF AND P&Z COMMISSION RECOMMENDATION</u>: Conduct public hearing and adopt ordinance as presented in item description, on first reading, and schedule second reading and final adoption for January 3, 2008. The Planning & Zoning Commission unanimously recommended approval at its December 4, 2007 meeting. The attached memo and draft minutes explain the Commission's action.

ITEM SUMMARY: Staff has received comments recently regarding parking standards for storage or warehousing uses. While the entire review for the Zoning Ordinance and the Subdivision Ordinance will happen as part of the Comprehensive Plan, and that task will be completed by the consultant, Kendig Keast Collaborative (KKC), Staff requests to bring forward some parking amendments now.

The Commission recommended approval to amend the City of Temple Zoning Ordinance Section 10-102 (Vehicle Parking Regulations) to allow parking regulations for storage or warehousing with one parking space for each five thousand (5,000) square feet of total floor area. This is an increase from the current regulations of one parking space for each one thousand (1,000) square feet of floor area. Automation and high technology advances allow larger warehouse areas with fewer employees. The general office parking requirement of one space for every 300 square feet of floor area remains.

There are no changes being recommended at this time to Section 11-100, Off-Street Loading Regulations.

FISCAL IMPACT: None

ATTACHMENTS: P&Z Staff Report P&Z Minutes Ordinance



PLANNING AND ZONING COMMISSION AGENDA ITEM

11/05/07 Item 8 Page 1 of 1

APPLICANT / DEVELOPMENT: City of Temple

CASE MANAGER: Tim Dolan, AICP, Planning Director

ITEM DESCRIPTION:

Z-FY-08-04 Discuss various parking regulations for various uses to amend the Zoning Ordinance Sections 10-100 (Vehicle Parking Regulations) and Section 11-100 (Off-Street Loading Regulations) and set a public hearing date.

BACKGROUND:

Staff has received comments recently regarding parking standards for retail, office and industrial uses. While the entire ordinance review of the Comprehensive Plan will be completed by the consultant, Kendig Keast Collaborative (KKC), Staff requests to bring forward some parking amendments now.

STAFF RECOMMENDATION:

Staff recommends the Commission call a public hearing Monday, December 6, 2007 to recommend amending the Zoning Ordinance Sections 10-100 (Vehicle Parking Regulations) and Section 11-100 (Off-Street Loading Regulations).

FISCAL IMPACT: Not Applicable

ATTACHMENTS: None



PLANNING AND ZONING COMMISSION AGENDA ITEM

12/04/07 Item 4 Page 1 of 1

APPLICANT / DEVELOPMENT: City of Temple

CASE MANAGER: Tim Dolan, AICP, Planning Director

ITEM DESCRIPTION:

Z-FY-08-04 Hold a public hearing to consider amending the City of Temple Zoning Ordinance Section 10-100 regarding Vehicle Parking Regulations and Section 11-100, Off-Street Loading Regulations of the Zoning Ordinance.

BACKGROUND:

Staff has received comments recently regarding parking standards for storage or warehousing uses. While the entire ordinance review of the Comprehensive Plan will be completed by the consultant, Kendig Keast Collaborative (KKC), Staff requests to bring forward some parking amendments now.

STAFF RECOMMENDATION:

Staff respectfully requests the Commission recommend approval amending the City of Temple Zoning Ordinance Section 10-102 (Vehicle Parking Regulations) to allow parking regulations for storage or warehousing with one parking space for each five thousand (5,000) square feet of total floor area. This is an increase from the current regulations of one parking space for each one thousand (1,000) square feet of floor area. Automation and high technology advances allow larger warehouse areas with fewer employees. The general office parking requirement of one space for every 300 square feet of floor area remains.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

None

Public Notice

The newspaper printed the notice of the public hearing on November 21, 2007 in accordance with state law and local ordinance

EXCERPTS FROM THE

PLANNING & ZONING COMMISSION MEETING

MONDAY, DECEMBER 4, 2007

ACTION ITEMS

4. Z-FY-08-04 Hold a public hearing and consider amending the City of Temple Zoning Ordinance Section 10-100 regarding Vehicle Parking Regulations and Section 11-100, Off-Street Loading Regulations of the Zoning Ordinance. (Applicant: Staff-City of Temple Planning Department)

Mr. Tim Dolan, Planning, presented this item as outlined in the Planning and Zoning Commission Agenda. He said TEDC is asking for the Commission to review parking regulations for storage and warehouses. Mr. Dolan said the request is one parking space for each five thousand (5,000) square feet of total floor area. This is an increase from the current regulations of one parking space for each one thousand (1,000) square feet of floor area. He said if an office were attached to the warehouse or storage the parking would remain at one space for every 300 square feet.

Chair Luck opened the public hearing asking anyone wishing to speak in favor or against this item to address the Commission. Seeing no one, Chair Luck closed the public hearing.

Motion to recommend approval of Z-FY-08-04, by Commissioner Carothers; seconded by Commissioner Secrest.

Motion passed (5/0).

Chair Luck read both following items to be presented together, however, each item will need to have separate votes.

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, SECTION 10, "VEHICLE PARKING REGULATIONS," SECTION 10-102, TO ALLOW PARKING REGULATIONS FOR STORAGE OR WAREHOUSING WITH ONE PARKING SPACE FOR EACH 1,000 SQUARE FEET OF FLOOR AREA; 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 10, entitled, "Vehicle Parking Regulations," Section 10-102 (Storage or Warehousing) to read as follows:

Section 10-102. Parking space schedule for nonresidential uses applicable to all districts except the CA, Central Area District.

Storage or Warehousing, one (1) space for each two (2) employees or one (1) space for each one thousand (1000) five thousand (5,000) square feet of total floor area, whichever is greater.

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

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

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

<u>**Part 5:**</u> It is hereby officially found and determined that the meeting at which this ordinance 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 **20th** day of **December**, 2007.

PASSED AND APPROVED on Second Reading and Public Hearing on the **3rd** day of **January**, 2008.

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

12/20/07 Item #10(A) Regular Agenda Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Tim Dolan, Planning Director

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING - Z-FY-08-05(A): Consider adopting an ordinance amending the Temple Comprehensive Plan to reflect commercial uses on Lot 17 and a portion of Lot 16, Block 1, Bentley Bellview Addition at 723 and 725 South General Bruce Drive and 2220 West Avenue H.

STAFF & P&Z COMMISSION RECOMMENDATION: The Planning and Zoning Commission voted 5/0 to recommend <u>denial</u> of the requested amendment to the Comprehensive Plan's Future Land Use Map from Neighborhood and Community Retail to Commercial at its meeting on December 4, 2007. Vice- Chair Pope and Commissioners Pilkington, Kjelland and Derek Martin were absent. Staff recommended <u>approval</u> of the future land use map amendment request for the following reasons:

- 1. The request complies Future Land Use Plan;
- 2. The request complies with the Thoroughfare Plan; and
- 3. Adequate public facilities serve the site.

ITEM SUMMARY: Please refer to the Staff Report and draft minutes of case Z-FY-08-05(A), from the Planning and Zoning meeting on December 4, 2007. The Planning and Zoning Commission had no concerns related to the Future Land Use Map amendment. They did, however, have concerns regarding the companion zone change request. These concerns are described in the staff report for Z-FY-08-05(B).

Since the Planning and Zoning Commission recommends <u>denial</u> of the Future Land Use Map amendment, a super-majority of four favorable votes from the City Council is required for the amendment to pass.

Six notices were sent out for the Planning and Zoning Commission meeting. As of Tuesday, December 11, 2007, at 2 PM, one notice was returned in favor of and one notice was returned in opposition to the request. The newspaper printed notice of the Planning & Zoning Commission's public hearing on November 23, 2007 in accordance with state law and local ordinance.

12/20/07 Item #10(A) Regular Agenda Page 2 of 2

FISCAL IMPACT: NA

ATTACHMENTS:

Future Land Use Map P&Z Staff Report P&Z Minutes (12/04/07) Ordinance



CLUP Agricultural ◯ AGRICULTURE

 \bigcirc

Residential

Commercial

Mixed Use

Industrial

 \bigcirc

 \bigcirc

 \bigcirc

0 \bigcirc

Park Land

Downtown

PARKS

DOWNTOWN

LOW DENSITY (UE)

OFFICE (01, 02) RETAIL (NS, GR)

HIGH DENSITY (MF2)

COMMERCIAL (C, CA)

MIXEDUSE (MU)

Community Facilities

COMMUNITYFACILITY CF-E (EDUCATIONAL)

CF-G (GENERAL)

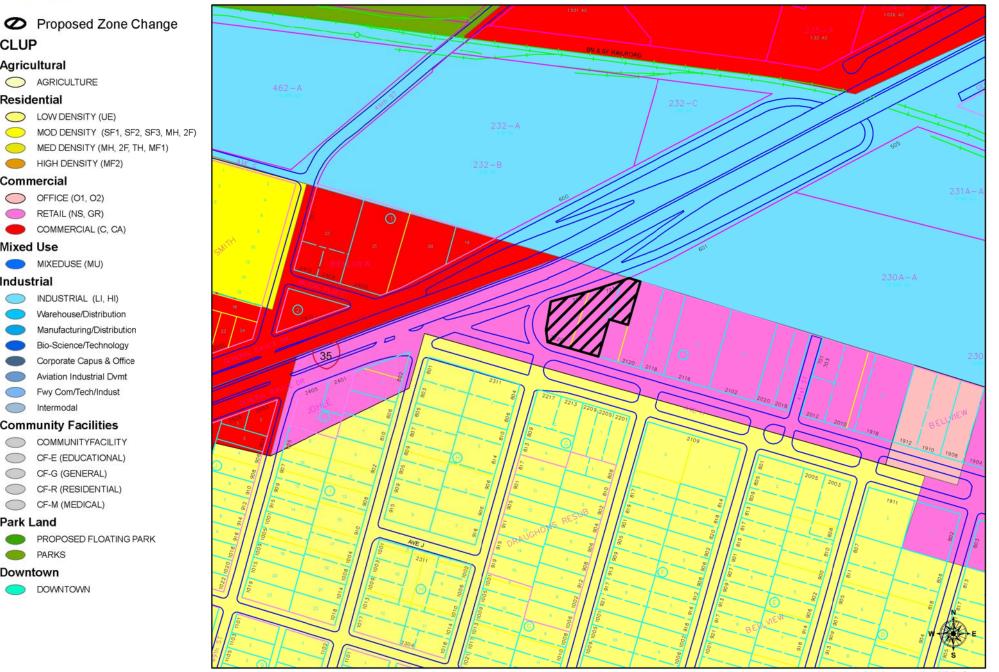
CF-M (MEDICAL)

CF-R (RESIDENTIAL)

INDUSTRIAL (LI, HI) Warehouse/Distribution Manufacturing/Distribution Bio-Science/Technology Corporate Capus & Office Aviation Industrial Dvmt Fwy Com/Tech/Indust Intermodal

725 S General Bruce Dr

Lot 16 & 17, Blk 1, Bellview Addition



PD (GR) to C for Billboard

1 inch equals 300 feet

PLANNING AND ZONING COMMISSION AGENDA ITEM

12/04/07 Item 5(A) Page 1 of 2

APPLICANT / DEVELOPMENT: A.C. Boston

CASE MANAGER: Brian Mabry, AICP, Senior Planner

ITEM DESCRIPTION: Z-FY-8-05(A) Hold hearing to consider an amendment to the Temple Comprehensive Plan to reflect commercial uses on Lot 17 and a portion of Lot 16, Block 1, Bentley Bellview Addition at 723 and 725 South General Bruce Drive and 2220 West Avenue H.

BACKGROUND: This request tracks with Z-FY-08-05(B), a zone change request from the GR, General Retail zoning district to the C, Commercial zoning district.

The Temple Comprehensive Plan was adopted in 1989 and applies to all areas of the City that are not served by area plans such as the West Temple Plan, 25th Street Corridor Plan or the South Temple Plan. Continued intensification of uses along the Interstate warrants consideration of the requested amendment.

Future Land Use Plan

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

Direction	Future Land Use Category
North	Neighborhood & Community Retail
Northeast	Industrial
East	Neighborhood & Community Retail
South	Neighborhood & Community Retail
South (across Ave. H)	Moderate Density Residential
West	Neighborhood & Community Retail
West (across I-35)	Commercial and Industrial

The subject property is currently designated with the Neighborhood and Community Retail future land use category. The future land use category accommodates the NS, Neighborhood Services and the GR, General Retail zoning district. The requested Commercial future land use category accommodates the CA, Central Area and the C, Commercial zoning districts. The Comprehensive Plan amendment request complies with the Future Land Use Plan.

DOUBLE SIDED

Thoroughfare Plan

Interstate 35 is designated as a freeway on the Thoroughfare Plan. A freeway is "devoted entirely to large volumes of traffic movement with little or no land service function." The Comprehensive Plan amendment request complies with the Thoroughfare Plan.

Adequacy of Public Facilities

A six-inch sewer line and six-inch water line serves the property. Adequate public facilities exist to serve the property.

Considering the continued development of Interstate 35 since the drafting of the Comprehensive Plan in 1989 and considering surrounding future land use category designations, amendment of the future land use map is appropriate.

Public Notice

Six notices were sent out. As of Wednesday, November 28 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 November 23, 2007 in accordance with state law and local ordinance

<u>STAFF RECOMMENDATION</u>: Staff recommends approval of the future land use map amendment request from Neighborhood & Community Retail to Commercial for the following reasons:

- 1. The request complies Future Land Use Plan;
- 2. The request complies with the Thoroughfare Plan; and
- 3. Adequate public facilities serve the site.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Land Use Map

EXCERPTS FROM THE

PLANNING & ZONING COMMISSION MEETING

MONDAY, DECEMBER 4, 2007

ACTION ITEMS

- **5(A). Z-FY-08-05** Hold a public hearing to consider an amendment to the Temple Comprehensive Plan to reflect commercial uses on Lot 17 and a portion of Lot 16, Block 1, Bentley Bellview Addition at 723 and 725 South General Bruce Drive and 2220 West Avenue H. (Applicant: A.C. Boston)
- **5(B). Z-FY-08-05** Hold a public hearing to consider a zone change from Planned Development (General Retail) District and General Retail District to Commercial District on Lot 17 and a portion of Lot 16, Block 1, Bentley Bellview Addition at 723 and 725 South General Bruce Drive and 2220 West Avenue H. (Applicant: A.C. Boston)

Mr. Brian Mabry, Senior Planner, presented both items. He began with Item 5(A), Z-FY-08-05 which tracks with the zone change Item 5(B). Mr. Mabry said the subject property is covered by the Temple Comprehensive Plan which was adopted in 1989 and applies to all areas of the City that are not served by area plans such as the West Temple Plan, 25th Street Corridor Plan or the South Temple Plan. He said continuing intensification of uses along the Interstate warrants consideration of the requested amendment to the Future Land Use Map and the Thoroughfare Plan which he displayed for the Commission to view. Mr. Mabry explained that Interstate 35 is designated as a freeway on the Thoroughfare Plan and a freeway is "devoted entirely to large volumes of traffic movement with little or no land service function." He said the Comprehensive Plan amendment request to a more intense commercial level complies with the purpose of Interstate 35 and the Thoroughfare Plan. Mr. Mabry displayed a plan of sewer and water facilities in the area. He said Staff recommends approval of the future land use map amendment request from Neighborhood & Community Retail to Commercial for the reasons listed above.

Mr. Mabry continued with the zone change request Item 5(B). He displayed an aerial view of the property which is zoned General Retail and General Retail with a Planned Development attachment. Mr. Mabry said the Planned Development was first approved in 1986 for a bus station with a stipulation that the bus station could not sell alcohol, bus routes would utilize the frontage road for circulation, and gamerooms would not be permitted at the station. He displayed several uses on the property. Mr. Mabry said the original zone change request was to place a billboard on

the property, however after several measurements between the proposed billboard and two existing billboards determination was that there is not sufficient distance between the billboards. He explained that the Zoning Ordinance requires a minimum separation distance of 1,500 feet between billboards along I-35; an existing billboard to the south is only 1,080 feet from the proposed billboard and an existing billboard to the north is only 1,350 feet from the proposed billboard. Mr. Mabry said although the zone change could be approved, the permit for the billboard could be requested to construct the billboard but the permit would not be approved due to the Zoning Ordinance separation requirements. He went over the surrounding property uses, Future Land Use Plan, Thoroughfare Plan, adequacy of public facilities, and development regulations. Mr. Mabry said six notices were sent to surrounding property owners. One notice was returned in favor of the request and one was returned in opposition to the request. Staff recommends approval of the zone change request because the zone change complies with the request to the amendment to the Future Land Use Plan, the Thoroughfare Plan, and adequate public facilities serve the property.

Commissioner Talley asked Mr. Mabry to respond further on the denial to the zone change request. Mr. Mabry replied that the denial response was concerned that if I-35 expands, it would be more expensive for TxDOT and the public to acquire land that would be zoned with this zoning designation because zoning can affect the appraised value of property, therefore if the zone change is approved it would make the property more valuable and more expensive to acquire.

Chair Luck said if the intent of the applicant was initially for the zoning change for the billboard, and knows that the billboard would not be allowed would he still choose to have the zone change. Mr. Mabry replied yes, that approximately a week ago, he let the applicant and Lamar Signs know that the spacing wasn't going to be met and asked if they wanted to withdraw the request. He said they chose not to withdraw the request.

Chair Luck asked if a developer could come in and change a site plan for additional usage and not just restaurant. Mr. Mabry stated that if the I-35 Overlay were to be adopted as it is now, that there are certain uses more intent that require a Conditional Use Permit and that would weight on top of this property as well as others along the interstate, so right now some of the uses that are permitted by right without review by the City Council would be required to obtain a Conditional Use Permit for that use which is submitting a site plan and having it reviewed by the Planning and Zoning Commission and by City Council.

Commissioner Carothers asked if commercial use is the only use that would require a Conditional Use Permit for a restaurant or bar. Mr. Mabry stated that there are others listed in the Zoning Ordinance that would require a CUP, the restaurant or bar was just one example. Mr. Carothers asked if it were normal for this condition to change or zone without an in use to a property. Mr. Mabry said it has happened before where someone has just requested a zone change and they do not have a specific idea for the use.

Mr. Mabry stated that what specific use the applicant puts down on the application that they are not held to that use. He said it could be another type of use allowable in that zoning district.

Chair Luck opened the public hearing asking anyone wishing to speak in favor or against item 5(A) to address the Commission. Seeing no one, Chair Luck closed the public hearing.

Motion to recommend denial of Z-FY-08-05(A) to consider changing the amendment to the Comprehensive Plan, by Commissioner Carothers; seconded by Commissioner Norman.

Motion passed (5/0).

Chair Luck opened the public hearing asking anyone wishing to speak in favor or against item 5(B) to address the Commission. Seeing no one, Chair Luck closed the public hearing.

Motion to recommend denial of Z-FY-08-05(B) to consider a zone change from Planned Development (General Retail) to Commercial District, by Commissioner Carothers; seconded by Commissioner Secrest.

Motion passed (5/0).

ORDINANCE NO._____

[ZONING NO. Z-FY-08-05(A)]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN AMENDMENT TO THE TEMPLE COMPREHENSIVE PLAN TO REFLECT COMMERCIAL USES ON LOT 17 AND A PORTION OF LOT 16, BLOCK 1, BENTLEY BELLVIEW ADDITION AT 723 AND 725 SOUTH GENERAL BRUCE DRIVE AND 2220 WEST AVENUE H; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

<u>**Part 1**</u>: The City Council authorizes an amendment to the Temple Comprehensive Plan to reflect commercial uses on Lot 17 and a portion of Lot 16, Block 1, Bentley Bellview Addition at 723 and 725 South General Bruce Drive and 2220 West Avenue H, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

<u>Part 2:</u> The City Council directs the Director of Planning to make the necessary changes to the Future Land Use Map accordingly.

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

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

<u>**Part 5**</u>: It is hereby officially found and determined that the meeting at which this Ordinance 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 **20th** day of **December**, 2007.

PASSED AND APPROVED on Second Reading on the **3rd** day of **January**, 2008.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

APPROVED AS TO FORM:

Clydette Entzminger

City Secretary

ATTEST:

Jonathan Graham City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

12/20/07 Item #10(B) Regular Agenda Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Tim Dolan, Planning Director

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING - Z-FY-08-05(B): Consider adopting an ordinance authorizing a zoning change from Planned Development (General Retail) District and General Retail District to Commercial District on Lot 17 and a portion of Lot 16, Block 1, Bentley Bellview Addition at 723 and 725 South General Bruce Drive and 2220 West Avenue H.

STAFF & P&Z COMMISSION RECOMMENDATION: The Planning and Zoning Commission voted 5/0 to recommend denial of the requested zone change at its meeting on December 4, 2007. Vice-Chair Pope and Commissioners Pilkington, Kjelland and Derek Martin were absent. Staff recommended approval of the zone change request for the following reasons:

- 4. The request complies Future Land Use Plan;
- 5. The request complies with the Thoroughfare Plan; and
- 6. Adequate public facilities serve the site.

ITEM SUMMARY: Please refer to the Staff Report and draft minutes of case Z-FY-08-05(B), from the Planning and Zoning meeting on December 4, 2007. The draft minutes show that the Planning and Zoning Commission had concerns about granting the zone change when the proposed use could not be permitted. In addition, there was concern about approving a set of uses that are permitted by right in the C, Commercial zoning district that may eventually become Conditional Uses if the I-35 Overlay Zoning District is adopted in the future.

Since the Planning and Zoning Commission recommends <u>denial</u> of the zone change, a supermajority of four favorable votes from the City Council is required for the zone change to pass.

Six notices were sent out for the Planning and Zoning Commission meeting. As of Tuesday, December 11, 2007, at 2 PM, one notice was returned in favor of and one notice was returned in opposition to the request. The newspaper printed notice of the Planning & Zoning Commission's public hearing on November 23, 2007 in accordance with state law and local ordinance.

12/20/07 Item #10(B) Regular Agenda Page 2 of 2

FISCAL IMPACT: NA

ATTACHMENTS:

Land Use Map Zoning Map Aerial Billboard Separation Aerial Notice Map P&Z Staff Report (Z-FY-08-05B) P&Z Minutes (12/04/07) Ordinance



CLUP Agricultural ◯ AGRICULTURE

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Residential

Commercial

Mixed Use

Industrial

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Park Land

Downtown

PARKS

DOWNTOWN

LOW DENSITY (UE)

OFFICE (01, 02) RETAIL (NS, GR)

HIGH DENSITY (MF2)

COMMERCIAL (C, CA)

MIXEDUSE (MU)

Community Facilities

COMMUNITYFACILITY CF-E (EDUCATIONAL)

CF-G (GENERAL)

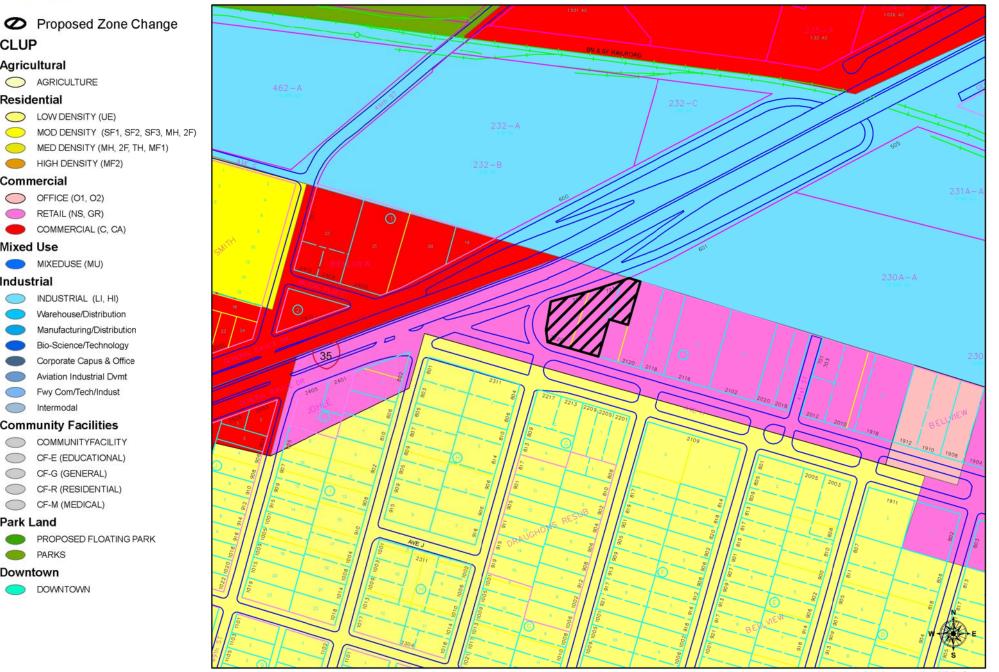
CF-M (MEDICAL)

CF-R (RESIDENTIAL)

INDUSTRIAL (LI, HI) Warehouse/Distribution Manufacturing/Distribution Bio-Science/Technology Corporate Capus & Office Aviation Industrial Dvmt Fwy Com/Tech/Indust Intermodal

725 S General Bruce Dr

Lot 16 & 17, Blk 1, Bellview Addition

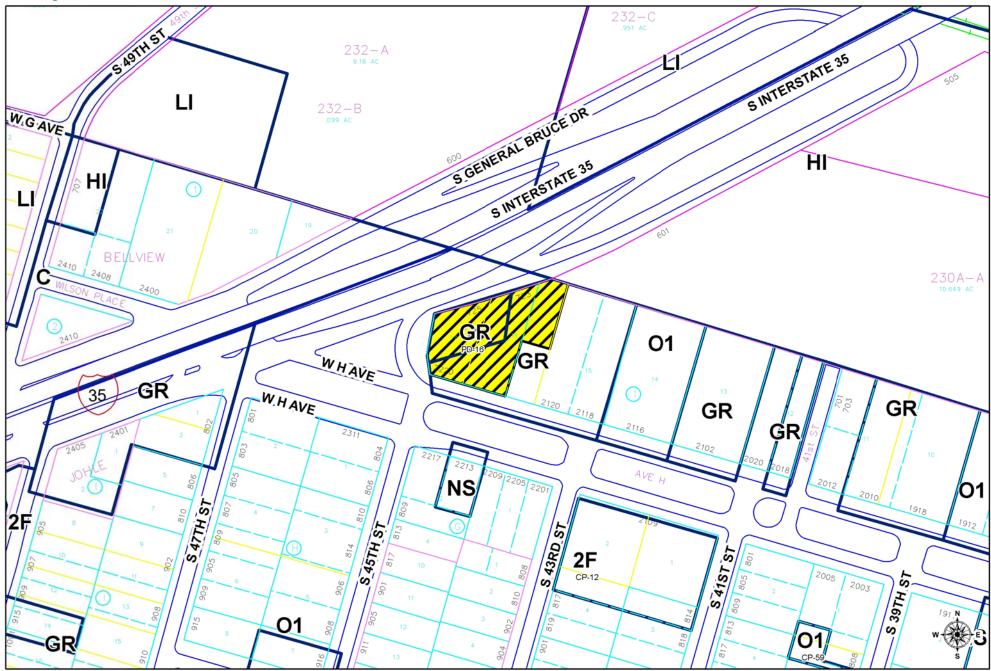


PD (GR) to C for Billboard

1 inch equals 300 feet



Z-FY-08-05 725 S General Bruce Dr





1 inch equals 200 feet





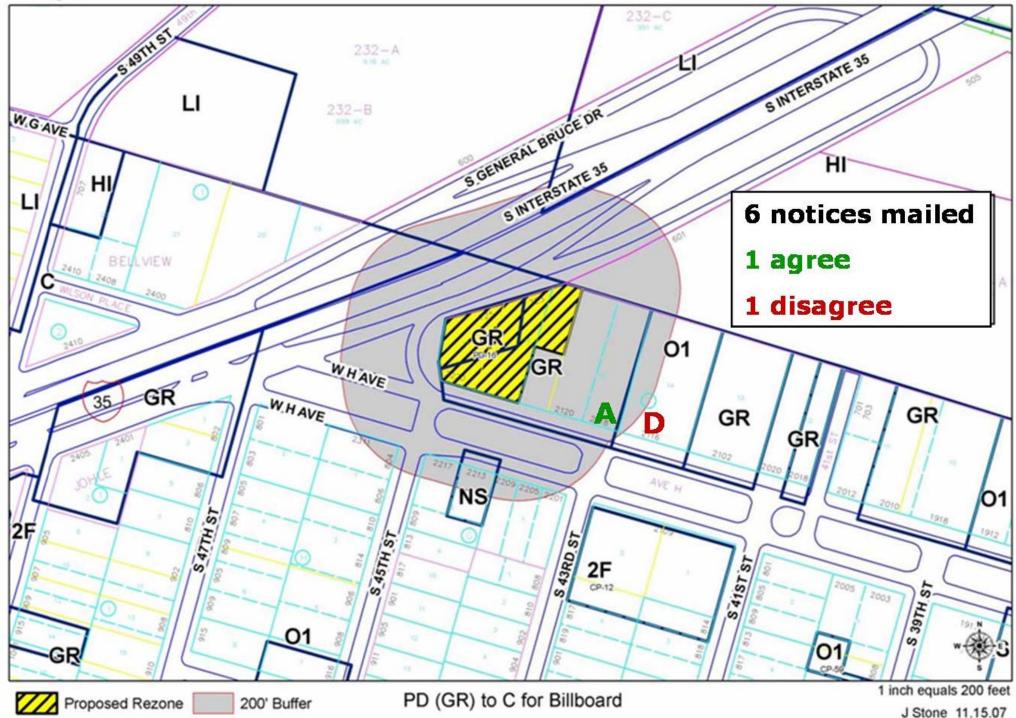
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Z-FY-08-05 725 S General Bruce Dr



PLANNING AND ZONING COMMISSION AGENDA ITEM

12/04/07 Item 5(B) Page 1 of 3

APPLICANT / DEVELOPMENT: A.C. Boston

CASE MANAGER: Brian Mabry, AICP, Senior Planner

ITEM DESCRIPTION: Z-FY-08-05(B) Hold a public hearing to consider a zone change from Planned Development (General Retail) District and General Retail District to Commercial District on Lot 17 and a portion of Lot 16, Block 1, Bentley Bellview Addition at 723 and 725 South General Bruce Drive and 2220 West Avenue H. (Applicant: A.C. Boston)

BACKGROUND:

The subject property contains the following uses: office, gasoline station and minor vehicle servicing (stereo installer). A portion of the property is currently zoned GR (PD). The Planned Development was established in 1986 to stipulate that the former bus station at this location would not serve alcohol, that bus routes would utilize the frontage road for circulation and that gamerooms would not be permitted at the station.

The applicant requests the C, Commercial zoning district in order to relocate a billboard on the property. The Zoning Ordinance requires a minimum separation distance of 1,500 feet between billboards along I-35. However, as shown in the attached aerial, there is an existing billboard to the south that is only 1,080 feet from the proposed billboard. There is also an existing billboard to the north that is only 1,350 feet from the proposed billboard. No location along the I-35 frontage of the subject property is of sufficient distance from either billboard to be permitted.

Section 17-167 of the Zoning Ordinance provides some flexibility for relocated signs in that no permit fee is required, the sign may be constructed of the same type of material and have the same number of poles as the original sign and a five-foot setback is permitted instead of the normally required 20 feet. This section does not allow flexibility in spacing standards. If the zone change is granted, a permit for the billboard cannot be issued.

All of the existing uses on the subject property are permitted in the C, Commercial zoning district.

Surrounding Property and Uses

The following table shows the existing zoning and current land uses surrounding the subject property.

Double Sided

Direction	Zoning	Current Land Use
North	2F	I-35 service road
Northeast	HI	Trailer rental
East	GR	Print shop
South	2F	W Ave. H
West	2F	Intersection of I-35 and W. Ave. H

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

Future Land Use Plan

The requested Commercial future land use map designation accommodates the C, Commercial and CA, Central Area zoning districts. The zone change request complies with the requested amendment to the Future Land Use Map.

Thoroughfare Plan

Interstate 35 is designated as a freeway on the Thoroughfare Plan. A freeway is "devoted entirely to large volumes of traffic movement with little or no land service function." The zone change request complies with the Thoroughfare Plan.

Adequacy of Public Facilities

A six-inch sewer line and six-inch water line serves the property. Adequate public facilities exist to serve the property.

Development Regulations

The purpose of the C, Commercial zoning district is to serve citywide or regional service areas. This district should be located along major highways and should provide total on-site traffic maneuvering such that traffic entering and exiting the facility should have room to turn, queue for parking areas, and park within the confines of the facility. This district should also be located at the intersection of major thoroughfares or highways. This district should be located away from low and medium density residential development and may be used as a buffer between retail and industrial uses. The subject property meets all of the recommendations of the zoning district's purpose statement.

Permitted uses include all retail and most commercial land uses including auto dealerships with complete servicing facilities, building material sales, light manufacturing, and heavy machinery sales and storage. Prohibited uses include, but are not limited to, apartments, heavy industrial uses, sexually oriented businesses, shooting ranges, and wrecker and salvage yards. Restaurants and bars serving alcohol require a conditional use permit.

Commercial (C)	
Min. Lot Area (sq. ft.)	None
Min. Lot Width (ft.)	None
Min. Lot Depth (ft.)	None
Max. Height (stories)	None
Min. Yard (ft)	
Front	30 from street centerline
Side	10 adjacent to residential
	district, none otherwise
Rear	10 adjacent to residential
INCOL	district, none otherwise

Public Notice

Six notices were sent out. As of Wednesday, November 28 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 November 23, 2007 in accordance with state law and local ordinance

<u>STAFF RECOMMENDATION</u>: Staff recommends approval of the zoning request from GR to C for the following reasons:

- 1. The request complies with the requested amendment to the Future Land Use Plan;
- 2. The request complies with the Thoroughfare Plan; and
- 3. Adequate public facilities serve the site.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Land Use Map Zoning Map Aerial Billboard Separation Aerial Application

EXCERPTS FROM THE

PLANNING & ZONING COMMISSION MEETING

MONDAY, DECEMBER 4, 2007

ACTION ITEMS

- **5(A). Z-FY-08-05** Hold a public hearing to consider an amendment to the Temple Comprehensive Plan to reflect commercial uses on Lot 17 and a portion of Lot 16, Block 1, Bentley Bellview Addition at 723 and 725 South General Bruce Drive and 2220 West Avenue H. (Applicant: A.C. Boston)
- **5(B). Z-FY-08-05** Hold a public hearing to consider a zone change from Planned Development (General Retail) District and General Retail District to Commercial District on Lot 17 and a portion of Lot 16, Block 1, Bentley Bellview Addition at 723 and 725 South General Bruce Drive and 2220 West Avenue H. (Applicant: A.C. Boston)

Mr. Brian Mabry, Senior Planner, presented both items. He began with Item 5(A), Z-FY-08-05 which tracks with the zone change Item 5(B). Mr. Mabry said the subject property is covered by the Temple Comprehensive Plan which was adopted in 1989 and applies to all areas of the City that are not served by area plans such as the West Temple Plan, 25th Street Corridor Plan or the South Temple Plan. He said continuing intensification of uses along the Interstate warrants consideration of the requested amendment to the Future Land Use Map and the Thoroughfare Plan which he displayed for the Commission to view. Mr. Mabry explained that Interstate 35 is designated as a freeway on the Thoroughfare Plan and a freeway is "devoted entirely to large volumes of traffic movement with little or no land service function." He said the Comprehensive Plan amendment request to a more intense commercial level complies with the purpose of Interstate 35 and the Thoroughfare Plan. Mr. Mabry displayed a plan of sewer and water facilities in the area. He said Staff recommends approval of the future land use map amendment request from Neighborhood & Community Retail to Commercial for the reasons listed above.

Mr. Mabry continued with the zone change request Item 5(B). He displayed an aerial view of the property which is zoned General Retail and General Retail with a Planned Development attachment. Mr. Mabry said the Planned Development was first approved in 1986 for a bus station with a stipulation that the bus station could not sell alcohol, bus routes would utilize the frontage road for circulation, and gamerooms would not be permitted at the station. He displayed several uses on the property. Mr. Mabry said the original zone change request was to place a billboard on

the property, however after several measurements between the proposed billboard and two existing billboards determination was that there is not sufficient distance between the billboards. He explained that the Zoning Ordinance requires a minimum separation distance of 1,500 feet between billboards along I-35; an existing billboard to the south is only 1,080 feet from the proposed billboard and an existing billboard to the north is only 1,350 feet from the proposed billboard. Mr. Mabry said although the zone change could be approved, the permit for the billboard could be requested to construct the billboard but the permit would not be approved due to the Zoning Ordinance separation requirements. He went over the surrounding property uses, Future Land Use Plan, Thoroughfare Plan, adequacy of public facilities, and development regulations. Mr. Mabry said six notices were sent to surrounding property owners. One notice was returned in favor of the request and one was returned in opposition to the request. Staff recommends approval of the zone change request because the zone change complies with the request to the amendment to the Future Land Use Plan, the Thoroughfare Plan, and adequate public facilities serve the property.

Commissioner Talley asked Mr. Mabry to respond further on the denial to the zone change request. Mr. Mabry replied that the denial response was concerned that if I-35 expands, it would be more expensive for TxDOT and the public to acquire land that would be zoned with this zoning designation because zoning can affect the appraised value of property, therefore if the zone change is approved it would make the property more valuable and more expensive to acquire.

Chair Luck said if the intent of the applicant was initially for the zoning change for the billboard, and knows that the billboard would not be allowed would he still choose to have the zone change. Mr. Mabry replied yes, that approximately a week ago, he let the applicant and Lamar Signs know that the spacing wasn't going to be met and asked if they wanted to withdraw the request. He said they chose not to withdraw the request.

Chair Luck asked if a developer could come in and change a site plan for additional usage and not just restaurant. Mr. Mabry stated that if the I-35 Overlay were to be adopted as it is now, that there are certain uses more intent that require a Conditional Use Permit and that would weight on top of this property as well as others along the interstate, so right now some of the uses that are permitted by right without review by the City Council would be required to obtain a Conditional Use Permit for that use which is submitting a site plan and having it reviewed by the Planning and Zoning Commission and by City Council.

Commissioner Carothers asked if commercial use is the only use that would require a Conditional Use Permit for a restaurant or bar. Mr. Mabry stated that there are others listed in the Zoning Ordinance that would require a CUP, the restaurant or bar was just one example. Mr. Carothers asked if it were normal for this condition to change or zone without an in use to a property. Mr. Mabry said it has happened before where someone has just requested a zone change and they do not have a specific idea for the use.

Mr. Mabry stated that what specific use the applicant puts down on the application that they are not held to that use. He said it could be another type of use allowable in that zoning district.

Chair Luck opened the public hearing asking anyone wishing to speak in favor or against item 5(A) to address the Commission. Seeing no one, Chair Luck closed the public hearing.

Motion to recommend denial of Z-FY-08-05(A) to consider changing the amendment to the Comprehensive Plan, by Commissioner Carothers; seconded by Commissioner Norman.

Motion passed (5/0).

Chair Luck opened the public hearing asking anyone wishing to speak in favor or against item 5(B) to address the Commission. Seeing no one, Chair Luck closed the public hearing.

Motion to recommend denial of Z-FY-08-05(B) to consider a zone change from Planned Development (General Retail) to Commercial District, by Commissioner Carothers; seconded by Commissioner Secrest.

Motion passed (5/0).

ORDINANCE NO.____

[ZONING NO. Z-FY-08-05(B)]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A ZONING CHANGE FROM PLANNED DEVELOPMENT (GENERAL RETAIL) DISTRICT AND GENERAL RETAIL DISTRICT TO COMMERCIAL DISTRICT ON LOT 17 AND A PORTION OF LOT 16, BLOCK 1, BENTLEY BELLVIEW ADDITION AT 723 AND 725 SOUTH GENERAL BRUCE DRIVE AND 2220 WEST AVENUE H; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

<u>**Part 1**</u>: The City Council approves a zoning change from Planned Development (General Retail) District and General Retail District to Commercial District on Lot 17 and a portion of Lot 16, Block 1, Bentley Bellview Addition at 723 and 725 South General Bruce Drive and 2220 West Avenue H, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

<u>**Part 2:**</u> The City Council directs the Director of Planning to make the necessary changes to the City Zoning Map accordingly.

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

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

<u>**Part 5**</u>: It is hereby officially found and determined that the meeting at which this Ordinance 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 **20th** day of **December**, 2007.

PASSED AND APPROVED on Second Reading on the **3rd** day of **January**, 2008.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

APPROVED AS TO FORM:

Clydette Entzminger City Secretary

ATTEST:

Jonathan Graham City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

12/20/07 Item #11 Regular Agenda Page 1 of 1

DEPT. /DIVISION SUBMISSION & REVIEW:

Tim Dolan, AICP, Planning Director

ITEM DESCRIPTION: P-FY-08-04: Consider adopting a resolution authorizing the final plat of the Clark Addition, one single family lot on a 3 acre tract of land, located on the north side of Moore's Mill Road, between Wendland Road and Brewster Road, subject to the developer's requested exceptions to the Subdivision Ordinance for paving, curb and fire protection requirements.

<u>STAFF & PLANNING & ZONING COMMISSION</u>: By a vote of 9-0, the Planning & Zoning Commission and Staff recommended approval of the final plat with the following exceptions requested by the applicant:

- 1. Rural local street paving and ribbon curb requirements (Section 33-93(k)(1 & 2)), and
- 2. Fire protection requirements (Section 33-97 and Chapter 12-145 & 146)

ITEM SUMMARY: The applicant voluntarily requested the item be continued until today's meeting. This lot is across Moore's Mill Road from the recently announced Toyota Plant. Staff discussed this item with the applicant, and the applicant chooses to continue the subdivision process.

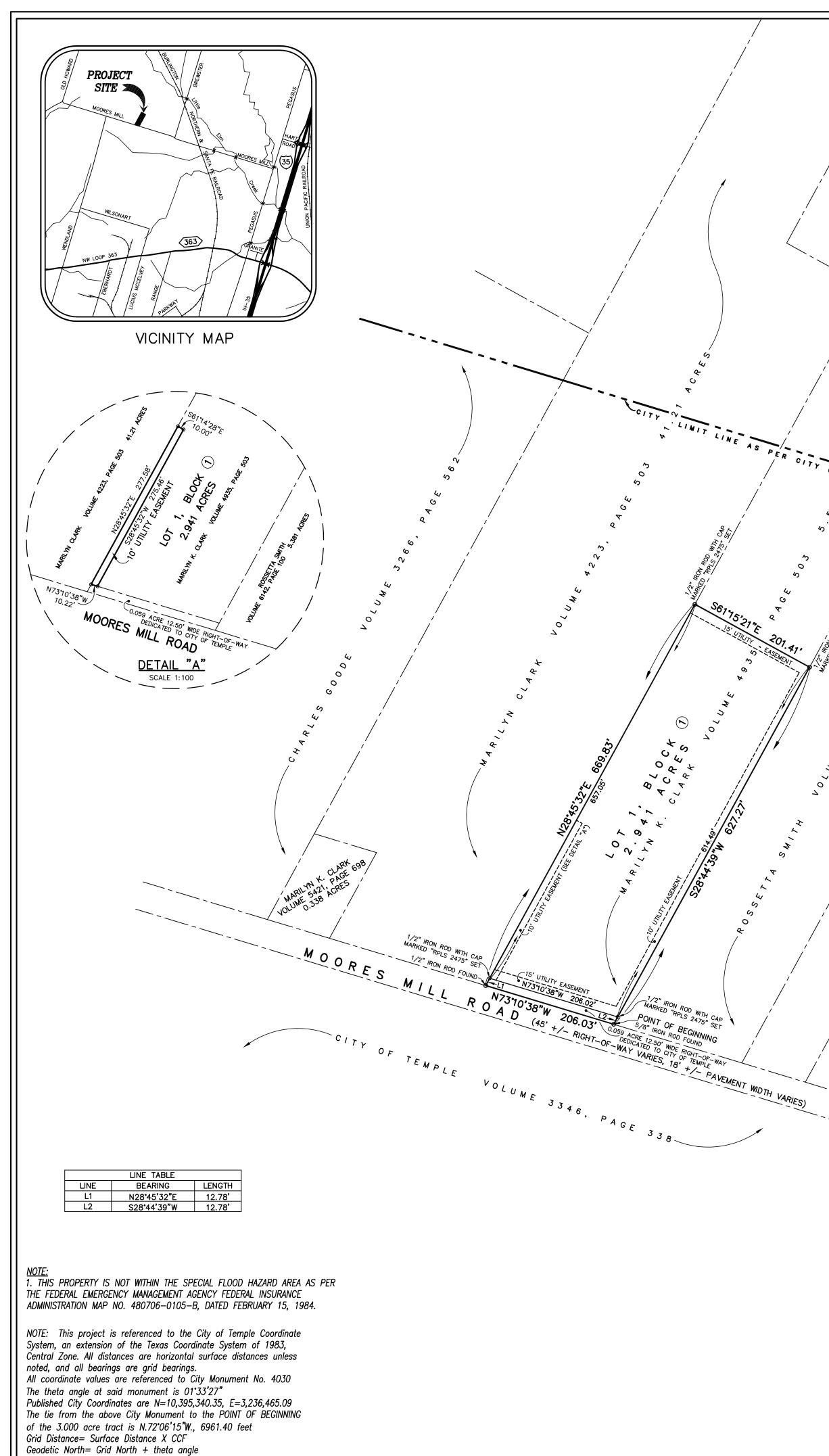
The proposed lot will be accessed from Moore's Mill Road, a $45\pm$ foot right-of-way, and planned an arterial road. The applicant will dedicate 12.5 feet of right-of way as part of the eventual 70-foot right-of-way for the planned arterial. When the property develops on the other side of the road, the 12.5 feet of right-of-way will be required at its platting. Public water supply comes from the Pendleton Water Distribution. The line is not adequate for fire protection. The County Sanitarian with the Bell County Health Department indicates that this property can be served by a septic system. Park fees in the sum of \$225 are required for this proposed subdivision. The proposed subdivision conforms to the Comprehensive Land Use Plan.

Please review the Planning & Zoning Commission Agenda Memo and minutes from the meeting, November 5, 2007.

FISCAL IMPACT: NA

ATTACHMENTS:

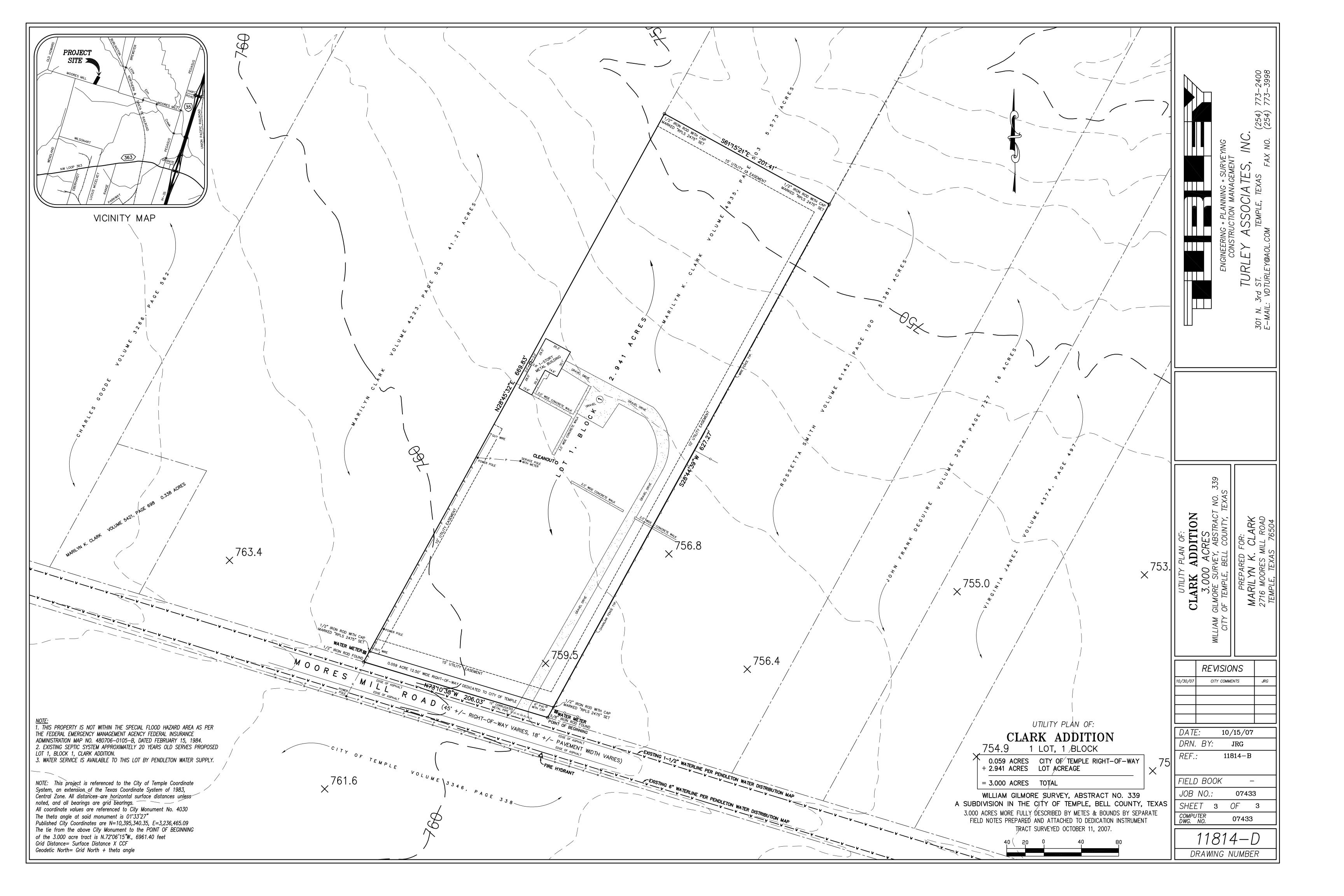
Plat Map Utility Map P&Z Staff Report P&Z Minutes Resolution



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> A SU 3.0

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PLANNING AND ZONING COMMISSION AGENDA ITEM

11/05/07 Item 6 Page 1 of 5

APPLICANT / DEVELOPMENT: Marilyn K. Clark, c/o Turley Associates, Inc.

CASE MANAGER: Tim Dolan, AICP, Planning Director

ITEM DESCRIPTION:

P-FY-08-04 Consider a recommendation to approve the final plat of the Clark Addition, one single family lot on a 3 acre tract of land, located on the north side of Moore's Mill Road, between Wendland Road and Brewster Road. Zoned LI.

AND STAFF RECOMMENDATION: Staff recommends approval of the final plat with the following exceptions requested by the applicant:

- 1. Rural local street paving and ribbon curb requirements (Section 33-93(k)(1 & 2)), and
- 2. Fire protection requirements (Section 33-97 and Chapter 12-145 & 146)

ITEM SUMMARY: The proposed lot will be accessed from Moore's Mill Road, a 45<u>+</u> foot right-of-way, and planned an arterial road. The applicant will dedicate 12.5 feet of right-of way as part of the eventual 70-foot right-of-way for the planned arterial. When the property develops on the other side of the road, the 12.5 feet of right-of-way will be required at its platting. Public water supply comes from the Pendleton Water Distribution. The line is not adequate for fire protection. The County Sanitarian with the Bell County Health Department indicates that this property can be served by a septic system. Park fees in the sum of \$225 are required for this proposed subdivision. The proposed subdivision conforms to the Comprehensive Land Use Plan.

The Design Review Committee (DRC) reviewed this plat on October 29, 2007. It was considered administratively complete on October 30, 2007. The City Council is the final plat authority since the applicant has requested exceptions to the Zoning Ordinance.

The application in the following letter requests the following exceptions:

CLARK ADDITION CITY OF TEMPLE, TEXAS

REQUESTED EXCEPTIONS

The following exceptions are requested on the above mentioned project:

Section 33-102. Requirements for park land dedication.

Section 33-10. Exceptions

- (1) That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this chapter would have a substantial adverse impact on the applicant's reasonable use of this land. The property is in the City of Temple and not located within a reasonable distance from any existing City Park. Also, there is no expectation of the City of Temple Park Department to build a park in the proximity of CLARK ADDITION.
- (2) That the granting of the exception will not be detrimental to the public health, safety or welfare, or injurious to other property in the area. The property is in the City of Temple and not located within a reasonable distance from any existing City Park.
- (3) That the granting of the exception will not have the effect of preventing the orderly subdividing of other land in the area in accordance with the provisions of this chapter. The property is in the City of Temple and not located within a reasonable distance from any existing City Park. Also, there is no expectation of the City of Temple Park Department to build a park in the proximity of CLARK ADDITION.

Section 33-94. Curbs and gutters.

(a) Standard streets shall be edged with curbs and gutters. Rural streets shall be edged with 12 inch wide concrete ribbons.

Section 33-10. Exceptions

- (1) That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this chapter would have a substantial adverse impact on the applicant's reasonable use of this land. *The property is in a rural area with no existing curb and gutter streets in proximity.*
- (2) That the granting of the exception will not be detrimental to the public health, safety or welfare, or injurious to other property in the

area. The property is in a rural area with no existing curb and gutter streets in proximity.

(3) That the granting of the exception will not have the effect of preventing the orderly subdividing of other land in the area in accordance with the provisions of this chapter. The property is in a rural area with no existing curb and gutter streets in proximity.

Section 33-98. Sidewalks.

Section 33-10. Exceptions.

- (1) That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this chapter would have a substantial adverse impact on the applicant's reasonable use of this land. *There are no existing sidewalks in the area and sidewalk construction would be unnecessary.*
- (2) That the granting of the exception will not be detrimental to the public health, safety or welfare, or injurious to other property in the area. There are no existing sidewalks in the area and sidewalk construction would be unnecessary. The anticipated volume of vehicular and pedestrian traffic in the area based on the proposed development will not be impacted.
- (3) That the granting of the exception will not have the effect of preventing the orderly subdividing of other land in the area in accordance with the provisions of this chapter. There are no existing sidewalks in the area and sidewalk construction would be unnecessary.

ATTACHMENTS: Plat

FISCAL IMPACT: Not Applicable

ATTACHMENTS: Plat Map

EXCERPTS FROM THE

PLANNING & ZONING COMMISSION MEETING

MONDAY, NOVEMBER 5, 2007

ACTION ITEMS

6. P-FY-08-04 Consider a recommendation to approve the final plat of the Clark Addition, a 3 acre, 1 lot residential subdivision, located on the north side of Moore's Mill Road, between Wendland Road and Brewster Road. (Applicant: Turley Associates)

Mr. Tim Dolan, Planning Director, presented this plat as outlined in the Planning and Zoning Commission Agenda. He said Staff recommends approval of this plat subject to the three exceptions requested by the applicant. Mr. Dolan said this area is adjacent to the ETJ of Temple. He said Staff is recommending approval subject to item 2 and 3 of the exceptions. Park fees will be required due to this being inside the City. Mr. Dolan said due to the exceptions, City Council is the final plat authority.

Motion to recommend approval of P-FY-08-04 subject to exceptions 2 and 3 and that park fees will be required, by Commissioner Pilkington; seconded by Commissioner Carothers.

Motion passed (9/0).

RESOLUTION NO. _

(ZONING NO. P-FY-08-04)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING THE FINAL PLAT OF CLARK ADDITION, ONE SINGLE FAMILY LOT ON A 3 ACRE TRACT OF LAND, LOCATED ON THE NORTH SIDE OF MOORE'S MILL ROAD, BETWEEN WENDLAND ROAD AND BREWSTER ROAD, SUBJECT TO THE DEVELOPER'S REQUESTED EXCEPTIONS TO THE SUBDIVISION ORDINANCE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on November 5, 2007, the Planning and Zoning Commission approved the final plat of Clark Addition, one single family lot on a 3 acre tract of land, located on the north side of Moore's Mill Road, between Wendland Road and Brewster Road, subject to the developer's requested exceptions to the Subdivision Ordinance regarding rural local street paving and ribbon curb requirements, and fire protection requirements;

Whereas, the City Council has considered the matter and deems it in the public interest to approve the final plat of Clark Addition.

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 Clark Addition, one single family lot on a 3 acre tract of land, located on the north side of Moore's Mill Road, between Wendland Road and Brewster Road, more fully shown on the Plat which is on file in the City's Planning Department, incorporated herein and referred to by reference, and including the following exceptions to the Subdivision Ordinance: *Section 33-93(k)(1&2)* requiring rural local street paving and ribbon curb; and *Section 33-97 and Chapter 12-145-146 of the City Code* to waive the requirement for fire protection.

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

PASSED AND APPROVED this the **20th** day of **December**, 2007.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, MAYOR

APPROVED AS TO FORM:

Clydette Entzminger City Secretary

ATTEST:

Jonathan Graham City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

12/20/07 Item #12 Regular Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney

ITEM DESCRIPTION: Discuss the possible acquisition of land in West Temple for a regional park.

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

STAFF RECOMMENDATION: Discuss item description in Executive Session.

ITEM SUMMARY: This item will be discussed with City Council in Executive Session.

FISCAL IMPACT: N/A

ATTACHMENTS: N/A