

# **TEMPLE CITY COUNCIL**

# MUNICIPAL BUILDING 2 NORTH MAIN STREET TEMPLE, TX

NOTICE OF MEETING
THURSDAY, JANUARY 3, 2008

## 3:30 P.M. 3<sup>RD</sup> FLOOR CONFERENCE ROOM

#### **WORKSHOP AGENDA**

- 1. Discuss the market and financial feasibility study for a mixed use development in downtown Temple including a possible hotel and performing arts theater.
- 2. Presentation on Municipal Separate Storm Sewer System (Ph.2) permit application required by Texas Commission on Environmental Quality.
- 3. Executive Session: Chapter 551, Government Code, §551.074 Personnel Matter The City 2ouncil will meet in executive session to discuss the employment, evaluation, duties and work plan of the City Secretary. No final action will be taken.
- 4. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, January 3, 2008 as follows:

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

#### **TEMPLE CITY COUNCIL**

#### REGULAR MEETING AGENDA

#### I. CALL TO ORDER

- 1. Invocation
- 2. Pledge of Allegiance

## **II. PUBLIC COMMENTS**

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

#### III. 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.

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

#### Minutes:

(A) December 20, 2007 Special Called Meeting and Regular Meeting

#### **Contracts, Leases & Bids:**

(B) 2008-5284-R: Consider adopting a resolution authorizing the purchase of two cardiac monitors/defibrillators from Zoll Medical Corporation of Chelmsford, MA in the amount of \$31,950.06.

#### **Ordinances - Second and Final Reading**

(C) 2007-4183: SECOND READING – Consider adopting an ordinance establishing school crosswalks and setting speed limits within school zones to conform to school schedules.

- (D) 2007-4184: SECOND READING 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.
- (E) 2007-4185: SECOND READING 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.

#### Misc:

- (F) 2008-5285-R: Consider adopting a resolution authorizing the use of \$30,159 in Child Safety Funds to add and upgrade school zones and cross walks.
- (G) 2008-5286-R: Consider adopting a resolution accepting the 2006-2007 Risk Management Annual Report.
- (H) 2008-5287-R: Consider adopting a resolution authorizing budget amendments for fiscal year 2007-2008.

## IV. REGULAR AGENDA

#### **ORDINANCES**

- 4. (A) 2007-4186: 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) 2007-4187: 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.
- 5. 2008-4188: FIRST READING PUBLIC HEARING Consider adopting an ordinance setting out the civil service classifications, setting out the requirements for appointment to the positions, and setting out the number of positions in each classification in the Temple Fire Department and Temple Police Department.

#### **RESOLUTIONS**

6. 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.

7. 2008-5288-R: P-FY-08-11: Consider adopting a resolution authorizing the final plat of the proposed Vasicek Subdivision, one single family lot on a 1. 86 acre tract of land located at the southwest corner of Riggs Road and Knob Creek Road in Temple's Eastern ETJ, subject to developer requested exceptions to the Subdivision Ordinance for paving, park land dedication fee, and fire protection.

# 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 th | at a true | and correct | copy | of this | Notice | of Meeting | was | posted in | a public | place a | at |
|----------|------------|-----------|-------------|------|---------|--------|------------|-----|-----------|----------|---------|----|
| 9:00 AM  | , on Dece  | mber 28   | , 2007.     |      |         |        |            |     | •         | ·        | •       |    |
| 1.       | _          |           |             |      |         |        |            |     |           |          |         |    |

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**

01/03/08 Item #3(A) Consent Agenda Page 1 of 1

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

Clydette Entzminger, City Secretary

#### **ITEM DESCRIPTION:** Approve Minutes:

(A) December 20, 2007 Special Called Meeting & Regular Meeting

**STAFF RECOMMENDATION:** Approve minutes as presented in item description.

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

FISCAL IMPACT: N/A

#### **ATTACHMENTS:**

December 20, 2007 Special Called Meeting & Regular Meeting

City Council Page 1 of 10

#### TEMPLE CITY COUNCIL

## **DECEMBER 20, 2007**

The City Council of the City of Temple, Texas conducted a Special Meeting on Thursday, December 20, 2007 at 3:30 pm in the 3rd Floor Conference Room, Municipal Building, 2 North Main Street.

#### Present:

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

#### Absent:

Councilmember Tony Jeter

#### 1. Discuss the operation and maintenance of the City's Landfill.

David Blackburn, City Manager, introduced the Waste Management representatives present at the meeting, Mr. Steve Jacobs, Central Texas Director of Landfill Operations and Mr. Bubba Smith, District Landfill Manager. He briefly reviewed the contract the City has with Waste Management, which is a 20-year contract executed in 2004, with 10-year options. Mr. Blackburn also provided an overview of the landfill, which is a 269-acre permitted landfill with a 108-acre active permitted waste footprint. The landfill accepts approximately 260,000 tons of waste annually and has 62 percent of volume capacity remaining. The life of the landfill is approximately 34 years at current volumes and 21 years with a 3% annual volume growth. The landfill meets federal and state environmental requirements for groundwater, surface water and air protection, as well as odor control and litter abatement. Mr. Blackburn reviewed the operations improvements made by Waste Management since 2003.

Mr. Blackburn explained that landfill capacity is determined by population forecasts, remaining volume capacity and compaction rates, and historical sources of waste. He addressed these areas, presenting statistics for each. The landfill's remaining site life projection is based on a volume increase from 2002 through 2006 of 3%. A potential expansion could extend the life of the landfill by 30 to 40 years, depending on population growth, per capita trash rate, compaction rate and recycling.

Mr. Blackburn concluded with some points for the Council to consider. Regional use of the landfill has increased. Do we want this to continue? Do we want to be more aggressive with this? Is the current projected 21 to 34 years of life in the landfill adequate? Mr. Blackburn recommended the regional approach and philosophy be continued and that options to expand the landfill be explored.

Councilmember Schneider asked if we can stop allowing waste from outside the City into the landfill at any time. Will this double the life of the landfill?

Mr. Blackburn replied that it could possibly do so but it would also have a great impact on our revenues.

City Council Page 2 of 10

Councilmember Schneider asked if there are any state or federal regulations regarding capacity.

Mr. Jacobs replied no. The permitting process for additional landfill space is very long and can take up to 8 to 10 years if it is contested. If uncontested it still takes about 4 to 5 years to complete.

Councilmember Schneider stated he agreed the City needs to pursue permitting more land but would like to have the option to turn away waste from outside the City if we need to protect our customers.

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.

Jonathan Graham, City Attorney, began with a status report on the Strategic Investment Zone. He provided the Council with some background information and showed the corridors and zones on a map. A status report was provided in May 2007 and Mr. Graham highlighted the work accomplished by the Planning Department, Police, and Construction Safety. He presented some statistics relating to numbers of signs abated, property maintenance cases abated and major violations that have been addressed. Mr. Graham also showed photos of some specific properties identified in the SIZ report where demolition has been accomplished.

Next, Mr. Graham discussed possible economic incentives. He recommended that a package of incentives be developed initially for a few of the SIZ corridors, such as South 1st Street, MLK, North 3rd Street, Avenue G/H Corridor or portions of East Adams Avenue. One approach would be to adopt a specific ordinance with a package of incentives tailored for a particular corridor. The ordinance could sunset after 3 to 5 years and then be re-assessed. Sample tools to be included in a SIZ-specific ordinance could be grants for various improvements, tax abatement and building, platting or zoning fee waivers.

Mr. Graham stated staff will continue to develop these incentive packages and will bring the first to Council in January. We will also coordinate our efforts with Keep Temple Beautiful.

Tim Dolan, Planning Director, reviewed the proposed standards for non-residential building exteriors, noting that Council directed Staff to return with two ordinance options. The standards apply to new or remodeled construction, including expansions, and apply only on SIZ corridors. The proposal recommends allowing metal exteriors on industrial uses in industrial zoning districts by right and by special permit for commercial uses if greater than 25% metal facade is proposed. Mr. Dolan showed the list of allowed materials.

Mr. Dolan continued by reviewing the discussion points relating to special permits. Some stakeholders proposed that metal buildings be allowed by right for all uses in areas zoned HI and LI. Mr. Dolan explained the issue with that is many properties are zoned industrial, causing the ordinance to not apply to many shopping centers and restaurants. Staff's original proposal was for the standards to apply to a development within 500 feet from the right-of-way line. Some stakeholders proposed that they apply when the development is adjacent to the right-of-way line. Staff's alternative is for the standard to apply to entire larger original tracts (to include pad sites and big box development to the rear of the site).

City Council Page 3 of 10

Desired outcomes of the proposed standards were discussed and photos were shown as examples of both desireable and undesireable structures.

Mr. Dolan presented an alternative which would require 80% masonry for each facade. The rear facade could be non-masonry provided it is screened and not visible from the right-of-way, park land, greenway or residential areas. This standard would apply to new developments, redevelopments and facade changes; main, secondary and accessory buildings, single and multi-tenant, pad sites; and building plots (land under same ownership before subdivision). It would also apply in commercial zoning districts, areas zoned LI or HI if land use is different than core industrial uses, and SIZ corridors. Mr. Dolan showed a chart depicting the percentage of masonry required based on the square footage of a building. The appeal process would be to the City Council where criteria such as topography, screening, visibility, articulation, etc. could be considered.

Mayor Jones stated he felt this alternative was a much better approach because it defines what the Council wants to see, as opposed to what we don't want. The stakeholders can now give their input on this new proposal.

4. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, December 20, 2007.

Councilmember Schneider asked that item (F), the Hawn feasibility study, be removed from the consent agenda at the regular meeting. He asked that Council discuss this item in a future work session to determine the direction they want to go.

Mayor Jones suggested the item be tabled at the regular meeting to allow work session discussion before action is taken.

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.

Mayor Jones stated the City Council would enter into executive session at this time, approximately 4:40 p.m.

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

The City Council of the City of Temple, Texas conducted a Regular Meeting on Thursday, December 20, 2007 at 5:00 PM in the Council Chambers, Municipal Building, 2nd Floor, 2 North Main Street.

#### Present:

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

#### Absent:

Councilmember Tony Jeter

#### I. CALL TO ORDER

City Council Page 4 of 10

#### 1. Invocation

Rev. David Alwine, Rector at Christ Church, voiced the invocation.

#### 2. Pledge of Allegiance

Boy Scout Troop 177 led the Pledge of Allegiance to the United States Flag.

#### II. PUBLIC COMMENTS

Betty Elliott wished everyone a Merry Christmas and thanked the City for the wonderful Seniors dinner last week.

Milton Hensley, 301 Mitchell Drive, commended the Council on the good job they have done this year. He asked the Council for a traffic light be installed at Adams Avenue and 7th Street, by the Dairy Queen. He read a statement for the record regarding the passing of Annie Jahns who lived at Graham Hall. She was crossing Adams Avenue when she was hit by a vehicle the first of September. Lois Coggin, Ms. Jahns sister, penned a poem after the passing of Annie, which he read. Mr. Hensley asked again that a traffic light be placed on Adams Avenue for the seniors that live in the high rise building and cross the street every day.

#### 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.

John Toone, Area Manager, Oncor Electric Delivery, addressed the Council and presented the City with a check in the amount of \$3,680 for its participation in the CitySmart program. He stated he looked forward to the City's continued participation in this program in the upcoming years.

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.

Bell County Commissioner Eddy Lange and Sharon Long, Bell County Tax Assessor/Collector, presented these dedicated funds to the City of Temple. They are to be used for school crossing programs, as well as several other very worthwhile programs relating to child safety. \$431,902.53 has been allocated to the City of Temple since this program began.

#### IV. CONSENT AGENDA

- 5. Consider adopting a resolution approving the Consent Agenda items and the appropriate resolutions for each of the following:
  - (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
- (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.
- (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.
- (J) 2007-5282-R: Consider adopting a resolution authorizing budget amendments for fiscal year 2007-2008.

Motion by Mayor Pro Tem Patsy E. Luna to adopt resolution approving Consent Agenda, with the exception of item (F), seconded by Councilmember Russell Schneider.

Motion passed unanimously.

(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

City Council Page 6 of 10

\$69,500.

Motion by Councilmember Russell Schneider to table item (F) to allow time to review the traffic study and conduct a work session relating to this item, seconded by Mayor Pro Tem Patsy E. Luna.

Motion passed unanimously.

#### V. REGULAR AGENDA

#### **ORDINANCES**

6. (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.

Brian Mabry, Senior Planner, presented this item to the Council. He showed the location of this property. The Planning & Zoning Commission voted 8-0 for approval, as did the City Council on the first reading of the ordinance on December 6, 2007.

(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 culde-sac maximum length of 500'.

Mr. Mabry presented this preliminary plat to the Council. This is a residential subdivision in the western City limits. It contains 15 lots on 24.384 acres. The plat tracks with the zoning change addressed in item (A). Park fees were originally requested for exception but will now be paid before construction. Mr. Mabry explained the requested exceptions for centerline curve radii and cul-desac length. Both exceptions are supported by staff and were recommended for approval by the Planning & Zoning Commission. This will be a gated community that will require a street use license in the future.

Councilmember Schneider asked why we would approve a 22' wide street in this subdivision when we did not support that in another subdivision recently presented to Council.

Mr. Mabry stated this is a less dense subdivision with larger lots and greater setbacks to allow parking on the property.

Motion by Mayor Pro Tem Patsy E. Luna to approve items (A) and (B), seconded by Councilmember Russell Schneider.

Motion passed unanimously.

City Council Page 7 of 10

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.

Bruce Butscher, Director of Public Works, stated this ordinance is proposed due to the addition of flashers at one location, Kennedy-Powell Elementary School. The flashers will be placed on Nugent Avenue at the times listed on the schedule.

Mayor Jones declared the public hearing open with regard to agenda item 7 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 E. Luna to adopt ordinance on first reading, seconded by Councilmember Russell Schneider.

Motion passed unanimously.

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.

Tammy Lyerly, Planner, presented this item to the City Council. She showed the location of the Church on an aerial map. She also presented a plat of the property, showing the requested property acquisition and the 1,700 square foot easement to be retained by the City if this item is approved. Next, Ms. Lyerly discussed the proposed Church expansion project which will include the construction of handicap access corners on both sides of West Calhoun Avenue at Main Street. She showed the proposed curbing and the resulting street centerline for Calhoun Avenue.

Ms. Lyerly stated the staff is recommending approval of the requested abandonment only if the 1,700 square foot public utility easement is retained along West Calhoun Avenue for existing aerial and underground utilities. No street parking will be allowed on North Main Street between West Calhoun and Downs Avenues. Christ Episcopal Church will also be responsible for a new sidewalk bump-out with a handicapped ramp in front of the law office at the southwest corner of West Calhoun Avenue and North Main Street. Ms. Lyerly stated a Broker's Opinion has determined the fair market value to be \$11,900 for the 0.268 acres of street rights-of-way requested for abandonment.

Mayor Jones declared the public hearing open with regard to agenda item 8 and asked if anyone wished to address this item. There being no comments, Mayor Jones closed the public hearing.

Mayor Pro Tem Luna asked if the Church congregation was involved in this decision.

City Council Page 8 of 10

Mr. Garza stated yes, the project has been looked at for a number of years in the Church's capital improvement program. The long range planning committee has met many times to review the possibility of expanding the Church at its current location. If this is not approved by the Council, we will look at what can be done within the existing structure.

Mayor Pro Tem Luna stated it looks like there is room on the west side of the property for this expansion.

Mr. Garza stated the utility lines would have to be relocated to use that area to the west. We intend to have a parish-wide discussion following action by Council, he added.

Motion by Councilmember Russell Schneider to adopt ordinance on first reading, seconded by Mayor Pro Tem Patsy E. Luna.

Motion passed unanimously.

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.

Tim Dolan, Planning Director, presented this item to the City Council. He stated staff was approached by users of industrial areas to review parking regulations. The staff and Planning & Zoning Commission recommend the Zoning Ordinance be amended to allow parking regulations for storage and warehousing with one parking space for each 5,000 square feet of total floor area. This is an increase from the current regulations of one parking space for each 1,000 square feet of floor area. The general office parking requirement of one space every 300 square feet of floor area remains.

Councilmember Schneider asked if both office and warehouses exist how is the parking calculated.

Mr. Dolan stated the parking regulations for office areas remain the same. The total parking requirements are cumulative.

Mayor Jones asked if this would limit the use on the property to warehouse if this change is approved.

Mr. Dolan stated if the use changes the property would have to be retrofitted to meet the parking regulations.

Mayor Jones declared the public hearing open with regard to agenda item 9 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 E. Luna to adopt ordinance on first reading, seconded by Councilmember Russell Schneider.

Motion passed unanimously.

City Council Page 9 of 10

10. (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.

Mayor Jones asked Mr. Mabry to make a brief presentation of items 10(A) and (B) although no action can be taken at this meeting since the item requires the vote of four Councilmembers for consideration.

Brian Mabry, Senior Planner, provided the City Council with a brief summary of items (A) and (B). He presented a map showing the location of this property and explained the staff and Planning & Zoning Commission recommendation.

Regarding item (B), Mr. Mabry showed the surrounding uses. The applicant wants to install a billboard on this property although the spacing is not adequate under our Zoning Ordinance. Staff can support the request for the billboard but cannot approve it administratively.

Mayor Jones declared the public hearing open with regard to items 10 (A) and (B) and asked if anyone wished to address these items. There were no comments and Mayor Jones announced the public hearing would be suspended until the January 3, 2008 City Council meeting.

Motion by Mayor Pro Tem Patsy E. Luna to table items 10 (A) and (B) to the January 3, 2008 City Council meeting, seconded by Councilmember Russell Schneider.

Motion passed unanimously.

#### 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.

Tim Dolan, Planning Director, reviewed the requested exceptions related to the final plat of the Clark Addition. This plat was presented to the City Council in November, at the same meeting the announcement of the new Toyota plant was made, which is across the street from the property. This plat does include

City Council Page 10 of 10

right-of-way dedication for the future extension of Moores Mill Road.

Mr. Hendricks, the property owner, stated he wants to move forward with this plat.

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

Motion passed unanimously.

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

Mayor Jones announced the City Council would enter into executive session at this time to discuss item 12. No action will be taken.

The regular session was reconvened at approximately 6:46 p.m.

|                                    | -                            |
|------------------------------------|------------------------------|
| ATTEST:                            | William A. Jones, III, Mayor |
| Clydette Entzminger City Secretary |                              |



## **COUNCIL AGENDA ITEM MEMORANDUM**

01/03/08 Item #3(B) Consent Agenda Page 1 of 1

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

Lonzo Wallace, Fire Chief

<u>ITEM DESCRIPTION:</u> Consider adopting a resolution authorizing the purchase of two cardiac monitors/defibrillators from Zoll Medical Corporation of Chelmsford, MA in the amount of \$31,950.06.

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

<u>ITEM SUMMARY:</u> Five of the Fire Department's seven engine companies are currently equipped with a Zoll cardiac monitor/defibrillator that has been purchased over the last three years. The other two engine units are equipped with cardiac monitors that are outdated, and as a result, it is difficult to find replacement parts for the units.

Staff is recommending purchase of two more Zoll defibrillators so each engine unit has an up-to-date and reliable cardiac monitor/defibrillator. To be consistent from the standpoint of replacement parts and consistent operability with all seven engine units, it is staff's recommendation that Zoll units to purchased.

It is Zoll's policy to sell their units only through regional representatives. Accordingly, staff is recommending purchase of the Zoll units based on a sole source justification.

**FISCAL IMPACT:** Funding in the amount of \$32,000 is currently appropriated for the purchase of two defibrillators in account 110-2200-522-6211, Project #100275.

#### **ATTACHMENTS:**

Resolution

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF 2 CARDIAC MONITORS/DEFIBRILLATORS FROM ZOLL MEDICAL CORPORATION OF CHELMSFORD, MA, IN THE AMOUNT OF \$31,950.06; AND PROVIDING AN OPEN MEETINGS CLAUSE.

**Whereas**, the Fire Department needs to replace 2 Zoll engine unit cardiac monitor/defibrillators which are outdated;

**Whereas**, the Staff recommends purchasing the units from Zoll Medical Corporation of Chelmsford, MA, based on sole source justification, to be consistent from the standpoint of replacement parts and consistent operability with all 7 engine units;

**Whereas**, funds are available for this purchase in Account No. 110-2200-522-6211, Project #100275; 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 2 cardiac monitors/ defibrillators from Zoll Medical Corporation of Chelmsford, MA, in the amount of \$31,950.06.

<u>Part 2</u>: The City Council authorizes the City Manager, or his designee, to execute any documents which may be necessary for this purchase, 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 3<sup>rd</sup> day of January, 2008.

|                     | THE CITY OF TEMPLE, TEXAS    |
|---------------------|------------------------------|
|                     | WILLIAM A. JONES, III, Mayor |
| ATTEST:             | ATTEST:                      |
| Clydette Entzminger | Jonathan Graham              |
| City Secretary      | City Attorney                |



# **COUNCIL AGENDA ITEM MEMORANDUM**

01/03/08 Item #3(C) Consent Agenda Page 1 of 1

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

Bruce Butscher, Director of Public Works

<u>ITEM DESCRIPTION:</u> SECOND READING – Consider adopting an ordinance establishing school crosswalks and setting speed limits within school zones to conform to school schedules.

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

**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   | X     | X     | T EAGIIING EIGITTO |
| 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   | X     | X     |                    |
| 4111 Lark Trail  |       |       |                    |
| 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   |       |       | X                  |
| 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     | X     | X                  |
| 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 <sup>rd</sup> Street)  |       |       |                    |
|  |       |       |                    |
| Kennedy-Powell Elementary  | Х     | X     |                    |
| 3707 West Nugent   |       |       |                    |
| A. Crossing Guard will work Nugent and   |       |       |                    |
| Cearly Roads   |       |       |                    |
| B. No lights.  Meridith-Dunbar Elementary                                      | X     | X     | X                  |
| 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 <sup>th</sup> and Ave J                             |       |       |                    |
|  |       |       |                    |

| 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  | Χ     | 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   | Χ     | Χ     | X               |
| 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  |       |       | X               |
| 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   |       |       | X               |
| 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  |       |       | X               |
| 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 <sup>rd</sup> 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.  |       |       |                 |
| Ave. R and east of 19th Street on Ave. R.  |       |       |                 |

| 0011001.0                                   | CONTO | EL 4.00 | EL ACLUNIO LICUTO |
|---|-------|---------|-------------------|
| SCHOOLS                                     | CONES | FLAGS   | FLASHING LIGHTS   |
| Temple High School                          |       |         | X                 |
| 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                         |       |         | Х                 |
| 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                    |       |         | Х                 |
| 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                    |       |         | Х                 |
| 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:

- **Part 1**: The City of Temple hereby establishes the school crosswalk locations, which are more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.
- <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.

- **Part 5**: All ordinances or parts of ordinances in conflict with the provisions of this ordinance are to the extent of such conflict hereby repealed.
- **Part 6**: A person who violates a provision of this ordinance is guilty of a separate offense for each day or portion of a day which the offense is committed, continued, or permitted, and each offense is punishable by a fine not to exceed \$500.
- **Part 7**: If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.
- **Part 8**: This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.
- **Part 9**: It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading on the **20**<sup>th</sup> day of **December**, 2007.

PASSED AND APPROVED on Second Reading on the 3<sup>rd</sup> day of January, 2008.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney

| SCHOOLS   | CONES | FLAGS | FLASHING LIGHTS                |
|---|-------|-------|--------------------------------|
| Bethune Elementary  | X     | X     |                                |
| 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  | X     | 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  |       |       | X                              |
| 2525 Lavendusky Drive   |       |       | 6:30 to 8:15<br>14:45 to 15:30 |
| A. No "Crosswalks" planned at this time. School Zone 50th & E. Adams Lights |       |       | 14.45 (0 15.50                 |
| Ochool Zone Sour & E. Adams Lights  |       |       |                                |
| Jefferson Elementary  | Х     | Х     | X                              |
| 400 West Walker   |       |       | 6:30 to 8:15                   |
| Crossing Guards (2) work "Crosswalk" on<br>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 <sup>rd</sup> Street)   |       |       |                                |
| Konnady Powall Flamentony   | X     | Х     | X                              |
| Kennedy-Powell Elementary<br>3707 West Nugent                               | ^     | ^     | 6:30 to 8:15                   |
| A. Crossing Guard will work Nugent and                                      |       |       | 14:45 to 15:30                 |
| Cearly Roads  |       |       | 11.10 to 10.00                 |
| -   |       |       |                                |
| Meridith-Dunbar Elementary  | X     | Х     | X                              |
| 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 <sup>th</sup> and Ave J                  |       |       |                                |
| p. riasiling lights at 5 30 and Ave J                                       |       |       |                                |
|   |       |       | <u> </u>                       |

| SCHOOLS   | CONES | FLAGS | FLASHING LIGHTS                     |
|---|-------|-------|-------------------------------------|
| Raye-Allen Elementary 5015 South 5th Street A. Crossing Guards will work South 5th and Marlandwood Road. B. Crossing Guard to work RxR Crossing on South 5th Street C. Flashing Lights to be activated north of Marlandwood on 5th Street and south of school site on 5th Street. | Х     | Х     | X<br>6:30 to 8:15<br>14:45 to 15:30 |
| Scott Elementary 2301 West Ave. P A. Crossing Guard works 45th Street and Ave M. B. School Zone is on Ave. P in front of the school.  | Х     | Х     |                                     |
| Thornton Elementary<br>2900 Pin Oak Drive<br>A. Crossing Guard works on Pin Oak and<br>East Street.<br>B. School Zones on Pin Oak and<br>Cottonwood.  | Х     | Х     |                                     |
| Western Hills Elementary 600 Arapaho A. Crossing Guard works Deer and Apache. B. Crossing Guard works Gila and Apache. C. Flashing Lights north of Deer on Apache and south of Gila on Apache.  | Х     | Х     | X<br>6:30 to 8:15<br>14:45 to 15:30 |
| Bonham Middle School<br>4600 Midway Drive<br>A. Flashing Lights east of school and west<br>of school on Midway.   |       |       | X<br>7:00 to 8:30<br>15:00 to 16:30 |
| Lamar Middle School 2120 North 1st Street A. School Zone is north at Virginia and 1st Street and south to Oakland Avenue. One way north from Oakland to Virginia B. Flashing lights north of Shell Avenue and south of Shell Avenue, on North 3 <sup>rd</sup> Street              |       |       | X<br>7:00 to 8:30<br>15:00 to 16:30 |
| (Spur 290)  Travis Middle School 1500 South 19th Street A. Crossing Guards works at 19th Street and Ave M.  B. Flashing Lights west of 19th Street on   | Х     | Х     | X<br>7:00 to 8:30<br>15:00 to 16:30 |

|   | Ave. M and east of 19th on Ave. M.        |  | ١ |
|---|---|--|---|
| С | . Flashing lights west of 19th Street on  |  | l |
|   | Ave. R and east of 19th Street on Ave. R. |  | l |

| 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<br>7:15 to 8:00<br>14:15 to 15:00 |
|--|-------------------------------------|
| Tarver Middle School<br>8818 Tarver<br>A. School signs.                          |                                     |
| Joe M. Pirtle Elementary<br>714 South Pea Ridge<br>A. 25 mph zone (school hours) | X<br>7:15 to 8:00<br>14:15 to 15:00 |



#### COUNCIL AGENDA ITEM MEMORANDUM

01/03/08 Item #3(D) Consent Agenda Page 1 of 2

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

Tim Dolan, Planning Director

**ITEM DESCRIPTION:** SECOND READING – 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.

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

<u>ITEM SUMMARY:</u> 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 1<sup>st</sup> 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.

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-of-way 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 2<sup>nd</sup> Street (their main thoroughfare) to the rear of the post office building. The closure of North 2<sup>nd</sup> 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 2<sup>nd</sup> 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:**

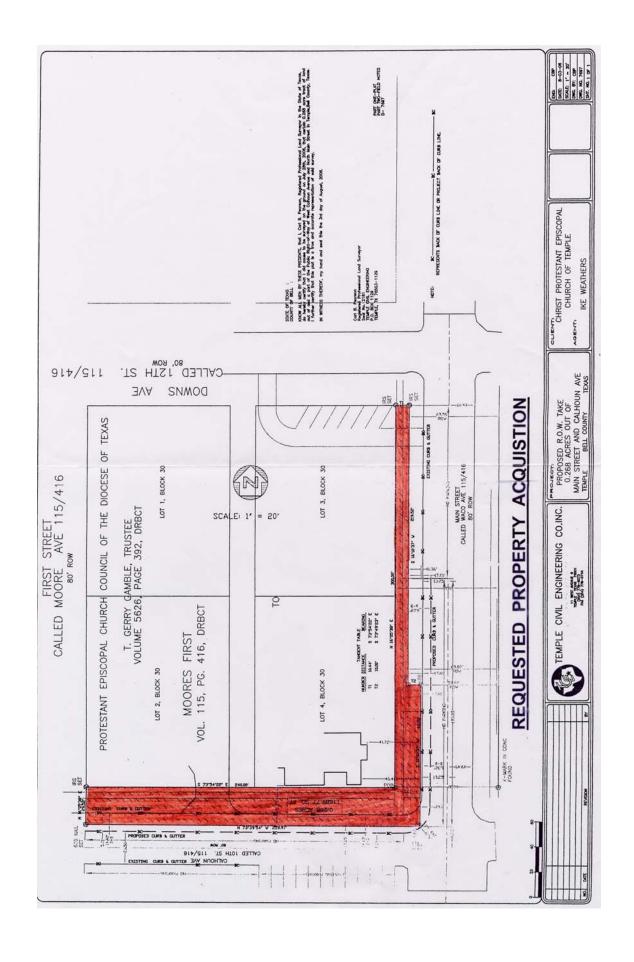
Aerial
Map
Application
Site Plan
Proposed Easement
Ordinance

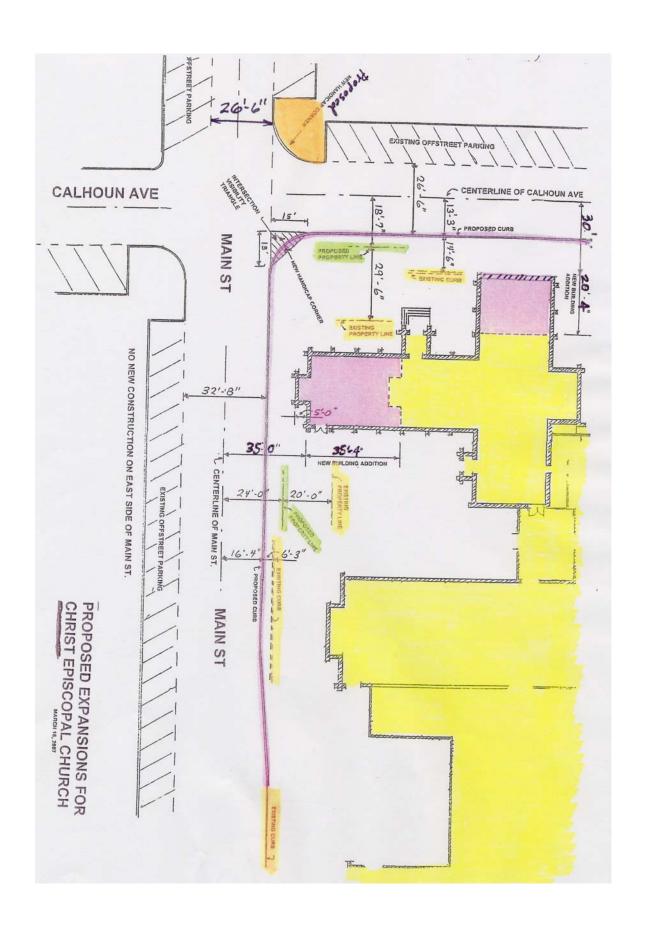


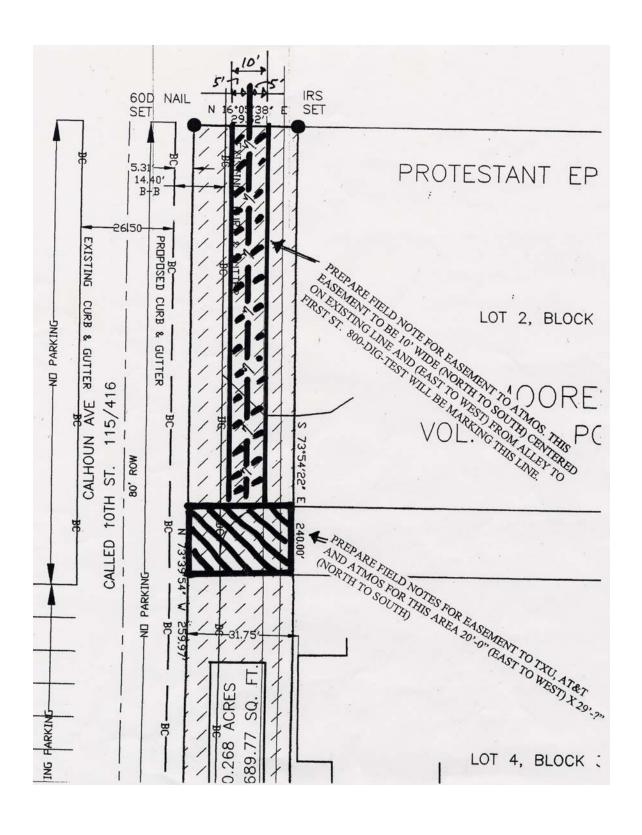


# APPLICATION FOR ABANDONMENT

| 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   |
| Capacity of agent: A Officer  Broker  Prospective buyer   |
| Does applicant own real property affected by the proposed abandonment? KXYes INO  Address and legal description of applicant's real property 300 N. MAIN STTEMPLE,TX  LOTS 1, 2, 3 & 4 OF BLOCK 30, MOORES FIRST, VOL 115, PG 416 |
| Address and legal description of proposed abandonment SEE ENCLOSED TEMPLE CIVIL ENGINEERING SURVEY & FIELD NOTES  |
| Type of abandonment:   Alley Street Easement Mother PART OF MAIN ST & CALHOUN AVE Explain reason why the abandonment is needed LAND IS NEEDED FOR BUILDING EXPANSION  |
|   |
| Provide proposed use of abandoned property, if granted BUILDING EXPANSION   |
| Attached:   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.                                    |
| Applicant's name (typed) CHRIST EPISCOPAL CHURCH Applicant's signature John Hancol  |







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.

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 30<sup>th</sup> 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 Cur 2 CARL B. PEARSON

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° 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.

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:

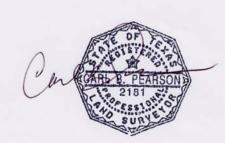
KNOW ALL MEN BY THESE PRESENTS, that I Carl B. Pearson, Registered Professional Land Surveyor, do hereby certify that I did cause to be surveyed on the ground on the 19th day of July, 2006, the above described tract of land and to the best of my knowledge and belief, said description is true and accurate.

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



| ORDINANCE NO. |  |
|---------------|--|
|               |  |

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, ABANDONING PORTIONS OF NORTH MAIN STREET TEXAS. (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 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 **20**<sup>th</sup> day of **December**, 2007.

PASSED AND APPROVED on Second Reading the 3<sup>rd</sup> day of January, 2008.

|                                       |          | THE CITY OF TEMPLE, TEXAS   |
|---------------------------------------|----------|---|
|                                       |          | WILLIAM A. JONES, III, Mayor  |
| ATTEST:                               |          | ATTEST:   |
| Clydette Entzminger<br>City Secretary |          | Jonathan Graham City Attorney   |
| STATE OF TEXAS                        | <b>§</b> |   |
| COUNTY OF BELL                        | <b>§</b> |   |
|                                       |          | ed before me on the day of January, 2008, by the City of Temple, Texas. |
|                                       |          | Notary Public, State of Texas   |



# **COUNCIL AGENDA ITEM MEMORANDUM**

01/03/08 Item #3(E) Consent Agenda Page 1 of 1

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

Tim Dolan, AICP, Planning Director

<u>ITEM DESCRIPTION:</u> SECOND READING – 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.

**STAFF AND P&Z COMMISSION RECOMMENDATION:** Adopt ordinance as presented in item description, on second and final reading. The Planning & Zoning Commission unanimously recommended approval at its December 4, 2007 meeting. The attached memo and draft minutes explain the Commission's action.

<u>ITEM SUMMARY:</u> 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**

**2-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:

<u>Part 1</u>: 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 20 <sup>th</sup> | h day of |
|---|----------|
| December, 2007.   |          |

PASSED AND APPROVED on Second Reading and Public Hearing on the  $\bf 3^{rd}$  day of **January**, 2008.

|                     | THE CITY OF TEMPLE, TEXAS    |
|---------------------|------------------------------|
|                     | WILLIAM A. JONES, III, Mayor |
| ATTEST:             | APPROVED AS TO FORM:         |
|                     |                              |
| Clydette Entzminger | Jonathan Graham              |
| City Secretary      | City Attorney                |



# **COUNCIL AGENDA ITEM MEMORANDUM**

01/03/08 Item #3(F) Consent Agenda Page 1 of 1

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

Bruce Butscher, Director of Public Works

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the use of \$30,159 in Child Safety Funds to add and upgrade school zones and cross walks.

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

**ITEM SUMMARY:** The requested Child Safety Funds will be used as follows:

- Purchase 4 solar powered flashers to add a signalized school zone on West Nugent Avenue in front of Kennedy-Powell Elementary School and to have a spare set incase of malfunction or damage due to collision.
- To repair school crosswalks with preformed thermoplastic where needed.
- Purchase 4 driver feed back signs that are portable and can be moved from school zone to school zone to let vehicles know the speed they are traveling in areas prone to speed problems. We purchased 1 set of these driver feed back signs in 2005 and have had real positive response from citizens, so we are requesting additional signs.

**FISCAL IMPACT:** A budget amendment is presented for Council's approval appropriating \$30,159 of Child Safety Funds from the Child Safety fees revenue account 110-0000-452-0164 to account 110-2800-532-6323, project #100366, to purchase 4 solar powered school flashers (\$13,979), to account 110-2800-532-2211 to purchase 4 driver feedback signs (\$15,000) and to account 110-3400-531-2334 to repair school crosswalks where needed in the City with performed thermoplastic (\$1,180).

If funding for these expenditures is approved, there will be \$259,293 available in Child Safety funds for future eligible expenditures.

#### **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.

**PROJECT ACCOUNT NUMBER INCREASE DECREASE ACCOUNT DESCRIPTION** 110-0000-452-01-64 Child Safety Fee Revenue 30,159 110-2800-532-63-23 100366 Traffic Signals 13,979 110-2800-532-22-11 Specialized Instruments 15,000 110-3400-531-23-34 Traffic Signals/Signs 1,180 \$ TOTAL..... 60,318 \$ EXPLANATION OF ADJUSTMENT REQUEST- Include justification for increases AND reason why funds in decreased account are available. To appropriate Child Safety Funds in the amount of \$30,159 to purchase 4 solar powered flashers to be installed in front of Kennedy-Powell Elementary School (\$13,979), to purchase 4 driver feed back portable signs to be moved from school zone to school zone (\$15,000), and to repair school crosswalks where needed with preformed thermoplastic (\$1,180). DOES THIS REQUEST REQUIRE COUNCIL APPROVAL? No Yes DATE OF COUNCIL MEETING 1/7/2008 WITH AGENDA ITEM? No Approved Department Head/Division Director Disapproved Date Approved Finance Date Disapproved Approved City Manager Date Disapproved

| RESOLUTION NO  |  |
|--|--|
| A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS,   |  |
| AUTHORIZING THE USE OF \$30,159 IN CHILD SAFETY FUNDS TO ADD AND |  |

MEETINGS CLAUSE.

**Whereas,** the City of Temple receives an annual allocation of child safety fees from Bell County that are collected on every vehicle registered in Bell County;

UPGRADE SCHOOL ZONES AND CROSS WALKS; AND PROVIDING AN OPEN

**Whereas,** these funds must be used for programs such as school crossing guards, child safety, health or nutrition, child abuse prevention and intervention and drug and alcohol abuse prevention;

Whereas, from those funds, the Street Department request funding to add and upgrade school zones and cross walks;

**Whereas,** an amendment to the FY2007-2008 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 use of \$30,159 in Child Safety Funds to add and upgrade school zones and cross walks.

<u>Part 2</u>: 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 3<sup>rd</sup> ay of January, 2008.

|                                       | THE CITY OF TEMPLE, TEXAS        |
|---------------------------------------|----------------------------------|
|                                       | WILLIAM A. JONES, III, Mayor     |
| ATTEST:                               | APPROVED AS TO FORM:             |
| Clydette Entzminger<br>City Secretary | Jonathan Graham<br>City Attorney |



# **COUNCIL AGENDA ITEM MEMORANDUM**

01/03/08 Item #3(G) Consent Agenda Page 1 of 1

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

Jonathan Graham, City Attorney

**ITEM DESCRIPTION**: Consider adopting a resolution accepting the 2006-2007 Risk Management Annual Report.

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

<u>ITEM SUMMARY:</u> The 2006-2007 (10-01-06 through 09-30-07) Risk Management Annual Report discusses the City's Risk Management Program; breaks down the total numbers of claims, accidents, and employee injuries, and reviews the City's premiums for insurance coverage.

FISCAL IMPACT: None

#### **ATTACHMENTS:**

Risk Management 2006-07 Annual Report (hard copy) Resolution

| A RESOLU        | JTION O | F THE CIT | ΓΥ COUNC | CIL OF | THE CIT | Y OF        |
|-----------------|---------|-----------|----------|--------|---------|-------------|
| TEMPLE,         | TEXAS,  | ACCEPT    | ING THE  | E FY20 | 06-2007 | RISK        |
| MANAGEM         | MENT AN | NUAL REP  | ORT; AND | PROVID | DING AN | <b>OPEN</b> |
| <b>MEETINGS</b> | CLAUSE. |           |          |        |         |             |
|                 |         |           |          |        |         |             |

RESOLUTION NO.

**Whereas,** the FY2006-2007 Risk Management Annual Report (10-01-06 through 09-30-07) breaks down the total number of claims, accidents, and employee injuries, and reviews the City's premiums for insurance coverage;

Whereas, the report needs to be accepted by the City Council; 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 accepts the FY2006-2007 Risk Management Annual Report, substantially in the form of the copy attached as Exhibit A.

<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 3<sup>rd</sup> 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<br>City Attorney |



# **COUNCIL AGENDA ITEM MEMORANDUM**

01/03/08 Item #3(H) 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.

<u>ITEM SUMMARY:</u> 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 \$35,526.

### **ATTACHMENTS:**

Budget amendments Resolution

# CITY OF TEMPLE BUDGET AMENDMENTS FOR FY 2008 BUDGET January 3, 2008

| ACCOUNT #                              |           |  |           | APPROPE | RIAT   | IONS   |
|--|-----------|--|-----------|---------|--|--|
|  | PROJECT # | DESCRIPTION  |           | Debit   |  | Credit                                       |
| 110-1800-525-2630<br>110-1200-515-2630 |           | Banking Service Fee (Municipal Court) Banking Service Fee (Finance)  | \$        | 5,000   | \$   | 5,000  |
|  |           | To move Courts share of the carried forward funds for the armored car service. The funds were carried forward to the Finance Department but, Court will be responsible for their share of the service.   |           |         |  |  |
| 110-2000-521-2516                      |           | Judgments & Damages (Police Dept.)   | \$        | 657     |  |  |
| 110-1500-515-6531                      |           | Contingency - Judgments & Damages  |           |         | \$   | 657  |
|  |           | Attorney fees for lawsuit filed against City Steven Taylor v. City of Temple   |           |         |  |  |
| 110-2000-521-2136                      |           | Public Safety Expenditures (Police Dept.)  | \$        | 14,500  |  |  |
| 110-2000-521-6211                      | 100367    | Instruments/Special Equipment  | \$        | 9,000   |  |  |
| 110-0000-313-0331                      |           | Reserve for Public Safety  |           |         | \$   | 23,500                                       |
|  |           | Appropriate funds for purchases from the Project Lifesaver fund. Funds have beed donated to the Public Safety Advisory Board for the Project Lifesaver program. Initial purchase will be \$11,000 for the tracking system, 10 bracelets and training Additional bracelets will be purchased as the program is implemented.   | The       |         |  |  |
| 110-3700-524-2516                      |           | Judgments & Damages (Construction Safety)  | \$        | 6,369   |  |  |
| 110-1500-515-6531                      |           | Contingency - Judgments & Damages  |           |         | \$   | 6,369  |
|  |           |  |           |         |  |  |
|  |           | Attorney fees for lawsuits filed against the City Centex Investments, Inc. v. Ci of Temple (\$6,280.65) and Martinson v. City of Temple (\$87.50)  TOTAL AMENDMENTS  | sty \$    | 35,526  | \$   | 35,526                                       |
|  |           | TOTAL AMENDMENTS  GENERAL FUND  Beginning Contingency Balance Added to Contingency Sweep Account Carry forward from Prior Year   | <b>\$</b> | 35,526  | \$<br>\$<br>\$<br>\$                                     | 35,526                                       |
|  |           | of Temple (\$6,280.65) and Martinson v. City of Temple (\$87.50)  TOTAL AMENDMENTS  GENERAL FUND  Beginning Contingency Balance  Added to Contingency Sweep Account  | \$        | 35,526  |  | 35,526                                       |
|  |           | TOTAL AMENDMENTS  GENERAL FUND  Beginning Contingency Balance Added to Contingency Sweep Account Carry forward from Prior Year Taken From Contingency  | \$        | 35,526  | \$<br>\$<br>\$<br>\$                                     | 70,000<br>- (20,384)<br>49,616               |
|  |           | TOTAL AMENDMENTS  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 Added to Contingency Judgments & Damages from Council Contingency Taken From Judgments & Damages  | \$        | 35,526  | \$<br>\$<br>\$<br>\$<br>\$                               | 70,000                                       |
|  |           | TOTAL AMENDMENTS  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 Added to Contingency Judgments & Damages from Council Contingency Taken From Judgments & Damages Contingency Added to Contingency Judgments & Damages Net Balance of Judgments & Damages Net Balance of Judgments & Damages Net Balance of Judgments & Damages Contingency Account  Beginning Master Plan Implementation Contingency Added to Master Plan Implementation Contingency Taken From Master Plan Implementation Contingency | \$        | 35,526  | \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ | 70,000<br>-<br>(20,384)<br>49,616<br>250,000 |

# CITY OF TEMPLE

### BUDGET AMENDMENTS FOR FY 2008 BUDGET

January 3, 2008

|           | DD 0 77 07 // | DEGGE TOWN   | APPROPRI |    |           |
|-----------|---------------|--|----------|----|-----------|
| ACCOUNT # | PROJECT #     | DESCRIPTION  | Debit    |    | Credit    |
|           |               | Beginning Balance Budget Sweep Contingency           |          | \$ | -         |
|           |               | Added to Budget Sweep Contingency                    |          | \$ | -         |
|           |               | Taken From Budget Sweep                              |          | \$ | -         |
|           |               | Net Balance of Budget Sweep Contingency Account      |          | \$ | -         |
|           |               | WATER & SEWER FUND                                   |          |    |           |
|           |               | Beginning Contingency Balance                        |          | \$ | 904,672   |
|           |               | Added to Contingency Sweep Account                   |          | \$ | 904,072   |
|           |               | Taken From Contingency                               |          | \$ | (12.750)  |
|           |               | • •  | -        |    | (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    |
|           |               | 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 of Approach Manis Contingency Account    | -        | φ  | 330,361   |
|           |               | 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    |
|           |               | Designing Companyation Plan Contingency              |          | ¢  | 9,000     |
|           |               | Beginning Compensation Plan Contingency              |          | \$ | 8,000     |
|           |               | Added to Compensation Plan Contingency               |          | \$ | -         |
|           |               | Taken From Compensation Plan Contingency             | -        | \$ | 0.000     |
|           |               | Net Balance of Compensation Plan Contingency Account | -        | \$ | 8,000     |
|           |               | Net Balance Hotel/Motel Tax Fund Contingency         | _        | \$ | 28,126    |
|           |               | DRAINAGE FUND  |          |    |           |
|           |               | Beginning Contingency Balance                        |          | \$ | 1,495     |
|           |               | Added to Contingency Sweep Account                   |          | \$ | -,.,,     |
|           |               | Taken From Contingency                               |          | \$ | _         |
|           |               | Net Balance of Contingency Account                   |          | \$ | 1,495     |
|           |               | Paginning Companyation Plan Contingence              | Ī        | ¢  | 2.000     |
|           |               | 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                   |          | \$ | 00,477    |
|           |               | Taken From Contingency                               |          | \$ | _         |
|           |               | Net Balance of Contingency Account                   | -        | \$ | 86,477    |
|           |               |  | -        | Ψ  | 30,177    |
|           |               |  |          |    |           |

| 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  $23^{rd}$  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 3<sup>rd</sup> day of January, 2008.

|                     | THE CITY OF TEMPLE, TEXAS    |
|---------------------|------------------------------|
|                     |                              |
|                     | WILLIAM A. JONES, III, Mayor |
| ATTEST:             | APPROVED AS TO FORM:         |
|                     |                              |
| Clydette Entzminger | Jonathan Graham              |
| City Secretary      | City Attorney                |



# COUNCIL AGENDA ITEM MEMORANDUM

01/03/08 Item #4(A) Regular Agenda Page 1 of 2

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

Tim Dolan, Planning Director

<u>ITEM DESCRIPTION:</u> 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 **denial** 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 **approval** 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.

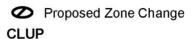
Six notices were sent out for the Planning and Zoning Commission meeting. As of Tuesday, December 11, 2007, at 2 PM, one notice was returned in favor of and one notice was returned in opposition to the request. The newspaper printed notice of the Planning & Zoning Commission's public hearing on November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

01/03/08 Item #4(A) Regular Agenda Page 2 of 2

FISCAL IMPACT: NA

# **ATTACHMENTS:**

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



#### **Agricultural**

AGRICULTURE

#### Residential

O LOW DENSITY (UE)

MOD DENSITY (SF1, SF2, SF3, MH, 2F)

MED DENSITY (MH, 2F, TH, MF1)

HIGH DENSITY (MF2)

#### Commercial

OFFICE (01, 02)

RETAIL (NS, GR)

COMMERCIAL (C, CA)

#### Mixed Use

MIXEDUSE (MU)

#### Industrial

INDUSTRIAL (LI, HI)

Warehouse/Distribution

Manufacturing/Distribution

Bio-Science/Technology

Corporate Capus & Office

Aviation Industrial Dumt

Aviation Industrial Dvmt
Fwy Com/Tech/Indust

Intermodal

#### **Community Facilities**

COMMUNITYFACILITY

CF-E (EDUCATIONAL)

CF-G (GENERAL)

CF-R (RESIDENTIAL)

CF-M (MEDICAL)

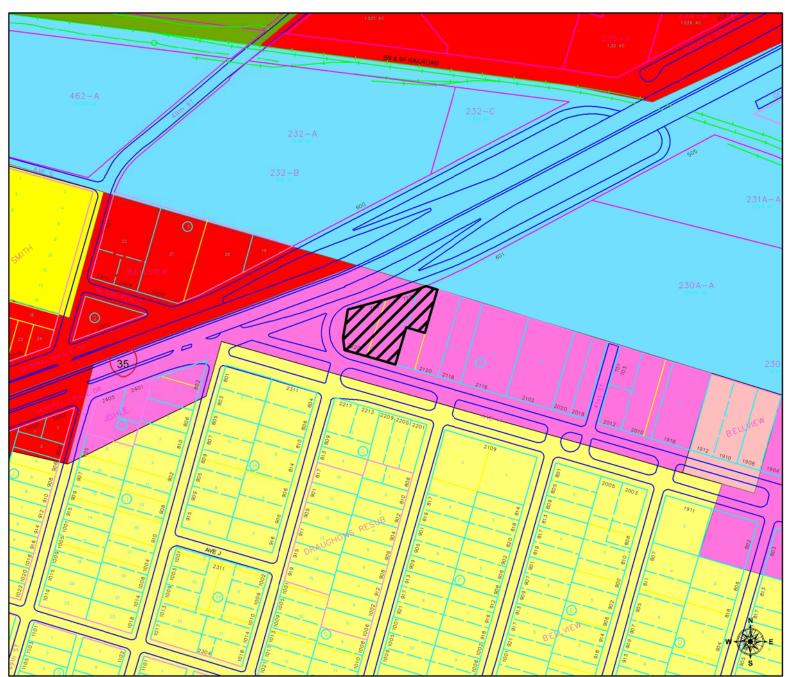
#### Park Land

PROPOSED FLOATING PARK

PARKS

#### Downtown

DOWNTOWN





# 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

<u>ITEM DESCRIPTION:</u> 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, 25<sup>th</sup> 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.

## 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

**STAFF RECOMMENDATION:** 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, 25<sup>th</sup> 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.2007-4785**

[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.
- 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 and Public Hearing (*tabled*) on the **20**<sup>th</sup> day of **December**, 2007.

| PASSED AND APPROVED of <b>January</b> , 2008. | n First Reading and Public Hearing on the <b>3<sup>rd</sup></b> day of        |
|---|---|
| PASSED AND APPROVED or                        | n Second Reading on the <b>17</b> <sup>th</sup> day of <b>January</b> , 2008. |
|   | THE CITY OF TEMPLE, TEXAS   |
|   | WILLIAM A. JONES, III, Mayor  |
| ATTEST:                                       | APPROVED AS TO FORM:  |
| Clydette Entzminger                           | Jonathan Graham   |
| City Secretary                                | City Attorney   |



# **COUNCIL AGENDA ITEM MEMORANDUM**

01/03/08 Item #4(B) Regular Agenda Page 1 of 2

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

Tim Dolan, Planning Director

<u>ITEM DESCRIPTION:</u> 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.

<u>ITEM SUMMARY:</u> 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.

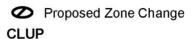
Since the Planning and Zoning Commission recommends <u>denial</u> of the zone change, a supermajority of four favorable votes from the City Council is required for the zone change to pass.

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.

# 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



#### **Agricultural**

AGRICULTURE

#### Residential

O LOW DENSITY (UE)

MOD DENSITY (SF1, SF2, SF3, MH, 2F)

MED DENSITY (MH, 2F, TH, MF1)

HIGH DENSITY (MF2)

#### Commercial

OFFICE (01, 02)

RETAIL (NS, GR)

COMMERCIAL (C, CA)

#### Mixed Use

MIXEDUSE (MU)

#### Industrial

INDUSTRIAL (LI, HI)

Warehouse/Distribution

Manufacturing/Distribution

Bio-Science/Technology

Corporate Capus & Office

Aviation Industrial Dumt

Aviation Industrial Dvmt
Fwy Com/Tech/Indust

Intermodal

#### **Community Facilities**

COMMUNITYFACILITY

CF-E (EDUCATIONAL)

CF-G (GENERAL)

CF-R (RESIDENTIAL)

CF-M (MEDICAL)

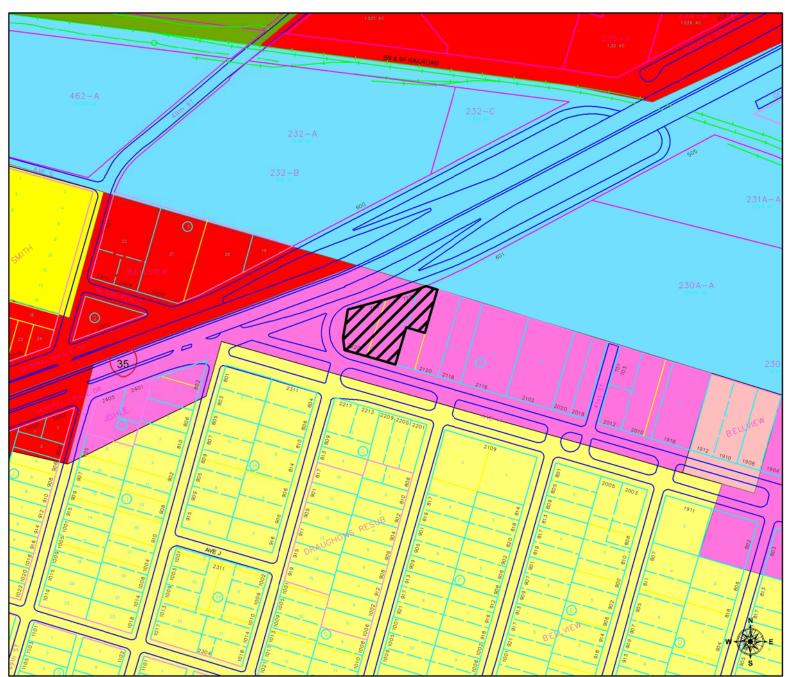
#### Park Land

PROPOSED FLOATING PARK

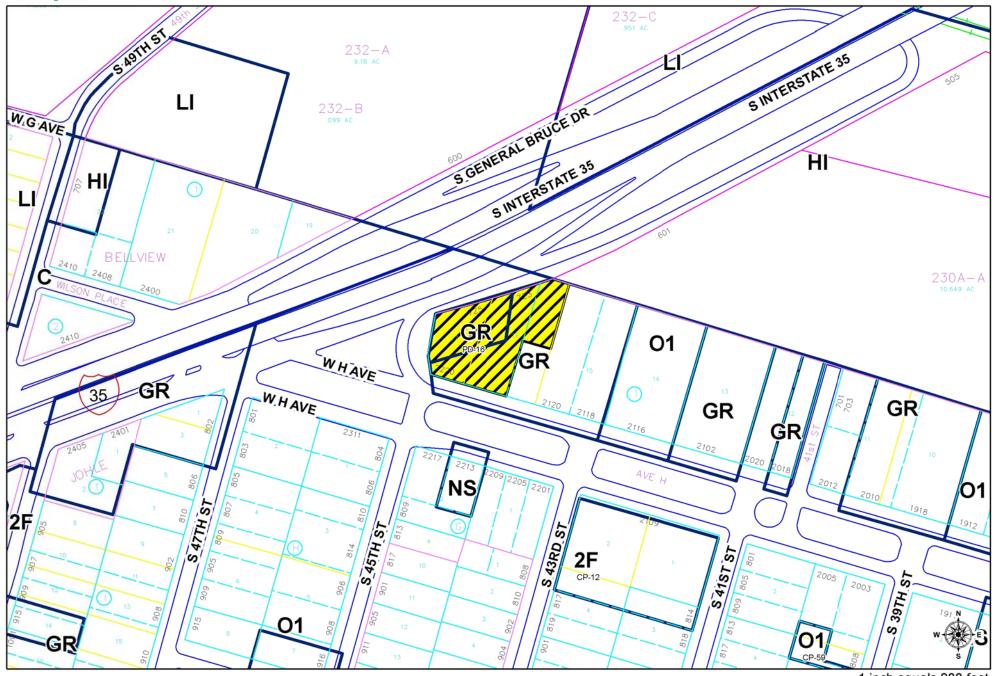
PARKS

#### Downtown

DOWNTOWN









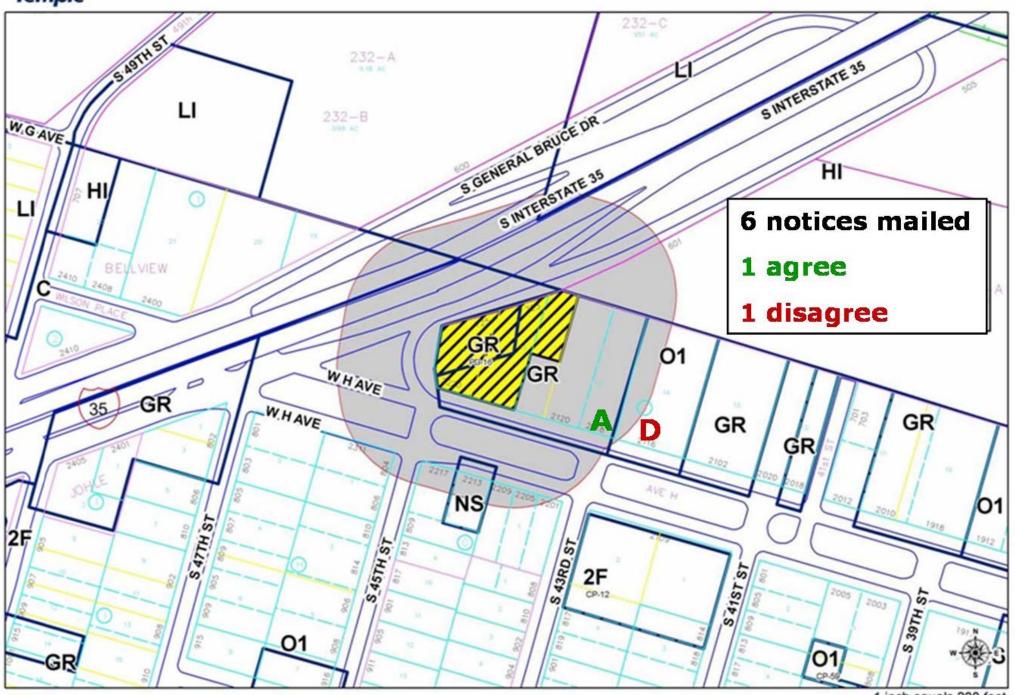
725 S. General Bruce Dr.



Area of Proposed Zone Change









# 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

<u>ITEM DESCRIPTION:</u> 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.

| 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 |
| Jue                     | district, none otherwise   |
| Rear                    | 10 adjacent to residential |
| Real                    | 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

**STAFF RECOMMENDATION:** 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, 25<sup>th</sup> 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. 2007-4786

[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 (*tabled*) on the **20**<sup>th</sup> day of **December**, 2007.

| City Secretary                           | City Attorney   |
|--|---|
| Clydette Entzminger                      | Jonathan Graham   |
| ATTEST:                                  | APPROVED AS TO FORM:  |
|  | WILLIAM A. JONES, III, Mayor  |
|  |   |
|  | THE CITY OF TEMPLE, TEXAS   |
| PASSED AND APPROVED on Second Re         | eading on the <b>17<sup>th</sup></b> day of <b>January</b> , 2008.        |
| PASSED AND APPROVED on First Readi 2008. | ing and Public Hearing on the <b>3<sup>rd</sup> day of <b>January</b></b> |



### **COUNCIL AGENDA ITEM MEMORANDUM**

01/03/08 Item #5 Regular Agenda Page 1 of 2

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

Amy M. House, Director of Human Resources/Civil Service

<u>ITEM DESCRIPTION:</u> FIRST READING – PUBLIC HEARING – Consider adopting an ordinance setting out the civil service classifications, setting out the requirements for appointment to the positions, and setting out the number of positions in each classification in the Temple Fire Department and Temple Police Department.

**STAFF RECOMMENDATION:** Conduct public hearing and adopt ordinance as presented in item description, on first reading, and schedule second reading and final adoption for January 17, 2008.

ITEM SUMMARY: Chapter 143 of the Local Government Code requires that the Council establish, by ordinance, the classifications in the Police Department and the Fire Department. In a report written by ESCI, the Consultant hired by the City to develop a master plan for the Fire Department, it was recommended to train additional firefighters to be paramedics. The City has not trained any firefighters to be paramedics since 2000, and we have had several firefighters who were paramedics retire. Paramedics are needed to maintain the Advanced Service Level (ALS) currently provided by the City. In order to maintain minimum staffing levels while the Fire Department sends nine (9) firefighters to paramedic school beginning in January 15, 2008, it is recommended that four (4) additional Fire Control and Rescue Officers be added at this time. These additional 4 positions will be used to fulfill staffing requirements in the future.

Staff is also recommending the word non-probationary be deleted from sections within the ordinance. This is based on the fact that eligibility requirements under Chapter 143 of the Local Government Code state that a fire fighter or police officer is not eligible for promotion unless the person has served in that fire department or police department in the next lower position or other position specified by the Commission for at least two years before the date the promotional examination is held. Chapter 143 does not require a person to be non-probationary before being eligible. In addition, since some police and fire employees are on eighteen months' probation (no prior law enforcement/paid firefighter experience) and some are on twelve months' probation (prior law enforcement/paid firefighter experience), the two year time frame could be different for persons hired on the same date. The Civil Service Commission changed the local rule for this at their meeting on October 29, 2007, by removing the non-probationary requirement.

01/03/08 Item #5 Regular Agenda Page 2 of 2

**FISCAL IMPACT:** Total costs for funding these four (4) new Fire Control and Rescue Officers is approximately \$143,080 for the remainder of FY 2008 (81/2 months). In addition, the costs to send nine (9) firefighters to the paramedic program beginning January 15, 2008, and ending May 15, 2009, are an additional \$33,254. These costs are comprised of tuition costs for the program in the amount of \$3,150 and backfill overtime costs in the amount of \$30,105. Total impact of this program is \$176,334 for FY 2008. Total cost of this program for FY 2009 is currently estimated at \$226,183.

A budget adjustment will be presented to Council for approval with the second reading of this ordinance on January 17, 2008, to fund this program. Funds in the amount of \$250,000 were set aside in account 110-1500-515-6534 as contingency funds for the implementation of the Fire Department's Master Plan recommendations.

### **ATTACHMENTS:**

Classifications & Number of Positions-Police & Fire Ordinance

# CLASSIFICATIONS AND THE NUMBER OF POSITIONS OF CERTIFIED FIREFIGHTERS AND

### CLASSIFICATIONS AND THE NUMBER OF POSITIONS OF CERTIFIED POLICE OFFICERS

### **CLASSIFICATIONS AND POSITIONS OF CERTIFIED FIREFIGHTERS**

### I. UNCLASSIFIED POSITIONS

### A. FIRE CHIEF - 1 Position

The Fire Chief is appointed by the City Manager. No person shall be eligible for appointment as Chief of the Fire Department who is not eligible for certification by the Commission on Fire Protection Personnel Standards and Education at the intermediate level, or its equivalent as determined by that Commission, and who has not served at least 5 years as a fully paid firefighter.

### II. CLASSIFIED POSITIONS

### A. DEPUTY CHIEF - 5 Positions

No person shall be eligible for appointment as a Deputy Chief who has not served continuously in the Department, as a Captain for at least 2 years. In addition to base pay every Deputy Chief having 5, 7, 9 or 15 years of service in the Department shall receive the amount shown on the attached compensation plan for such increments of seniority.

### B. *CAPTAIN* - 22 Positions

No person shall be eligible for appointment as a Captain who has not served continuously in the Department, as a Driver, for at least 2 years. In addition to base pay, every Captain having 3, 5, 7, 9 or 15 years of service in the Department shall receive the amount shown on the attached compensation plan for such increments of seniority.

### C. DRIVER - 27 Positions

No person shall be eligible for appointment as a Driver who has not served continuously in the Department, as a non-probationary Fire Control and Rescue Officer, for at least 2 years. In addition to base pay every Driver having more than 3, 5, 7, 9 or 15 years of service in the Department shall receive the amount shown on the attached compensation plan for such increments of seniority.

### D. FIRE CONTROL AND RESCUE OFFICER – 45 49 Positions

No person shall be eligible for appointment as a Fire Control and Rescue Officer who does not meet all requirements necessary to become eligible for future

classification by the Commission on Fire Protection Personnel Standards and Education. In addition to base pay every Fire Control and Rescue Officer having 1, 3, 5, 7, 9 and 15 years of service in the Department shall receive the amount shown on the attached compensation plan for such increments of seniority.

### **CLASSIFICATIONS AND POSITIONS OF CERTIFIED POLICE OFFICERS**

### I. UNCLASSIFIED POSITIONS

### A. Police Chief - 1 Position

The Police Chief is appointed by the City Manager. No person shall be eligible for appointment as Chief of the Police Department who is not eligible for certification by the Commission on Law Enforcement Standards and Education at the intermediate level or its equivalent as determined by that Commission or who has not served as a bona fide law enforcement officer for at least 5 years.

### B. Deputy Chief - 2 Positions

No person shall be eligible for appointment as a Deputy Chief who has not served as a Lieutenant or continuously served for a minimum of 2 years as a Sergeant in the Department.

### II. CLASSIFIED POSITIONS

### A. LIEUTENANT - 5 Positions

No person shall be eligible for appointment as a Lieutenant who has not served continuously as a Sergeant in the Department for at least 2 years. In addition to base pay every Lieutenant having more than 5, 8, 12, 16 or 20 years of service in the Department shall receive the amount shown on the attached compensation plan for such increments of seniority.

### B. SERGEANT – 16 Positions

No person shall be eligible for appointment as a Sergeant who has not served continuously as a Corporal in the Department for at least 2 years. In addition to base pay every Sergeant having more than 3, 6, 10, 15 or 20 years of service in the Department shall receive the amount shown on the attached compensation plan for such increments of seniority.

### C. Corporal - 16 Positions

No person shall be eligible for appointment as a Corporal who has not served continuously as a non-probationary Police Officer in the Department for at least two years. In addition to base pay every officer who has 3, 6, 10, 15 or 20 years

of service in the Department shall receive the amount shown on the attached compensation plan for such increments of seniority.

### D. POLICE OFFICER - 90 Positions

No person shall be eligible for appointment as a Probationary Police Officer who has not met the basic requirements for entrance into the Department. No person shall be eligible for a permanent appointment as a police officer who has not completed 1 year of satisfactory performance in the Department. In addition to base pay every police officer who has 1, 3, 6, 10, 15 or 20 years of service in the Department shall receive the amount shown on the attached compensation plan for such increments of seniority.

| RDINANCE NO  |
|--------------|
| RDINANCE NO. |

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, SETTING OUT THE CIVIL SERVICE CLASSIFICATIONS, SETTING OUT REQUIREMENTS FOR APPOINTMENT TO THE POSITIONS, AND SETTING OUT THE NUMBER OF POSITIONS IN EACH CLASSIFICATION IN THE TEMPLE FIRE DEPARTMENT AND TEMPLE POLICE DEPARTMENT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETING CLAUSE.

Whereas, Chapter 143 of the Local Government Code requires that the City Council establish, by ordinance, the classifications in the Police Department and the Fire Department;

Whereas, in a report written by ESCI, the consultant hired by the City to develop a master plan for the Fire Department, it was recommended to add operational personnel – after a review of the staffing levels of the Temple Fire Department, it is recommended that 4 additional Fire Control and Rescue Officers be added at this time;

Whereas, Staff is also recommending the word non-probationary be deleted from sections within the ordinance based on the fact that eligibility requirements under Chapter 143 of the Local Government Code state that a fire fighter or police officer is not eligible for promotion unless the person has served in that fire department or police department in the next lower position or other position specified by the Commission for at least two years before the date the promotional examination is held – the Civil Service Commission changed the local rule for this at their meeting on October 29, 2007, by removing the non-probationary requirement; and

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

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

<u>Part 1:</u> The City Council establishes the following *Classifications and the Number of Positions of Certified Firefighters and Classifications and the Number of Positions of Certified Police Officers* for civil service positions in the Police and Fire Departments.

CLASSIFICATIONS AND POSITIONS OF CERTIFIED FIREFIGHTERS

### I. UNCLASSIFIED POSITIONS

### A. FIRE CHIEF - 1 Position

The Fire Chief is appointed by the City Manager. No person shall be eligible for appointment as Chief of the Fire Department who is not eligible for certification by the Commission on Fire Protection Personnel Standards and Education at the intermediate level, or its equivalent as determined by that Commission, and who has not served at least 5 years as a fully paid firefighter.

### II. CLASSIFIED POSITIONS

### A. *DEPUTY CHIEF* - 5 Positions

No person shall be eligible for appointment as a Deputy Chief who has not served continuously in the Department, as a Captain for at least 2 years. In addition to base pay every Deputy Chief having 5, 7, 9 or 15 years of service in the Department shall receive the amount shown on the attached compensation plan for such increments of seniority.

### B. *CAPTAIN* - 22 Positions

No person shall be eligible for appointment as a Captain who has not served continuously in the Department, as a Driver, for at least 2 years. In addition to base pay, every Captain having 3, 5, 7, 9 or 15 years of service in the Department shall receive the amount shown on the attached compensation plan for such increments of seniority.

### C. *Driver* - 27 Positions

No person shall be eligible for appointment as a Driver who has not served continuously in the Department, as a Fire Control and Rescue Officer, for at least 2 years. In addition to base pay every Driver having more than 3, 5, 7, 9 or 15 years of service in the Department shall receive the amount shown on the attached compensation plan for such increments of seniority.

### D. FIRE CONTROL AND RESCUE OFFICER - 49 Positions

No person shall be eligible for appointment as a Fire Control and Rescue Officer who does not meet all requirements necessary to become eligible for future classification by the Commission on Fire Protection Personnel Standards and Education. In addition to base pay every Fire Control and Rescue Officer having 1, 3, 5, 7, 9 and 15 years of service in the Department shall receive the amount shown on the attached compensation plan for such increments of seniority.

# CLASSIFICATIONS AND POSITIONS OF CERTIFIED POLICE OFFICERS

### I. UNCLASSIFIED POSITIONS

### A. *POLICE CHIEF* - 1 Position

The Police Chief is appointed by the City Manager. No person shall be eligible for appointment as Chief of the Police Department who is not eligible for certification by the Commission on Law Enforcement Standards and Education at the intermediate level or its equivalent as determined by that Commission or who has not served as a bona fide law enforcement officer for at least 5 years.

### B. *Deputy Chief* - 2 Positions

No person shall be eligible for appointment as a Deputy Chief who has not served as a Lieutenant or continuously served for a minimum of 2 years as a Sergeant in the Department.

### II. CLASSIFIED POSITIONS

### A. *LIEUTENANT* - 5 Positions

No person shall be eligible for appointment as a Lieutenant who has not served continuously as a Sergeant in the Department for at least 2 years. In addition to base pay every Lieutenant having more than 5, 8, 12, 16 or 20 years of service in the Department shall receive the amount shown on the attached compensation plan for such increments of seniority.

### B. SERGEANT – 16 Positions

No person shall be eligible for appointment as a Sergeant who has not served continuously as a Senior Police Officer in the Department for at least 2 years. In addition to base pay every Sergeant having more than 3, 6, 10, 15 or 20 years of service in the Department shall receive the amount shown on the attached compensation plan for such increments of seniority.

### C. *Corporal* - 16 Positions

No person shall be eligible for appointment as a Corporal who has not served continuously as a Police Officer in the Department for at least two years. In addition to base pay every officer who has 3, 6, 10, 15 or 20 years of service in

the Department shall receive the amount shown on the attached compensation plan for such increments of seniority.

### D. *POLICE OFFICER* - 90 Positions

No person shall be eligible for appointment as a Probationary Police Officer who has not met the basic requirements for entrance into the Department. No person shall be eligible for a permanent appointment as a police officer who has not completed 1 year of satisfactory performance in the Department. In addition to base pay every police officer who has 1, 3, 6, 10, 15 or 20 years of service in the Department shall receive the amount shown on the attached compensation plan for such increments of seniority.

- <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> 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 4:</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 3<sup>rd</sup> day of January, 2008.

PASSED AND APPROVED on Second and Final Reading on the 17<sup>th</sup> day of January, 2008.

|                     | THE CITY OF TEMPLE, TEXAS    |
|---------------------|------------------------------|
|                     | WILLIAM A. JONES, III, MAYOR |
| ATTEST:             | APPROVED AS TO FORM:         |
|                     |                              |
| Clydette Entzminger | Jonathan Graham              |
| City Secretary      | City Attorney                |



### **COUNCIL AGENDA ITEM MEMORANDUM**

01/03/08 Item #6 Regular Agenda Page 1 of 3

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

Kim Foutz, Assistant City Manager

<u>ITEM DESCRIPTION:</u> 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.

<u>ITEM SUMMARY:</u> As you may recall, this summer Clay Roming, chair of the Hawn Hotel Feasibility Committee made a presentation to Council that recommended a feasibility study be conducted to determine the highest and best use for all properties within the block bounded by Central Avenue, Adams Avenue, 2<sup>nd</sup> Street, and 4<sup>th</sup> 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. Also please note, that Astin's development proposal was contingent upon a feasibility study being conducted for the Hawn as a hotel and restaurant. Astin requested that the City participate in 50% of the cost (\$12,500 Astin and \$12,500 City for a total of \$25,000 for the hotel only).

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 on its own** which includes both properties and adjacent areas. With the **City being the sole sponsor** of such a study, the Committee believed the conclusion reached would be more objective.

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 feasible, 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 <u>Economic Impact Analysis</u>
- 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.

01/03/08 Item #6 Consent Agenda Page 3 of 3

**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 2<sup>nd</sup> Street, Central Avenue, Adams Avenue and 4<sup>th</sup> Street, as well as a surface parking lot across 4<sup>th</sup> 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.

- 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:
  - o Name / brand / management
  - Location
  - o Date opened or last renovated
  - Facilities
  - Rate structure
  - o 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
  - o Executive Summary
  - o Area Economic/Demographic Review
  - o Project Description
  - o 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.

- 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
  - o Executive Summary
  - Project Description
  - Existing Performing Arts Facilities
  - o Needs of the Performing Arts Community
  - o Recommended Facilities
  - Estimated Performance
  - Prospective Financial Analysis

### RETAIL, OFFICE, AND RESIDENTIAL USES

- · Participate in initial and final meetings in Temple
  - o 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
  - 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
  - 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.
  - Contact retail establishments in Temple downtown to assess recent sales trends
  - o Contact office building owners to assess supply and demand
  - 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
  - o 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
  - o Compile all of the results into a final draft report
  - o Receive comments and make changes for the Final Report

### **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 rounded to the nearest \$1.

|   |                |  | -        |          |                  |                |
|---|----------------|--|----------|----------|------------------|----------------|
| ACCOUNT NUMBER                                  | PROJECT<br>#   | ACCOUNT DESCRIPTION  | INCR     | EASE     | D                | DECREASE       |
| 351-1100-513-26-16                              |                | Professional Services  | \$ 6     | 9,500    |                  |                |
| 351-0000-490-25-82                              |                | Transfer in - General Fund   | 6        | 9,500    |                  |                |
| 110-9100-591-81-51                              |                | Transfer out-Capital Projects Fund   | 6        | 9,500    |                  |                |
| 110-0000-352-13-45                              |                | Des Capital Projects-Unallocated   |          |          |                  | 69,500         |
|   |                |  |          |          |                  |                |
|   |                | DO NOT POST  |          |          |                  |                |
|   |                |  |          |          |                  |                |
|   |                |  |          |          |                  |                |
|   |                |  |          |          |                  |                |
|   |                |  |          |          |                  |                |
|   |                |  |          |          |                  |                |
| TOTAL   |                |  | \$ 20    | 8,500    | \$               | 69,500         |
|   |                |  |          |          |                  |                |
| account are available.                          | JUSTMENT       | ■ REQUEST- Include justification for increase  | s AND re | eason wh | y fund           | s in decreased |
|   | ck feasibility | .600 needed for the agreement with to fund a prestudy. The total of the services are not to exceled. |          |          |                  |                |
| DOES THIS REQUEST REQ<br>DATE OF COUNCIL MEETIN |                | CIL APPROVAL? X 12/20/2007   | Yes      |          | No               |                |
| WITH AGENDA ITEM?                               |                | Х  | Yes      |          | No               |                |
| Department Head/Division                        | n Director     | Date   |          |          | Approv<br>Disapp | ved<br>proved  |
| Finance   |                | <br>Date   |          |          | Approv<br>Disapp | ved<br>proved  |
| City Manager                                    |                | <br>Date   |          |          | Approv<br>Disapp | ved<br>proved  |

### **RESOLUTION NO. 2007-5279-R**

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:

- <u>Part 1:</u> 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.
- <u>Part 2:</u> 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 3<sup>rd</sup> day of January, 2008.

|                     | THE CITY OF TEMPLE, TEXAS    |
|---------------------|------------------------------|
|                     |                              |
|                     | WILLIAM A. JONES, III, Mayor |
| ATTEST:             | APPROVED AS TO FORM:         |
|                     |                              |
| Clydette Entzminger | Jonathan Graham              |
| City Secretary      | City Attorney                |



### COUNCIL AGENDA ITEM MEMORANDUM

01/03/08 Item #7 Regular Agenda Page 1 of 1

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

Tim Dolan, AICP, Planning Director

<u>ITEM DESCRIPTION:</u> P-FY-08-11: Consider adopting a resolution authorizing the final plat of the proposed Vasicek Subdivision, one single family lot on a 1. 86 acre tract of land located at the southwest corner of Riggs Road and Knob Creek Road in Temple's Eastern ETJ, subject to the developer's requested exceptions to the Subdivision Ordinance for paving, park land dedication fee, and fire protection.

<u>PLANNING & ZONING COMMISSION AND STAFF RECOMMENDATION:</u> The Planning & Zoning Commission and Staff recommend approval of the final plat with the following exceptions requested by the applicant:

- Rural local street paving and ribbon curb requirements (Section 33-93(k)(1 & 2));
- 2. Park land dedication fee (Section 33-102(d)(2); and
- 3. Fire protection requirements (Section 33-97 and Chapter 12-145 & 146).

<u>ITEM SUMMARY:</u> The lot is an existing house with an expanded lot for septic tank purposes, and it will be accessed from both Riggs and Knob Creek Road. The lot is 3.3 miles from the City Limits, at the edge of the 3.5 mile extra territorial jurisdiction. Public water supply comes from the Bell-Milam-Falls District Water Supply. 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. The applicant requests a waiver required park fees in the sum of \$225 for this proposed subdivision. The Bell County Commissioners must review the plat also.

Please review the Planning & Zoning Commission Agenda Memo and minutes from the meeting, December 17, 2007.

FISCAL IMPACT: N/A

### **ATTACHMENTS:**

P&Z Staff Report (P-FY-08-11) Plat Map Topographical Map Resolution



# PLANNING AND ZONING COMMISSION AGENDA ITEM

12/17/07 Item# 6 Page 1 of 3

**APPLICANT / DEVELOPMENT:** All County Surveying

**CASE MANAGER:** Tim Dolan, AICP, Planning Director

<u>ITEM DESCRIPTION:</u>P-FY-08-11 Consider a recommendation to approve the final plat of the proposed Vasicek Subdivision, one single family on a 1. 86 acre tract of land located at the southwest corner of Riggs Road and Knob Creek Road in Temple's Eastern ETJ.

**STAFF RECOMMENDATION:** Staff recommends approval of the final plat subject to the Commission's review of the developer requested exceptions listed below.

**BACKGROUND:** The applicant requests exceptions to the following requirements. This plat was reviewed by the Design Review Committee (DRC) on November 27, 2007 and was considered administratively complete on December 13, 2007. The City Council is the final plat authority since developer requests exceptions.

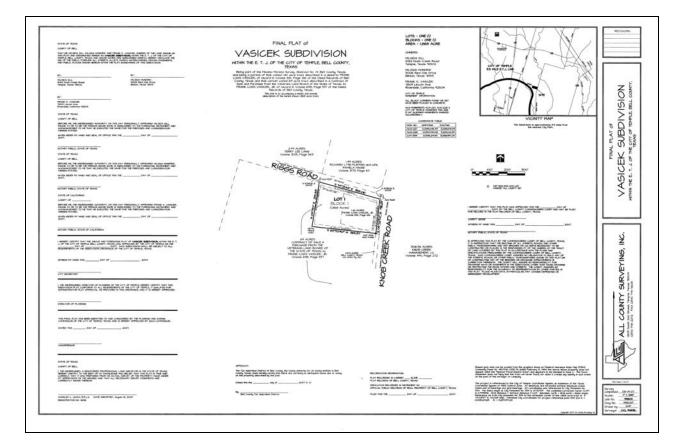
| Subdivision Regulations Citation | Requirement                                     |
|----------------------------------|---|
| Sec. 12-145 (City Code)          | One fire hydrant per 600' of street frontage    |
| Sec. 3-102(d)(2)                 | Payment of \$225 in park fees per dwelling unit |
| Sec. 33-94                       | 12" ribbon curb on rural streets                |

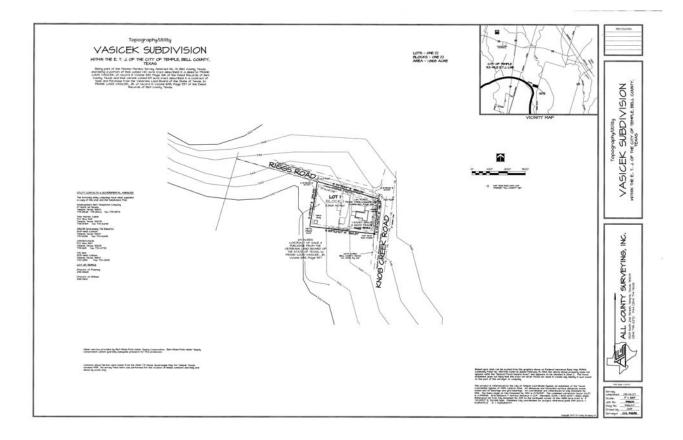
The Fire Department supports the fire hydrant exemption request due to the Bell-Milam-Falls Water Supply's statement that the 3" water line serving the property is not sufficient to support a fire hydrant. The Parks and Leisure Services Department supports the park fee exception request due to the distance of the subdivision into the ETJ and the small number of lots being platted. The nearest City Park is 3.3 miles from the subject property. The Planning Department supports the ribbon curb exemption request due to the distance of the subdivision into the ETJ and one lot being platted.

### **ATTACHMENTS:**

Plat

Topographical-utility map





| RESOLUTION NO. |  |
|----------------|--|
|                |  |

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING THE FINAL PLAT OF THE PROPOSED VASICEK SUBDIVISION, ONE SINGLE FAMILY LOT ON A 1.86 ACRE TRACT OF LAND LOCATED ON THE SOUTHWEST CORNER OF RIGGS ROAD AND KNOB CREEK ROAD IN TEMPLE'S EASTERN ETJ, SUBJECT TO THE DEVELOPER'S REQUESTED EXCEPTIONS TO THE SUBDIVISION ORDINANCE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

(ZONING NO. P-FY-08-11)

Whereas, on December 17, 2007, the Planning and Zoning Commission approved the final plat of the proposed Vasicek Subdivision, one single family lot on a 1.86 acre tract of land located on the southwest corner of Riggs Road and Knob Creek Road in Temple's eastern ETJ, subject to the developer's requested exceptions to the Subdivision Ordinance regarding park fees, rural local street paving and ribbon curb requirements, and fire protection requirements; and

**Whereas**, the City Council has considered the matter and deems it in the public interest to approve the final plat of the proposed Vasicek Subdivision.

# 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 the proposed Vasicek Subdivision, one single family lot on a 1.86 acre tract of land located on the southwest corner of Riggs Road and Knob Creek Road in Temple's eastern ETJ, 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 33-102(d)(2) to waive the park fee requirements. 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 3<sup>rd</sup> day of January, 2008. THE CITY OF TEMPLE, TEXAS WILLIAM A. JONES, III, MAYOR ATTEST: APPROVED AS TO FORM:

Jonathan Graham City Attorney