



**MEETING OF THE  
TEMPLE CITY COUNCIL**

**MUNICIPAL BUILDING  
2 NORTH MAIN STREET  
TEMPLE, TX**

**THURSDAY, NOVEMBER 20, 2008**

**3:00 P.M.**

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

**WORKSHOP AGENDA**

1. Discuss solid waste services, to include bulk and brush item services.
2. Discuss fourth quarter financial results for fiscal year ended September 30, 2008 and the City's Capital Improvement Program.
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 Director of Finance. No final action will be taken.
4. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, November 20, 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. PROCLAMATIONS & SPECIAL RECOGNITIONS**

3. Presentation of Proclamations:

(A) *Food for Families Day*

November 21, 2008

**III. PUBLIC COMMENTS**

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

**IV. CONSENT AGENDA**

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

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

**Minutes:**

(A) [November 6, 2008 Special Called Meeting and Regular Meeting](#)



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

- (B) Consider adopting resolutions authorizing:
1. [2008-5575-R](#): A farm lease with Edward Brenek, Jr. for 8.164 acres east of Wilson Park;
  2. [2008-5576-R](#): A farm lease with Edward Brenek, Jr. for 39 acres on Little Flock Road; and
  3. [2008-5577-R](#): A farm lease with Roy Davis for approximately 170 acres at Pegasus Drive and Moores Mill Road.
- (C) [2008-5578-R](#): Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick & Associates, LP, (KPA) of Temple for engineering services required to replace two influent screw pumps at the Doshier Farm Wastewater Treatment Plant (WWTP) in an amount not to exceed \$44,200.
- (D) [2008-5579-R](#): Consider adopting a resolution authorizing a professional services agreement with Clark & Fuller, PLLC of Temple for engineering services including design, surveying, and construction administration required for water and wastewater utility relocations associated with the Texas Department of Transportation IH 35 & Loop 363 Highway Improvement Project in an amount not to exceed \$116,287.68.
- (E) [2008-5580-R](#): Consider adopting a resolution authorizing Change Order #5 in the deduct amount of \$52,467.50 to the FM 2305 Utilities Relocation Project construction contract with TTG Utilities, LP, for items related to final quantity reconciliations on the project.
- (F) [2008-5581-R](#): Consider adopting a resolution authorizing a construction contract with K & S Backhoe, Inc., of Gatesville for the Ottoway and Calvin Drive Waterline Improvement Project In the amount of \$137,498.60.
- (G) [2008-5582-R](#): Consider adopting a resolution authorizing a five year contract with Western Petroleum Company of Greensboro, Georgia, to supply aviation bulk fuels and other business support to operate an exclusive fuel dealership at the Draughon-Miller Central Texas Regional Airport.
- (H) [2008-5583-R](#): Consider adopting a guaranteed maximum price construction contract with Vanguard Contractors, LP of Temple for construction of and renovations to the new Municipal Court/Utility Business Office Facility in the amount of \$1,999,557.
- (I) [2008-5584-R](#): Consider adopting a resolution authorizing the City Manager or the Director of Finance to act on behalf of the City to review pricing offers submitted for the supply of electricity using the World Energy Solutions, Inc. platform, and if in the best interest of the City, to enter into a contract with the lowest bidder for a period of 3 to 24 months beginning for electrical meter reads after May 31, 2009.
- (J) [2008-5585-R](#): Consider adopting a resolution authorizing a contract with Scott & White Health Plan and establishing rates for substitute Medicare supplement insurance for City of Temple retirees and the City's contribution thereto for calendar year 2009.



- (K) 1. [2008-5586-R](#): Consider adopting a resolution authorizing the acceptance of a 100% reimbursement grant with no matching funding from the State of Texas Homeland Security Program for the grant year of 2008 in the amount of \$63,399.00 to be used for the purchase of Haz-Mat equipment.
2. [2008-5587-R](#): Consider adopting a resolution authorizing the purchase of a 2009 Ford F-350 crew cab 4x4 diesel pickup from Philpott Motors using the Houston-Galveston Area Council Interlocal Cooperative at a cost of \$49,650.00.

### **Ordinances – Second & Final Reading**

- (L) [2008-4263](#): SECOND READING – Z-FY-08-37: Consider adopting an ordinance authorizing a zoning change from Agricultural District (A) to a Planned Development General Retail District (PD-GR) on a 12.2± acre tract of land and a zone change to a Single Family Two District (SF-2) on a 38.5± acre tract of land for a total 50.7± acres on the northeast corner of FM 93 and South 5<sup>th</sup> Street, out of the Maximo Moreno Survey, Abstract No. 14.

**(Note: Approval of this item on consent agenda will rezone the subject property to PD-GR and PD-SF2 as approved on first reading.)**

- (M) [2008-4267](#): SECOND READING – Z-FY-08-39: Consider adopting an ordinance authorizing a zoning change from Agricultural (A) District to Commercial (C) District on 1.7 ± acres of Lot 2, Block 4, Green Acres Addition, located at 3411 Dogwood Lane.

**(Note: Approval of this item on consent agenda will rezone the subject property to GR as approved on first reading.)**

- (N) [2008-4268](#): SECOND READING – Z-FY-08-41: Consider adopting an ordinance authorizing a zoning change from General Retail (GR) District to Commercial (C) District on part of Lots 1 and 2, Block 4, Keaton Addition, located at 919 North General Bruce Drive.

**(Note: Approval of this item on consent agenda will rezone the subject property to PD-C as approved on first reading.)**

- (O) [2008-4269](#): SECOND READING – Z-FY-09-01: Consider adopting an ordinance authorizing an amendment to the City of Temple Subdivision Ordinance, Sections 33-91 (blocks) and 33-93 (cul-de-sacs), creating subdivision standards for cul-de-sacs and residential blocks to consider using the average daily trips in lieu of distance requirements, to create subdivision access standards, and to relocate these requirements to the City of Temple Design & Development Standards Manual.

- (P) [2008-4270](#): SECOND READING – Z-FY-09-02: Consider adopting an ordinance authorizing an amendment to City of Temple Zoning Ordinance Section 7-632 (Major Vehicle Repair), Section 21 (Definitions) and Section 13-102 (Screening Walls/Fences, Screened Refuse Areas, Display for Sale, and Open Storage outside a Building).



- (Q) [2008-4265](#): SECOND READING – Consider adopting an ordinance abandoning portions of East Barton Avenue and North Second Street rights-of-way for First United Methodist Church and retaining utility easements in a portion of the abandoned rights-of-way.

### **Franchise Ordinances – Second Reading**

- (R) [2008-4266](#): SECOND READING – Consider adopting an ordinance renewing the franchise agreement with Atmos Energy Corporation.

### **Plats**

- (S) [2008-5588-R](#): P-FY-08-72: Consider adopting a resolution approving the Preliminary Plat of Downs First Addition, Phase II, 12 residential lots on 3.5± acres, located south of Downs Avenue, between Calhoun and Barton Avenues with developer requested exceptions to Subdivision Ordinance Sec. 33-93(e)(1), Curve Radius and Sec. 33-93(h), Cul-de-Sac Length.
- (T) [2008-5589-R](#): P-FY-09-02: Consider adopting a resolution approving the Final Plat of Havemann Estates, 2 single-family lots on 1.41± acres, located on the south side of FM 93, on the east side of Hartrick Bluff Road in Temple Southeastern ETJ with developer requested exceptions to Subdivision Ordinance Sec. 33-93(p), Perimeter Street Fees and Sec. 33-102(d) Park Fees.
- (U) [2008-5590-R](#): P-FY-09-03: Consider a resolution approving the Preliminary Plat of The Ranch at Woodland Trails, 42 single-family lots on 24.01± acres, located south of FM 2305 and West of Northcliffe Subdivision in Temple's Western ETJ with developer requested exceptions to Subdivision Ordinance Sec. 33-93(h), Cul-de-Sac Length and Sec. 33-102(d), Park Fees.

**(Note: Approval of this item on consent agenda will approve the preliminary plat with an exception for cul-de-sac length only – no park fee waiver.)**

### **Misc.**

- (V) [2008-5591-R](#): Consider adopting a resolution authorizing acquisition of 11 parcels of land and 2 utility easements adjacent to Old Waco Road, for the Outer Loop Phase III project, from approximately 950 feet south of Jupiter Drive to FM 2305; describing the tracts to be acquired; determining that such acquisitions are necessary for public road, drainage and utility purposes, and authorizing exercise of eminent domain if such becomes necessary.
- (W) [2008-5592-R](#): Consider adopting a resolution approving fourth quarter financial results for the fiscal year ended September 30, 2008.
- (X) [2008-5593-R](#): Consider adopting a resolution authorizing the carry forward of FY 2007-2008 funds to the FY 2008-2009 budget.



## **V. REGULAR AGENDA**

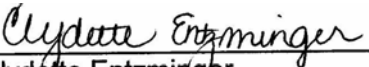
5. **2008-4271:** FIRST READING – FY-08-32-A: Consider adopting an ordinance authorizing an amendment to the *Choices '08*, Comprehensive Plan to reflect Moderate Density Residential uses on 21.5 ± acres situated in the George Givens Survey, Abstract No. 345, with platted land recorded as Bird Creek Valley VI and Bird Creek Valley Phase 4-Plexes Phase III.

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

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I hereby certify that a true and correct copy of this Notice of Meeting was posted in a public place at 11:55 AM, on November 14, 2008.

  
\_\_\_\_\_  
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 \_\_\_\_\_ 2008. \_\_\_\_\_





## COUNCIL AGENDA ITEM MEMORANDUM

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11/20/08  
Item #3(A)  
Regular Agenda  
Page 1 of 1

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

William A. Jones, III, Mayor

**ITEM DESCRIPTION:** Presentation of Proclamation:

*Food for Families Day*

November 21, 2008

**STAFF RECOMMENDATION:** Present proclamation as presented in item description.

**ITEM SUMMARY:** This proclamation was requested by, and will be received by, Reverend Tom Henderson, the Director of Missions for the Bell Baptist Association. The food and money collected in the Temple area during the food drive on November 21, 2008, will be equally divided between 7 participating food pantries.

**FISCAL IMPACT:** None

**ATTACHMENTS:** None





## COUNCIL AGENDA ITEM MEMORANDUM

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11/20/08  
Item #4(A)  
Consent Agenda  
Page 1 of 1

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

Clydette Entzminger, City Secretary

**ITEM DESCRIPTION:** Approve Minutes:

(A) November 6, 2008 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:** None

**ATTACHMENTS:**

[November 6, 2008 Special Called Meeting & Regular Meeting](#)



# TEMPLE CITY COUNCIL

**NOVEMBER 6, 2008**

The City Council of the City of Temple, Texas Conducted a Special Meeting on Thursday, November 6, 2008 at 3:30pm in the 3rd Floor Conference Room, 2 North Main Street.

**Present:**

Councilmember Marty Janczak  
Mayor Pro Tem Patsy Luna  
Mayor William A. Jones, III

**Absent:**

Councilmember Tony Jeter  
Councilmember Russell Schneider

Mayor Jones stated that due to the absence of two Councilmembers from today's meeting, both items 1 and 2 on the work session agenda will be deferred to the next meeting.

1. **Discuss solid waste services, to include bulk and brush item services.**
2. **Executive Session: Chapter 551, Government Code, §551.074 - Personnel Matter - The City Council will meet in executive session to discuss the employment, evaluation, duties and work plan of the Director of Finance. No final action will be taken.**
3. **Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, November 6, 2008.**

Regarding item 7 on the regular agenda, Mayor Pro Tem Luna asked if the Council can require a planned development for the Single Family District as well.

Tim Dolan, Director of Planning, replied staff is recommending a planned development for both the General Retail area and the Single Family.

Mayor Pro Tem Luna asked if fencing can also be required.

Mr. Dolan stated the staff recommendation is for exterior fencing with rock columns as additional support along South 5th Street and FM 93. They are also requesting the formation of a homeowner's association.

Councilmember Janczak stated he would also want a fence along the railroad to limit access to that area.

Regarding item 9 on the regular agenda, Mr. Dolan replied that staff is also recommending a planned development district for the Commercial rezoning.

The City Council of the City of Temple, Texas conducted a Regular Meeting on Thursday, November 6, 2008 at 5:00 PM in the Council Chambers, Municipal Building, 2nd Floor, 2 North Main Street.



**Present:**

Councilmember Marty Janczak  
Mayor Pro Tem Patsy E. Luna  
Mayor William A. Jones, III

**Absent:**

Councilmember Tony Jeterand  
Councilmember Russell Schneider

**I. CALL TO ORDER**

**1. Invocation**

Reverend Gary Anthony, Associate Pastor at First Baptist Church, voiced the Invocation.

**2. Pledge of Allegiance**

Kelsey Regan led the Pledge of Allegiance, which was followed by the playing of bag pipes by her father, Patrick Regan.

**II. PROCLAMATIONS & SPECIAL RECOGNITIONS**

**3. Presentation of Proclamations:**

**(C) Central Texas Scottish Heritage Day November 6, 2008**

Mayor Jones presented this proclamation to Crystal Calbreath, representing the Central Texas Area Museum, and Patrick and Kelsey Regan.

**(A) Alzheimer's Disease Awareness Month November, 2008**

Mayor Jones presented this proclamation to Mrs. Betty Decker and members of the Alzheimer's Disease Family Support Group.

**(B) National Hospice Month November, 2008**

Mayor Jones presented this proclamation to Ms. Kay Burtchell, representing Hospice Lighthouse.

**III. PRESENTATION**

**4. Receive presentation from Keep Temple Beautiful on the "Raise the Bar" beautification project on Canyon Creek Drive.**

Zoe Rascoe, Keep Temple Beautiful, gave a brief presentation to the Council regarding a recent "Raise the Bar" project on Canyon Creek Drive. The project resulted as a challenge issued to the City over a year ago that if the City installed the irrigation, Keep Temple Beautiful (KTB) would



raise the funds for the landscaping. Over 30 business owners and property owners donated time and services to this project. 700 plants, 12 pallets of potting soil, and 1800 cubic feet of mulch were all installed by noon. KTB has received a tremendous response from the community to this project. Mrs. Rascoe extended special thanks to the Parks and Leisure Services Department for their assistance with this project.

#### **IV. PUBLIC COMMENTS**

Betty Elliott, 305 East Xavier Avenue, addressed the Council regarding garage sale signs in Temple. She made some suggestions on how these can be managed. She also stated there are not enough bus shelters. There is no money for these even though people need a place to sit that is covered. Ms. Elliott recommended the City allow advertising to pay for these bus shelters. She added that regarding signs on building, any size should be okay as long as they are done appropriately. Some of these rules for signs, such as for garage sales, have been re-written two or three times so someone is not thinking through the issue.

#### **V. CONSENT AGENDA**

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

**(A) October 16, 2008 Special Called Meeting and Regular Meeting**

**(B) 2008-5564-R: Consider adopting a resolution authorizing a professional services agreement with Bert Pope of Temple for construction administration services related to several capital projects in the estimated amount of \$104,640 and declaring an official intent to reimburse the fire station-related expenditures of \$76,800 made prior to the issuance of tax-exempt obligations for these two projects.**

**(C) 2008-5565-R: Consider adopting a resolution authorizing a contract with the Department of Veterans Affairs, Veterans Industries/ Compensated Work Therapy for the provision of temporary workers for the Parks and Leisure Services Department in the amount of \$100,776.**

**(D) 2008-5566-R: Consider adopting a resolution authorizing a guaranteed maximum price construction contract with Vanguard Contractors, LP of Temple for Phase 1 renovations to the Temple Public Library in the amount of \$140,042.**

**(E) 2008-5567-R: Consider adopting a resolution authorizing a farm lease with Monique Rincones on approximately 3.7 acres located at the southeast corner of the Service Center property on East Avenue H.**

**(F) 2008-4264: SECOND READING - Z-FY-08-40: Consider adopting an ordinance authorizing a zoning change from Agricultural District (A) to**



**Urban Estate District (UE) on 2.1± acres on the north side of FM 2305, north of Weatherford Drive and Inverness Road, out of the George W. Lindsey Survey, Abstract #513.**

**(G) 2008-4266: FIRST READING - Consider adopting an ordinance renewing the franchise agreement with Atmos Energy Corporation.**

**(H) 2008-5568-R: Consider adopting a resolution authorizing the acceptance of a 100% grant with no matching funding from the Department of Homeland Security's Office of Grants and Training through the FY 2008 Commercial Equipment Direct Assistance Program, in the form of a Radiation Detection Kit, valued at approximately \$15,000.**

**(I) 2008-5569-R: Consider adopting a resolution authorizing the acceptance of a Texas Parks and Wildlife Matching Grant Award for Friar's Creek Nature Trail Phase I in the amount of \$188,720 and committing \$47,180 as the City's match portion of this project for a total project cost of \$235,900.**

**(J) 2008-5570-R: Consider adopting a resolution conveying a 1.99 acre tract of land out the Nancy Chance Survey, Abstract #5, located west of Old Howard Road, south and east of Hilliard Road, to the abutting property owner for fair market value.**

**(K) 2008-5571-R: Consider adopting a resolution canceling the January 1, 2009 regular meeting of the Temple City Council.**

**(L) 2008-5572-R: Consider adopting a resolution authorizing budget amendments for fiscal year 2007-2008.**

Motion by Mayor Pro Tem Patsy E. Luna to adopt consent agenda, seconded by Councilmember Marty Janczak.

Motion passed unanimously.

## **VI. REGULAR AGENDA**

### **ORDINANCES**

**6. (A) 2008-4261: THIRD & FINAL READING - PUBLIC HEARING - Consider adopting an ordinance authorizing a five year franchise to Scott and White EMS to provide non-emergency ambulance transfer services within the City.**

**(B) 2008-4262: THIRD & FINAL READING - PUBLIC HEARING - Consider adopting an ordinance authorizing a five year franchise to Central Texas**



## **EMS to provide non-emergency ambulance transfer services within the City.**

Jonathan Graham, City Attorney, presented these two items to the Council. This is a request to renew two ambulance franchises, one with Scott & White EMS and the other with Central Texas EMS. The term for both will be for a period of 5 years, in accordance with Chapter 5 of the City Code of Ordinances. Other franchise requirements include insurance, bonds, inspection of records, equipment and personnel standards and compensation to be paid to the City.

Mayor Jones declared the public hearing open with regards to agenda items 6(A) and (B) and asked if anyone wished to address these items. There being no comments, Mayor Jones closed the public hearing.

Motion by Mayor Pro Tem Patsy E. Luna to adopt ordinance, seconded by Councilmember Marty Janczak.

Motion passed unanimously.

- 7. 2008-4263: FIRST READING - PUBLIC HEARING - Z-FY-08-37: Consider adopting an ordinance authorizing a zoning change from Agricultural District (A) to a Planned Development General Retail District (PD-GR) on a 12.2± acre tract of land and a zone change to a Single Family Two District (SF-2) on a 38.5± acre tract of land for a total 50.7± acres on the northeast corner of FM 93 and South 5th Street, out of the Maximo Moreno Survey, Abstract No. 14.**

Tim Dolan, Director of Planning, presented this item to the Council. This item was tabled at the last City Council meeting. Mr. Dolan provided some background information regarding this proposed development. He displayed an aerial photograph of the property being proposed for rezoning. He also showed some of the surrounding property uses, noting the proposed use complies with the future land use plan. There is sufficient water and the sewer will be extended to the development. Both South 5th and FM 93 are shown as arterials on the Thoroughfare Plan. Eight notices were mailed to surrounding property owners, with two people requesting additional information and none expressing disapproval. However, Council received several questions prior to the last Council meeting and Mr. Dolan addressed those particular questions.

Next, Mr. Dolan reviewed the planned development conditions for the Single Family 2 area. A homeowners association will be required. Mr. Dolan summarized some of the uses that would be permitted within the General Retail district and those that would require a Conditional Use permit. Residential uses would be prohibited in the General Retail District, as well as some more intensive uses. The concept plan for the development was presented, showing the required screening by fencing and landscaping along South 5th Street and FM 93.

Mayor Jones stated the public hearing is being continued from last Council meeting and asked if anyone wished to address this item.

Janet Sossaman, Coach Stop Drive in Echo Station, addressed the PD-GR. She asked if it allowed any residential uses.



Mr. Dolan replied residential uses will be prohibited in the GR area.

Ms. Sossaman asked that these uses be prohibited: pet shop, vet hospital, tattoo shop, bar, tavern, funeral home, adult entertainment, recycling, wrecking services, and those similar types of uses. She felt the traffic light at the intersection would be a must before the development begins and construction traffic increases. Ms. Sossaman also recommended the speed limit be lowered to 40 mph as it is on the rest of South 5th Street.

Mrs. Cindy Bankston, 218 West FM 93, stated she was encouraged to hear about the required fencing. She referred to a handout she provided to Council and read her recommendations regarding the fencing and the need for a continuous sidewalk along South 5th Street.

Mr. Dolan addressed the timing for the installation of the fence, which would be prior to installation of any vertical walls, but after utilities are in place. The sidewalk along South 5th Street is required, as it is along FM 93.

John Hughling stated he lives on the corner of FM 93, facing the GR property in this development. He commended the staff for making the changes to meet some of the residents' concerns. Mrs. Bankston's handout outlines many of their collective concerns and he asked that they be considered by the Council.

Ms. Sossaman asked if apartments are prohibited.

Mr. Dolan replied yes, they are prohibited.

Carol Rainer, 249 West FM 93, asked if the water and sewer will be installed in phases or at one time throughout the entire development.

Mr. Dolan read the requirement as outlined in the ordinance, after the installation of utilities but before the issuance of building permits.

Bob Mitchell, Mitchell & Associates, the applicant in this request, concurred with the requirements as presented by staff. He stated some of the utility lines will be along the fence line so these need to be installed first. It is their intent to get the fencing up as soon as possible.

Councilmember Janczak asked if the homeowners association will be responsible for maintenance of the fence.

Mr. Mitchell replied yes.

Ms. Sossaman asked for additional clarification of the timing of the phases of this development and the installation of the traffic signal.

Mayor Jones stated the traffic signal is a City issue, not the developer's. It is not likely that the signal will be installed prior to construction beginning on this development, due to budget constraints. The City can make this signal a priority for future budget consideration.

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



Motion by Councilmember Marty Janczak to adopt ordinance with second reading set for November 20, 2008, seconded by Mayor Pro Tem Patsy E. Luna.

Motion passed unanimously.

**8. 2008-4267: FIRST READING - PUBLIC HEARING - Z-FY-08-39: Consider adopting an ordinance authorizing a zoning change from Agricultural (A) District to Commercial (C) District on 1.7 ± acres of Lot 2, Block 4, Green Acres Addition, located at 3411 Dogwood Lane.**

Brian Mabry, Senior Planner, presented this item to the Council. He provided some background on this property and the request for rezoning. The applicant originally requested Commercial zoning with no proposed use being indicated. The Planning and Zoning Commission and staff recommended General Retail zoning and the applicant has concurred with that recommendation.

Mr. Mabry showed existing zoning and uses in the surrounding area. He also presented the existing infrastructure, the future land use and character map from the recently adopted Comprehensive Plan, and the Thoroughfare Plan. Mr. Mabry also reviewed some of the permitted uses in the General Retail zoning district and those that are prohibited in GR but allowed under the originally requested commercial zoning. Nine notices were mailed to surrounding property owners, with two indicating approval and two disapproving of the requested rezoning. The dissenting property owners expressed concern that Dogwood is a residential street and there is no justification for commercial zoning. They also felt this would cause potential depreciation in the value of their property and an increase in traffic.

The Planning and Zoning Commission and staff recommended General Retail zoning, which the applicant supports, Mr. Mabry stated.

Mayor Jones declared the public hearing open with regard to agenda item 8 and asked if anyone wished to address this item.

Romina Freeman, 2222 H.K. Dodgen Loop, addressed the Council representing Mr. Jack Ritter, owner of the nearby Conoco Station, who strongly opposes this rezoning.

Deborah Tubbs, owner of property, stated it would be difficult to sell the property as residential property. The home on the property is very old. She has no development plans at this time.

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

Motion by Mayor Pro Tem Patsy E. Luna to adopt ordinance with second reading set for November 20, 2008, seconded by Councilmember Marty Janczak.

Motion passed unanimously.

**9. 2008-4268: FIRST READING – PUBLIC HEARING - Z-FY-08-41: Consider adopting an ordinance authorizing a zoning change from General Retail (GR) District to Commercial (C) District on part of Lots 1 and 2, Block 4, Keaton Addition, located at 919 North General**



**Bruce Drive.**

Brian Mabry, Senior Planner, presented this item to the Council. The applicant is requesting the Commercial zoning district in order to build an off-premise billboard on the property. Off-premise signs are only permitted in the Commercial, Light Industrial and Heavy Industrial zoning districts along General Bruce Drive and HK Dodgen Loop 363. Mr. Mabry displayed an aerial photo of the property indicating the surrounding uses. He explained the Zoning Ordinance requires a minimum separation distance of 1,500 feet between off-premise signs along General Bruce Drive. Existing off-premise signs are 2,150 feet to the north and 4,355 feet to the south.

Next, Mr. Mabry presented the permitted and prohibited uses in the Commercial zoning district. The request complies with the Future Land Use and Character Map and the Thoroughfare Plan. Adequate public facilities serve the property. The Planning and Zoning Commission concurred with the Staff's recommendation for a Planned Development Commercial District which would allow all of the uses permitted in the General Retail District and the off-premise sign being proposed. However, it would avoid the intense uses normally allowed in the Commercial zoning district along the I-35 corridor. The applicant concurs with the recommendation for a Planned Development Commercial District.

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 Councilmember Marty Janczak to adopt ordinance with second reading set for November 20, 2008, seconded by Mayor Pro Tem Patsy E. Luna.

Motion passed unanimously.

10. **2008-4269: FIRST READING - PUBLIC HEARING - Z-FY-09-01: Consider adopting an ordinance authorizing an amendment to the City of Temple Subdivision Ordinance, Sections 33-91 (blocks) and 33-93 (cul-de-sacs), creating subdivision standards for cul-de-sacs and residential blocks to consider using the average daily trips in lieu of distance requirements, to create subdivision access standards, and to relocate these requirements to the City of Temple Design & Development Standards Manual.**

Tim Dolan, Director of Planning, presented this item to the City Council. He explained the Development Standards Advisory Board has worked on this amendment for over a year, in conjunction with the Fire Department, Planning Department and Public Works. He explained the proposed changes which are based on the average daily trips for various sized cul-de-sacs and block lengths. The subdivision entrance standards that regulate access into a subdivision were also reviewed. Mr. Dolan discussed the changes that are being proposed relating to emergency access by the Fire Department. Staff is requesting to relocate these standards to the City of Temple Design and Development Standard Manual, moving it from the Subdivision Ordinance.

Mayor Jones declared the public hearing open with regard to agenda item 10 and asked if anyone wished to address this item.



Lloyd Thomas, 18 North 3rd Street, Vice-Chair of the committee of the Development Standards Advisory Board, addressed the Council. This was a very intensive project. These changes will provide some additional costs to the development community but the committee feels they are necessary. The committee unanimously recommended approval of the proposed standards to the Planning and Zoning Commission.

Michael Newman, Assistant Director of Public Works, stated this was a very deliberative process but they are proud of the accomplishment. He re-iterated that these standards are being removed from the Subdivision Ordinance and will be placed in the criteria manual.

Lonzo Wallace, Fire Chief, stated there was a lot of work that went into this recommendation. It will meet the needs of the Fire Department relative to emergency response, as well as the development community.

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

Motion by Mayor Pro Tem Patsy E. Luna to adopt ordinance, with second reading set for November 20, 2008, seconded by Councilmember Marty Janczak.

Motion passed unanimously.

**11. 2008-4270: FIRST READING - PUBLIC HEARING - Z-FY-09-02: Consider adopting an ordinance authorizing an amendment to City of Temple Zoning Ordinance Section 7-632 (Major Vehicle Repair), Section 21 (Definitions) and Section 13-102 (Screening Walls/Fences, Screened Refuse Areas, Display for Sale, and Open Storage outside a Building).**

Tim Dolan, Director of Planning, presented this item to the City Council. This ordinance has been developed with the assistance of several stakeholder groups. The recommendation is to create allowed materials for fences and Mr. Dolan reviewed those materials, as well as those that are prohibited. He also discussed the requirements for screened refuse areas. The display areas for sale or lease eliminates residential areas and incorporates criteria. He discussed screening for the open storage of materials, noting staff recommends exempting business parks from this requirement because they have their own covenants and restrictions.

A meeting was conducted today with representatives of TABA. Mr. Dolan presented the following changes requested by this stakeholder group: add an illustration for the visibility triangle; recommendations relating to fences that are visible from a public street; placement of dumpster in rear, side service area or alley; refuse container pad areas; and display for resale - accept on second reading. Staff will recommend all proposed changes with the exception of those to Section 13-106. Staff does not recommend allowing outdoor storage in O, GR and NS zoning districts, consistent with the current ordinance.

Councilmember Janczak questioned the outside storage and where it is allowed and prohibited. He disagreed with prohibiting outside storage in O, GR and NS zoning districts.

Mayor Jones declared the public hearing open with regard to agenda item 11 and



asked if anyone wished to address this item.

Ken Higdon, Temple Chamber of Commerce, stated the ordinance should allow some type of outdoor storage for small businesses.

Mayor Pro Tem Luna asked about a Main Street store that has storage outside.

Mr. Dolan explained the requirements for that type of use in the Central Area district.

Mayor Jones asked if outside storage could occur in an accessory building.

Mr. Dolan replied yes, that would be allowed.

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

Motion by Councilmember Marty Janczak to adopt ordinance with proposed changes, with second reading set for November 20, 2008, with direction to staff to continue review of Section 13-106 with stakeholder group, seconded by Mayor Pro Tem Patsy E. Luna.

Motion passed unanimously.

**12. 2008-4265: FIRST READING - PUBLIC HEARING - Consider adopting an ordinance abandoning portions of East Barton Avenue and North Second Street rights-of-way for First United Methodist Church and retaining utility easements in a portion of the abandoned rights-of-way.**

Tim Dolan, Director of Planning, presented this item to the Council. He stated this item is being presented to correct some errors found in the legal description.

Mayor Jones declared the public hearing open with regard to agenda item 12 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, with second reading set for November 20, 2008, seconded by Councilmember Marty Janczak.

Motion passed unanimously.

## **BOARD APPOINTMENTS**

**13. 2008-5573-R: Consider adopting a resolution appointing one member to the Building & Standards Commission to fill an unexpired term through March 1, 2010.**

It is recommended that Bishop John Tolbert be reappointed to the Building & Standards Commission.

Motion by Councilmember Marty Janczak to adopt resolution, seconded by Mayor Pro Tem Patsy E. Luna.

Motion passed unanimously.



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William A. Jones, III, Mayor

ATTEST:

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Clydette Entzminger  
City Secretary





## COUNCIL AGENDA ITEM MEMORANDUM

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11/20/08  
Item #4(B)(1-3)  
Consent Agenda  
Page 1 of 2

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

Jonathan Graham, City Attorney

### **ITEM DESCRIPTION:** Consider adopting resolutions authorizing:

- (1) A farm lease with Edward Brenek, Jr. for 8.164 acres east of Wilson Park;
- (2) A farm lease with Edward Brenek, Jr. for 39 acres on Little Flock Road; and
- (3) A farm lease with Roy Davis for approximately 170 acres at Pegasus Drive and Moores Mill Road.

### **STAFF RECOMMENDATION:** Adopt resolutions as presented in item description.

**ITEM SUMMARY:**(1) Edward Brenek is requesting a one-year lease of approximately 8.164 acres of City land located east of Wilson Park. Mr. Brenek has leased the City's tract since 2001 and farmed it with a larger adjoining tract owned by American GI Forum. He uses the land to harvest hay. Mr. Brenek paid \$10 per acre for the 2007 lease (\$10 x 8.164 acres = \$81.64). He is willing to pay \$20 per acre for 2009 (\$20 x 8.164 acres = \$163.28). Parks and Leisure Services does not foresee using the property in the near future.

(2) Mr. Brenek also requests a one-year lease of approximately 36 acres located on Little Flock Road. The City purchased the land in 1999. Mr. Brenek has leased it since 2001 and farmed it with adjoining land leased from other owners. In 2007 he paid rent of \$25 per acre for 14 acres used for crops and \$20 per acre for 25 acres used for grazing, for total rent of \$850. He has planted coastal on 8 acres formerly used for crops. Mr. Brenek is willing to pay \$25 per acre for the entire lease (\$25 x 39 acres = \$975.) The Solid Waste Department does not foresee using the property in the near future.

If a need arises for the City to use any of the leased properties, the lease may be terminated for any reason by giving the tenant 30 days' notice. The leases will eliminate mowing expense.

Staff recommends approval of both leases with Mr. Brenek, from January 1, 2009 to December 31, 2009, with rent of \$163.28 for the Wilson Park tract and \$975 for the Little Flock Road tract.

(3) Roy Davis is requesting a 6-month pasture lease of approximately 170 acres, located at Pegasus Drive and Moore's Mill Road. His father, Harvey Davis, leased the land for many years from the Dowell family, 6 months at a time, for \$2,800 per year. The City bought the property earlier this year. Harvey Davis passed away in August.



Roy Davis would like to continue leasing the property for cattle grazing. He is also seeking to renew his family's grazing lease with the owner of adjoining land at 1700 Moores Mill Road. Mr. Davis will not be cultivating crops for harvesting or grazing. He will be responsible for any fence repair needed to contain his cattle. He proposes to pay \$1,400 per 6-month term, which equates to \$16.47 per acre. The property does not have coastal or other improved grasses, or barns, or pens.

Neither the City nor TEDC foresees using the property in the near future. If a need arises, the lease may be terminated for any reason by giving the tenant 30 days' notice. The grazing lease will eliminate mowing expense.

Staff recommends approval of a 6-month lease, from January 1, 2009 to June 30, 2009, with an extension to December 31, 2009 at the tenant's option, and rent of \$1,400 per 6-month term.

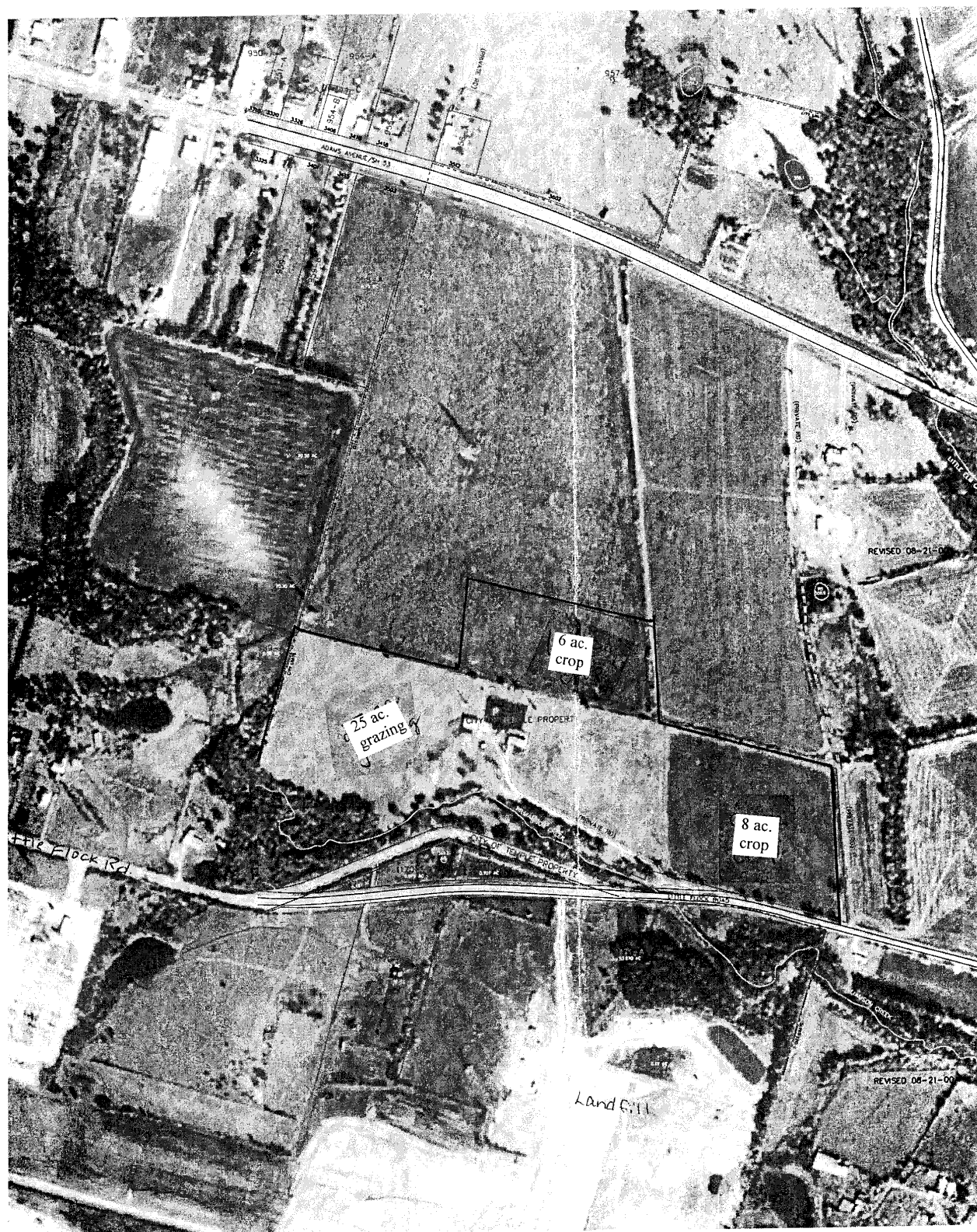
**FISCAL IMPACT:** Compensation to City for the Wilson Park tract will be \$163.28; and compensation to City for Little Flock Road tract will be \$975.

Compensation to City for 6-month lease located at Pegasus Drive and Moore's Mill Road will be \$1,400. If the lease is extended for an additional 6-months at the tenant's option City will receive an additional \$1,400.

**ATTACHMENTS:**

[Location maps](#)  
[Resolutions](#)







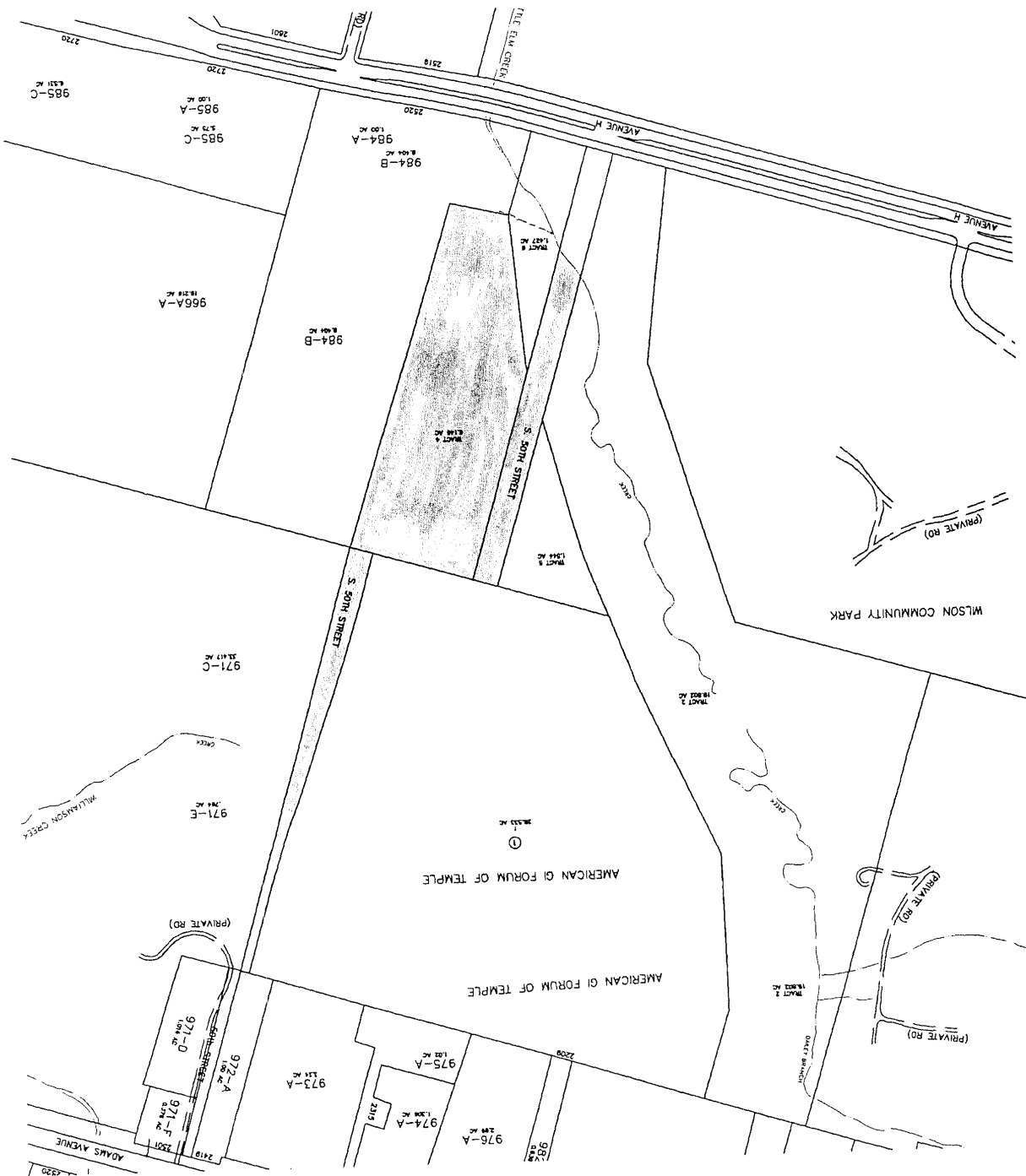


EXHIBIT  
"A"



This sketch to accompany a sales and  
lease description of the herein shown  
171.45 Acre tract.

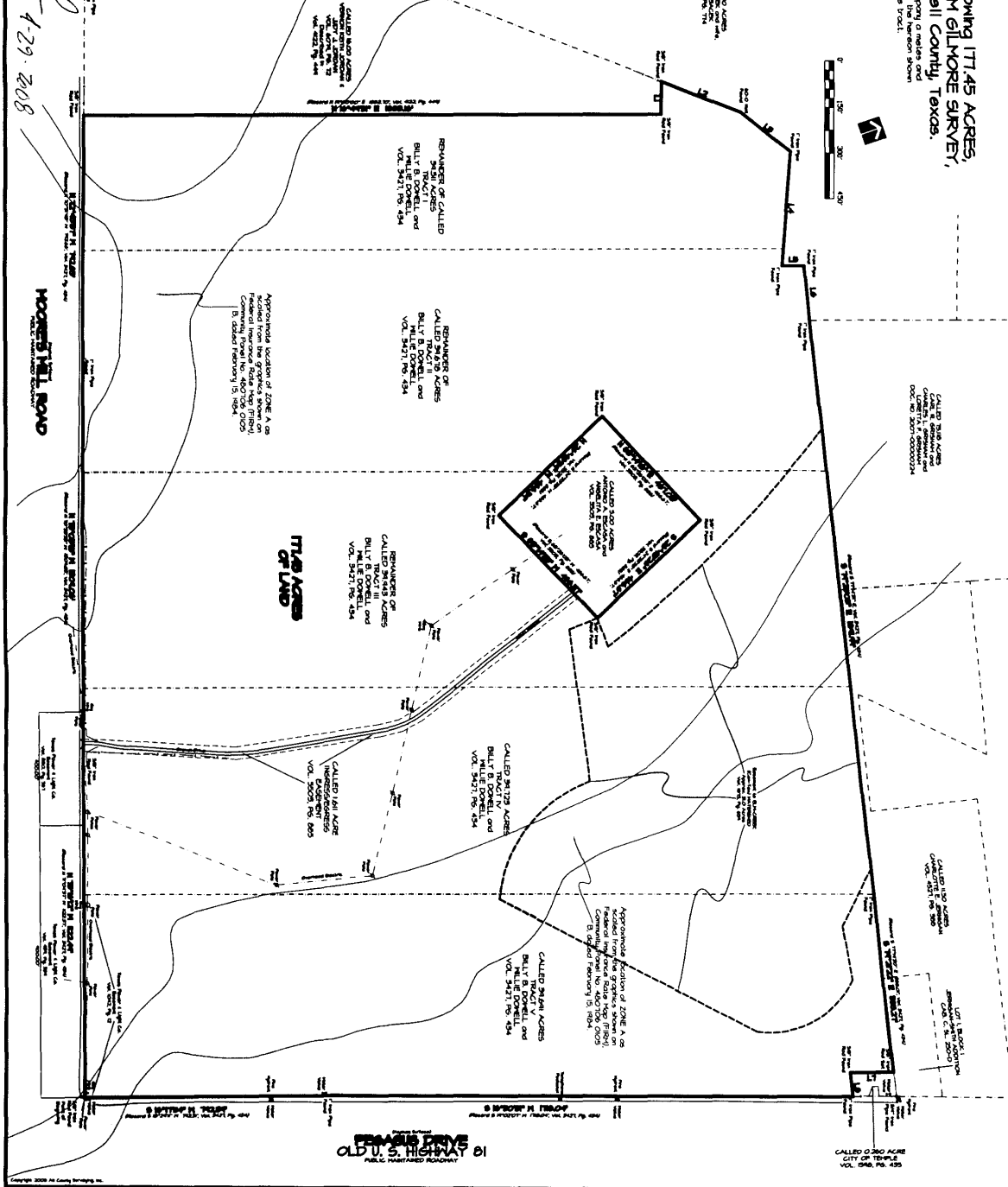
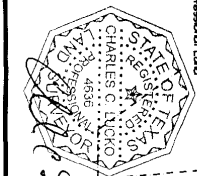
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LINE	DESCRIPTION	AMOUNT
L1	17-98-51 M	106.56
L2	17-98-51 M	106.56
L3	17-98-51 M	106.56
L4	17-98-51 M	106.56
L5	17-98-51 M	106.56
L6	17-98-51 M	106.56
L7	17-98-51 M	106.56
L8	17-98-51 M	106.56
L9	17-98-51 M	106.56
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L11	17-98-51 M	106.56
L12	17-98-51 M	106.56
L13	17-98-51 M	106.56
L14	17-98-51 M	106.56
L15	17-98-51 M	106.56
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L17	17-98-51 M	106.56
L18	17-98-51 M	106.56
L19	17-98-51 M	106.56
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L91	17-98-51 M	106.56
L92	17-98-51 M	106.56
L93	17-98-51 M	106.56
L94	17-98-51 M	106.56
L95	17-98-51 M	106.56
L96	17-98-51 M	106.56
L97	17-98-51 M	

[illegible]

This Drawing is a  
**REDUCED COPY**  
Not to a convenient or standard scale  
All County Surveying, Inc.

The sketch represents a survey made on the ground. During the performance of this survey persons working under my supervision observed conditions within and along the boundaries and to the best of my knowledge they are as shown. This document is not valid for any purpose unless signed and sealed by a Professional Professional Land Surveyor.



1998 - 2004

**20**

YEARS OF  
EXISTENCE

All County  
Surveying



**ALL COUNTY SURVEYING, INC.**  
 1505 South 21st Street, Temple, Texas 76704  
 (254) 718-2212 FAX (254) 714-1608

Survey completed 04-21-2008  
Scale: P = 100  
Job No. 99999999  
Drawn by 99999999  
Surveyor 99999999



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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE,  
TEXAS, AUTHORIZING A FARM LEASE FOR APPROXIMATELY 8.164  
ACRES OF CITY-OWNED LAND LOCATED EAST OF WILSON PARK;  
AND PROVIDING AN OPEN MEETINGS CLAUSE.**

---

**Whereas**, the City has had a request to renew a lease with Ed Brenek to continue leasing approximately 8.164 acres of City-owned land located east of Wilson Park for farming purposes;

**Whereas**, the annual lease amount will be \$163.28 (\$20 x 8.164 acres), and the lease term will be from January 1, 2009, through December 31, 2009, and will provide that the City can terminate the lease with a thirty (30) day notice;

**Whereas**, granting the lease now allows the tenant time to prepare the land for next year's crop; and

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

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

**Part 1:** The City Council authorizes the City Manager, or his designee, to execute a farm lease for an annual amount of \$163.28, between the City of Temple and Ed Brenek, after approval as to form by the City Attorney, for lease of approximately 8.164 acres of City-owned land located east of Wilson Park.

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

PASSED AND APPROVED this the **20<sup>th</sup>** day of **November**, 2008.

THE CITY OF TEMPLE, TEXAS

---

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Clydette Entzminger  
City Secretary

---

Jonathan Graham  
City Attorney



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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A FARM LEASE FOR APPROXIMATELY 39 ACRES OF CITY-OWNED LAND ON LITTLE FLOCK ROAD; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, the City has had a request to renew a lease with Ed Brenek to continue leasing approximately 39 acres of City-owned land on Little Flock Road for farming purposes;

**Whereas**, the annual lease amount will be \$975 (\$25 x 39 acres), and the lease term will be from January 1, 2009, through December 31, 2009, and will provide that the City can terminate the lease with a thirty (30) day notice;

**Whereas**, granting the lease now allows the tenant time to prepare the land for next year's crop; and

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

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

**Part 1:** The City Council authorizes the City Manager, or his designee, to execute a farm lease for an annual amount of \$975, between the City of Temple and Ed Brenek, after approval as to form by the City Attorney, for lease of approximately 39 acres of City-owned land on Little Flock Road.

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

PASSED AND APPROVED this the **20<sup>th</sup>** day of **November**, 2008.

THE CITY OF TEMPLE, TEXAS

---

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

---

Clydette Entzminger  
City Secretary

---

Jonathan Graham  
City Attorney



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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A FARM LEASE FOR APPROXIMATELY 170 ACRES OF CITY-OWNED LAND AT PEGASUS DRIVE AND MOORES MILL ROAD; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, the City has had a request from Roy Davis to lease approximately 170 acres of City-owned land on Little Flock Road for grazing purposes;

**Whereas**, the lease term will be from January 1, 2009, through June 30, 2009, with an extension to December 31, 2009, at the tenant's option, and will provide that the City can terminate the lease with a thirty (30) day notice;

**Whereas**, Mr. Davis will pay \$1,400 per 6-month term, which equates to \$16.47 per acre; and

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

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

**Part 1:** The City Council authorizes the City Manager, or his designee, to execute a farm lease for a 6-month term of \$1,400, between the City of Temple and Roy Davis, after approval as to form by the City Attorney, for lease of approximately 170 acres of City-owned land at Pegasus Drive and Moores Mill Road.

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

PASSED AND APPROVED this the **20<sup>th</sup>** day of **November**, 2008.

THE CITY OF TEMPLE, TEXAS

---

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

---

Clydette Entzminger  
City Secretary

---

Jonathan Graham  
City Attorney





## COUNCIL AGENDA ITEM MEMORANDUM

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11/20/08  
Item #4(C)  
Consent Agenda  
Page 1 of 2

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

Bruce A. Butscher, P.E., Director of Public Works  
Nicole Torralva, P.E., Assistant Director of Public Works / Operations

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick & Associates, LP, (KPA) of Temple for engineering services required to replace two influent screw pumps at the Doshier Farm Wastewater Treatment Plant (WWTP), in an amount not to exceed \$44,200.

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

**ITEM SUMMARY:** During the wastewater plant reconstruction project (completed in 1994), the headworks of the Doshier Farms Wastewater Treatment Plant was redesigned to accommodate design elevation changes and plant operations. Installation of the lift station at the front end of the plant included three raw water influent screw pumps. Additionally, two screw pumps were also installed for the return activated sludge.

At the time of installation, City staff was informed that the screw pumps would require regular recoating (every 5-7 years) to ensure proper maintenance and operation of the pumps. To date, no recoating of any of the five screw pumps has been completed. Therefore, the steel pumps have experienced substantial corrosion and deterioration, which now results in the need to replace the pumps in their entirety.

Due to the limited funding available for this project, and the additional expense that is now needed to fully replace the existing pumps, motors, and gear boxes, only two of the three influent screw pumps will be able to be replaced. Design plans will be prepared so that when a source for additional future funding is identified, the project will not require any additional design money to bid and construct the remaining pumps to keep the plant fully operational.



The proposed timeline for this project is 90 days. Per the attachment, specific tasks are broken down as follows:

**Basic Services**

Final Design	\$ 20,600
Bidding	\$ 5,000
Construction Administration	\$ 12,600
	<b><u>\$ 38,200</u></b>

**Special Services**

On-Site Representation	\$ 6,500
	<b><u>\$ 6,000</u></b>

<b>TOTAL</b>	<b><u>\$ 44,200</u></b>
--------------	-------------------------

The engineer's opinion of probable cost for replacement of two of the three influent pumps is \$600,000.

**FISCAL IMPACT:** Funding in the amount of \$460,000 is appropriated in account 561-5500-535-6932, project # 100337 for this project, from the 2006 Utility Revenue Bond Issue. After funding the professional services agreement, \$415,800 remains available to fund the construction. The additional funding required for construction of the screw pumps will be identified upon contract award.

**ATTACHMENTS:**

[Engineer's Proposal  
Resolution](#)





**KASBERG, PATRICK & ASSOCIATES, LP**  
CONSULTING ENGINEERS  
mail@kpaengineers.com

RICK N. KASBERG, P.E.

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

THOMAS D. VALLE, P.E.

Temple

One South Main Street  
Temple, Texas 76501  
(254) 773-3731

Georgetown

3613 Williams Drive, Suite 406  
Georgetown, Texas 78628  
(512) 819-9478

October 27, 2008

Mrs. Nicole Torralva, P.E.  
Assistant Director of Public Works - Operations  
3210 E. Avenue H  
Building A  
Temple, Texas 76501

Re: Doshier Farm Wastewater Treatment Plant  
Replacement of Influent Screw Pumps No. 1 and No. 3

Dear Mrs. Torralva:

This letter proposal is in response to your request for engineering services required for replacement of two (2) influent screw pumps at the Doshier Farm WWTP. Based on our preliminary investigations we believe that construction costs for replacing two (2) screw pumps including motors, drives, lower bearings and associated electrical appurtenances will be in the magnitude of \$600,000.00.

The scope of our services for this project will include the following:

- Determine acceptable manufacturers of screw pumps for the projects.
- Prepare plans and technical specifications for replacement screw pumps.
- Prepare electrical plans and technical specifications required for replacement screw pumps. Electrical design will address problems with Pump No. 3 when restarting after tripping due to electrical storms.
- Design of interim improvements which may be needed for diversion of influent sewerage during down time required for replacement of screw pumps.
- Prepare final opinion of probable construction costs and construction schedule requirements.
- Assistance in Bidding the Project.
- Construction Administration.
  - Hold pre-construction conference
  - Prepare monthly pay requests by the contractor
  - Hold progress meetings (3 total)
  - Periodic site visits during construction as required
  - Review shop drawings submittals
  - Prepare Asbuilt drawings



- On-Site Representation
  - Periodically observe construction by the Contractor
  - We estimate approximately 80 hours will be required throughout the project. The time required will vary depending on the particular activity by the Contractor (ie. equipment delivery, removal, installation, progress meetings and final punch list).

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

**Basic Services**

Final Design	\$	20,600
Bidding	\$	5,000
Construction Administration	\$	12,600
Total Basic Services	\$	38,200

**Special Services**

On-Site Representation	\$	6,000
Total Special Services	\$	6,000

**Total \$ 44,200**

We can complete the plans and specifications within ninety (90) calendar days from written authorization to proceed.

The deliverables for the project shall be as follows.

1. 90% design review sets. Three copies of 90% design sets will be delivered to the Project Manager designated for the City of Temple for distribution to staff. The City of Temple shall notify KPA when comments are ready and they will be incorporated into the design.
2. Final Design sets. Three copies of the final design will be delivered to the Project Manager designated for the City of Temple distribution to staff. The City of Temple shall notify KPA when comments are ready and they will be incorporated into the design. Once these comments have been incorporated into the plans they shall be considered final and the project design shall be complete.
3. Construction deliverables. After the project has been completed and all punch list items are corrected by the Contractor, one set of 11x17 mylar record drawings, one CD with pdf record drawings and project photos, one copy of inspector reports, and one copy of submittals shall be delivered to the Project Manager.



Mrs. Nicole Torralva, P.E.

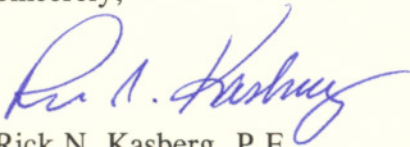
October 27, 2008

Page Three

Any requirements beyond the scope of deliverables as listed above shall be considered additional services and shall be billed according to the rate tables shown on Exhibit A. Also additional review comments beyond the 90% and final review sets will be considered additional services.

We can complete all the tasks represented for the lump sum amount of \$44,200. We are available to discuss the scope of the project at your convenience. As always, we look forward to working with you on the project.

Sincerely,

A handwritten signature in blue ink, appearing to read "Rick N. Kasberg". The signature is fluid and cursive, with the first name "Rick" and last name "Kasberg" clearly distinguishable.

Rick N. Kasberg, P.E.

RNK/crc



**EXHIBIT A**

**Charges for Additional Services**

**City of Temple, Texas  
Doshier Farm Wastewater Treatment Plant  
Replacement of Influent Screw Pumps No. 1 and No. 3**

<u>POSITION</u>	<u>MULTIPLIER</u>	<u>SALARY COST/RATES</u>
Principal	2.4	\$ 60.00 – 80.00/hour
Project Manager	2.4	45.00 – 58.00/hour
Project Engineer	2.4	40.00 – 45.00/hour
Engineer-in-Training	2.4	32.00 – 40.00/hour
Engineering Technician	2.4	22.00 – 40.00/hour
CAD Technician	2.4	18.00 – 40.00/hour
Clerical	2.4	13.00 – 25.00/hour
Expenses	1.1	actual cost
Computer	1.0	15.00/hour
Survey Crew	1.1	95.00 – 120.00/hour
Registered Public Surveyor	1.0	110.00/hour
On-Site Representative	2.1	30.00 – 40.00/hour



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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF TEMPLE, TEXAS, AND KASBERG, PATRICK & ASSOCIATES, L.P., FOR ENGINEERING SERVICES REQUIRED TO REPLACE TWO INFLUENT SCREW PUMPS AT THE DOSHIER FARM WASTEWATER TREATMENT PLANT, IN AN AMOUNT NOT TO EXCEED \$44,200; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, two influent screw pumps at the Doshier Farm Wastewater Treatment Plant have experienced substantial corrosion and deterioration and need to be replaced;

**Whereas**, Kasberg, Patrick & Associates, L.P., submitted a proposal for engineering services required for this project in the amount of \$44,200, and the Staff recommends accepting it;

**Whereas**, funds are available for this project in Account No. 561-5500-535-6932, Project No. 100337; and

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

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

**Part 1:** The City Council authorizes the City Manager, or his designee, to execute a professional services agreement, not to exceed \$44,200, between the City of Temple, Texas, and Kasberg, Patrick & Associates, L.P., after approval as to form by the City Attorney, for engineering services required to replace two influent screw pumps at the Doshier Farm Wastewater Treatment Plant.

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

PASSED AND APPROVED this the **20<sup>th</sup>** day of **November**, 2008.

THE CITY OF TEMPLE, TEXAS

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

ATTEST:

APPROVED AS TO FORM:

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

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





## COUNCIL AGENDA ITEM MEMORANDUM

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11/20/08  
Item #4(D)  
Consent Agenda  
Page 1 of 3

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

Bruce Butscher, P.E., Director of Public Works  
Nicole Torralva, P.E., Assistant Director of Public Works / Operations

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a professional services agreement with Clark & Fuller, PLLC of Temple for engineering services including design, surveying, and construction administration required for water and wastewater utility relocations associated with the Texas Department of Transportation IH 35 & Loop 363 Highway Improvement Project in an amount not to exceed \$116,287.68.

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

**ITEM SUMMARY:** On October 6, 2005, the City Council authorized an Advance Funding Agreement between the City of Temple and the State of Texas Department of Transportation (TxDOT) for betterments associated with water and wastewater utility relocations required for the reconstruction of the IH 35 & Loop 363 interchange. At that time, the locations of all utilities were reviewed by TxDOT and their contractors, and no future conflicts were anticipated.

Unfortunately, TxDOT has recently discovered an additional utility conflict between an existing City of Temple water distribution main and a proposed storm sewer within their project limits. In order to relocate the water main per TxDOT's requirement, a deteriorated vitrified clay wastewater main will be relocated as well. This project will consist of a total of 2,325 linear feet of twelve inch diameter water main and 1,725 linear feet of twelve inch and eight inch diameter wastewater main.

Public Works staff has identified an alignment for the project through adjacent properties which will take advantage of both existing utility easements and new utility easements. Staff recommends up-sizing the existing water main from eight inch diameter to twelve inch diameter in order to connect existing twelve inch diameter water distribution mains in this vicinity.

The State of Texas requires a supplemental agreement to the original Advance Funding Agreement for the additional water and wastewater utility relocations, portions of which will be reimbursable upon completion of the work. Plans and estimates for the water and wastewater utility relocations will need to be published as a prerequisite for the City of Temple and TxDOT to enter into the Supplemental Agreement.



The proposed timeline for the design phase of the project is 95 days, with a total project length of approximately 6 months. Per the attachment, the engineering services are broken down as follows:

**Engineering Services – Waterline Improvements**

Surveying Services	\$ 12,450.00
Civil Design	\$ 39,572.02
Easement Preparation & Acquisition	\$ 6,425.00
Bidding	\$ 1,500.00
Construction Administration	<u>\$ 8,000.00</u>
	<b>\$ 67,947.02</b>

**Engineering Services – Wastewater Improvements**

Surveying Services	\$ 8,250.00
Civil Design	\$ 22,390.66
Easement Preparation & Acquisition	\$ 12,850.00
Bidding	\$ 1,100.00
Construction Administration	<u>\$ 3,750.00</u>
	<b>\$ 48,340.66</b>

**TOTAL** **\$ 116,287.68**

The engineer's opinion of probable cost for construction of the waterline and wastewater line portions of the project, respectively, is approximately \$545,000 and \$300,000, with a portion of the waterline improvements eligible for TxDOT reimbursement, as described above. In summary, the total estimated project cost, including professional services, will be approximately \$961,300.

City staff estimates that 100% of 1,380 linear feet of water distribution mains (as eight inch diameter) and 1,136 linear feet of wastewater collection main (as eight inch diameter) will be reimbursable by the State of Texas, as well as all costs associated with acquiring new utility easements. The City of Temple will be responsible for 100% of 965 linear feet of twelve inch water main as well as the difference in cost to up-size the 1,380 linear feet from eight inch to twelve inch diameter water main. Staff also expects that City will be responsible for 100% of 589 linear feet of eight inch diameter wastewater main and the difference in cost to up-size the 1,136 linear feet from eight inch to twelve inch diameter wastewater main. These estimates will be subject to eligibility as determined by TxDOT.

**FISCAL IMPACT:** This project was not included in the CIP program adopted by Council on August 28, 2008. Due to the nature of this project, it is necessary at this time to proceed with the design of the project. TxDOT will participate in a portion of the cost of design and construction of the project. Funding for the City's share of the construction phase of the project will be identified when TxDOT's share can be determined and the design has been completed.

A budget amendment is presented for Council's approval appropriating \$116,288 to account 561-5400-535-6937, project # 100470, to fund this engineering contract. Funding will come from savings



from the Loop 363 Utility Relocation Project, account 561-5200-535-5916, project #100097, which was funded with 2006 Utility Revenue bonds.

**ATTACHMENTS:**

Engineer's Proposal  
Project Map  
Budget Adjustment  
Resolution





2010 SW HK Dodgen Loop, Suite 105  
Temple, Texas 76504  
(254) 899-0899  
Fax (254) 899-0901

September 26, 2008

City of Temple  
Project Manager – Public Works Engineering  
Salvador Rodriguez, P.E. , C.F.M.  
3210 E. Ave. H, Bldg. A  
Temple, TX 76501

Re: Revised Proposal for the 2008 City of Temple  
General Bruce Drive and South 57<sup>th</sup> Street  
New Water Main and Sanitary Sewer Main Improvements

Dear Mr. Rodriguez,

We would like to thank the City of Temple for the opportunity to submit a preliminary opinion of probable cost and engineering fee proposal for the 2008 City of Temple, General Bruce Drive and South 57<sup>th</sup> Street – New Water Main and Sanitary Sewer Main Improvements. (Please refer to attached maps and documents for further information and extents of project improvements).

First, this project will consist of approximately 980 linear feet of new 12" PVC Class 150 C900 Water Main, extending within the southernmost right of way of Interstate Highway 35 between Ira Young Drive and the Mac Haik Auto Dealership. An additional, 1,345 linear feet of new 12" PVC Class 150 C900 Water Main is planned for construction which will extend from the Mac Haik Auto Dealership and will end adjacent to the southeastern most corner of the existing Cavender's Commercial Site. Within this project, new fire hydrants are proposed for construction to meet current City Ordinances and Fire Codes. In addition, the existing commercial properties will receive new water meter boxes and will be connected to the new 12" PVC water main via new water service extensions.

Second, this project will consist of approximately 1,725 linear feet of new 12" and 8" PVC Sanitary Sewer Main extending adjacent to the west side of the South 57<sup>th</sup> Street Right of Way between the Chappell Creek Apartments and the Las Casas Restaurant. Existing sanitary sewer lateral lines will be extended to connect to the new 12" sanitary sewer main.

As a part of this contract, private property Right of Entry and New Utility Easements will be created and acquired where new utilities extend across private property. However, based upon conversations with the City Staff, lump sum fees to create or acquire easements across the Cavender's property have not been included because the City Staff will negotiate these directly with this property owner.

Clark & Fuller, PLLC will complete design topography and construction surveys, new water main and sanitary sewer main designs, construction document preparation, easement preparation and acquisition, assist the City of Temple with project bidding, and provide construction administration and prepare construction record drawings. The proposed timeline for the project survey and design phase is 95 calendar days for the New Water Main and the New Sanitary Sewer Main from the authorization of notice to proceed. The proposed timeline to complete and acquire easements is an additional 90 days barring extraordinary circumstances and/or lack of cooperation by private landowners.



Clark and Fuller, PLLC, hereinafter Engineer, proposes to the City of Temple, hereinafter Client, Professional Civil Engineering, Surveying, Construction Administration, and Easement Acquisition Services for a Lump Sum Amount not to exceed \$67,947.02 for the New Water Main and \$ 48,340.66 for the New Sanitary Sewer Main. We estimate the total cost of construction including professional services and contingencies to be \$611,627.24 for the New Water Main and \$347,091.03 for the New Sanitary Sewer Main Construction. (Please refer to attached Exhibits "A & B" and the attached Preliminary Opinion of Probable Cost for an itemized breakdown and scope of services.

Please contact us if you require additional information or have further questions regarding this proposal.

Sincerely,



Monty L. Clark, P.E.







2010 SW HK Dodgen Loop, Suite 105  
Temple, Texas 76504  
(254) 899-0899  
Fax (254) 899-0901

Exhibit "A"  
Proposal for 2008 City of Temple – General Bruce Drive and South 57<sup>th</sup> Street  
New Water Main Improvements  
Scope of Professional Engineering and Surveying Services

Surveying Services:	\$ 12,450.00
<ul style="list-style-type: none"><li>• Prepare Design Topography Survey</li><li>• Locate existing Right of Ways and Property Boundaries</li><li>• Provide Construction Staking</li></ul>	
Civil Engineering Design Phase:	\$ 39,572.02
<ul style="list-style-type: none"><li>• Research Existing Utilities</li><li>• Prepare Final Design Construction Documents and Technical Specifications</li><li>• Prepare Final Engineer's Opinion of Probable Cost</li><li>• Attend and Facilitate Project Coordination with the City Staff and the Texas Department of Transportation</li></ul>	
Easement Preparation and Acquisition	\$ 6,425.00
Project Bidding Phase:	\$ 1,500.00
<ul style="list-style-type: none"><li>• Prepare Bid Schedule and Coordinate Bidding with the City of Temple Purchasing Department</li><li>• Provide copies of Construction Documents to facilitate Bidding</li><li>• Provide Engineers Opinion of Days to Complete Project Construction</li><li>• Attend and facilitate a Pre-Bid Meeting (As Required)</li><li>• Prepare and Issue Necessary Addenda</li></ul>	
Construction Phase:	\$ 8,000.00
<ul style="list-style-type: none"><li>• Attend and facilitate a Pre-Construction Meeting</li><li>• Review all Contractor Submittals</li><li>• Respond to Requests for Information (RFI's)</li><li>• Execute Necessary Change Orders</li><li>• Attend Final Project Inspection</li><li>• Provide Final Inspection Punch List</li><li>• Prepare Record Drawings</li><li>• Assist the City of Temple with Coordination of Construction Sequencing with Property Owners</li></ul>	

Daily Onsite Construction Inspection Services (To be provided by the City of Temple staff.)



**PRELIMINARY OPINION OF PROBABLE COST****2008 City of Temple - General Bruce Drive & South 57th****New Water Main and Sanitary Sewer Main****Located in Temple, Texas**

Filename: General Bruce Improvements Preliminary Cost Opinion.xls

Date: 9-26-08

**New IH-35 Water Main Construction  
Site Mobilization and Pavement Replacement**

Item Description	Unit	Unit Cost	Quantity	Total
1. Site Preparation and Clearing	STA.	\$ 450.00	11	\$ 4,950.00
2. Site Mobilization	L.S.	\$ 6,250.00	100%	\$ 6,250.00
3. Traffic Control	L.S.	\$ 9,500.00	100%	\$ 9,500.00
4. Sawcut, Remove, and Replace Existing HMAC Pavement Section	S.Y.	\$ 48.50	455	\$ 22,067.50
5. Temporary Bracing and Protection of Existing Utility Poles	EA.	\$ 2,850.00	8	\$ 22,800.00
<b>SUBTOTAL:</b>				<b>\$ 65,567.50</b>

**New Water Main Construction**

Item Description	Unit	Unit Cost	Quantity	Total
1. 12" PVC Class 150 C900 Water Main	L.F.	\$ 39.00	980	\$ 38,220.00
2. 21" Steel Encasement Pipe via Bore	L.F.	\$ 325.00	100	\$ 32,500.00
3. 8" PVC Class 150 C900 Water Main	L.F.	\$ 36.00	40	\$ 1,440.00
4. Connection to Existing Water Main	EA.	\$ 2,250.00	3	\$ 6,750.00
5. Temporary Connection to Existing Water Main	EA.	\$ 1,750.00	1	\$ 1,750.00
6. Std. In-Line Fire Hydrant Assembly	EA.	\$ 3,500.00	4	\$ 14,000.00
7. 12" MJ Gate Valve	EA.	\$ 3,250.00	6	\$ 19,500.00
8. Miscellaneous Fittings	EA.	\$ 850.00	11	\$ 9,350.00
9. Miscellaneous Tees	EA.	\$ 1,250.00	2	\$ 2,500.00
10. Std. Tapping Sleeve and Valve Assembly	EA.	\$ 4,750.00	3	\$ 14,250.00
11. 6" Concrete Water Main Encasement	L.F.	\$ 48.00	200	\$ 9,600.00
12. Service Connection	EA.	\$ 1,250.00	5	\$ 6,250.00
13. Disconnection and Abandonment of Existing Water Main	EA.	\$ 2,750.00	2	\$ 5,500.00
14. Thrust Restraint	L.S.	\$ 3,500.00	100%	\$ 3,500.00
15. Trench Shoring	L.F.	\$ 3.85	1020	\$ 3,927.00
16. Testing per TCEQ and City of Temple Requirements	L.S.	\$ 6,500.00	100%	\$ 6,500.00
<b>SUBTOTAL:</b>				<b>\$ 175,537.00</b>

**CONSTRUCTION, DESIGN, AND SURVEYING COSTS**

SUBTOTAL CONSTRUCTION: \$ 241,104.50  
 10% CONSTRUCTION CONTINGENCY: \$ 24,110.45

TOTAL CONSTRUCTION: \$ 265,214.95

8.75% PROFESSIONAL ENGINEERING SERVICES: \$ 23,206.31  
 DESIGN SURVEYS, RESEARCH, AND R.O.W./PROPERTY IDENTIFICATION: \$ 4,200.00  
 CONSTRUCTION STAKING \$ 2,500.00  
 DOCUMENT REPRODUCTION & PREPARATION OF RECORD DRAWINGS \$ 750.00  
 EASEMENT PREPARATION \$ -  
 RIGHT OF ENTRY AND EASEMENT PROCUREMENT \$ -

**PROJECT TOTAL: \$ 295,871.26**

*Handwritten signature*  
 9-26-08



**PRELIMINARY OPINION OF PROBABLE COST****2008 City of Temple - General Bruce Drive & South 57th****New Water Main and Sanitary Sewer Main****Located in Temple, Texas**

Filename: General Bruce Improvements Preliminary Cost Opinion.xls

Date: 9-26-08

***New 57th Street Water Main Construction  
Site Mobilization and Pavement Replacement***

Item Description	Unit	Unit Cost	Quantity	Total
1. Site Preparation and Clearing	STA.	\$ 450.00	13.5	\$ 6,075.00
2. Site Mobilization	L.S.	\$ 5,750.00	100%	\$ 5,750.00
3. Traffic Control	L.S.	\$ 4,250.00	100%	\$ 4,250.00
4. Sawcut, Remove, and Replace Existing HMAC Pavement Section	S.Y.	\$ 48.50	582	\$ 28,227.00
5. Remove and Replace Existing Chain Link Fencing	L.F.	\$ 25.00	60	\$ 1,500.00
6. Temporary Bracing and Protection of Existing Utility Poles	EA.	\$ 2,850.00	7	\$ 19,950.00
<b>SUBTOTAL:</b>				<b>\$ 65,752.00</b>

***New Water Main Construction***

Item Description	Unit	Unit Cost	Quantity	Total
1. 12" PVC Class 150 C900 Water Main	L.F.	\$ 39.00	1345	\$ 52,455.00
2. 21" Steel Encasement Pipe via Bore	L.F.	\$ 325.00	125	\$ 40,625.00
3. 8" PVC Class 150 C900 Water Main	L.F.	\$ 36.00	40	\$ 1,440.00
4. Connection to Existing Water Main	EA.	\$ 2,250.00	3	\$ 6,750.00
5. Std. In-Line Fire Hydrant Assembly	EA.	\$ 3,500.00	5	\$ 17,500.00
6. 12" MJ Gate Valve	EA.	\$ 3,250.00	6	\$ 19,500.00
7. Miscellaneous Fittings	EA.	\$ 850.00	12	\$ 10,200.00
8. Miscellaneous Tees	EA.	\$ 1,250.00	2	\$ 2,500.00
9. Std. Tapping Sleeve and Valve Assembly	EA.	\$ 4,750.00	2	\$ 9,500.00
10. Service Connection	EA.	\$ 1,250.00	6	\$ 7,500.00
11. Disconnection and Abandonment of Existing Water Main	EA.	\$ 2,750.00	2	\$ 5,500.00
12. Thrust Restraint	L.S.	\$ 4,500.00	100%	\$ 4,500.00
13. Trench Shoring	L.F.	\$ 3.85	1345	\$ 5,178.25
14. Testing per TCEQ and City of Temple Requirements	L.S.	\$ 4,250.00	100%	\$ 4,250.00
<b>SUBTOTAL:</b>				<b>\$ 187,398.25</b>

***CONSTRUCTION, DESIGN, AND SURVEYING COSTS***

**SUBTOTAL CONSTRUCTION:** \$ 253,150.25  
**10% CONSTRUCTION CONTINGENCY:** \$ 25,315.03

**TOTAL CONSTRUCTION:** \$ 278,465.28

**8.75% PROFESSIONAL ENGINEERING SERVICES:** \$ 24,365.71  
**DESIGN SURVEYS, RESEARCH, AND R.O.W./PROPERTY IDENTIFICATION:** \$ 3,500.00  
**CONSTRUCTION STAKING** \$ 2,250.00  
**DOCUMENT REPRODUCTION & PREPARATION OF RECORD DRAWINGS** \$ 750.00  
**EASEMENT PREPARATION** \$ 1,200.00  
**RIGHT OF ENTRY AND EASEMENT PROCUREMENT** \$ 5,225.00

**PROJECT TOTAL:** \$ 315,755.99

*MS*  
 9-26-08



Exhibit "B"

Proposal for 2008 City of Temple – General Bruce Drive and South 57<sup>th</sup> Street  
New Sanitary Sewer Improvements  
Scope of Professional Engineering and Surveying Services

Surveying Services:	\$ 8,250.00
<ul style="list-style-type: none"><li>• Prepare Design Topography Survey</li><li>• Locate existing Right of Ways and Property Boundaries</li><li>• Provide Construction Staking</li></ul>	
Civil Engineering Design Phase:	\$ 22,390.66
<ul style="list-style-type: none"><li>• Research Existing Utilities</li><li>• Prepare Final Design Construction Documents and Technical Specifications</li><li>• Prepare Final Engineer's Opinion of Probable Cost</li><li>• Attend and Facilitate Project Coordination with the City Staff and the Texas Department of Transportation</li></ul>	
Easement Preparation and Acquisition	\$ 12,850.00
Project Bidding Phase:	\$ 1,100.00
<ul style="list-style-type: none"><li>• Prepare Bid Schedule and Coordinate Bidding with the City of Temple Purchasing Department</li><li>• Provide copies of Construction Documents to facilitate Bidding</li><li>• Provide Engineers Opinion of Days to Complete Project Construction</li><li>• Attend and facilitate a Pre-Bid Meeting (As Required)</li><li>• Prepare and Issue Necessary Addenda</li></ul>	
Construction Phase:	\$ 3,750.00
<ul style="list-style-type: none"><li>• Attend and facilitate a Pre-Construction Meeting</li><li>• Review all Contractor Submittals</li><li>• Respond to Requests for Information (RFI's)</li><li>• Execute Necessary Change Orders</li><li>• Attend Final Project Inspection</li><li>• Provide Final Inspection Punch List</li><li>• Prepare Record Drawings</li><li>• Assist the City of Temple with Coordination of Construction Sequencing with Property Owners</li></ul>	
Daily Onsite Construction Inspection Services (To be provided by the City of Temple staff.)	





**PRELIMINARY OPINION OF PROBABLE COST**  
**2008 City of Temple - General Bruce Drive & South 57th**  
**New Water Main and Sanitary Sewer Main**  
**Located in Temple, Texas**

Filename: General Bruce Improvements Preliminary Cost Opinion.xls

Date: 9-26-08

***New 57th Street Sanitary Sewer Main Construction***  
***Site Mobilization and Pavement Replacement***

Item Description	Unit	Unit Cost	Quantity	Total
1. Site Preparation and Clearing	STA.	\$ 575.00	17	\$ 9,775.00
2. Site Mobilization	L.S.	\$ 5,750.00	100%	\$ 5,750.00
3. Traffic Control	L.S.	\$ 8,750.00	100%	\$ 8,750.00
4. Sawcut, Remove, and Replace Existing HMAC Pavement Section	S.Y.	\$ 48.50	750	\$ 36,375.00
5. Remove and Replace Existing Chain Link Fencing	L.F.	\$ 25.00	100	\$ 2,500.00
<b>SUBTOTAL: \$</b>				<b>63,150.00</b>

***New Sanitary Sewer Main Construction***

Item Description	Unit	Unit Cost	Quantity	Total
1. 12" PVC SDR 26 Sewer Main (> 10' Depth)	L.F.	\$ 73.50	700	\$ 51,450.00
2. 8" PVC SDR 26 Sewer Main	L.F.	\$ 55.00	1025	\$ 56,375.00
3. Connection to Existing Sanitary Sewer Main	EA.	\$ 1,250.00	7	\$ 8,750.00
4. 4' Dia. Precast Concrete Manhole with 32" Ring and Lid Assembly	EA.	\$ 3,850.00	8	\$ 30,800.00
5. 5' Dia. Precast Concrete Manhole with 32" Water Tight R&L Assembly	EA.	\$ 5,850.00	1	\$ 5,850.00
6. Service Connection and Cleanout Boxes	EA.	\$ 1,250.00	15	\$ 18,750.00
7. 4" PVC Sanitary Sewer Service Replacement	L.F.	\$ 28.00	450	\$ 12,600.00
8. Demolish and Remove Existing Sanitary Sewer Manhole	EA.	\$ 950.00	5	\$ 4,750.00
9. Provide and Implement Trench Shoring Plan	L.F.	\$ 4.85	1725	\$ 8,366.25
10. Disconnect Cap and Abandon Existing Sanitary Sewer Main	EA.	\$ 1,950.00	4	\$ 7,800.00
11. Testing per TCEQ and City of Temple Requirements	L.S.	\$ 2,950.00	100%	\$ 2,950.00
<b>SUBTOTAL: \$</b>				<b>208,441.25</b>

***CONSTRUCTION, DESIGN, AND SURVEYING COSTS***

**SUBTOTAL CONSTRUCTION: \$ 271,591.25**  
**10% CONSTRUCTION CONTINGENCY: \$ 27,159.13**

**TOTAL CONSTRUCTION: \$ 298,750.38**

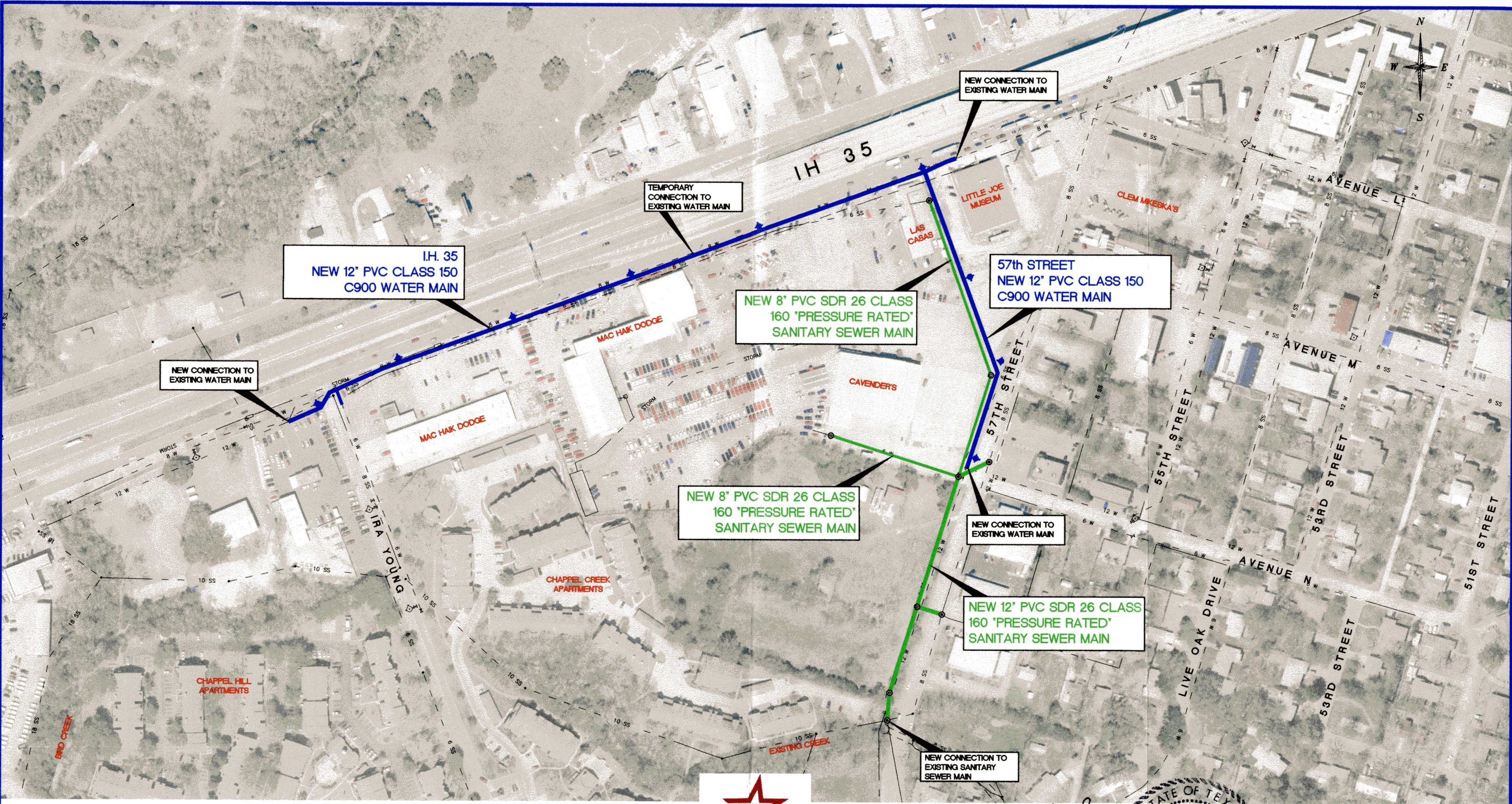
**8.75% PROFESSIONAL ENGINEERING SERVICES: \$ 26,140.66**  
**DESIGN SURVEYS, RESEARCH, AND R.O.W./PROPERTY IDENTIFICATION: \$ 4,750.00**  
**CONSTRUCTION STAKING \$ 3,500.00**  
**DOCUMENT REPRODUCTION & PREPARATION OF RECORD DRAWINGS \$ 1,100.00**  
**EASEMENT PREPARATION \$ 2,400.00**  
**RIGHT OF ENTRY AND EASEMENT PROCUREMENT \$ 10,450.00**

**PROJECT TOTAL: \$ 347,091.03**



*MS*  
*9-26-08*





**Clark & Fuller, PLLC**  
Civil Engineers • Designers • Planners  
Tel: (254) 899-0899 Fax: (254) 899-0901  
2010 SW HK Dodgen Loop, Suite 105, Temple, Texas 76504



# 2008 GENERAL BRUCE DRIVE AND SOUTH 57TH STREET NEW WATER MAIN AND SANITARY SEWER MAIN IMPROVEMENTS

*Handwritten signature and date:*  
9-20-08



**LEGEND:**

- ◆ NEW FIRE HYDRANT ASSEMBLY
- NEW SANITARY SEWER MANHOLE

100 0 100 200 300  
FEET



FY **2009****BUDGET ADJUSTMENT FORM**

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

**Adjustments should be rounded to the nearest \$1.**

			+		-	
ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE		DECREASE	
561-5400-535-69-37	100470	Utility Relocation IH 35 & Loop 363 (57th)	\$ 116,288			
561-5200-535-69-16	100097	Utility Relocation Loop & 31st Street			116,288	
<b>TOTAL.....</b>			<b>\$ 116,288</b>		<b>\$ 116,288</b>	

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

To appropriate funding for the engineering contract with Clark & Fuller for the utility relocation associated with the TxDOT IH 35& Loop 363 Highway Improvement Project.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒

Yes

☐

No

DATE OF COUNCIL MEETING

November 20, 2008

WITH AGENDA ITEM?

☒

Yes

☐

No

Department Head/Division Director

Date

☐

Approved

☐

Disapproved

Finance

Date

☐

Approved

☐

Disapproved

City Manager

Date

☐

Approved

☐

Disapproved



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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF TEMPLE, TEXAS, AND CLARK & FULLER, PLLC, OF TEMPLE FOR ENGINEERING SERVICES INCLUDING DESIGN, SURVEYING, AND CONSTRUCTION ADMINISTRATION REQUIRED FOR WATER AND WASTEWATER UTILITY RELOCATIONS ASSOCIATED WITH THE TEXAS DEPARTMENT OF TRANSPORTATION IH 35 AND LOOP 363 HIGHWAY IMPROVEMENT PROJECT, IN AN AMOUNT NOT TO EXCEED \$116,287.68; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, an additional utility conflict has been discovered in connection with TxDOT's wastewater utility relocations required for the construction of the IH 35 & Loop 363 interchange;

**Whereas**, Clark & Fuller, PLLC, submitted a proposal for engineering services, including design, surveying, and construction administration required for this project in the amount of \$116,287.68, and the Staff recommends accepting it;

**Whereas**, funds are available for this project, but an amendment to the FY2008-09 budget needs to be approved; and

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

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

**Part 1:** The City Council authorizes the City Manager, or his designee, to execute a professional services agreement, not to exceed \$116,287.68, between the City of Temple, Texas, and Clark & Fuller, PLLC, after approval as to form by the City Attorney, for engineering services including design, surveying, and construction administration required for water and wastewater utility relocations associated with the Texas Department of Transportation IH 35 and Loop 363 Highway Improvement Project.

**Part 2:** The City Council approves an amendment to the FY2008-2009 budget, substantially in the form of the copy attached as Exhibit A, for this project.



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

PASSED AND APPROVED this the **20<sup>th</sup>** day of **November**, 2008.

THE CITY OF TEMPLE, TEXAS

---

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

---

Clydette Entzminger  
City Secretary

---

Jonathan Graham  
City Attorney





## COUNCIL AGENDA ITEM MEMORANDUM

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11/20/08  
Item #4(E)  
Consent Agenda  
Page 1 of 2

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

Bruce A. Butscher, P.E., Director of Public Works  
Nicole Torralva, P.E., Assistant Director of Public Works / Operations

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing Change Order #5 in the deduct amount of \$52,467.50 to the FM 2305 Utilities Relocation Project construction contract with TTG Utilities, LP, for items related to final quantity reconciliations on the project.

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

**ITEM SUMMARY:** On February 1, 2007, Council authorized a construction contract in the amount of \$1,618,308.75 with TTG Utilities to relocate City owned utilities along FM 2305 from SH 317 to FM 2271. This project is now substantially completed. During the final walk through of the project and reconciliation of final quantities, minor adjustments to the contract were noted, including a substantial reduction in the quantity of installation of sod within the right of way. As a result of TxDOT's contractor completing work in the area, combined with an ongoing City wastewater line project also in the area, quantities of sod were reduced in this project and will be adjusted accordingly in the wastewater line project as appropriate.

This change order #5 in the deduct amount of \$52,467.50, combined with change order #1 in the amount of \$62,280.95 (approved by council on 10/18/07), change order #2 in the amount of \$180,328 (approved by council on 10/18/07), change order #3 in the amount of \$19,660 (approved by the City Manager on 4/7/08), and change order #4 in the amount of \$22,467.40 (approved by the City Manager on 7/1/08) is approximately 14.35% of the total contract amount. No portion of this contract is reimbursable by TxDOT.



**FISCAL IMPACT:** Funding in the amount of \$2,500,000 has been appropriated in account 561-5200-535-6917, project #100096 for design and construction of this project from the 2006 Utility Revenue Bond Issue which were issued in October 2006. This change order reduces the amount of the current contract, by \$54,467.50 , which will be available for future use.

**ATTACHMENTS:**

[Change Order #5](#)  
[Resolution](#)



## CHANGE ORDER

PROJECT: F.M. 2305 Utilities Relocation State Highway 317 to F.M. 2271  
 OWNER: City of Temple  
 CONTRACTOR: TTG Utilities LP  
 ENGINEER: Kasberg, Patrick & Associates, LP  
 CHANGE ORDER #: 5

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

1. Addition and Deletions from Contract to accurately reflect the actual quantities installed in the field.

Item	Description	Quantity	Unit	Cost	Total
CO4-1	3/4" Waterline on Flores Property	23	LF	\$9.50	\$ 218.50
CO5-1	Install Collision Kit on Fire Hydrant	1	EA	\$650.00	\$ 650.00
15	8" Diam. C900 PVC Water Line	-25	LF	\$24.00	\$ (600.00)
80	RPZ Backflow Preventer	-1	EA	\$2,250.00	\$ (2,250.00)
81	Relocate Exiting Water Meter @ Flores Property	1	EA	\$810.00	\$ 810.00
84	Utilities outside of future Roadway	-3,050	EA	\$4.10	\$ (12,505.00)
85	Remove & Dispose of Existing Utilities within future Roadway	-1,230	EA	\$6.80	\$ (8,364.00)
86	Slurry Fill Existing Utility Crossings to be Abandoned	-57	EA	\$10.00	\$ (570.00)
93	Furnish & Install Sod	-4,000	EA	\$7.90	\$ (31,600.00)
94	Hydromulch	3,486	EA	\$0.50	\$ 1,743.00
				Sub-Total	\$ (52,467.50)

**Total Net Change in Contract Amount      \$ (52,467.50)**

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

Original Contract Amount	\$ 1,618,308.75
Previous Net Change in Contract Amount	\$ 284,736.35
Net Change in Contract Amount	\$ -52,467.50
Revised Contract Amount	\$ 1,850,577.60
Original Contract Time	365 days
Previous Net Change in Contract Time	125 days
Net Change in Contract Time	0 days
Revised Contract Time	490 days
Original Final Completion Date	April 15, 2008
Revised Final Completion Date	April 18, 2008

**TTG UTILITIES, LP**  
**By TTG UTILITIES GP, LLC,**

Recommended By Engineer:

Approved By Contractor:

By *James D. Valle* 10/16/08  
 Date

By *Ricardo L. Poma* 10/15/08  
*Ricardo L. Poma, President* Date

Approved by City of Temple:

Approved as to Form:

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

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



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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE CHANGE ORDER #5 IN THE DEDUCT AMOUNT OF \$52,467.50 TO THE FM 2305 UTILITIES RELOCATION PROJECT CONSTRUCTION CONTRACT WITH TTG UTILITIES, LP, FOR ITEMS RELATED TO FINAL QUANTITY RECONCILIATIONS ON THE PROJECT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on February 1, 2007, the City Council authorized a construction contract in the amount of \$1,618,308.75 with TTG Utilities, LP, to relocate City owned utilities along FM 2305 from SH 317 to FM 2271;

**Whereas**, during the final walk through of the project and reconciliation of final quantities, minor adjustments to the contract were noted, including a substantial reduction in the quantity of installation of sod within the right of way – as a result of TxDOT's contractor completing work in the area, combined with an ongoing City wastewater line project also in the area, quantities of sod were reduced in this project and will be adjusted accordingly in the wastewater line project as appropriate; and

**Whereas**, the Staff recommends approving a deduct change order to the contract in the amount of \$52,467.50; and

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

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

**Part 1:** The City Council authorizes the City Manager, or his designee, to execute Change Order #5 to the construction contract, in the *deduct* amount of \$52,467.50, between the City of Temple, Texas, and TTG Utilities, LP, of Gatesville, Texas, after approval as to form by the City Attorney, for the FM 2305 Utilities Relocation Project from SH 317 to FM 2271.

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

PASSED AND APPROVED this the **20<sup>th</sup>** day of **November**, 2008.

THE CITY OF TEMPLE, TEXAS

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

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Clydetta Entzminger  
City Secretary

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





## COUNCIL AGENDA ITEM MEMORANDUM

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11/20/08  
Item #4(F)  
Consent Agenda  
Page 1 of 1

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

Bruce A. Butscher, P.E., Director of Public Works  
Nicole Torralva, P.E., Assistant Director of Public Works / Operations

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a construction contract with K & S Backhoe, Inc., of Gatesville for the Ottoway and Calvin Drive Waterline Improvement Project in the amount of \$137,498.60.

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

**ITEM SUMMARY:** In July 2008, a professional services agreement with Clark & Fuller, PLLC, was executed for engineering and design services required for waterline improvements on Ottoway and Calvin Drive from Burns to Van Pelt Avenue. This area serves 35 homes through 2" water mains and has experienced substantial waterline breaks over the years.

On November 4, 2008, six bids were received for construction of the project. Per the attached bid tabulation, K & S Backhoe submitted the low bid in the amount of \$137,498.60. Clark & Fuller's opinion of probable construction cost for the project was approximately \$190,000.

These proposed improvements will replace approximately 1,775 LF of existing 2" cast iron waterlines with new 6" PVC waterlines, tying in existing 6" waterlines on either end of the project. The proposed changes will also provide increased fire protection in the area and new meters throughout the project.

**FISCAL IMPACT:** Funding in the amount of \$73,526 was appropriated in the FY 2008 Water & Sewer operating budget from savings reallocated from previously completed projects to fund the engineering costs. An additional \$310,000 was appropriated in the FY 2009 operating budget in account 520-520-535-6357, project # 100397 for construction of the project. After funding the engineering costs of \$24,069.26 and the construction contract in the amount of \$137,498.60, a balance of \$221,958 remains available to complete this project or to be reallocated to another project.

### **ATTACHMENTS:**

[Engineer's Letter of Recommendation](#)  
[Project Map](#)  
[Bid Tabulation](#)  
[Resolution](#)





2010 SW HK Dodgen Loop, Suite 105  
Temple, Texas 76504  
(254) 899-0899  
Fax (254) 899-0901

November 6, 2008

City of Temple  
Thomas Brown  
3210 E. Ave. H, Bldg. A  
Temple, Texas 76501

Re: City of Temple, 2008 Ottoway & Calvin Drive Water Main Reconstruction

Dear Mr. Brown,

We have reviewed the bids for the above referenced project. K & S Backhoe Services, Inc. submitted a Base Bid of \$137,498.60. Please see the enclosed Bid Tabulation Sheet for detailed information. We are recommending that you award the contract to K & S Backhoe Services, Inc. We believe, through personal experience, that K & S Backhoe Services, Inc. is qualified and is capable of providing the new water main improvements as required in this project.

K & S Backhoe Services, Inc. is a proven company with many successfully completed projects and we look forward to working with them on this project.

Please advise us as to which contractor you select.

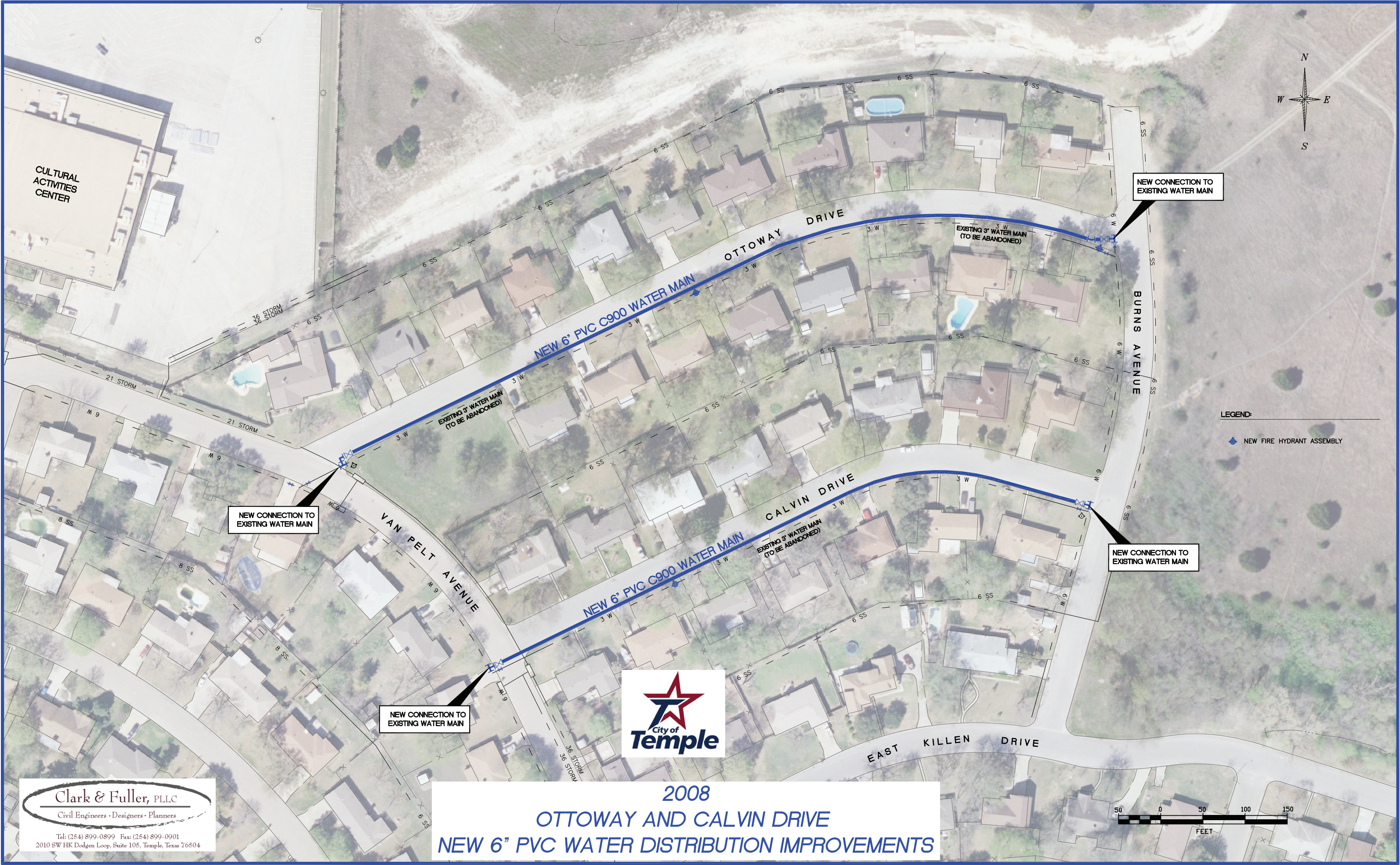
Sincerely,

A handwritten signature in black ink, appearing to read "Monty Clark", is written over the printed name.

Monty Clark, P.E.

Cc: Belinda Mattke, City of Temple, Purchasing





Clark & Fuller, PLLC  
Civil Engineers • Designers • Planners  
Tel: (254) 899-0899 Fax: (254) 899-0901  
2010 SW HK Dodgen Loop, Suite 105, Temple, Texas 76504



2008  
OTTOWAY AND CALVIN DRIVE  
NEW 6" PVC WATER DISTRIBUTION IMPROVEMENTS



Bid Tabulation Sheet															
2008 City of Temple Ottoway and Calvin Drive Water Main Reconstruction															
Bid Date - November 4, 2008															
No.	Item Descr.	Est. Quan.	UOM	K&S Backhoe Services, Inc.		Rockin Q Construction, LLC		Bell Contractors, Inc.		TTG Utilities, Inc.		Smetana & Associates		McLean Construction	
				Unit Price	Total Cost	Unit Price	Total Cost	Unit Price	Total Cost	Unit Price	Total Cost	Unit Price	Total Cost	Unit Price	Total Cost
Exhibit "A" BID Schedule-Site Preparation															
1	Site Preparation & Clearing	18	STA	\$ 282.22	\$ 5,079.96	\$ 500.00	\$ 9,000.00	\$ 200.00	\$ 3,600.00	\$ 70.00	\$ 1,260.00	\$ 480.00	\$ 8,640.00	\$ 405.00	\$ 7,290.00
2	Mobilization, Bonds, Permits, & Insurance	100%	LS	\$ 10,228.10	\$ 10,228.10	\$ 9,000.00	\$ 9,000.00	\$ 6,500.00	\$ 6,500.00	\$ 7,550.00	\$ 7,550.00	\$ 4,562.00	\$ 4,562.00	\$ 9,449.00	\$ 9,449.00
3	Saw Cut, Removal & Replace, Ex. HMAC Pavement	795	SY	\$ 15.77	\$ 12,537.15	\$ 35.00	\$ 27,825.00	\$ 28.58	\$ 22,721.10	\$ 50.00	\$ 39,750.00	\$ 41.00	\$ 32,595.00	\$ 35.10	\$ 27,904.50
4	Saw Cut, Removal & Replace, Ex. Concrete Pavement	30	SY	\$ 52.90	\$ 1,587.00	\$ 35.00	\$ 1,050.00	\$ 47.50	\$ 1,425.00	\$ 90.00	\$ 2,700.00	\$ 34.00	\$ 1,020.00	\$ 89.00	\$ 2,670.00
5	Sawcut, Remove & Replace Concrete Curb & Gutter	200	LF	\$ 12.25	\$ 2,450.00	\$ 20.00	\$ 4,000.00	\$ 24.25	\$ 4,850.00	\$ 15.00	\$ 3,000.00	\$ 40.00	\$ 8,000.00	\$ 22.90	\$ 4,580.00
6	Provide & Implement a Traffic Control Plan	100%	LS	\$ 700.00	\$ 700.00	\$ 2,500.00	\$ 2,500.00	\$ 3,500.00	\$ 3,500.00	\$ 3,000.00	\$ 3,000.00	\$ 2,750.00	\$ 2,750.00	\$ 3,322.00	\$ 3,322.00
Subtotal Site Preparation Bid:					\$ 32,582.21		\$ 53,375.00		\$ 42,596.10		\$ 57,260.00		\$ 57,567.00		\$ 55,215.50
New 6" PVC Water Main															
7	Provide 6" PVC C900 Class 150 Water Main	1775	LF	\$ 28.94	\$ 51,368.50	\$ 40.00	\$ 71,000.00	\$ 32.40	\$ 57,510.00	\$ 24.80	\$ 44,020.00	\$ 28.36	\$ 50,339.00	\$ 38.30	\$ 67,982.50
8	Provide 15" Steel Pipe Encasement	15	LF	\$ 60.00	\$ 900.00	\$ 100.00	\$ 1,500.00	\$ 124.92	\$ 1,873.80	\$ 67.00	\$ 1,005.00	\$ 74.00	\$ 1,110.00	\$ 63.00	\$ 945.00
9	Connect Existing Water Main	4	EA	\$ 1,788.73	\$ 7,154.92	\$ 1,000.00	\$ 4,000.00	\$ 1,814.45	\$ 7,257.80	\$ 1,050.00	\$ 4,200.00	\$ 2,244.00	\$ 8,976.00	\$ 1,377.00	\$ 5,508.00
10	Provide 6" MJ Gate Value	7	EA	\$ 645.00	\$ 4,515.00	\$ 825.00	\$ 5,775.00	\$ 1,170.00	\$ 8,190.00	\$ 600.00	\$ 4,200.00	\$ 925.00	\$ 6,475.00	\$ 889.00	\$ 6,223.00
11	Provide 6" x6" MJ Tee	4	EA	\$ 220.52	\$ 882.08	\$ 450.00	\$ 1,800.00	\$ 391.44	\$ 1,565.76	\$ 250.00	\$ 1,000.00	\$ 430.00	\$ 1,720.00	\$ 382.00	\$ 1,528.00
12	Provide 6" MJ 90 Degree Bend	1	EA	\$ 222.68	\$ 222.68	\$ 400.00	\$ 400.00	\$ 303.86	\$ 303.86	\$ 190.00	\$ 190.00	\$ 355.00	\$ 355.00	\$ 317.00	\$ 317.00
13	Provide 6" MJ 45 Degree Bend	4	EA	\$ 214.82	\$ 859.28	\$ 400.00	\$ 1,600.00	\$ 347.40	\$ 1,389.60	\$ 190.00	\$ 760.00	\$ 358.00	\$ 1,432.00	\$ 310.00	\$ 1,240.00
14	Provide 6" MJ 22.5 Degree Bend	3	EA	\$ 216.47	\$ 649.41	\$ 400.00	\$ 1,200.00	\$ 295.00	\$ 885.00	\$ 180.00	\$ 540.00	\$ 348.00	\$ 1,044.00	\$ 312.00	\$ 936.00
15	Provide 6" MJ 11.25 Degree Bend	1	EA	\$ 214.00	\$ 214.00	\$ 400.00	\$ 400.00	\$ 278.00	\$ 278.00	\$ 150.00	\$ 150.00	\$ 348.00	\$ 348.00	\$ 310.00	\$ 310.00
16	Provide 6" MJ Plug	1	EA	\$ 81.92	\$ 81.92	\$ 200.00	\$ 200.00	\$ 204.80	\$ 204.80	\$ 130.00	\$ 130.00	\$ 273.00	\$ 273.00	\$ 210.00	\$ 210.00
17	Provide Domestic Water Service Connection & Meter Box	32	EA	\$ 675.00	\$ 21,600.00	\$ 900.00	\$ 28,800.00	\$ 1,040.00	\$ 33,280.00	\$ 865.00	\$ 27,680.00	\$ 829.00	\$ 26,528.00	\$ 681.00	\$ 21,792.00
18	Remove & Salvage Fire Hydrant Assembly	1	EA	\$ 100.00	\$ 100.00	\$ 250.00	\$ 250.00	\$ 847.60	\$ 847.60	\$ 210.00	\$ 210.00	\$ 383.00	\$ 383.00	\$ 170.00	\$ 170.00
19	Provide Standard Fire Hydrant Assembly	5	EA	\$ 2,973.72	\$ 14,868.60	\$ 2,850.00	\$ 14,250.00	\$ 3,185.90	\$ 15,929.50	\$ 2,900.00	\$ 14,500.00	\$ 3,137.00	\$ 15,685.00	\$ 2,975.00	\$ 14,875.00
20	Trench Shoring Plan	100%	LS	\$ 1,000.00	\$ 1,000.00	\$ 6,000.00	\$ 6,000.00	\$ 1,200.00	\$ 1,200.00	\$ 1,050.00	\$ 1,050.00	\$ 1,841.00	\$ 1,841.00	\$ 3,234.00	\$ 3,234.00
21	Provide All Testing per TCEQ & C.O.T.	100%	LS	\$ 500.00	\$ 500.00	\$ 700.00	\$ 700.00	\$ 3,550.00	\$ 3,550.00	\$ 1,550.00	\$ 1,550.00	\$ 3,500.00	\$ 3,500.00	\$ 2,697.00	\$ 2,697.00
Subtotal New 6" PVC Water Main :					104,916.39		137,875.00		134,265.72		\$ 101,185.00		\$ 120,009.00		\$127,967.50
				K&S Backhoe Services, Inc.		Rockin Q Construction, LLC		Bell Contractors,Inc.		TTG Utilities, Inc.		Smetana & Associates		McLean Construction	
Total Bid Exhibit "A"				\$ 137,498.60		\$ 191,250.00		\$ 176,861.82		\$ 158,445.00		\$ 177,576.00		\$183,183.00	



Tabulation of Bids Received  
on November 4, 2008 at 2:00 p.m.  
2008 Ottoway & Calvin Drive Water Main Reconstruction

Description	Bidders					
	Rockin Q Construction LLC San Marcos	K&S Backhoe Inc. Gatesville	Bell Contractors Inc. Belton	TTG Utilities LP Gatesville	McLean Construction Killeen	Smetana & Associates Const. Co. Inc. Temple
Total Bid	\$191,250.00	\$137,498.60	\$176,861.82	\$158,445.00	\$183,183.00	\$177,576.00
Local Preference	No	No	No	No	No	Yes
Bid Bond	Yes-Not on our Form	5%	5%	5%	5%	5%
Bond Affidavit	None	Yes	Yes	Yes	Yes	Yes
Insurance Affidavit	Certificate of Insurance	Yes	Yes	Yes	Yes	Yes
Credit Check Authorization Form	Yes	Yes	Yes	Yes	Yes	Yes

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

*Belinda Mattke*

Belinda Mattke, Director of Purchasing

*4-Nov-08*

Date

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



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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH K&S BACKHOE, INC., OF GATESVILLE, TEXAS, FOR THE OTTOWAY AND CALVIN DRIVE WATERLINE IMPROVEMENT PROJECT, IN THE AMOUNT OF \$137,498.60; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, on November 4, 2008, the City received 6 bids for the construction of the Ottoway and Calvin Drive Waterline Improvement Project;

**Whereas**, the Staff recommends accepting the bid (\$137,498.60) received from K&S Backhoe, Inc., of Gatesville, Texas, for this project;

**Whereas**, funds are available for this project in Account No. 520-520-535-6357, project #100397; and

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

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

**Part 1:** The City Council authorizes the City Manager, or his designee, to execute a construction contract, for a cost not to exceed \$137,498.60, between the City of Temple and K&S Backhoe, Inc., of Gatesville, Texas, after approval as to form by the City Attorney, for the Ottoway and Calvin Drive Waterline Improvement Project.

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

PASSED AND APPROVED this the **20<sup>th</sup>** day of **November**, 2008.

THE CITY OF TEMPLE, TEXAS

---

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Clydette Entzminger  
City Secretary

---

Jonathan Graham  
City Attorney





## COUNCIL AGENDA ITEM MEMORANDUM

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11/20/08  
Item #4(G)  
Consent Agenda  
Page 1 of 1

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

Sharon Rostovich, Airport Director

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a five year contract with Western Petroleum Company of Greensboro, Georgia, to supply aviation bulk fuels and other business support to operate an exclusive fuel dealership at the Draughon-Miller Central Texas Regional Airport.

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

**ITEM SUMMARY:** The ExxonMobil fuel contract for supplying aviation fuels for the Airport will expire December 31, 2008.

Six oil companies responded to requests for proposals (RFP): Western Petroleum (ExxonMobil branded fuel); AvFuel; Air BP; Ascent (Phillips 66); The Hiller Group (Chevron/Texaco); and Eastern Aviation Fuels, Inc., (Shell). The RFP included a number of business items in addition to bulk fuel pricing, such as advertising assistance, credit card arrangements, insurance, quality control, fuel storage upgrades and training assistance. An evaluation committee was formed with representation from the Airport, Airport Advisory Board and Purchasing Department. The committee determined two proposals were comparable – Western and Ascent. Since the Airport has had over 20 years of positive experience with ExxonMobil and Western Petroleum is ExxonMobil Aviation's sole aviation distributor for the United States and offers ExxonMobil full service and marketing programs, the committee selected Western as the company that best met the Airport's needs and specifications. In addition to supplying fuel, Western Petroleum will also provide the City with \$65,000 in capital fueling system upgrades over the contract term.

Staff recommends that a five year contract be approved to run through December 31, 2013 with three additional one-year renewal options.

**FISCAL IMPACT:** The Airport budgeted \$2,150,400 for the purchase of aviation fuels in FY08-09. Anticipated revenue from fuel sales is \$2,679,000. In addition to fuel delivery, Western Petroleum provides the Airport technical assistance; quality control; employee training; insurance; and business support to include a \$65,000 allowance toward fueling upgrades at no additional charge.

### **ATTACHMENTS:**

[Resolution](#)



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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF TEMPLE AND WESTERN PETROLEUM COMPANY TO SUPPLY AVIATION BULK FUELS AND OTHER BUSINESS SUPPORT TO OPERATE AN EXCLUSIVE FUEL DEALERSHIP AT THE DRAUGHON-MILLER CENTRAL TEXAS REGIONAL AIRPORT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, the ExxonMobile fuel contract for supplying aviation fuels for the Airport will expire on December 31, 2008 – the City received six proposals from oil companies to supply bulk fuels and other business support to operate a fuel dealership at the Draughon-Miller Central Texas Regional Airport;

**Whereas**, a Staff committee reviewed the proposals and recommend accepting the proposal submitted by Western Petroleum Company since it best meets the Airport=s needs and specifications;

**Whereas**, in addition to providing aviation fuel for resale, Western Petroleum Company will provide the Airport with technical assistance, quality control, employee training, insurance, and business support to include a \$65,000 allowance toward fueling upgrades at no additional charge; and

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

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

**Part 1:** The City Council authorizes the City Manager, or his designee, to execute an agreement between the City of Temple, Texas, and Western Petroleum Company, after approval as to form by the City Attorney, to supply aviation bulk fuels and other business support to operate an exclusive fuel dealership at the Draughon-Miller Central Texas Regional Airport.

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

PASSED AND APPROVED this the 20<sup>th</sup> day of **November**, 2008.

THE CITY OF TEMPLE, TEXAS

---

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

---

Clydette Entzminger  
City Secretary

---

Jonathan Graham  
City Attorney





## COUNCIL AGENDA ITEM MEMORANDUM

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11/20/08  
Item #4(H)  
Consent Agenda  
Page 1 of 2

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

Traci Barnard, Director of Finance  
Belinda Mattke, Director of Purchasing

**ITEM DESCRIPTION:** Consider adopting a guaranteed maximum price construction contract with Vanguard Contractors, LP of Temple for construction of and renovations to the new Municipal Court/Utility Business Office Facility in the amount of \$1,999,557.

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

**ITEM SUMMARY:** On September 20, 2007, Council authorized a construction-manager-at-risk (CMAR) agreement with Vanguard Contractors, LP for the construction of a new Municipal Court and Utility Business Office Facility. On March 30, 2008, Council authorized the purchase of property located 401 North 3<sup>rd</sup> Street, for the purpose of constructing a new Municipal Court and Utility Business Office Facility.

Vanguard has worked closely with Architectural Edge, the architect of record on this project, to design a cost effective facility. The new facility will include approximately 15,300 square feet of renovated space and approximately 2,500 square feet of new space that will accommodate the court room.

Vanguard opened bids for the construction and renovations on October 30, 2008, and has presented to the City a Guaranteed Maximum Price (GMP) for the construction and renovations of \$1,999,557, inclusive of the general conditions and construction services fee as specified in Vanguard's CMAR proposal and a construction contingency of \$100,000 to cover any unforeseen costs due to the remodeling nature of the project. Vanguard's line item cost sheet detailing the GMP is attached.

It is anticipated that the construction and renovations to the facility will take approximately ten (10) months to complete. Staff anticipates being able to begin use of the facility in October 2009.



**FISCAL IMPACT:** Funding for this project will be split 30.48% and 69.52% between the General Fund and Utility Fund, respectively, based on square footage usage. Attached for Council approval is a budget adjustment reimbursing the Municipal Court funds in the amount of \$66,997 for the purchase of property on South 6<sup>th</sup> and MLK Jr. Drive from General Fund Designated for Capital Projects-Unallocated Fund Balance and appropriating interest earnings from the 2003 GO bond proceeds in the amount of \$230,735. After approval of this budget adjustment, funding for the construction and furnishings for the facility is available in the following accounts:

2003 GO Bond Funds, Acct 359-8800-525-6779, Project #100240	\$ 520,418
2006 CO Bond Funds, Acct 361-1800-525-6849, Project #100240	800,000
2006-08 UR Bond Funds, Acct 561-5800-535-6929, Project #100240	583,930
Restricted Municipal Court Judicial Efficiency Fees	23,738
Restricted Municipal Court Technology Fees	153,534
Restricted Municipal Court Security Fees	<u>226,700</u>
Total Funding Available	\$ 2,308,320

Based on the original architect contract being drafted with the intent of constructing a new facility on an undeveloped tract of land, savings have been identified in the amount of approximately \$98,000 in the architectural contract. Hence, a contract amendment is pending with the architect that will increase the available funds of the project to \$2,406,320.

After funding the GMP in the amount of \$1,999,557, approximately \$406,763 will remain available for the purchase of furniture, a security system, a telephone system, and other technology devices. The restricted Municipal Court Fees can only be used for specific purposes and will be used as required by state law.

The attached budget amendment also includes an adjustment to move the following restricted municipal court funds to Fund 361 for specific use in the construction contract:

Judicial Efficiency Fees (general construction)	\$23,738
Technology Fees (Court Room projection screen)	3,000
Security Fees (protective glass and bullet-proof sheeting)	35,000

**ATTACHMENTS:**

[Vanguard detailed cost sheet](#)  
[Budget Adjustment](#)  
[Resolution](#)



# VANGUARD CONTRACTORS, LP.

Municipal Court Building City of Temple

Size: New 2600 SF Remodel 14450 SF

OWNER:

Bids Due: October 30, 2008; REVISED 11/14/08

Time:

ARCHITECT: Architectural Edge

Completion Time:

Cal. Days:

Liquidated Damages:

per Cal. Day

Code No.	Description	Account 112 Subcontracts	Account #111 Lump Sum Materials	Account #110 Materials	Account #113 Labor
2A	DEMOLITION & WRECKING	1,730			
2B	EXCAVATION AND FILL	79,680			
2C	SITE IMPROVEMENTS INCLUDED W/3A				
2D	ASPHALT PAVE'T & SEALER INCLUDED W/2B				
2E	DRILLED FOOTINGS INCLUDED W/3A				
2F	LANDSCAPE & IRRIGATION ALLOWANCE	7,500			
2G	EROSION CONTROL	1,750			
2H	TERMITE PROTECTION	350			
2I	PAVEMENT MARKINGS INCLUDED W/2B				
3A	CONCRETE AND FINISHES	85,389			
3B	WOOD FORMS INCLUDED W/3A				
3C					
3D					
3E					
3F					
4A	MASONRY	19,000			
4B					
4C					
5A	REINFORCING STEEL INCLUDED W/3A				
5B	STRUCTURAL & MISC. STEEL	14,600	49,500		
5C	MISCELLANEOUS STEEL MTL W/5B	4,734			
5D					
5E	EXPANSION JOINT COVERS ALLOWANCE	750			
5F	PREFINISHED METAL PANELS	7,221			
6A	ROUGH CARPENTRY	14,815			
6B	MILLWORK ALLOWANCE	95,000			
6C	DOORS	4,321	18,958		
6D	FINISH CARPENTRY INCLUDED W/6B				
6E	INSULATION INCLUDED W/9I				
6F					
6G	ALTERATIONS / INTERIOR DEMOLITION	74,191			
6H					
6I	ROOF DECK OPENINGS ALLOWANCE	2,000			
7A	ROOFING & SHEETMETAL	87,337			
7B	DAMP-PROOF & WATER-PROOF	7,500			
7C	CAULKING INCLUDED W/7B				
7D					
8A	HOLLOW METAL	3,961	9,571		
8B	GLASS & GLAZING & WINDOWS	42,980			
8C	STOREFRONT & ENTRANCES INCL. W/8B				
8D					
9A	LATH & PLASTER	24,350			
9B	ACOUSTICAL TILE CEILING	24,482			
9C	RESILIENT FLOOR COVERING	48,300			
9D	CARPET INCLUDED W/9C				
9E	CERAMIC & QUARRY TILE				
9F					
9G	PAINTING, TAPE & FLOAT	58,392			



# VANGUARD CONTRACTORS, LP.

Municipal Court Building City of Temple

Size: New 2600 SF Remodel 14450 SF

OWNER:

Bids Due: October 30, 2008; REVISED 11/14/08

Time:

ARCHITECT: Architectural Edge

Completion Time:

Cal. Days:

Liquidated Damages:

per Cal. Day

Code No.	Description	Account 112 Subcontracts	Account #111 Lump Sum Materials	Account #110 Materials	Account #113 Labor
9H					
9I	DRYWALL	126,881			
9J	BULLET PROOF PARTITION INCLUDED W/9I		10,389		
10A	FINISH HARDWARE	9,820	31,600		
10B	TOILET ACCESSORIES	9,120			
10C	FIRE EXTINGUISHERS & CABINETS	639	1,361		
10D	TOILET PARTITIONS				
10E					
10F	LOCKERS	1,600			
10G	ALUMINUM LETTERS	2,228	1,913		
10H	SIGNAGE ALLOWANCE	3,000			
10I					
11A	APPLIANCES LABOR INCL W/10C		3,631		
11B	PEWS	11,885			
11C					
11D	PNEUMATIC TUBE ALLOWANCE	15,000			
11E	PROJECTION SCREEN ALLOWANCE	3,000			
12A	SHADES & BLINDS	3,420			
15A	HVAC	227,165			
15B	PLUMBING & UTILITIES	74,500			
15C	FIRE PROTECTION				
16A	ELECTRICAL	198,544			
17A	ELEVATOR	45,976			
17B	ELEVATOR DEMOLITION	8,000			
18	SPECIFIED ALLOWANCES	100,000			
19	MEP DEMOLITION	27,882			
20	TEMPORARY FACILITIES	38,924			
21	GENERAL CONDITIONS (NO BOND & INS.)	137,076			
22					
	DIRECT COST				
	OVERTIME				
	GENERAL CONDITIONS				
	TOTALS	1,754,993	126,923		

DIRECT COST

FACTOR

TOTAL

CORRECTIONS

FINAL BID

CORRECTIONS

REVISED FINAL BID

0

PAYROLL TAXES &amp; INSURANCE-54%

TOTAL SUB-BIDS 1,754,993

TOTAL LUMP SUM MATERIALS 126,923

TOTAL MATERIAL

TOTAL LABOR

BUILDERS RISK INSURANCE

PERMIT (FEES WAIVED) 0

LIABILITY INSURANCE 19,834

SUBTOTAL 1,901,750

SALES &amp; USE TAX

PROFIT 74,657

BOND 23,150

TOTAL 1,999,557



FY **2009****BUDGET ADJUSTMENT FORM**

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

		+		-	
ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE	DECREASE	
359-8800-525-67-79	100240	Municipal Court Renovations	\$ 230,735		
359-0000-315-11-16		Reserve for Future Expenditures		230,735	
		Appropriate interest earnings earned on the 2003 GO Bonds.			
359-8800-525-67-79	100240	Municipal Court Renovations	66,997		
359-0000-490-25-82		Transfer In	66,997		
110-9100-591-81-59		Transfer Out-2003 GO's	66,997		
110-0000-352-13-45		Desg for Capital Projects-Unallocated		66,997	
		Reimbursement from General Fund for purchase of 107 South 6th, 108 & 110 South MLK properties.			
361-1800-525-68-49	100240	Municipal Court Facility	61,738		
361-0000-490-25-82		Transfer In	61,738		
110-9100-591-81-61		Transfer Out-2006 & 2008 CO's	61,738		
110-0000-317-00-00		Reserved for Muni Court Judicial Efficiency		23,738	
110-0000-317-00-00		Reserved for Muni Court Technology		3,000	
110-0000-317-00-00		Reserved for Muni Court Security		35,000	
		Appropriate Restricted Municipal Court Funds for Court Renovations.			
		Do not post			
<b>TOTAL.....</b>			<b>\$ 616,940</b>	<b>\$ 359,470</b>	

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

This budget amendment reimburses the Municipal Court funds in the amount of \$66,997 for the purchase of property on South 6th and MLK Drive, appropriates interest earnings from the 2003 GO bond proceeds in the amount of \$230,735 and appropriates restricted Municipal Court funds to Fund 361 for specific construction uses.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒ Yes☐ No

DATE OF COUNCIL MEETING November 20, 2008

WITH AGENDA ITEM?

☒ Yes☐ No

Department Head/Division Director

Date

☐ Approved  
☐ Disapproved

Finance

Date

☐ Approved  
☐ Disapproved

City Manager

Date

☐ Approved  
☐ Disapproved



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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE,  
TEXAS, AUTHORIZING A GUARANTEED MAXIMUM PRICE  
CONSTRUCTION CONTRACT WITH VANGUARD CONTRACTORS,  
LP, OF TEMPLE FOR THE NEW MUNICIPAL COURT AND UTILITY  
BUSINESS OFFICE FACILITY IN THE AMOUNT OF \$1,999,557; AND  
PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on September 20, 2007, the City Council authorized a construction-manager-at-risk agreement with Vanguard Contractors, LP, for the construction of the new municipal court and utility business office facility;

**Whereas**, Vanguard opened bids for the construction and renovations on October 30, 2008, and has presented to the City a Guaranteed Maximum Price (GMP) for the construction and renovations of \$1,999,557;

**Whereas**, funds are available for this project in 2003 GO Bond Funds, Account 359-8800-525-6779, Project #100240; 2006 CO Bond Funds, Account 361-1800-525-6849, Project #100240; and 2006-08 UR Bond Funds, Account 561-5800-535-6929, Project #100240 – an amendment to the FY2008-09 budget needs to be approved to transfer funds to the appropriate expenditure account; and

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

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

**Part 1:** The City Council authorizes the City Manager, or his designee, to execute a guaranteed maximum price construction contract with Vanguard Contractors, LP, of Temple, Texas, after approval as to form by the City Attorney, for construction of and renovations to the new municipal court and utility business office facility, in the amount of \$1,999,557.

**Part 2:** The City Council approves an amendment to the FY2008-09 budget, substantially in the form of the copy attached as Exhibit A, for this project.

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

PASSED AND APPROVED this the 20<sup>th</sup> day of **November**, 2008.



THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Clydette Entzminger  
City Secretary

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Jonathan Graham  
City Attorney





## COUNCIL AGENDA ITEM MEMORANDUM

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11/20/08  
Item #4(I)  
Consent Agenda  
Page 1 of 2

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

Traci Barnard, Director of Finance  
Belinda Mattke, Director of Purchasing

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the City Manager or the Director of Finance to act on behalf of the City to review pricing offers submitted for the supply of electricity using the World Energy Solutions, Inc. platform, and if in the best interest of the City, enter into a contract with the lowest bidder for a period of 3 to 24 months beginning for electrical meter reads after May 31, 2009.

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

**ITEM SUMMARY:** On September 20, 2007, Council adopted a resolution to enter into a five-year contract with World Energy Solutions, Inc. to provide electricity procurement and reverse auction services at a cost of \$.001/kWh of the electricity procured by the City using World Energy's reverse auction platform. In addition, on September 20, 2007, Council adopted a resolution authorizing the City Manager or the Director of Finance to act on behalf of the City to review pricing offers submitted for the supply of electricity using the World Energy Solutions, Inc. reverse auction platform, and to enter into a contract for a period of 3 to 24 months for the supply of electricity with the lowest bidder.

On October 17, 2007, a reverse auction was performed by World Energy based on a bid prepared by the City and World Energy. Six (6) retail electrical suppliers participated in the on-line reverse auction with bids ranging from \$.06899/kWh for a 7-month contract to \$.07699/kWh for a 24-month contract. The low bidder for all bidded contract terms was Liberty Power Corporation. Upon evaluation of the bids, the City Manager and the Director of Finance concluded that the best value for the City was to go with a 19-month contract at a rate of \$.0749/kWh. Accordingly, a 19-month contract was executed with Liberty Power on October 17, 2007, locking in a base electricity rate of \$.0749/kWh through meter reads ending in May 2009.

It is not necessary to wait until spring 2009 to bid the electricity again, and electrical prices are currently declining. Accordingly, with guidance from World Energy with respect to timing the auction, staff is requesting authorization to perform a reverse auction to secure pricing for City procured electricity for meter reads beginning after May 31, 2009. Bids will be requested for periods ranging from as low as 3 months to 24 months. Based on the auction results, staff is requesting that Council



give the City Manager or the Director of Finance the flexibility to negotiate a price and term that is most advantageous to the City.

The rates for this commodity are typically only valid for a few hours after the bids close. Accordingly, it is necessary to obtain authorization from the City Council to enter into a contract with a vendor whose bid is solicited using the World Energy Exchange online auction.

**FISCAL IMPACT:** There is no cost to performing the reverse auction through World Energy Exchange. If their platform is successful in identifying a cost effective electrical provider, the successful bidder's rate will include a fee that will be transferred by the electrical service provider to World Energy. The City's annual electricity usage is approximately 27 million kWh; this calculates out to an annual embedded fee of \$27,000.

The following FY 2009 adopted budget for electricity was calculated with the assumption that there would be an electrical rate increase effective for meter reads after May 31, 2009:

General Fund	\$1,999,125
Hotel/Motel Tax Fund	108,000
Water & Wastewater Fund	1,638,000
	-----
Total FY 2009 Budget	\$3,748,525

**ATTACHMENTS:**

[Resolution](#)



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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE CITY MANAGER OR THE DIRECTOR OF FINANCE TO ACT ON BEHALF OF THE CITY TO REVIEW PRICING OFFERS SUBMITTED FOR THE SUPPLY OF ELECTRICITY USING THE WORLD ENERGY SOLUTIONS, INC., PLATFORM, AND IF IN THE BEST INTEREST OF THE CITY, ENTER INTO A CONTRACT WITH THE LOWEST BIDDER FOR A PERIOD OF 3 TO 24 MONTHS BEGINNING FOR ELECTRICAL METER READS AFTER MAY 31, 2009; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on September 20, 2007, the City Council adopted a resolution to enter into a five-year contract with World Energy Solutions, Inc., to provide electricity procurement and reverse auction services at a cost of \$.001/kWh of the electricity procured by the City using World Energy's reverse auction platform, and also authorizing the City Manager or the Director of Finance to act on behalf of the City to review pricing offers submitted for the supply of electricity using the World Energy Solutions, Inc., reverse auction platform, and to enter into a contract for a period of 3 to 24 months for the supply of electricity with the lowest bidder;

**Whereas**, On October 17, 2007, a reverse auction was performed by World Energy based on a bid prepared by the City and World Energy – 6 retail electrical suppliers participated in the on-line reverse auction with bids ranging from \$.06899/kWh for a 7-month contract to \$.07699/kWh for a 24-month contract – the City Manager and the Director of Finance concluded that the best value for the City was to go with a 19-month contract at a rate of \$.0749/kWh with Liberty Power, locking in a base electricity rate of \$.0749/kWh through meter reads ending in May 2009;

**Whereas**, it is not necessary to wait until spring 2009 to bid the electricity again, and electrical prices are currently declining -- accordingly, with guidance from World Energy with respect to timing the auction, staff requests authorization to perform a reverse auction to secure pricing for City procured electricity for meter reads beginning after May 31, 2009, and to give the City Manager or the Director of Finance the flexibility to negotiate a price and term that is most advantageous to the City; and

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

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



**Part 1:** The City Council authorizes the City Manager or the Director of Finance to act on behalf of the City of Temple to review pricing offers submitted for the supply of electricity using the World Energy Solutions, Inc., platform, and if in the best interest of the City, to enter into a contract with the lowest bidder for a period of 3 to 24 months beginning for electrical meter reads after May 31, 2009.

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

PASSED AND APPROVED this the 20<sup>th</sup> day of **November**, 2008.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Clydetta Entzminger  
City Secretary

---

Jonathan Graham  
City Attorney





## COUNCIL AGENDA ITEM MEMORANDUM

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11/20/08  
Item #4(J)  
Consent Agenda  
Page 1 of 3

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

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

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a contract with Scott & White Health Plan and establishing rates for substitute Medicare supplement insurance for City of Temple retirees and the City's contribution thereto for calendar year 2009.

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

**BACKGROUND:** Previously the trustees of the City of Temple Employee Benefits Trust adopted rates for health and dental insurance for all active employees and retirees not eligible for Medicare. City policy requires that when retirees turn 65, if they are eligible, they must enroll in the substitute Medicare supplement plan(s) offered through the City in order to receive the City's contribution. These rates are not available until the late Fall of each year, so at this time Council needs to adopt substitute Medicare supplement rates for retirees for 2009. The rates for substitute Medicare supplement insurance run from January 1<sup>st</sup> through December 31<sup>st</sup> of each year while rates for our active employees and non Medicare eligible retirees run from October 1<sup>st</sup> through September 30<sup>th</sup> of each year.

The Personnel Policies and Procedures Manual states that the City will pay 50% of the substitute Medicare Supplement rates adopted by Council for Medicare eligible retirees who have at least twenty-five (25) years of actual service with the City of Temple. On November 4, 2008, the City received two proposals. The proposals were received from Scott and White Health Plan and Humana. The City's consultant, Terry Hale of City-County Benefit Services, reviewed the proposals received and recommends the Scott and White proposal.

Scott and White, the recommended carrier, offers SeniorCare as their substitute Medicare supplement. In 2007 and 2008, retirees were offered twelve medicare supplement plans through the City. Staff has determined that Plan K - "Senior Care Preferred Plus with Basic Rx" is the package that most closely reflects the plan the City contributed 50% to in the past. Staff recommends that Council authorize a contribution of 50% toward all plans up to a maximum contribution of \$86.85 (50% of the cost of Plan K).



The new SeniorCare monthly premium recommendations for 2009 are as follows:

<b>Plan</b>	<b>Description</b>	<b>Monthly Premium</b>	<b>City's Contribution</b>	<b>Retiree's Contribution</b>
A	Senior Care Select without Rx	\$30.00	\$15.00	\$15.00
B	Senior Care Select with Value Rx	\$59.00	\$29.50	\$29.50
C	Senior Care Select with Basic Rx	\$60.10	\$30.05	\$30.05
D	Senior Care Select with Enhanced Rx	\$111.30	\$55.65	\$55.65
E	Senior Care Preferred without Rx	\$97.00	\$48.50	\$48.50
F	Senior Care Preferred with Value Rx	\$126.00	\$63.00	\$63.00
G	Senior Care Preferred with Basic Rx	\$127.10	\$63.55	\$63.55
H	Senior Care Preferred with Enhanced Rx	\$178.30	\$89.15	\$89.15
I	Senior Care Preferred Plus without Rx	\$155.00	\$77.50	\$77.50
J	Senior Care Preferred Plus with Value Rx	\$184.00	\$92.00	\$92.00
K	Senior Care Preferred Plus with Basic Rx	\$185.10	\$92.55	\$92.55
L	Senior Care Preferred Plus with Enhanced Rx	\$236.30	\$92.55	\$143.75

According to the consultant, this insurance should be awarded by the Council and not the Trust because it is considered an individual plan instead of a group plan and is not eligible for the tax credit.



**FISCAL IMPACT:** Budgeted amount: \$185,450 in account 110-2700-515-1231\*  
Estimated amount for FY06-07: \$46,645.20 \*\*

\* Budget includes all retirees' insurance

\*\* Maximum contribution of \$92.55 x 56 Medicare eligible retirees (as of 11/10/08) x 9 months (Jan - Sept) = \$46,645.20; the number of retirees could change over the course of the year.

**ATTACHMENTS:**

[Medicare Supplement Proposal Analysis  
Resolution](#)



**City of Temple**  
**Medicare Supplement**  
**Rates 1/1/09-12/31/09**

Plan	SWHP	Monthly	City Pays	Retiree Pays	Enrolled 2008
1	Senior Care Select without Rx	\$30.00	\$15.00	\$15.00	
2	Senior Care Select with Value Rx	\$59.00	\$29.50	\$29.50	
3	Senior Care Select with Basic Rx	\$60.10	\$30.05	\$30.05	
4	Senior Care Select with Enhanced Rx	\$111.30	\$55.65	\$55.65	
5	Senior Care Preferred without Rx	\$97.00	\$48.50	\$48.50	3
6	Senior Care Preferred with Value Rx	\$126.00	\$63.00	\$63.00	
7	Senior Care Preferred with Basic Rx	\$127.10	\$63.55	\$63.55	
8	Senior Care Preferred with Enhanced Rx	\$178.30	\$89.15	\$89.15	
9	Senior Care Preferred Plus without Rx	\$155.00	\$77.50	\$77.50	2
10	Senior Care Preferred Plus with Value Rx	\$184.00	\$92.00	\$92.00	
11	Senior Care Preferred Plus with Basic Rx	\$185.10	\$92.55	\$92.55	26
12	Senior Care Preferred Plus with Enhanced Rx	\$236.30	\$92.55	\$143.75	17
					<hr/> 48

Plan 11 is Plan City currently pays @ 50%

Plan	Humana	Monthly Cost	City Pays	Retiree Pays
1	Plan 550 W/O Rx	\$97.00	\$48.50	\$48.50
2	Plan 550 With Rx Option 3	\$169.00	\$84.50	\$84.50

City Can Only Offer One Plan Or The Other



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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONTRACT WITH SCOTT AND WHITE HEALTH PLAN AND ESTABLISHING RATES FOR SUBSTITUTE MEDICARE SUPPLEMENT INSURANCE FOR CITY OF TEMPLE RETIREES AND THE CITY'S CONTRIBUTION THERETO FOR CALENDAR YEAR 2009; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on November 4, 2008, the City received 2 proposals for substitute Medicare supplement insurance for retirees for calendar year 2009;

**Whereas**, the proposals were reviewed by the City's consultant with City-County Benefits Service who recommends accepting the proposal received from Scott and White Health Plan;

**Whereas**, the City's Personnel Policies & Procedure Manual provides that the City will pay 50% of the substitute Medicare Supplement rates adopted by the City Council for Medicare eligible retirees who have at least 25 years of actual service with the City of Temple;

**Whereas**, the estimated expenditure for 2009 is \$46,645.20, and funds for retirees' insurance are budgeted in Account No. 110-2700-515-1231; and

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

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

**PART 1:** The City Council authorizes the City Manager, or his designee, to execute an agreement with Scott and White Health Plan, after approval as to form by the City Attorney, for substitute Medicare supplement insurance for City of Temple retirees for calendar year 2009 at the following rates:



<b>Plan</b>	<b>Description</b>	<b>Monthly Premium</b>	<b>City's Contribution</b>	<b>Retiree's Contribution</b>
A	Senior Care Select without Rx	\$30.00	\$15.00	\$15.00
B	Senior Care Select with Value Rx	\$59.00	\$29.50	\$29.50
C	Senior Care Select with Basic Rx	\$60.10	\$30.05	\$30.05
D	Senior Care Select with Enhanced Rx	\$111.30	\$55.65	\$55.65
E	Senior Care Preferred without Rx	\$97.00	\$48.50	\$48.50
F	Senior Care Preferred with Value Rx	\$126.00	\$63.00	\$63.00
G	Senior Care Preferred with Basic Rx	\$127.10	\$63.55	\$63.55
H	Senior Care Preferred with Enhanced Rx	\$178.30	\$89.15	\$89.15
I	Senior Care Preferred Plus without Rx	\$155.00	\$77.50	\$77.50
J	Senior Care Preferred Plus with Value Rx	\$184.00	\$92.00	\$92.00
K	Senior Care Preferred Plus with Basic Rx	\$185.10	\$92.55	\$92.55
L	Senior Care Preferred Plus with Enhanced Rx	\$236.30	\$92.55	\$143.75

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



PASSED AND APPROVED this the **20<sup>th</sup>** day of **November**, 2008.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

---

Clydette Entzminger  
City Secretary

---

Jonathan Graham  
City Attorney





## COUNCIL AGENDA ITEM MEMORANDUM

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11/20/08  
Item #4(K) (1-2)  
Consent Agenda  
Page 1 of 2

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

Lonzo Wallace, Fire Chief

**ITEM DESCRIPTION:** 1. Consider adopting a resolution authorizing the acceptance of a 100% reimbursement grant with no matching funding from the State of Texas Homeland Security Program for the grant year of 2008 in the amount of \$63,399.00 to be used for the purchase of Haz-Mat equipment.

2. Consider adopting a resolution authorizing the purchase of a 2009 Ford F-350 crew cab 4x4 diesel pickup from Philpott Motors using the Houston-Galveston Area Council Interlocal Cooperative at a cost of \$49,650.00.

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

**ITEM SUMMARY:** The Federal Homeland Security Grant was initiated in 2001. The purpose of the grant is to facilitate communication between public safety agencies and to support the development of regional hazmat teams. Temple Fire & Rescue (TFR) has received this annual grant for Temple's regional Haz-Mat team over the last several years as grant funds were available. TFR applied for a grant this year for the purpose of improving the response capability of the the City's regional Haz-Mat team by giving them the ability to transport a previously acquired portable Cascade air station (self-contained breathing apparatus refill station) and to improve the Haz-Mat team's regional response capabilities.

Funds from this year's grant will be used to purchase the following items:

- 2009 Ford F-350 crew cab pickup with a service body would be used to tow TFR's portable cascade system trailer along with transporting other Haz-Mat equipment and supplies to Fire Department incidents.
- 2009 – 12-foot flat bed dual axle trailer which would be utilized to transport up to 200 gallons of firefighting foam concentrate to a flammable liquids fire incident.
- 200 gallons of firefighting alcohol resistant foam (AFFF)



- 1 - Honda 3000 watt generator with a 1000 watt flood light used to illuminate night time incidents.
- 4 - Vehicular mounted scene lights used to illuminate to area directly adjacent to Haz-Mat 3 and the 2009 Ford F-350 tow pick-ups.
- A propane burn-off kit which would allow TFR to mitigate a flammable gas tanker incident through the process of burning off the hazardous product thus making the vehicle safer for removal and reducing the potential for a catastrophic rupture and release of the product and its container.
- Reusable chemical cordura nylon training suits which are designed to accommodate repeated training uses and simulations.

In addition to authorizing the acceptance of the grant, this Agenda Item also requests authorization to purchase the specified 2009 Ford F-350 crew cab truck. The truck will be purchased from Philpott Motors using pricing bid through the Houston-Galveston Area Council. When not in use, the truck will be stored at Station 4.

**FISCAL IMPACT:** 1. If the City accepts this grant from the State of Texas Homeland Security Program, the City would receive \$63,399 of grant funds for the purchase of Haz-Mat equipment. A City match is not required. A Budget Adjustment is submitted for your approval to appropriate the equipment purchase and receipt of grant funds.

2. Upon approval of item 1 in this Agenda Item Memorandum, funding in the amount of \$49,650.00 is available in account 260-2200-522-62-13 (Automotive) for the purchase of the 2009 Ford F350.

Temple Fire & Rescue would absorb the cost of fuel and maintenance on the items purchased into their Operating Budget.

**ATTACHMENTS:**

Budget Adjustment  
Resolutions



FY **2009****BUDGET ADJUSTMENT FORM**

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

**Adjustments should be rounded to the nearest \$1.**

+

-

ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE	DECREASE
260-2200-522-62-13	100473	Automotive	\$ 50,750	
260-2200-522-22-11	100474	Instruments & Special Equipment	11,206	
260-2200-522-21-13		Clothing & Uniforms	1,443	
260-0000-431-01-63		Federal Grants	63,399	
<b>TOTAL.....</b>			<b>\$ 126,798</b>	<b>\$ -</b>

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

Appropriate funds to recognize the receipt grant funds from the State of Texas Homeland Security Program for the grant year 2008. Funds will be used to purchase Haz-Mat equipment including a 2009 Ford F-350 crew cab truck, a 12 foot flat bed dual axle trailer, 200 gallons of firefighting foam, 1 Honda 3000 watt generator, 4 vehicle mounted scene lights, a propane burn-off kit, and reusable chemical training suits.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒

Yes

☐

No

DATE OF COUNCIL MEETING

20-Nov-08

WITH AGENDA ITEM?

☒

Yes

☐

No

Department Head/Division Director

Date

☐

Approved

☐

Disapproved

Finance

Date

☐

Approved

☐

Disapproved

City Manager

Date

☐

Approved

☐

Disapproved



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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS; AUTHORIZING THE ACCEPTANCE OF A 100% REIMBURSEMENT GRANT WITH NO MATCHING FUNDING FROM THE STATE OF TEXAS HOMELAND SECURITY PROGRAM FOR THE GRANT YEAR OF 2008 IN THE AMOUNT OF \$63,399.00 TO BE USED FOR THE PURCHASE OF HAZ-MAT EQUIPMENT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas,** Temple Fire & Rescue is eligible to receive a \$63,399.00 grant with no matching funding from the Department of Homeland Security's Office of Grants and Training to purchase or upgrade Haz-Mat equipment;

**Whereas,** the funds will be used to purchase a 2009 Ford F-350 crew cab 4x4 diesel pickup which will be used to transport a previously acquired portable Cascade air station (self-contained breathing apparatus refill station) and to improve the Haz-Mat team's regional response capabilities;

**Whereas,** the City will not be required to provide a local match, but an amendment to the FY2008-09 budget needs to be approved to recognize receipt of the funds; and

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

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

**Part 1:** The City Council authorizes the acceptance of a \$63,399.00 grant with no matching funding from the Department of Homeland Security's Office of Grants and Training to be used for the purchase of Haz-Mat equipment.

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

**Part 3:** The City Council approves an amendment to the FY2008-2009 budget, substantially in the form of the copy attached as Exhibit A, for this purpose.

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

PASSED AND APPROVED this the **20<sup>th</sup>** day of **November**, 2008.

THE CITY OF TEMPLE, TEXAS

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

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Clydetta Entzminger  
City Secretary

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



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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF A 2009 FORD F-350 CREW CAB 4X4 DIESEL PICKUP FROM PHILPOTT MOTORS USING THE HOUSTON-GALVESTON AREA COUNCIL INTERLOCAL COOPERATIVE AT A COST \$49,650.00; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas,** Temple Fire & Rescue received a 100% reimbursement grant with no matching funding from the State of Texas Homeland Security Program in the amount of \$63,399.00 to be used for the purchase of Haz-Mat equipment;

**Whereas,** Temple Fire & Rescue desires to use the funds to purchase a 2009 Ford F-350 crew cab 4x4 diesel pickup from Philpott Motors using the Houston-Galveston Area Interlocal Cooperative at a cost of \$49,650.00;

**Whereas,** funds are available for this purchase in Account No. 260-2200-522-6213; and

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

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

**Part 1:** The City Council authorizes the purchase of a 2009 Ford F-350 crew cab 4x4 diesel pickup from Philpott Motors using the Houston-Galveston Area Interlocal Cooperative, at a cost of \$49,650.00;

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

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

PASSED AND APPROVED this the 20<sup>th</sup> day of November, 2008.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor



ATTEST:

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Clydette Entzminger  
City Secretary

APPROVED AS TO FORM:

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Jonathan Graham  
City Attorney





## COUNCIL AGENDA ITEM MEMORANDUM

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11/20/08  
Item #4(L)  
Consent Agenda  
Page 1 of 2

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

Tim Dolan, AICP, Planning Director

**ITEM DESCRIPTION:** SECOND READING – Z-FY-08-37: Consider adopting an ordinance authorizing a zoning change from Agricultural District (A) to a Planned Development General Retail District (PD-GR) on a 12.2± acre tract of land and a zone change to a Single Family Two District (SF-2) on a 38.5± acre tract of land for a total 50.7± acres on the northeast corner of FM 93 and South 5<sup>th</sup> Street, out of the Maximo Moreno Survey, Abstract No. 14. **(Note: Approval of this item on consent agenda will rezone the subject property to PD-GR and PD-SF2 as approved on first reading.)**

**PLANNING & ZONING COMMISSION & STAFF RECOMMENDATION:** The Planning and Zoning Commission voted 8/0, upon Staff's recommendation, recommending approval of Case Z-FY-08-37 for the following reasons:

1. The request complies with the requested amendment to the Future Land Use Plan of the West Temple Plan for a planned development general retail and single-family residential uses;
2. The request complies with the Thoroughfare Plan for Arterial Roadways of access to South 5<sup>th</sup> Street and FM 93; and
3. Water serves the site and the sewer will be extended southward from South Temple Park as part of the engineering plans associated with a Preliminary Plat.

**The Planning & Zoning Commission recommended a PD-GR for allowed uses, uses requiring a CUP, and prohibited uses. The staff is recommending both a PD-GR and a PD-SF-2 to address the responsibility of installing and maintaining screening walls, as discussed at the October 16<sup>th</sup> City Council meeting.**

**ITEM SUMMARY:** The City Council tabled this item on first reading and continued the public hearing at its meeting on October 16, 2008. The Council directed Staff to continue working with the applicant to create Planned Development standards for the exterior screening of the future single family lots adjacent to South 5<sup>th</sup> Street and backing to FM 93, through the use of a home owner association (HOA). The Council also directed Staff to work with the applicant to draft the timing or a 'trigger' to pull when the commercial screening of a wall/fence and landscaping is to be installed on the north and east sides of the Planned Development-General Retail (PD-GR).



Staff has met with the applicant and requested revisions are included in the ordinance. A wood screening fence with masonry columns will be installed next to South 5<sup>th</sup> Street and behind the lots parallel to FM 93 and maintained by an HOA. The commercial screening will be installed after the applicant installs the water, sewer and storm drainage infrastructure for the PD-GR area. All landscaping on the outside of the commercial screening will be installed prior to a certificate of occupancy for the first building permit for the PD-GR area, subject to the PD requirements.

Please refer to the Staff Report and draft minutes of case Z-FY-08-37, from the Planning and Zoning meeting, September 15, 2008. The proposed ordinance contains the regulations for the Planned Development General Retail District (PD-GR).

The Commission recommended a Planned Development General Retail (PD-GR) district allowing almost all the retail uses which are conducive to the planned single family neighborhood, eliminating all residential uses (which are allowed in the GR zoning district and needs to be fixed), and requiring a conditional use permit (CUP) for retail uses which affect the outdoors similar to a florist or garden shop, greenhouse or plant nursery (retail sales) a drive-in restaurant or tool rental store with outside storage. The CUP process requires site plan approval by the Planning & Zoning Commission, with final authority of the City Council. This PD is similar to one approved in 2004 for the commercial area south of FM 93 and on both sides of Dubose Road, associated with the Valley Ranch Subdivision.

**FISCAL IMPACT:** None

**ATTACHMENTS:**

[Aerial](#)  
[Land Use Map](#)  
[Zoning Map](#)  
[Notice Map](#)  
[Planned Development Concept Plan](#)  
[PZ Staff Report](#)  
[PZ Excerpts](#)  
[Letters from property owners](#)  
[Ordinance](#)



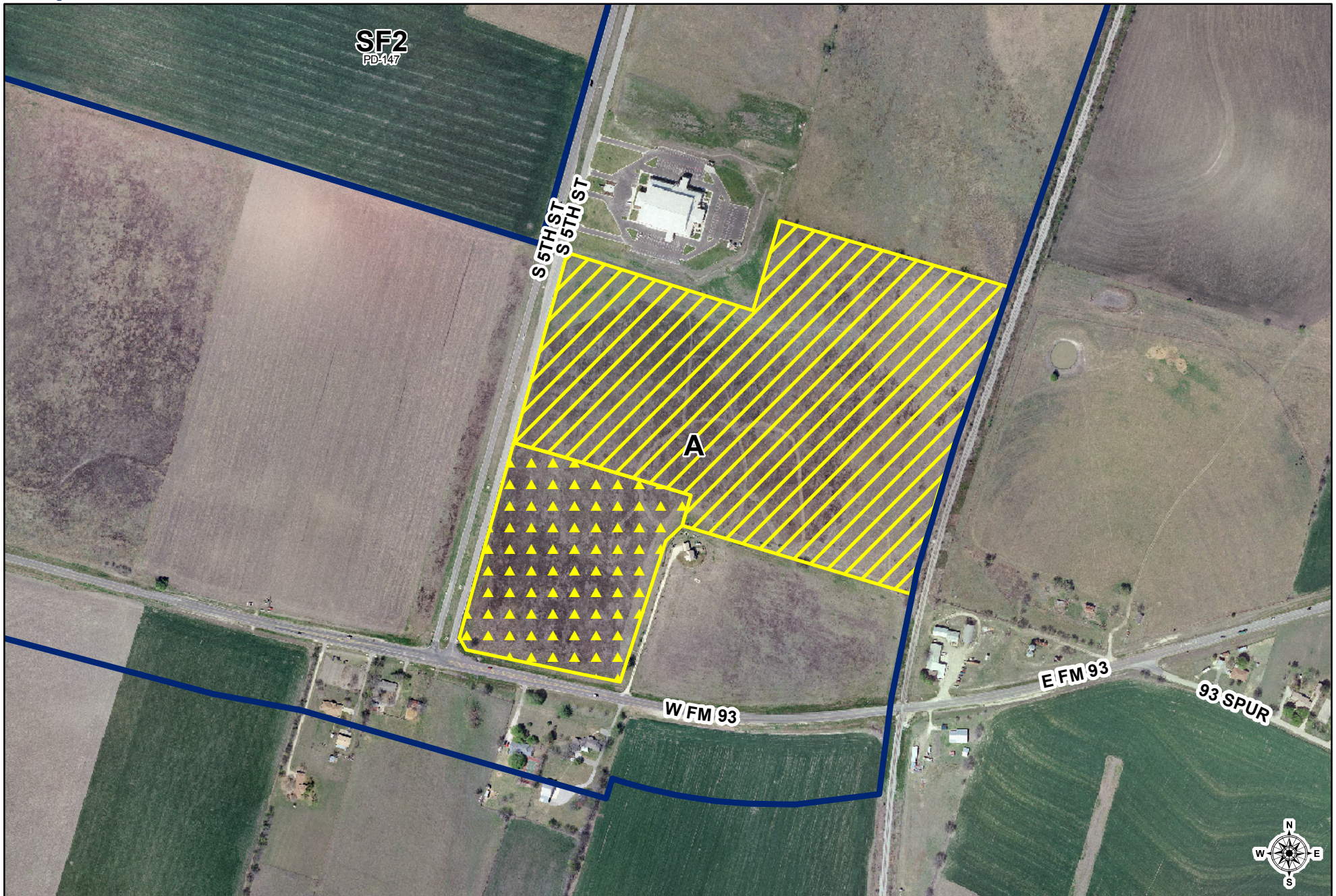


**Z-FY-08-37**

50.69 Acres

OB#6070-A

Proposed Aberdeen Heights Addtn.



Proposed SF2



Proposed GR

A to SF2 & GR Zoning

1 inch = 500 feet  
J Stone 08.12.08





Z-FY-08-37

50.69 Acres

OB#6070-A

Proposed Aberdeen Heights Addtn.

**Area of Proposed Zoning**



- Proposed SF2
- Proposed GR

**CLUP**

**Agricultural**

- AGRICULTURE

**Residential**

- LOW DENSITY (UE)
- MOD DENSITY (SF1, SF2, SF3, MH, 2F)
- MED DENSITY (MH, 2F, TH, MF1)
- HIGH DENSITY (MF2)

**Commercial**

- OFFICE (O1, O2)
- 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 Dvmt
- Fwy Com/Tech/Indust
- Intermodal

**Community Facilities**

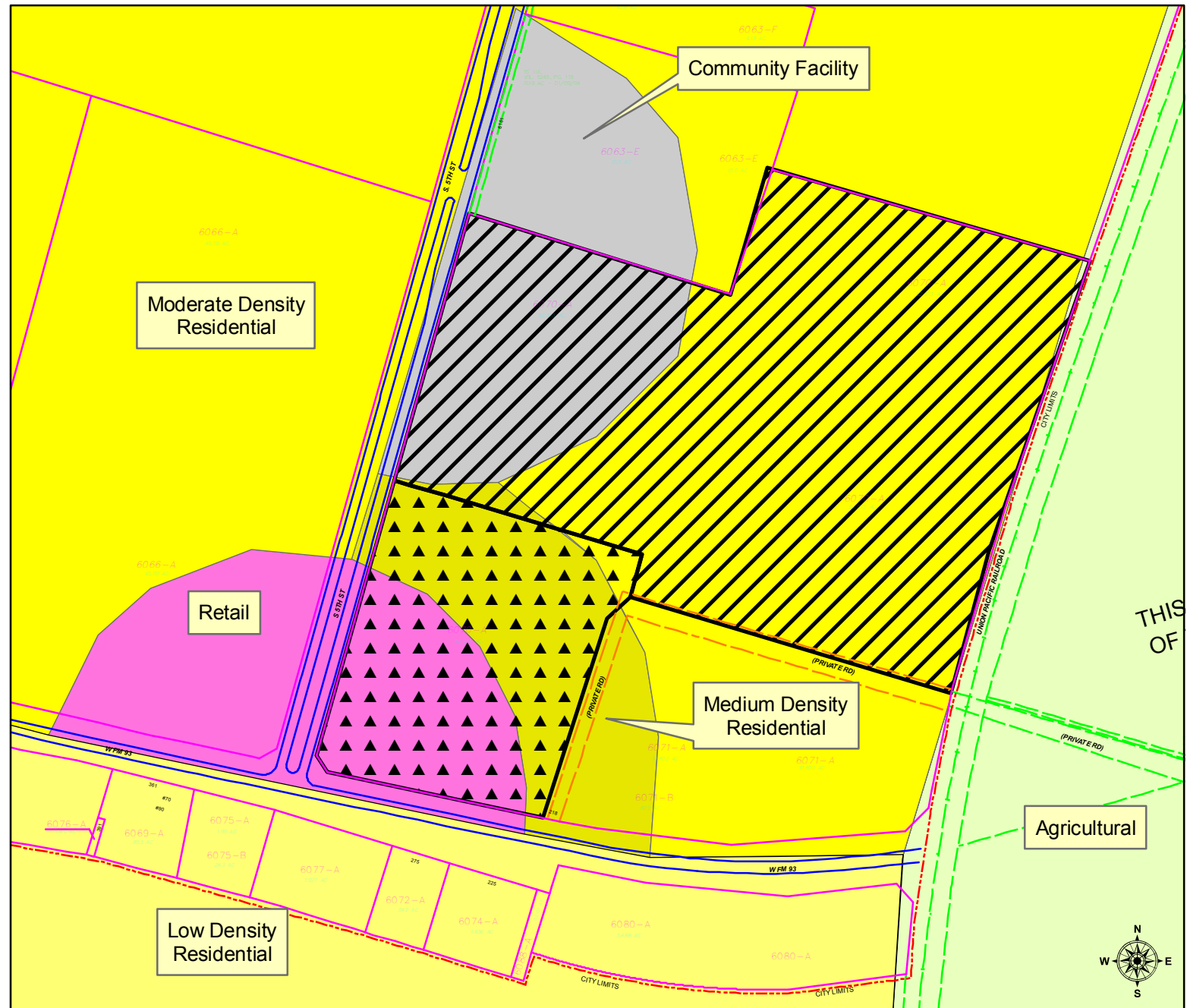
- COMMUNITYFACILITY
- CF-E (EDUCATIONAL)
- CF-G (GENERAL)
- CF-R (RESIDENTIAL)
- CF-M (MEDICAL)

**Park Land**

- PROPOSED FLOATING PARK
- PARKS

**Downtown**

- DOWNTOWN



A to SF2 & GR Zoning

1 inch = 400 feet  
J Stone 08.12.08



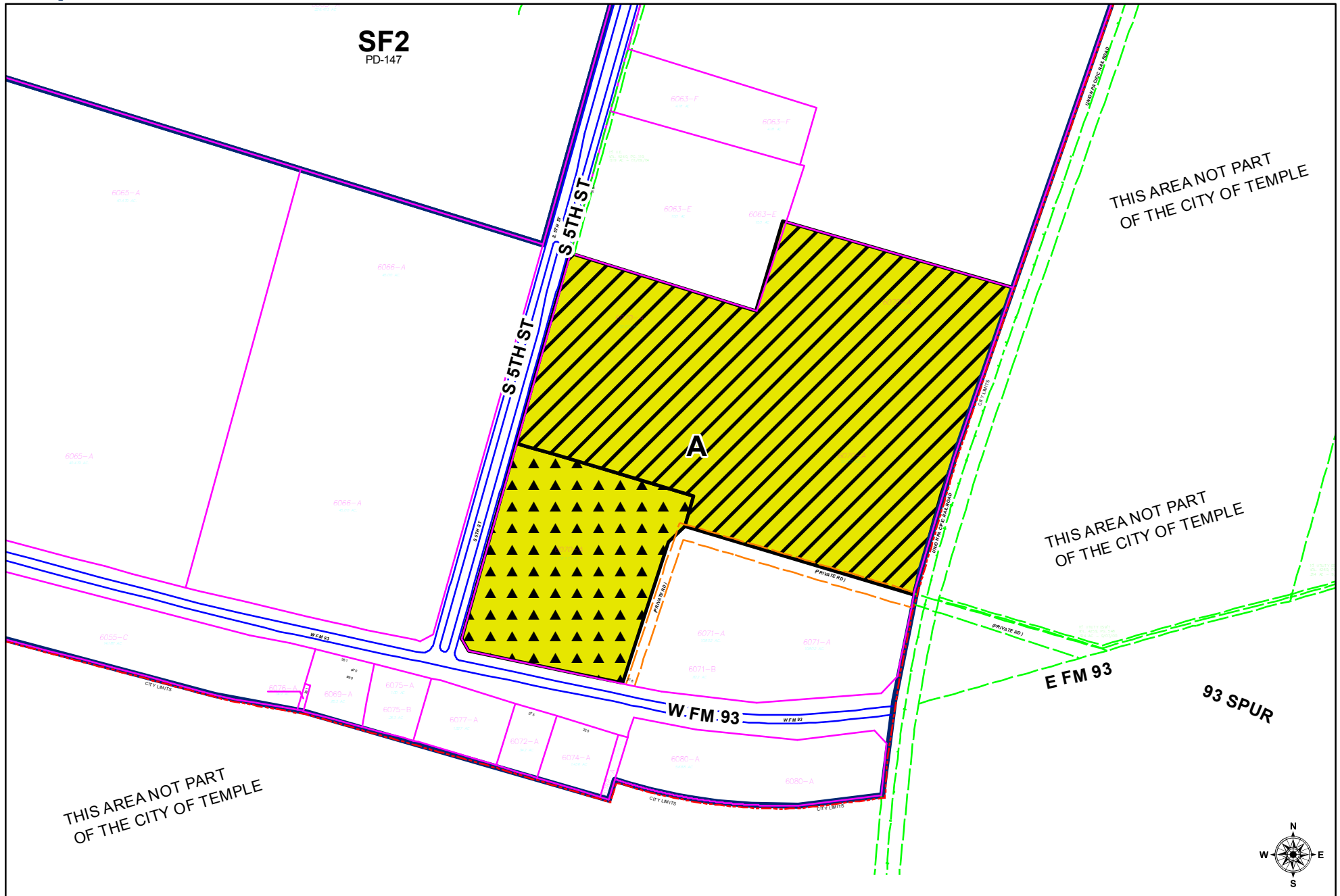


**Z-FY-08-37**

50.69 Acres

OB#6070-A

Proposed Aberdeen Heights Addtn.



Proposed SF2



Proposed GR

A to SF2 & GR Zoning

1 inch = 500 feet  
J Stone 08.12.08



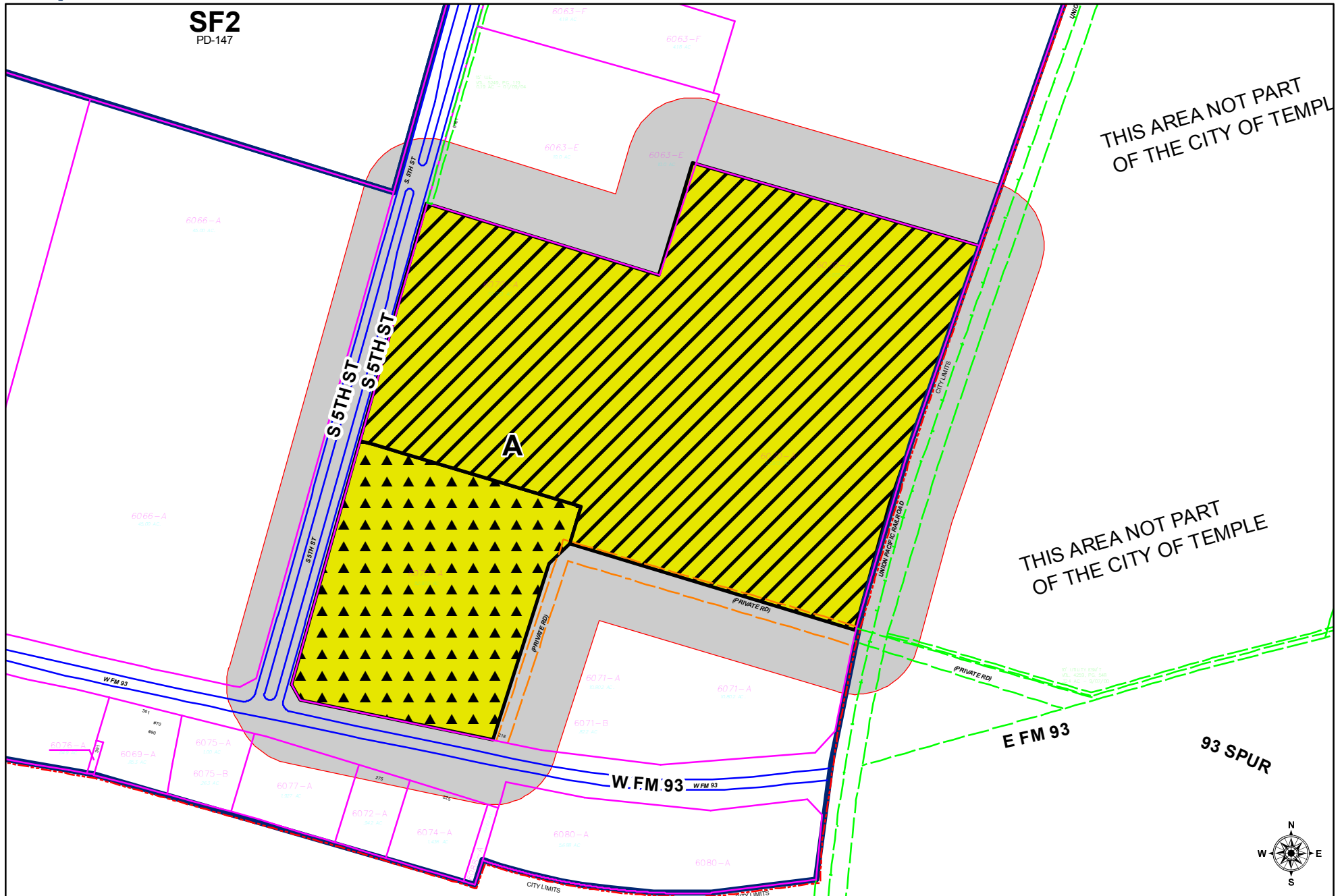


**Z-FY-08-37**

50.69 Acres

OB#6070-A

Proposed Aberdeen Heights Addtn.



THIS AREA NOT PART  
OF THE CITY OF TEMPLE

THIS AREA NOT PART  
OF THE CITY OF TEMPLE

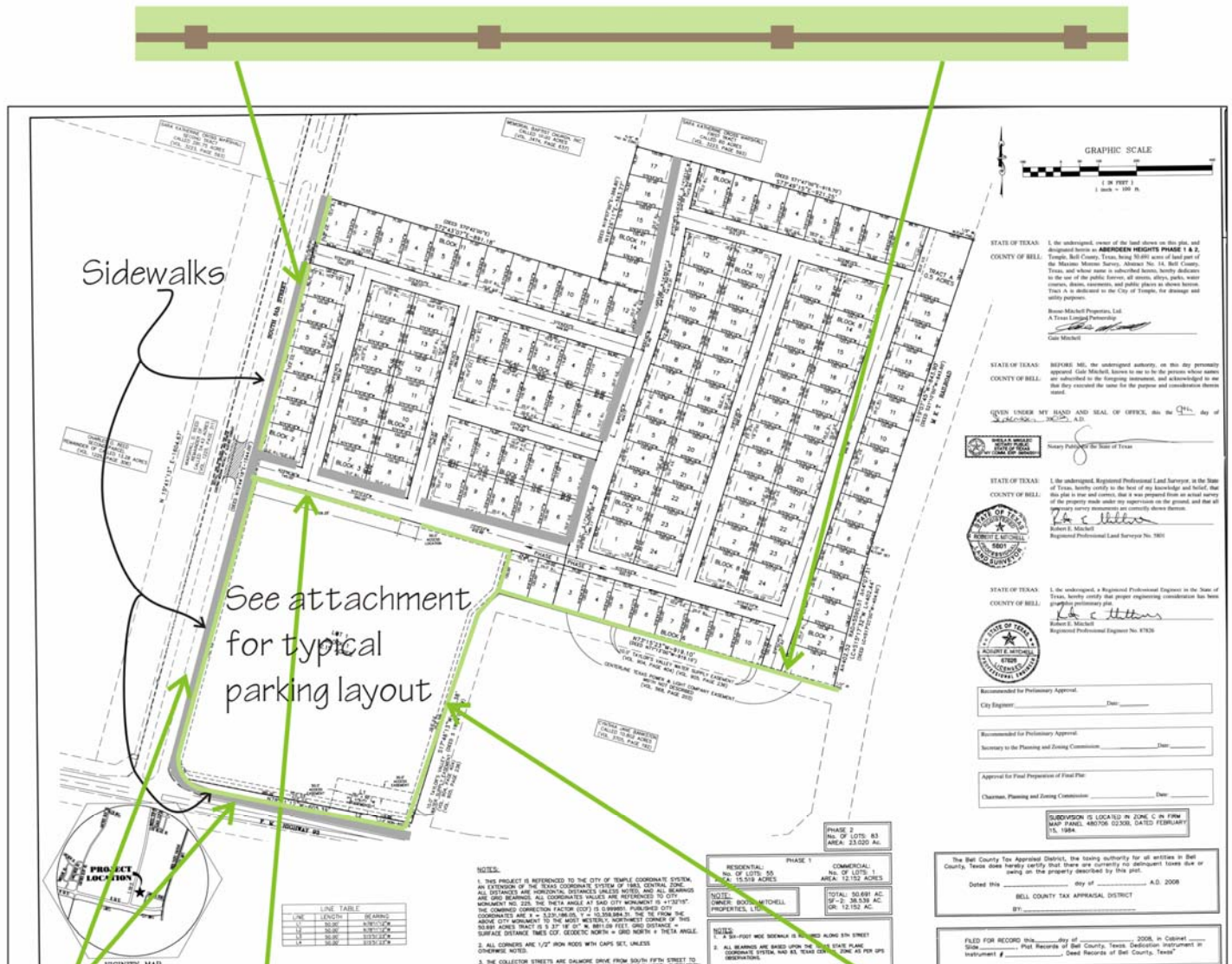
Proposed SF2 Proposed GR 200' Buffer

A to SF2 & GR Zoning

1 inch = 400 feet  
J Stone 08.12.08

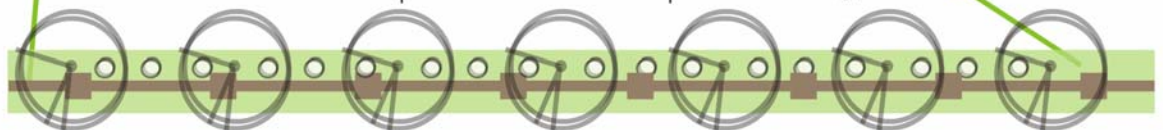


6' to 8' stained wood fence  
with brick or rock columns with capstones  
50' to 75' apart  
Maintained by Home Owners Association



Min. 5% landscape area  
with hardwood trees 25'  
& shrubs 5' on center  
with living groundcover

6' to 8' wall with brick or rock columns interspersed with wood plank fencing



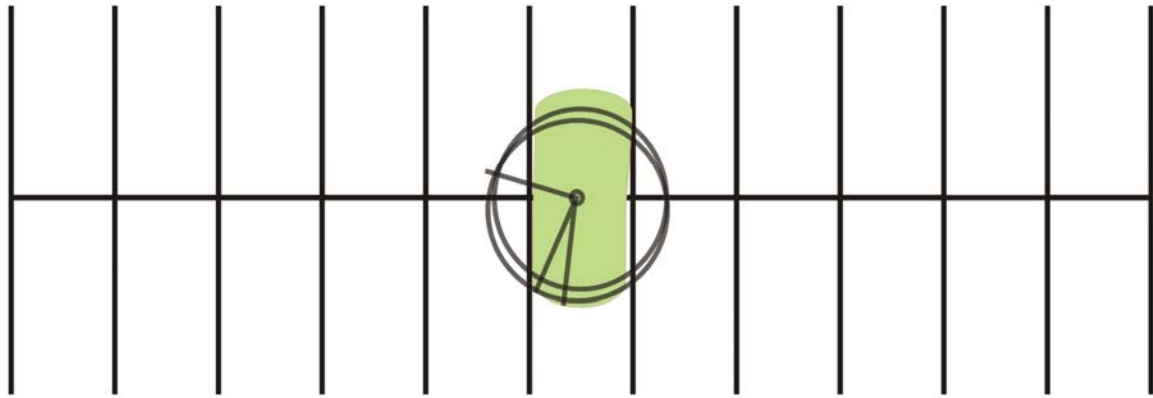
Hardwood trees 25' on center with shrubs 5' on center  
Maintained by Property Owners Assoc.

Note: In addition to improvements noted on this Concept Plan, development must meet Landscaping Regulations of the Zoning Ordinance



# Aberdeen Heights Concept Plan

## Typical Parking Layout



← 20 spaces maximum  
with 128 sq. ft. island and 1 tree →





# PLANNING AND ZONING COMMISSION AGENDA ITEM

09/15/08

Item 4

Regular Agenda

Page 1 of 8

**APPLICANT / DEVELOPMENT:** Boose-Mitchell Properties Inc. c/o Mitchell & Associates, Inc.

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

**ITEM DESCRIPTION:**

Z-FY-08-37: Hold a public hearing to discuss and recommend action on a zone change from Agricultural District to Planned Development General Retail District on a 12.2 ± acre tract of land and a zone change to Single Family Two District on a 38.5 ± acre tract of land for a total 50.7± acres on the northeast corner of FM 93 and South 5<sup>th</sup> Street, out of the Maximo Moreno Survey, Abstract No. 14.

**HISTORY:**

The applicant withdrew Z-FY-08-26, July 21<sup>st</sup>, which contained a smaller retail request (7.5 acres with duplex on the eastern edge) and two-family (duplex) residential development.

**BACKGROUND:**

The applicant requests the PD-GR zoning for 12.2± acres for a planned retail center which will have one point of access from SH 93 and receive access from two points on South 5<sup>th</sup>. The masonry standards adopted in April 2008 will apply to all buildings on the subject property. The applicant will be required to receive approval from TXDOT for access to FM 93 as part of the subdivision process. The applicant also requests for Single Family-2 (SF-2) single family residential development for the 38.5± acre tract, which would yield 138 single family residential lots. (See Agenda Item 5 – Preliminary Plat).

**Surrounding Property and Uses**

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

Direction	Zoning	Current Land Use
North	AG	Church
East	ETJ-MKT Railroad	Vacant
South	AG	Rural Residential
West	AG	Rural Residential

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

**Future Land Use Plan & Future Trends**

The Future Land Use Plan shows the area as a combination of retail, of which a shopping center is allowed and moderate density residential, which allows the SF-2, single family residential. Both requests conform to the Future Land Use Plan.



#### Thoroughfare Plan

Both FM 93 and South 5<sup>th</sup> Street are shown as Arterial Roads, which will provide access to the future shopping center and residential subdivision. The request conforms to the Thoroughfare Plan. Access from SH 93 will require approval of a TXDOT permit.

#### Adequacy of Public Facilities

Adequate water and sewer are available to serve the subject tract.

#### Development Regulations

##### Single Family 2 (SF-2) and Traffic Generation

The SF-2 district allows single family-residential development only, with approximately three and one half (3.5) units net per acre, and a maximum building height of 2 ½ stories. The SF-2 dwelling district is designed to accommodate single family. The minimum lot area for SF-2 is 5,000 square foot with setbacks for 25 feet in the front yard, 5 feet in the side yard and 10 feet in the rear yard. The lot yield for the 38.5± acres would yield 138 residential lots.

The trip generation for a residential subdivision is 10 trips per lot. For 138 dwelling units, the trip generation would create 1,380 vehicular trips, requiring two points of access. Staff has been working with Design Standard Advisory Board to use a ratio of one point of ingress for each 75 lots. The applicant will provide two points of access to a proposed subdivision (See Agenda Item 4 – Preliminary Plat).

##### Planned Development General Retail (PD-GR)

The General Retail District is the standard retail district and allows most retail sales, restaurants, grocery store, department store, or offices and all residential uses except apartments, with a maximum building height of 3 stories. There is no minimum lot area, width or depth. The building setback for the front yard is 30' from the street centerline, and 10' adjacent to a residential district with a screening fence to separate the commercial from the residential use.

The use of a Planned Development provides flexibility for development standards because of proximity of other development, topography, road access and the environment. Here the planned GR is across the street from a proposed single family subdivision. Staff recommends a PD approach for land uses, the required screening and buffering and landscaping to prohibit some incompatible uses when located next to single family residential, ensures separation from loading and service areas from the retail to the residential area and to ensure the recommended landscape standards.

Staff has discussed the following PD-GR requirements with applicant which is in agreement. The purpose of the PD is to recommend those base GR district uses allowed by right, requiring a conditional use permit (which requires site plan approval by the Planning & Zoning Commission and the City Council) and prohibited uses. (Staff is working on revised Land Use Tables which will eliminate the possible single family use types in the GR District as part of its work for a modified Unified Development Ordinance).

1. The following uses shall be permitted within the said PD-GR district:

- Antique shop
- Art supply store
- Retail bakery



- Bank or saving and loans office
  - Barber or beauty shop
  - Book or stationery shop
  - Cleaning and pressing small shop and pick up
  - Customer personal service shop
  - Discount or department store
  - Drug store or pharmacy
  - Florist or garden shop
  - Food beverage sales store with gasoline pumps
  - Food beverage sales store without gasoline pumps
  - Furniture and appliance store
  - Greenhouse or plant nursery (retail sales)
  - Handcraft shop and art objects
  - Hardware store or hobby shop
  - Key shop
  - Laboratory, Medical or Dental
  - Laundry and cleaning
  - Medical appliances, fitting, sales or rental
  - Offices, general business and professional
  - Pet shop
  - Restaurant or cafeteria (not drive-in type)
  - Retail shop, gift, apparel, accessory and similar items
  - Retail shop other than listed
  - Photographer studio
  - Studio, music, dance or drama
  - Tool rental (inside only)
  - Travel bureau or consultant
  - Veterinarian office only (no animal hospital, no inside pens)
2. The following uses require a conditional use permit within the said (PD-GR) district:
- Restaurant or eating place (drive-in service)
  - Health and reducing or similar service studio
  - Veterinarian hospital (inside pens)
  - Tool rental (outside equipment storage)
3. The following uses are prohibited within the said (PD-GR) district:
- Single family detached residential
  - Single family attached dwelling
  - Townhouse
  - Two family dwelling (duplex)
  - Industrialized housing
  - Single family dwelling attached 3
  - Family home
  - Accessory dwelling
  - Accessory building (residential)



- Backyard compost operation
- Home occupation
- Hotel or motel
- Stable (private)
- Electrical substation (high voltage bulk power)
- Electrical transmission line (high voltage)
- Gasoline and regulation station
- Cleaning Plant (Commercial)
- Household appliance service or repair
- Pawn Shop
- Radio or television tower
- Radio, television transmitting station
- Telephone Exchange Switch-relay or transmitting equipment
- Public building shop yard of local, state or federal government
- Water Treatment Plant
- Playfield or stadium (public)
- Roller or ice rink
- Child Care: small home facility
- Fraternity or sorority
- Helistop
- Railroad track or right-of-way
- Veterinarian Hospital (outside pens only)
- Farm, ranch orchard or garden
- Flea market (indoors)
- Plumbing shop
- Warehouse office

**Required Buffering – PD-GR**

The required buffer is a minimum of a six foot fence made of masonry, wood or 'other suitable materials' to separate the non-residential area from a residential area. Landscaping may be used in lieu of a screening fence but no criterion is provided in the Zoning Ordinance. Staff has discussed the following PD buffering requirements with applicant which is in agreement.

The following buffering standards shall apply.

A. North and east side of the said PDD-GR tract -

1. Design. Buffering must meet the following design standards:

- a) Buffering landscaping shall consist of a five-foot wide (5.0') landscape edge consisting of hardwood trees on 25' centers, a minimum 2" caliper and five foot planted height, with five gallon shrubs placed five feet on center between trees located outside of the buffering wall adjacent to Dalmore Drive and the eastern property line.



- b) Buffering walls shall consist of fences or walls constructed of wood, masonry, stone or pre-cast concrete, with integrated color to the primary buildings, texture and pattern, with a minimum 6' vertical height and a maximum 8' vertical height.
- c) Openings in fence or wall buffering must not contain openings constituting more than 40 square inches in each square foot of wall or fence surface. The objective is to create a visual barrier.

**Required Landscaping –PD-GR**

The required landscaping for non-residential uses is to cover 5% of the site but excepting driveways, parking lots and loading areas, with trees spaced 40' on center, or to use three shrubs in lieu of trees. No specification of shrub size is required. Essentially, only the building counts towards the landscape requirements. Staff has worked with City Council and received recommendation to consider 5% of the entire site with trees spaced every 25' on center with 5-gallon shrubs to be interspersed between the trees, plus to consider parking lot trees for every 20 spaces. These standards apply here.

4. Landscaping Standards on FM 93 and South Fifth Street and interior parking areas

- a) FM 93: Five percent of the lot area along FM 93 shall consist of hardwood trees on 25' centers, a minimum 2" caliper and five foot planted height, with five gallon shrubs placed five feet on center between trees.
- b) South Fifth Street: Five percent of the lot area along South 5<sup>th</sup> Street shall consist of hardwood trees on 25' centers, a minimum 2" caliper and five foot planted height, with five gallon shrubs placed five feet on center between trees.
- c) Dalmore Drive: Five percent of the lot area along South 5<sup>th</sup> Street shall consist of hardwood trees on 25' centers, a minimum 2" caliper and five foot planted height, with five gallon shrubs placed five feet on center between trees.
- d) One hardwood trees shall be required in a landscape island in the parking lot for every 20 parking spaces.

5. Development or redevelopment of the property shall be through the building permit process.

**Public Notice**

A total of eight notices were sent out to property owners within 200 feet of the subject property August 22, 2008. As of September 12th at 5 PM, one notice was received which stated the project is a step in the right direction and requests additional information at today's hearing. The newspaper printed notice of the public hearing on August 22, 2008 in accordance with state law and local ordinance.

**STAFF RECOMMENDATION:**

Staff recommends approval subject to the Commission finding approval for Z-FY-08-37 subject to:

- 1. The approval for a Planned Development General Retail (PD-GR) with the following land uses allowed by right, requiring a conditional use permit review and prohibited uses, buffering requirements, landscape requirements and the use of a building permit to monitor development for a Planned Development District –General Retail (PD-GR) on 12.15 acres of land at the northeast corner of FM 93 and South Fifth Street out of the Maximo Moreno Survey, Abstract No. 14.



A. The following uses shall be permitted within the said PD-GR district:

1. Antique shop
2. Art supply store
3. Retail bakery
4. Bank or saving and loans office
5. Barber or beauty shop
6. Book or stationery shop
7. Cleaning and pressing small shop and pick up
8. Customer personal service shop
9. Discount or department store
10. Drug store or pharmacy
11. Florist or garden shop
12. Food beverage sales store with gasoline pumps
13. Food beverage sales store without gasoline pumps
14. Furniture and appliance store
15. Greenhouse or plant nursery (retail sales)
16. Handcraft shop and art objects
17. Hardware store or hobby shop
18. Key shop
19. Laboratory, Medical or Dental
20. Laundry and cleaning (self-service)
21. Medical appliances, fitting, sales or rental
22. Offices, general business and professional
23. Pet shop
24. Restaurant or cafeteria (not drive-in type)
25. Retail shop, gift, apparel, accessory and similar items
26. Retail shop other than listed
27. Photographer studio
28. Studio, music, dance or drama
29. Tool rental (inside only)
30. Travel bureau or consultant
31. Veterinarian office only (no animal hospital, no inside pens)

B. The following uses require a conditional use permit within the said (PD-GR) district:

1. Restaurant or eating place (drive-in service)
2. Health and reducing or similar service studio
3. Veterinarian hospital (inside pens)
4. Tool rental (outside equipment storage)

C. The following uses are prohibited within the said (PD-GR) district:

1. Single family detached residential
2. Single family attached dwelling
3. Townhouse
4. Two family dwelling (duplex)
5. Industrialized housing
6. Single family dwelling attached 3



7. Family home

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8. Accessory dwelling
9. Accessory building (residential)
10. Backyard compost operation
11. Home occupation
12. Hotel or motel
13. Stable (private)
14. Electrical substation (high voltage bulk power)
15. Electrical transmission line (high voltage)
16. Gasoline and regulation station
17. Cleaning Plant (Commercial)
18. Household appliance service or repair
19. Pawn Shop
20. Radio or television tower
21. Radio, television transmitting station
22. Telephone Exchange Switch-relay or transmitting equipment
23. Public building shop yard of local, state or federal government
24. Water Treatment Plant
25. Playfield or stadium (public)
26. Roller or ice rink
27. Child Care: small home facility
28. Fraternity or sorority
29. Helistop
30. Railroad track or right-of-way
31. Veterinarian Hospital (outside pens only)
32. Farm, ranch orchard or garden
33. Flea market (indoors)
34. Plumbing shop
35. Warehouse office

D. The approval of the required buffering standards for the north and east side of the said PDD-GR:

1. Design. Buffering must meet one or a combination of the following design standards:
  - a) Buffering shall consist of a ten-foot wide (10.0') landscape edge consisting of hardwood trees on 25' centers, a minimum 2" caliper and five foot planted height, with five gallon shrubs placed five feet on center between trees wall located outside of the buffering wall adjacent to Dalmore Drive and the eastern property line.
  - b) Buffering walls shall consist of fences or walls constructed of wood, masonry, stone or pre-cast concrete, with integrated color to the primary buildings, texture and pattern, with a minimum 6' vertical height and a maximum 8' vertical height.
  - c) Openings in fence or wall buffering must not contain openings constituting more than 20 square inches in each square foot of wall or fence surface. The objective is to create a visual barrier.



- E. The approval of the required landscape standards on FM 93 and South Fifth Street and interior parking areas of the said PD-GR:
- a) FM 93: Five percent of the lot area along FM 93 shall consist of hardwood trees on 25' centers, a minimum 2" caliper and five foot planted height, with five gallon shrubs placed five feet on center between trees.
  - b) South Fifth Street: Five percent of the lot area along South 5<sup>th</sup> Street shall consist of hardwood trees on 25' centers, a minimum 2" caliper and five foot planted height, with five gallon shrubs placed five feet on center between trees.
  - c) One hardwood trees shall be required in a landscape island in the parking lot for every 20 parking spaces.
- F. Development or redevelopment of the property shall be through the building permit process.

**FISCAL IMPACT:** Not Applicable

**ATTACHMENTS:**

Aerial Photograph  
Land Use Map  
Zoning Map  
Buffer Map



**Planned Development General Retail (PDD-GR) requirements:**

The Planned Development General Retail (PD-GR) allows following land uses allowed by right, requires a conditional use permit review for some land uses and prohibits other land uses, contains buffering requirements, landscape requirements and the use of a building permit to monitor development for a Planned Development District –General Retail (PD-GR) on 12.15 acres of land at the northeast corner of FM 93 and South Fifth Street out of the Maximo Moreno Survey, Abstract No. 14.

**A. Allowed uses in PD-GR:**

The following uses are permitted by right within the said PD-GR district:

1. Antique shop
2. Art supply store
3. Retail bakery
4. Bank or saving and loans office
5. Barber or beauty shop
6. Book or stationery shop
7. Cleaning and pressing small shop and pick up
8. Customer personal service shop
9. Discount or department store
10. Drug store or pharmacy
11. Food beverage sales store with gasoline pumps
12. Food beverage sales store without gasoline pumps
13. Furniture and appliance store
14. Handcraft shop and art objects
15. Hardware store or hobby shop
16. Key shop
17. Laboratory, Medical or Dental
18. Laundry and cleaning
19. Medical appliances, fitting, sales or rental
20. Offices, general business and professional
21. Pet shop
22. Restaurant or cafeteria (not drive-in type)
23. Retail shop, gift, apparel, accessory and similar items
24. Retail shop other than listed
25. Photographer studio
26. Studio, music, dance or drama
27. Tool rental (inside only)
28. Travel bureau or consultant
29. Veterinarian office only (no animal hospital, no inside pens)

**B. Conditional Use Permit Required**

The following uses require a conditional use permit within the said (PD-GR) district:

1. Florist or garden shop
2. Restaurant or eating place (drive-in service)
3. Health and reducing or similar service studio
4. Veterinarian hospital (inside pens)
5. Tool rental (outside equipment storage)

**C. Prohibited Uses**

The following uses are prohibited within the said (PD-GR) district:

1. Single family detached residential
2. Single family attached dwelling



3. Townhouse
4. Two family dwelling (duplex)
5. Industrialized housing
6. Single family dwelling attached 3
7. Multiple Family
8. Family home
9. Accessory dwelling
10. Accessory building (residential)
11. Backyard compost operation
12. Home occupation
13. Hotel or motel
14. Stable (private)
15. Electrical substation (high voltage bulk power)
16. Electrical transmission line (high voltage)
17. Gasoline and regulation station
18. Cleaning Plant (Commercial)
19. Household appliance service or repair
20. Pawn Shop
21. Radio or television tower
22. Radio, television transmitting station
23. Telephone Exchange Switch-relay or transmitting equipment
24. Public building shop yard of local, state or federal government
25. Water Treatment Plant
26. Playfield or stadium (public)
27. Roller or ice rink
28. Child Care: small home facility
29. Fraternity or sorority
30. Helistop
31. Railroad track or right-of-way
32. Veterinarian Hospital (outside pens only)
33. Farm, ranch orchard or garden
34. Flea market (indoors)
35. Plumbing shop
36. Warehouse office

**D. Required Buffering Standards**

The following buffering standards for the north and east side of the said PD-GR district shall apply:

1. Design. Buffering must meet the following design standards between the PD-GR and the planned single family subdivision to the north and the eastern property line:
  - a) Buffering shall consist of a ten-foot wide (10.0') edge consisting of hardwood trees on 25' centers, a minimum 2" caliper and five foot planted height, with five gallon shrubs placed five feet on center between trees wall located outside of the buffering wall adjacent to Dalmore Drive and the eastern property line.
  - b) Buffering fences or walls shall be constructed of wood, masonry, stone or pre-cast concrete, with integrated color to the primary buildings, texture and pattern, with a minimum 6' vertical height and a maximum 8' vertical height.
  - c) Openings in a fence or wall buffering must not contain openings constituting more than 20 square inches in each square foot of wall or fence surface. The objective is to create a visual barrier.



#### **E. Landscape Standards**

The following landscaping standards for the said PDD-GR district shall apply:

1. The developer of each lot or tract is required to provide a minimum landscaped area of 5% to be utilized including:
  - a) The required landscaped area must be located in the front and/or side yards, and the required landscaping shall be provided between the main building(s) and the street(s) to which the building(s) is (are) oriented for the area along FM 93 and South 5<sup>th</sup> Street, and Dalmore Drive, and
  - b) One tree for every 20 parking spaces for each lot or tract.
2. All planting material shall consist of hardwood trees from the elm, oak, pistache or walnut species on 25' centers, a minimum 2" caliper and five foot planted height, with five gallon indigenous shrubs placed three feet on center between trees.
3. The required number of trees and shrubs need not be placed uniformly, but may be clustered in groups.
4. All plant material required by this Section shall be maintained at all times in a living and growing condition. All required landscaping shall be irrigated by an automatic sprinkling system.

#### **F. Development of Land**

Development or redevelopment of the property shall be through the building permit process.



**EXCERPTS FROM THE  
PLANNING & ZONING COMMISSION MEETING**

**MONDAY, SEPTEMBER 15, 2008**

**ACTION ITEMS**

**4. Z-FY-08-37:** Hold a public hearing to discuss and recommend action on a zone change from Agricultural District to Planned Development General Retail District on a 12.2 ± acre tract of land and a zone change to Single Family Two District on a 38.5 ± acre tract of land for a total 50.7± acres on the northeast corner of FM 93 and South 5th Street, out of the Maximo Moreno Survey, Abstract No. 14. (Applicant: Mitchell Engineering c/o Boose-Mitchell Properties, Inc.)

Mr. Tim Dolan, Planning Director, presented an extensive overview of this zone change request. The purpose of the Planned Development District on the General Retail is to try to eliminate residential uses, add some retail uses and some buffering and landscaping requirements City Council has recommended.

Staff has recommended approval for this zone change because it complies with the Future Land Use Plan, the Thoroughfare Plan and adequate public facilities are going to be able to serve the site.

Commissioner Talley made a motion to approve the zone change from AG to PD GR, including the SF2 request, and excluding self-service laundry cleaning/laundromat.

Commissioner Pilkington seconded the motion.

Motion passed (7:0)



Due to the nature of this request and the lack of developed designs for both the general retail and single family area. I have a few general concerns to express at this point:

**Concern #1: High Density**

The "South Temple Comprehensive Plan" indicates a plan for 'Moderate Density' residential with commercial & the FM 93 intersection for the property. While single family units are generally acceptable in moderate density, 139 house units compared to 143 units in the duplex plan on this property is in reality 'High Density'. Larger lot sizes to reduce the total unit count to 'Moderate Density' would be desired.

**Concern #2: Single Family Residential**

Allowing any rental units to penetrate a primarily owner-occupied single family area would be inconsistent with the character and harmony of other area communities such as Springwood Creek, Misty Creek, Las Colinas, Wyntham Hill, Stonegate, Silverstone, Echo Village, Canyon Ridge and others.

**Concern #3: Parks and Green Space**

The development plat, provided with the zoning application, appears to have no provision for parks or green space. While the developer may be required to pay a City park fee, a project of this size with its lack of open and recreational space, will negatively impact the surrounding homes and neighborhoods.

**Concern #4: City Gateway**

The South 5<sup>th</sup> Street 'Gateway' at FM 93 has been designated for median upgrades including irrigation systems by the City and landscaping by 'Keep Temple Beautiful'. The proposed project will surely be occupied by homeowners who would care primarily for their lots, fostering concern that the boulevard entrances will be less than desirable as a City gateway if a plan and upkeep is not furnished by the Developer.

**Concern #5: Traffic**

The recent edition of the Institute of Traffic Engineers, 'Trip Generation Manual', sets 10 as the 'average daily (vehicle) trips' per day, per household. One hundred thirty nine units will generate an additional 1390 vehicle trips per day for the area.

**Concern #6: Street Access**

Due to TxDOT limitations for FM 93, no access for the GR acreage should be allowed from FM 93 but only accessed from 5<sup>th</sup> street as far north of the intersection of FM 93 & 5<sup>th</sup> Street as possible.

**Concern #7: Retail Units**

Selected business opportunities for the G.R. area should be reputable and established companies that would enhance the image sought by the City and promote the "Gateway to the City" expectation.

*Don't make our AREA look like 31st & Canyon Creek -*

CUT HERE AND USE LETTER BELOW

Mayor William Jones and Council  
P.O. Box 207  
Temple, TX 76503

SEP 3 2008

CITY OF TEMPLE, TX  
CITY SECRETARY

Dear Mr. Mayor and Council Members,

This letter is in reference to Application #2FY-08-37, on land commonly known as Outblock 6070-A, located at the northeast corner of the intersection of South Fifth Street and West FM 93.

As a resident living very near to the above-mentioned location, I am aware that the changes proposed in the application will impact the safety, accessibility, and value of my property. To that end, I have listed some of my greatest concerns, which you will find attached to this sheet.

As you discuss the aforementioned proposal during the City Council meeting on October 16, please understand that my neighbors and I are trusting that you will give careful considerations to our concerns. While some of us will be able to attend the October 16 meeting in person, those of us whose work schedules do not permit our attendance will be monitoring your actions closely, and we will all be hoping that your decisions will be in the best interest of our community and the City of Temple as a whole.

Sincerely,

*Emmett Lewis*  
EMMETT LEWIS

(55<sup>th</sup>)

5403 UH 1st/2 St PDR  
TEMPLE, TX 76502



Due to the nature of this request and the lack of developed designs for both the general retail and single family area, I have a few general concerns to express at this point:

**Concern #1: High Density**

The "South Temple Comprehensive Plan" indicates a plan for 'Moderate Density' residential with commercial & the FM 93 intersection for the property. While single family units are generally acceptable in moderate density, 139 house units compared to 143 units in the duplex plan on this property is in reality 'High Density'. Larger lot sizes to reduce the total unit count to 'Moderate Density' would be desired.

**Concern #2: Single Family Residential**

Allowing any rental units to penetrate a primarily owner-occupied single family area would be inconsistent with the character and harmony of other area communities such as Springwood Creek, Misty Creek, Las Colinas, Wyndham Hill, Stonegate, Silverstone, Echo Village, Canyon Ridge and others.

**Concern #3: Parks and Green Space**

The development plat, provided with the zoning application, appears to have no provision for parks or green space. While the developer may be required to pay a City park fee, a project of this size with its lack of open and recreational space, will negatively impact the surrounding homes and neighborhoods.

**Concern #4: City Gateway**

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**Concern #5: Traffic**

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**Concern #7: Retail Units**

Selected business opportunities for the G.R. area should be reputable and established companies that would enhance the image sought by the City and promote the "Gateway to the City" expectation.

over →

I'm concerned about the value of my house decreasing due to the single family living. As prior situations show, single living families have an issue with maintaining their areas & I don't want trash for neighbors.

Thanks,  
Marcie Turner

Mayor William Jones and Council  
P.O. Box 207  
Temple, TX 76503

Dear Mr. Mayor and Council Members,

This letter is in reference to Application #2FY-08-37, on land commonly known as Outblock 6070-A, located at the northeast corner of the intersection of South Fifth Street and West FM 93.

As a resident living very near to the above-mentioned location, I am aware that the changes proposed in the application will impact the safety, accessibility, and value of my property. To that end, I have listed some of my greatest concerns, which you will find attached to this sheet.

As you discuss the aforementioned proposal during the City Council meeting on October 16, please understand that my neighbors and I are trusting that you will give careful considerations to our concerns. While some of us will be able to attend the October 16 meeting in person, those of us whose work schedules do not permit our attendance will be monitoring your actions closely, and we will all be hoping that your decisions will be in the best interest of our community and the City of Temple as a whole.

Sincerely,

Marcie A. Turner  
Marcie A. Turner

212 Arkshire Ln  
Temple, TX 76502

RECEIVED

OCT 1-2008

CITY OF TEMPLE, TX  
CITY SECRETARY



Mayor William Jones and Council  
P.O. Box 207  
Temple, TX 76503

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Sincerely,

*Allen + Paula Israel*

*2116 Avrshire Lane*

*Temple, TX 76502*

**RECEIVED**

OCT 1 - 2008

**CITY OF TEMPLE, TX  
CITY SECRETARY**



Mayor William Jones and Council  
P.O. Box 207  
Temple, TX 76503

RECEIVED

OCT 3 - 2008

Dear Mr. Mayor and Council Members,

This letter is in reference to Application #2FY-08-37,  
on land commonly known as Outblock 6070-A, located at the  
northeast corner of the intersection of South Fifth Street and  
West FM 93.

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work schedules do not permit our attendance will be monitoring  
your actions closely, and we will all be hoping that your  
decisions will be in the best interest of our community and  
the City of Temple as a whole.

Sincerely,

Eunice Robinson

6105 Southern Cross

Ing. Dr  
Temple, TX 76502

Eunice Robinson



Due to the nature of this request and the lack of developed designs for both the general retail and single family area, I have a few general concerns to express at this point:

**Concern #1: High Density**

The "South Temple Comprehensive Plan" indicates a plan for 'Moderate Density' residential with commercial & the FM 93 intersection for the property. While single family units are generally acceptable in moderate density, 139 house units compared to 143 units in the duplex plan on this property is in reality 'High Density'. Larger lot sizes to reduce the total unit count to 'Moderate Density' would be desired.

**Concern #2: Single Family Residential**

Allowing any rental units to penetrate a primarily owner-occupied single family area would be inconsistent with the character and harmony of other area communities such as Springwood Creek, Misty Creek, Las Colinas, Wyndham Hill, Stonegate, Silverstone, Echo Village, Canyon Ridge and others.

**Concern #3: Parks and Green Space**

The development plat, provided with the zoning application, appears to have no provision for parks or green space. While the developer may be required to pay a City park fee, a project of this size with its lack of open and recreational space, will negatively impact the surrounding homes and neighborhoods.

**Concern #4: City Gateway**

The South 5<sup>th</sup> Street 'Gateway' at FM 93 has been designated for median upgrades including irrigation systems by the City and landscaping by 'Keep Temple Beautiful'. The proposed project will surely be occupied by homeowners who would care primarily for their lots, fostering concern that the boulevard entrances will be less than desirable as a City gateway if a plan and upkeep is not furnished by the Developer.

**Concern #5: Traffic**

The recent edition of the Institute of Traffic Engineers, 'Trip Generation Manual', sets 10 as the 'average daily (vehicle) trips' per day, per household. One hundred thirty nine units will generate an additional 1390 vehicle trips per day for the area.

**Concern #6: Street Access**

Due to TxDOT limitations for FM 93, no access for the GR acreage should be allowed from FM 93 but only accessed from 5<sup>th</sup> street as far north of the intersection of FM 93 & 5<sup>th</sup> Street as possible. **AND/OR ADD ACCESS FROM FM 93!**

**Concern #7: Retail Units**

~~Selected business opportunities~~ for the G.R. area should be reputable and established companies that would enhance the image sought by the City and promote the "Gateway to the City" expectation.

CUT HERE AND USE LETTER BELOW

RECEIVED

OCT 6 - 2008

CITY OF TEMPLE, TX  
CITY SECRETARY

Mayor William Jones and Council  
P.O. Box 207  
Temple, TX 76503

Dear Mr. Mayor and Council Members,

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As you discuss the aforementioned proposal during the City Council meeting on October 16, please understand that my neighbors and I are trusting that you will give careful considerations to our concerns. While some of us will be able to attend the October 16 meeting in person, those of us whose work schedules do not permit our attendance will be monitoring your actions closely, and we will all be hoping that your decisions will be in the best interest of our community and the City of Temple as a whole.

Sincerely,



CHRIS FOSTER

WYNDHAM HILL NEIGHBORHOOD

406 WYNDHAM HILL PKWY  
ZIP: 76502



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OCT 6 - 2008

CITY OF TEMPLE, TX  
CITY SECRETARY

Mayor William Jones and Council  
P.O. Box 207  
Temple, TX 76503

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Sincerely,

*Caprice & Sean Eulenfeld*

CAPRICE + SEAN EULENFELD

5619 FAIRHILL DR.

Temple 76502



-----  
Mayor William Jones and Council  
P.O. Box 207  
Temple, TX 76503


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Sincerely,

  
\_\_\_\_\_  
Michelle Young

29 McGugan Ln  
Temple, TX 76502  
\_\_\_\_\_



10-7-08

RECEIVED

OCT 9 - 2008

CITY OF TEMPLE, TX  
CITY SECRETARY

Mayor William Jones and Council  
P.O. Box 207  
Temple, TX 76503

Dear Mr. Mayor and Council Members,

This letter is in reference to Application ~~WZY-08-37~~, on land commonly known as Outblock 6070-A, located at the northeast corner of the intersection of South Fifth Street and West FM 93.

As a resident living very near to the above-mentioned location, I am aware that the changes proposed in the application will impact the safety, accessibility, and value of my property. To that end, I have listed some of my greatest concerns, which you will find attached to this sheet.

~~In addition to the attached list, an additional concern is present with many area residents.~~ Its nature lies in the history of the developer, and in the nature of his original zoning change request for the residential section of the property in question. Specifically, he has built many rental communities in the Killeen area, and in June 2008 he filed a zoning application No. Z-FY-08-37, which requested that the property in question be rezoned for "Two Family Duplex" dwellings. Quite frankly, myself and many homeowners in my community do not favor having a huge, low-rent subdivision being built so near to our residences, and we are seriously questioning the judgement of this developer. If he thought a duplex community was a good idea for our neighborhood, what other "good ideas" for this project might he be entertaining?

As you discuss the aforementioned proposal during the City Council meeting on October 16, please understand that my neighbors and I are trusting that you will give careful considerations to our concerns. While some of us will be able to attend the October 16 meeting in person, those of us whose work schedules do not permit our attendance will be monitoring your actions closely, and we will all be hoping that your decisions will be in the best interest of our community and the City of Temple as a whole.

Sincerely,

Cynthia + Gary Bankston  
Cynthia + Gary Bankston

Res. address: 218 W. FM 93  
Temple, TX 76502

\* Our only mailing address is:

P.O. BOX 5072  
Temple, TX 76505



Due to the nature of this request and the lack of developed designs for both the general retail and single family area, I have a few general concerns to express at this point:

**Concern #1: High Density**

The "South Temple Comprehensive Plan" indicates a plan for 'Moderate Density' residential with commercial & the FM 93 intersection for the property. While single family units are generally acceptable in moderate density, 139 house units compared to 143 units in the duplex plan on this property is in reality 'High Density'. Larger lot sizes to reduce the total unit count to 'Moderate Density' would be desired.

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Allowing any rental units to penetrate a primarily owner-occupied single family area would be inconsistent with the character and harmony of other area communities such as Springwood Creek, Misty Creek, Las Colinas, Wyndham Hill, Stonegate, Silverstone, Echo Village, Canyon Ridge and others.

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The development plat, provided with the zoning application, appears to have no provision for parks or green space. While the developer may be required to pay a City park fee, a project of this size with its lack of open and recreational space, will negatively impact the surrounding homes and neighborhoods.

**Concern #4: City Gateway**

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**Concern #5: Traffic**

The recent edition of the Institute of Traffic Engineers, 'Trip Generation Manual', sets 10 as the 'average daily (vehicle) trips' per day, per household. One hundred thirty nine units will generate an additional 1390 vehicle trips per day for the area.

**Concern #6: Street Access**

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**Concern #7: Retail Units**

Selected business opportunities for the G.R. area should be reputable and established companies that would enhance the image sought by the City and promote the "Gateway to the City" expectation.

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-----  
Mayor William Jones and Council  
P.O. Box 207  
Temple, TX 76503

RECEIVED

OCT 9 - 2008

CITY OF TEMPLE, TX  
CITY SECRETARY

Dear Mr. Mayor and Council Members,

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As a resident living very near to the above-mentioned location, I am aware that the changes proposed in the application will impact the safety, accessibility, and value of my property. To that end, I have listed some of my greatest concerns, which you will find attached to this sheet.

As you discuss the aforementioned proposal during the City Council meeting on October 16, please understand that my neighbors and I are trusting that you will give careful considerations to our concerns. While some of us will be able to attend the October 16 meeting in person, those of us whose work schedules do not permit our attendance will be monitoring your actions closely, and we will all be hoping that your decisions will be in the best interest of our community and the City of Temple as a whole.

Sincerely,

Cynthia Wooddell  
4602 Stonehaven DR.  
Temple TX 76500





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OCT 9 - 2008

CITY OF TEMPLE, TX  
CITY CLERK

October 7, 2008

Mayor William Jones and Council  
P.O. Box 207  
Temple, TX 76503

Dear Mr. Mayor and Council Members:


We are writing in reference to proposed Aberdeen Heights Addition, 2-FY-08-37, on land commonly known as Outblock 6070-A, located at the northeast corner of the intersection of South Fifth Street and West FM 93.

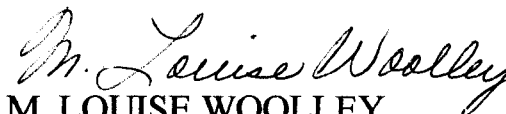
As residents living very near to the above-mentioned location, we are aware that the changes proposed in the application will impact the safety, accessibility, and value of our property. Because of this, enclosed is a listing of some of our greatest concerns, as well as questions concerning the proposed addition. It is our request that you and other members of the City Council discuss these items during the scheduled meeting on Thursday, October 16, understanding that these concerns and questions are of intense interest to us.

Some of us will be able to attend that meeting, but for various reasons, some will not. Our non-attendance is not due to disinterest, and we will be contacting those who do attend to learn of any decisions made during that time so we will remain aware of the situation. Our neighbors and we have total confidence that you will give careful consideration to our concerns during your discussion of the application during your meeting on Thursday, October 16.

Thank you for your attention to this matter.

Sincerely,

  
JOE W. WOOLLEY, SR.  
391 W. FM 93  
Temple, Texas 76502-7619

  
M. LOUISE WOOLLEY  
391 W. FM 93  
Temple, Texas 76502-7619

Encl.



CONCERNS/COMMENTS RE PROPOSED ABERDEEN HEIGHTS ADDITION,  
2-FY-08-37

Concern #1: High Density

The "South Temple Comprehensive Plan" indicates a plan for "Moderate Density" residencies, and an area for general retail use at the FM 93 intersection for this property. While single family units are generally acceptable in moderate density, 139 house units compared to 143 units in the duplex plan on this property is in reality "High Density." Larger lot sizes to re-reduce the total unit count to "Moderate Density" would be desired.

Questions concerning use of property, if request is approved:

Would there be minimum and maximum requirements established in square footage for the houses built?

How big would the lots be... 1/2 acre, 1/8 acre, etc., or minimum to maximum?

How much of the 38.5 acres allowed for housing would be used by streets?

Would mobile homes be allowed in this addition?

Would city sewer lines be available to any houses built?

Concern #2: Traffic

The recent edition of the Institute of Traffic Engineers' "Trip Generation Manual" sets 10 as the average daily (vehicle) trips per day, per household. One hundred thirty nine units would generate an additional 1390 vehicle trips per day for the area. It's our opinion that this amount of increased traffic would necessitate a red light at the intersection of South Fifth Street and FM 93.

Concern #3: Street Access

Because of the safety involved, if this plan is approved, it is our strong opinion that no access for the General Retail acreage should be allowed from FM 93, but access only from South Fifth Street as far north of the intersection of FM 93 as possible.



Comment #4: Retail Units

Selected business opportunities for the General Retail area should be reputable and established companies that would enhance the image sought by the City and contribute to the safety and well-being of people living in the community and traveling through the area.



*FW Zoning Change for 5th St. and FM 93 concerns.txt*  
*From: Clydette Entzminger*  
*Sent: Friday, October 10, 2008 8:34 AM*  
*To: Lacy Borgeson*  
*Subject: FW: Zoning Change for 5th St. and FM 93 concerns*

*Clydette Entzminger*  
*City Secretary*  
*P O Box 207*  
*Temple, TX 76503-0207*  
*centz@ci.temple.tx.us*  
*254-298-5301 telephone*  
*254-298-5637 fax*

*-----Original Message-----*  
*From: Sossamon, Janet Mrs ARMY GUEST*  
*[mailto:janet.sossamon@us.army.mil]*  
*Sent: Thursday, October 09, 2008 7:03 PM*  
*To: Bill Jones*  
*Subject: Zoning Change for 5th St. and FM 93 concerns*

*Dear Mayor Jones,*

*Please allow me to introduce myself. My name is Janet Sossamon, and I live in the Echo Village subdivision off of S. 5th Street in Temple, TX. I have been to the last two public hearings for the P&Z committee regarding a zoning change proposal by Boose-Mitchell Properties for the corner of 5th St. and FM 93. At the first hearing, the developer withdrew the request "due to heavy community disapproval." I have had the opportunity to speak with Gale Mitchell on three occasions, and each time I was talked "down to" and not taken seriously when voicing legitimate concerns of Temple citizens affected by this change. The first time he told me, "Well, I could change the 70-ft. wide lots to single family 35-ft. wide lots if what you want is single family." That would have been the same higher density that we were opposed to in the first place (traffic/safety concerns). Then, the third time he told me, "Yep, single family 35-ft. wide lots," in a joking manner when these changes happen to be a very serious matter for the nearby homeowners. The original plan was for duplexes, which has now been changed to Single Family 2. I am particularly concerned that this developer does not share our clear 30-year vision for Temple, making the southeast gateway a "suburban character." I am aware that the zoning laws are flexible; however, I am concerned that this would be used to put in apartments or other residential structures in the General Retail zone. We are proud of our community, and we would like to keep the suburban feel by making the General Retail just that with only certain types of businesses allowed that would enable new visitors entering that part of the city to experience the relaxed, less busy feel that attracted us, the homeowners, to this area in the first place. We do not want*



*FW Zoning Change for 5th St. and FM 93 concerns.txt  
the flexible laws to become "loopholes" for this developer. I plan  
to be at the upcoming meeting to voice these concerns, but I felt a  
need to make you aware of our newest concerns before the meeting date  
arrives so that the discussion thread is begun. I can be reached at  
979-549-6383 (cell) if you would like to speak to me over the phone.*

*Thank you for your time,  
Janet Sossamon*



Mayor William Jones and Council  
P.O. Box 207  
Temple, TX 76503

RECEIVED

OCT 10 2008

CITY OF TEMPLE, TX  
CITY SECRETARY

Dear Mr. Mayor and Council Members,

This letter is in reference to Application #2FY-08-37, on land commonly known as Outblock 6070-A, located at the northeast corner of the intersection of South Fifth Street and West FM 93.

As a resident living very near to the above-mentioned location, I am aware that the changes proposed in the application will impact the safety, accessibility, and value of my property. To that end, I have listed some of my greatest concerns, which you will find attached to this sheet.

As you discuss the aforementioned proposal during the City Council meeting on October 16, please understand that my neighbors and I are trusting that you will give careful considerations to our concerns. While some of us will be able to attend the October 16 meeting in person, those of us whose work schedules do not permit our attendance will be monitoring your actions closely, and we will all be hoping that your decisions will be in the best interest of our community and the City of Temple as a whole.

Sincerely,

Melissa Poteet  
Melissa Poteet

4904 Stonehaven Dr  
Temple TX 76502



RECEIVED

OCT 10 2008

CITY OF TEMPLE, TX  
CITY SECRETARY

October 7, 2008

Mayor William Jones and Council

PO Box 207

Temple TX 76503

Dear Mr. Mayor and Council Members:

I am writing in regards to the application #2FY-08-37 or proposed Aberdeen Heights Addition. I live in the Echo Village subdivision off Fifth Street. My husband and I moved from Killeen in April. I am happy to be in our first home in a nice neighborhood. We were driving down Fifth Street recently towards FM 93, and I thought out loud how I hoped the area would stay peaceful and quiet. My husband then tells me someone had dropped off information regarding the land purchase and rezoning plans.

My first thought was how this will affect my fellow cyclists and joggers with the increased traffic. The stretch of Fifth Street between Echo Village and FM 93 is a relatively less traveled road. Many cyclists ride their bikes right on the road. I enjoy the scenery and quietness. I am afraid that would be impossible with increased traffic due to more homes and businesses. I would hope that a bike trail or park would be included somewhere in the plans.

Other than traffic and safety for cyclists and pedestrians, I am concerned with how these changes will affect our home value and neighborhood characteristics. I cannot petition the building of more single family residences, because I am happy to be in ours. My husband and I hope that the land would be used for single family homes and not apartment complexes or duplexes based on the fact it would be incongruous to the neighborhood makeup and create more traffic among other social changes.

As far as the general retail aspect of the proposal, I would wish that there would not be any disruptive businesses such as bars, liquor stores, tattoo parlors, pornography shops etc because they can bring traffic at all hours and an increased possibility of intoxicated drivers. I would have no objection to a Coffee Beanery though! Also, with the obvious traffic increase due to rezoning for homes and retail purposes, I can only assume that traffic will be managed by whatever means necessary such as stop signs or stoplights as needed. I work at Scott and White and enjoy my convenient commute up Fifth Street. I would hope that would not dramatically change due to congestion on the roads. Thank you for your time and consideration of my thoughts on this matter.

Sincerely,



Melissa Poteet



10/07/08

RECEIVED

OCT 10 2008

CITY OF TALLAHASSEE, FL  
CITY SECRETARY

Mayor William Jones & Council,

Since we received the information on this proposal, we have noticed that the field next to the elementary school seems to be under development as well. We live behind the school so this new project hits a little closer to home. I left a voicemail for councilman Marty Janczak out of curiosity wondering what may soon be adjacent to our back yard. I hope they leave the trees in place to act as any barrier. I love our back yard atmosphere. I guess in time I shall see what takes the place of the field, but if you were to respond to my phonecall or letter it would be appreciated, thanks!

Melissa Bleet



Mayor William Jones and Council  
P.O. Box 207  
Temple, TX 76503

RECEIVED

OCT 13 2008

CITY OF TEMPLE, TX  
CITY SECRETARY

Dear Mr. Mayor and Council Members,

This letter is in reference to Application #2FY-08-37, on land commonly known as Outblock 6070-A, located at the northeast corner of the intersection of South Fifth Street and West FM 93.

As a resident living very near to the above-mentioned location, I am aware that the changes proposed in the application will impact the safety, accessibility, and value of my property. To that end, I have listed some of my greatest concerns, which you will find attached to this sheet. *ALL of ATTACHED LIST.*

As you discuss the aforementioned proposal during the City Council meeting on October 16, please understand that my neighbors and I are trusting that you will give careful considerations to our concerns. While some of us will be able to attend the October 16 meeting in person, those of us whose work schedules do not permit our attendance will be monitoring your actions closely, and we will all be hoping that your decisions will be in the best interest of our community and the City of Temple as a whole. P.S. ALSO we have been

Sincerely,

*ANNEXED in City Limits for 10YRS  
And NOTHING HAS BEEN done about  
GETTING city Sewer in our AREA*

*Bernard Bartek*  
*107 Oakwood St.*  
*Temple, TX 76502*

*BERNARD BARTek*

Due to the nature of this request and the lack of developed designs for both the general retail and single family area, I have a few general concerns to express at this point:

**Concern #1: High Density**

The "South Temple Comprehensive Plan" indicates a plan for 'Moderate Density' residential with commercial & the FM 93 intersection for the property. While single family units are generally acceptable in moderate density, 139 house units compared to 143 units in the duplex plan on this property is in reality 'High Density'. Larger lot sizes to reduce the total unit count to 'Moderate Density' would be desired.

**Concern #2: Single Family Residential**

Allowing any rental units to penetrate a primarily owner-occupied single family area would be inconsistent with the character and harmony of other area communities such as Springwood Creek, Misty Creek, Las Colinas, Wyndham Hill, Stonegate, Silverstone, Echo Village, Canyon Ridge and others.

**Concern #3: Parks and Green Space**

The development plat, provided with the zoning application, appears to have no provision for parks or green space. While the developer may be required to pay a City park fee, a project of this size with its lack of open and recreational space, will negatively impact the surrounding homes and neighborhoods.

**Concern #4: City Gateway**

The South 5<sup>th</sup> Street 'Gateway' at FM 93 has been designated for median upgrades including irrigation systems by the City and landscaping by 'Keep Temple Beautiful'. The proposed project will surely be occupied by homeowners who would care primarily for their lots, fostering concern that the boulevard entrances will be less than desirable as a City gateway if a plan and upkeep is not furnished by the Developer.

**Concern #5: Traffic**

The recent edition of the Institute of Traffic Engineers, 'Trip Generation Manual', sets 10 as the 'average daily (vehicle) trips' per day, per household. One hundred thirty nine units will generate an additional 1390 vehicle trips per day for the area.

**Concern #6: Street Access**

Due to TxDOT limitations for FM 93, no access for the GR acreage should be allowed from FM 93 but only accessed from 5<sup>th</sup> street as far north of the intersection of FM 93 & 5<sup>th</sup> Street as possible.

**Concern #7: Retail Units**

Selected business opportunities for the G.R. area should be reputable and established companies that would enhance the image sought by the City and promote the "Gateway to the City"



341 W. FM 93  
Temple, TX 76502  
October 11, 2008

Mayor William Jones and Council  
P.O. Box 267  
Temple, TX 76503

RE: Application #2FY-08-37, on land commonly known as outblock 6079-A, located at the northeast corner of the intersection of S. 5<sup>th</sup> Street and W. FM 93.

Dear Mr. Mayor and Council Members,

As a resident living very near to the above-mentioned location, I am aware that the changes proposed in the application will impact the safety, accessibility, and value of my property. I am satisfied that the developers have chosen to request a zoning change that reflects their intent to develop a nice single family residential community on approximately 38 plus acres supported by approximately 12 plus acres of general retail.

I am told that the currently requested zoning would prohibit any type of multi-family dwellings including apartment complexes. I would like to emphasize that I do strongly object to any portion of the General Retail 12 plus/minus acres or the 38 plus/minus being utilized for any/all types of multi-family dwellings to include duplexes, four-plexes, etc. or any/all types of one or more story apartment complexes.

As you discuss the proposed zoning request change, I hope that you will give careful consideration to these concerns and that your decisions will continue to promote the southeast gateway into Temple as a quality area in keeping with the numerous existing, newly developed, and future single-family developments in this area.

Sincerely,

  
Carol Rainer

RECEIVED  
OCT 13 2008  
CITY OF TEMPLE, TX  
CITY SECRETARY



October 7, 2008

Mayor William Jones and Council  
P.O. Box 207  
Temple, TX 76503

Dear Mr. Mayor and Council Members:

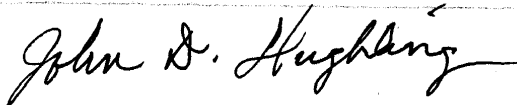
We are writing in reference to proposed Aberdeen Heights Addition, 2-FY-08-37, on land commonly known as Outblock 6070-A, located at the northeast corner of the intersection of South Fifth Street and West FM 93.

As residents living very near to the above-mentioned location, we are aware that the changes proposed in the application will impact the safety, accessibility, and value of our property. Because of this, enclosed is a listing of some of our greatest concerns, as well as questions concerning the proposed addition. It is our request that you and other members of the City Council discuss these items during the scheduled meeting on Thursday, October 16, understanding that these concerns and questions are of intense interest to us.

Some of us will be able to attend that meeting, but for various reasons, some will not. Our non-attendance is not due to disinterest, and we will be contacting those who do attend to learn of any decisions made during that time so we will remain aware of the situation. Our neighbors and we have total confidence that you will give careful consideration to our concerns during your discussion of the application during your meeting on Thursday, October 16.

Thank you for your attention to this matter.

Sincerely,



John D. Hughling  
225 W FM 93  
Temple, Tx 76502-7619

**RECEIVED**

OCT 13 2008

CITY OF TEMPLE, TX  
CITY SECRETARY



Due to the nature of this request and the lack of developed designs for both the general retail and single family area, I have a few general concerns to express at this time:

**Concern #1: High Density**

The "South Temple Comprehensive Plan" indicates a plan for 'Moderate Density' residential with commercial & the FM 93 intersection for the property. While single family units are generally acceptable in moderate density, 139 house units compared to 143 units in the duplex plan on this property is in reality 'High Density'. Larger lot sizes such as 80' to 100' or larger to reduce the total unit count to 'Moderate Density' would be desired. Also the developer could mix in a percentage of single family one homes with larger lots to diversify and enhance the community which would lower the density count.

**Concern #2: Single Family Residential**

Allowing any rental units to penetrate a primarily owner-occupied single family area would be inconsistent with the character and harmony of other area communities such as Springwood Creek, Misty Creek, Las Colinas, Wyndham Hill, Stonegate, Silverstone, Echo Village, Canyon Ridge and others. Please consider not allowing any other use for this section other than nice single family homes with brick faces on all four sides. Rentals, duplexes or multi-family units are not desired.

**Concern #3: Parks and Green Space**

The development plat, provided with the zoning application, appears to have no provision for parks or green space. While the developer may be required to pay a City park fee, a project of this size with its lack of open and recreational space, will negatively impact the surrounding homes and neighborhoods. We feel a small park area would be desired due to the concentration & density of houses on this property.

**Concern #4: City Gateway**

The South 5<sup>th</sup> Street 'Gateway' at FM 93 has been designated for median upgrades including irrigation systems by the City and landscaping by 'Keep Temple Beautiful'. The proposed project will surely be occupied by homeowners who would care primarily for their lots, fostering concern that the boulevard entrances will be less than desirable as a City gateway if a plan and upkeep is not furnished by the Developer.

**Concern #5: Traffic**

The recent edition of the Institute of Traffic Engineers, 'Trip Generation Manual', sets 10 as the 'average daily (vehicle) trips' per day, per household. One hundred thirty nine units will generate an additional 1390 vehicle trips per day for the area. With this additional traffic exiting onto South 5<sup>th</sup> street road, a traffic light might be considered by TxDOT for the intersection of FM 93 & 5<sup>th</sup> Street road.



**Concern #6: Street Access**

Due to TxDOT limitations for FM 93, no access for the GR acreage should be allowed from FM 93 but only accessed from 5<sup>th</sup> street as far north of the intersection of FM 93 & 5<sup>th</sup> Street as possible. The close proximity of the general retail space to this intersection and considering the high speed traffic on FM 93 should preclude any other driveway or entrances to the retail space from Hwy 93.

**Concern #7: Retail Units**

Selected business opportunities for the G.R. area should be reputable and established companies that would enhance the image sought by the City and promote the "Gateway to the City" expectation. Examples of retail businesses that are not desired are: Tattoo shops, coin operated laundry, car wash, truck stop, wrecking yard, any business selling alcohol products, flea market, day care, plant nursery, auto repair shop, bar & tavern, cattle sales, cabinet shop, car alarm company, animal hospital, clothing resale outlet, cocktail lounge, consignment service, animal boarding, adult entertainment, funeral home, industrial gas distributor, gun dealer, kennels, laboratories, motorcycle dealer, night club, recycling center, pawn shop, portable toilet company, salvage company, and wrecker service.



**TO: Tim Dolan**

**RE: Aberdeen Heights Addition, City Council Meeting 10/16 @ 5:00 PM**

**Please review questions regarding Aberdeen Heights Addition**

**Thank you.**

**3 pages**

**Neely Jones**

**email: [njones@fctinsurance.com](mailto:njones@fctinsurance.com)**

**4815 S 31st ST**

**Temple, TX 76502**

**ph 254.913.5064**

**fx 254.773.1120**

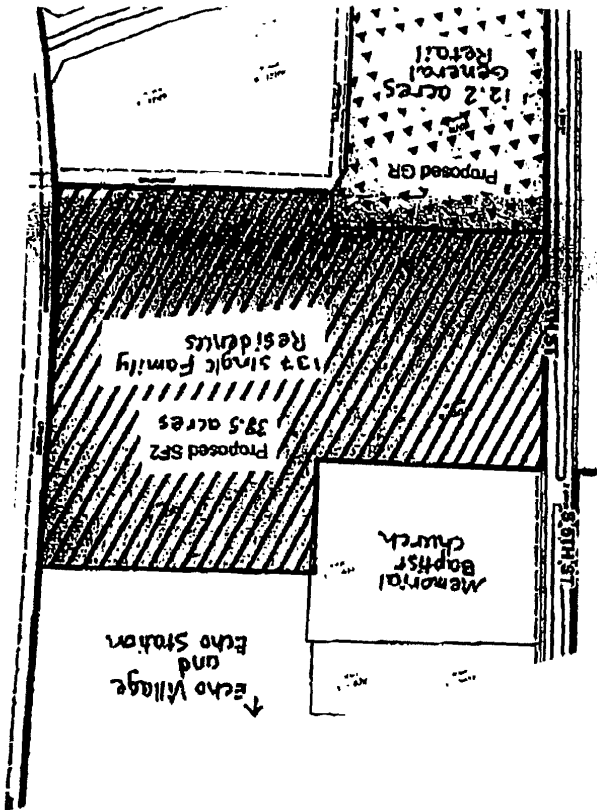
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**OCT 16 2008**

**CITY OF TEMPLE, TX  
CITY SECRETARY**

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CUT HERE AND USE LETTER

Mayor William Jones and Council  
P.O. Box 207  
Temple, TX 76503

Dear Mr. Mayor and Council Members,

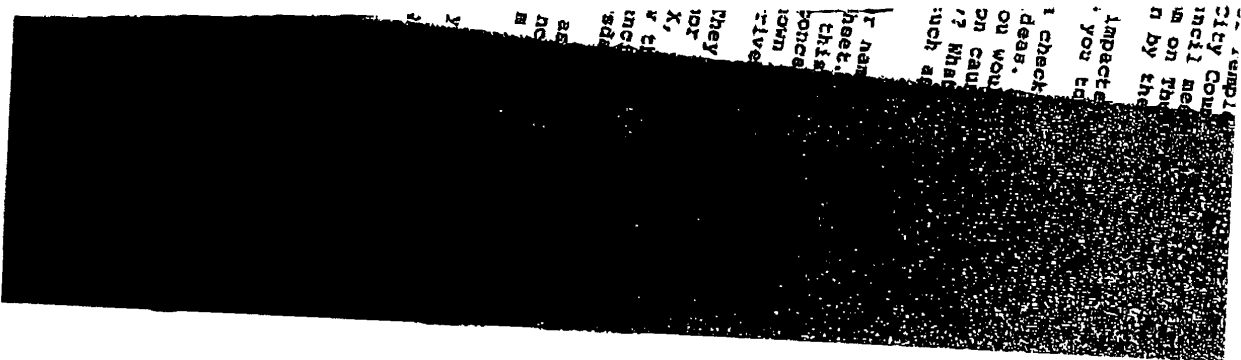
This letter is in reference to A on land commonly known as Outblock 6070 northeast corner of the intersection of West FM 93.

As a resident living very near to location, I am aware that the changes will impact the safety, accessability, To that end, I have listed some of my you will find attached to this sheet.

As you discuss the aforementioned Council meeting on October 16, please u my neighbors and I are trusting that yo considerations to our concerns. While s to attend the October 16 meeting in per work schedules do not permit our attend your actions closely, and we will all l decisions will be in the best interest the City of Temple as a whole.

Sincerely,

*Neely Jones* (Neely Jones)  
100 Tanglewood Rd, Temple, TX





**Neely Jones**  
**100 Tanglewood Rd; Temple, 76502 (corner of FM 93 & Tanglewood)**

**Proposed Aberdeen Heights Addition**

**Concern#1 – High Density: Opposed to so many duplexes built in the project.**

**Concern#2 – Single Family Residential: Duplexes are not in harmony with the new residential construction & existing residential on FM 93 and surrounding areas. What is the brick / veneer ratio of the homes/duplexes being built? What is the average square footage? What is the average cost of duplexes and single family dwelling? Single Family “ownership” has more “pride in ownership” appearance than duplex “rentals.”**

**Concern#3 – Parks and Green Space: There should be a neighborhood park for High Density Single dwelling / Duplexes.**

**Concern#4 – City Gateway: Some one besides the City & Keep Temple Beautiful should maintain the city gateway.  
(homeowners association, etc)**

**Concern#5 – Traffic: Will FM 93 become four lanes? If so, what plan has been established for the additional lanes? Proper drainage from my corner lot requires (93 & Tanglewood) the current frontage.**

**Concern#6 – Street Access: How will traffic be diverted, how many openings will there be for traffic in the new division to 93, 5<sup>th</sup>, Water's Dairy, & 1741? Will this put more traffic on Hartrick Bluff which is over populated now with vehicles?**

**Concern#7 – Retail Units: No bars, no nightclubs, no tire shops, no adult video stores, no dollar/general stores, no service stations, no carwashes.**



\*\*\*\*\*  
\*\*\* RX REPORT \*\*\*  
\*\*\*\*\*

RECEPTION OK

TX/RX NO	7090
CONNECTION TEL	
SUBADDRESS	
CONNECTION ID	
ST. TIME	10/15 16:23
USAGE T	01'12
PGS.	3
RESULT	OK



Due to the nature of this request and the lack of developed designs for both the general retail and single family area, I have a few general concerns to express at this point:

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Selected business opportunities for the G.R. area should be reputable and established companies that would enhance the image sought by the City and promote the "Gateway to the City" expectation.

-----  
Mayor William Jones and Council  
P.O. Box 207  
Temple, TX 76503

RECEIVED

OCT 16 2008

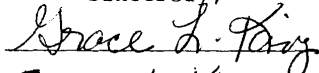
Dear Mr. Mayor and Council Members, CITY OF TEMPLE, TX

This letter is in reference to CITY SECRETARY 2FY-08-37,  
on land commonly known as Outblock 6070-A, located at the  
northeast corner of the intersection of South Fifth Street and  
West FM 93.

As a resident living very near to the above-mentioned  
location, I am aware that the changes proposed in the application  
will impact the safety, accessibility, and value of my property.  
To that end, I have listed some of my greatest concerns, which  
you will find attached to this sheet.

As you discuss the aforementioned proposal during the City  
Council meeting on October 16, please understand that  
my neighbors and I are trusting that you will give careful  
considerations to our concerns. While some of us will be able  
to attend the October 16 meeting in person, those of us whose  
work schedules do not permit our attendance will be monitoring  
your actions closely, and we will all be hoping that your  
decisions will be in the best interest of our community and  
the City of Temple as a whole.

Sincerely,

  
GRACE L. KING

5106 Whistle Stop Dr.  
Temple, TX 76503



Mayor William Jones and Council  
P.O. Box 207  
Temple, Texas 76503

RECEIVED  
OCT 16 2008  
CITY OF TEMPLE, TX  
CITY SECRETARY

Dear Mr. Mayor and Council Members,

This letter is in reference to Application #2FY-08-37, on the land commonly known as Outblock 6070-A, located at the northeast corner of the intersection of South Fifth Street and West FM 93. As a homeowner living near this location, I am aware of the proposed changes. These possible changes cause my family a great amount of concern.

I just graduated with my medical degree in May, 2008 and began my first year of residency at Scott and White. My wife and I decided to plant roots in Temple and bought a house near the property in question. Being a young couple just starting our lives together, we are of course worried about what the proposed changes will do to the value of our property. Buying our first home together was a big decision, and we are worried about our financial investment.

Perhaps the biggest concern we have is for the safety of our family. My wife and I would like to have children soon. One of the reasons we bought our house in the location we did was because of the zoning of the vacant lots. The thought of having people being able to move in and out of rental units as they please is an unsettling thought. In addition to these rental units, adding retail units as well seems inconceivable. Why in the world do we need another retail unit in this area when we are already mere minutes away from many gas stations, drug stores, grocery stores, and retail stores? The traffic on our streets would go up exponentially by bringing such rental and retail units to our neighborhood. This would also increase the number of strangers that would be coming and going in the surrounding area of my family.

This new development proposal leaves no room for parks or green space. With a project of this size, having no open or recreational space would negatively impact our neighborhood. The city has a slogan that states "Keep Temple Beautiful." By carrying out this proposed application, how is the city following its own slogan?

As you discuss the above-mentioned proposal during the City Council meeting on October 16, please keep my family in mind. We love temple. We chose to move to this city because of the small-town feel. We knew we could raise children here safely. There are many more families just like us. My neighbors and I are trusting that you will give careful thought to our concerns. Unfortunately, my wife's and my work schedules do not allow for either of us to attend the meeting, but we will be monitoring your actions closely. We hope that your decision will be in the best interest of our neighborhood and the City of Temple as a whole.

Sincerely,

*Dr. & Mrs. Jonathan Ramirez*

Dr. and Mrs. Jonathan Ramirez  
(254) 598-2610



ORDINANCE NO. 2008-4263

[PLANNING NO. Z-FY-08-37]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A ZONING CHANGE FROM AGRICULTURAL DISTRICT (A) TO PLANNED DEVELOPMENT GENERAL RETAIL DISTRICT (PD-GR) ON AN APPROXIMATELY 12.2 ACRE TRACT OF LAND AND A ZONING CHANGE FROM AGRICULTURAL DISTRICT (A) TO PLANNED DEVELOPMENT SINGLE FAMILY TWO DISTRICT (PD-SF2) ON AN APPROXIMATELY 38.5 ACRE TRACT OF LAND, FOR A TOTAL REZONING OF APPROXIMATELY 50.7 ACRES OUT OF THE MAXIMO MORENO SURVEY, ABSTRACT NO. 14, ON THE NORTHEAST CORNER OF FM 93 AND SOUTH 5<sup>TH</sup> STREET, IN ACCORDANCE WITH SECTIONS 7-500 THROUGH 7-509 OF THE COMPREHENSIVE ZONING ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, the owner of the property consisting of an approximately 50.7 acres out of the Maximo Moreno Survey, Abstract No. 14, on the corner of FM 93 and South 5<sup>th</sup> Street, requested a zoning change from Agricultural District (A) to Planned Development General Retail District (PD-GR) on approximately 12.2 acres and a zoning change from Agricultural District (A) to Planned Development Single Family Two District (PD-SF2) on approximately 38.5 acres; and

**Whereas**, the City Council, after notice and a public hearing, finds that it is in the public interest to authorize this action.

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

**Part 1:** The City Council approves a zoning change from Agricultural District (A) to a Planned Development General Retail District (PD-GR) on an approximately 12.2 acre tract of land and a zoning change from Agricultural District (A) to Planned Development Single Family Two District (PD-SF2) on an approximately 38.5 acre tract of land, for a total rezoning of approximately 50.7 acres out of the Maximo Moreno Survey, Abstract No. 14, on the northeast corner of FM93 and South 5<sup>th</sup> Street, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

**Part 2:** In accordance with Sections 7-500 through 7-509 of the Comprehensive Zoning Ordinance of the City of Temple, Texas, Ordinance No. 91-2101 is amended by changing the zoning classification of the property described in Part 1 above, to Planned Development (General Retail) District and Planned Development (Single Family Two)



District. Development of the property shall comply with all applicable sections of the Code of Ordinances of the City of Temple, Texas, and all local, State and Federal laws and regulations as they may now read or hereafter be amended, including but not limited to the following conditions:

- A. The following uses shall be permitted within the PD-GR District:
1. Antique shop
  2. Art supply store
  3. Retail bakery
  4. Bank or saving and loans office
  5. Barber or beauty shop
  6. Book or stationery shop
  7. Cleaning and pressing small shop and pick up
  8. Customer personal service shop
  9. Discount or department store
  10. Drug store or pharmacy
  11. Florist or garden shop
  12. Food beverage sales store with gasoline pumps
  13. Food beverage sales store without gasoline pumps
  14. Furniture and appliance store
  15. Greenhouse or plant nursery (retail sales)
  16. Handcraft shop and art objects
  17. Hardware store or hobby shop
  18. Key shop
  19. Laboratory, Medical or Dental
  20. Laundry and cleaning (self-service)
  21. Medical appliances, fitting, sales or rental
  22. Offices, general business and professional
  23. Pet shop
  24. Restaurant or cafeteria (not drive-in type)
  25. Retail shop, gift, apparel, accessory and similar items
  26. Retail shop other than listed
  27. Photographer studio
  28. Studio, music, dance or drama
  29. Tool rental (inside only)
  30. Travel bureau or consultant
  31. Veterinarian office only (no animal hospital, no inside pens)
- B. The following uses require a conditional use permit within the PD-GR District:
1. Florist or garden shop
  2. Restaurant or eating place (drive-in service)
  3. Health and reducing or similar service studio
  4. Veterinarian hospital (inside pens)
  5. Tool rental (outside equipment storage)
- C. The following uses are prohibited within the PD-GR District:
1. Single family detached residential
  2. Single family attached dwelling
  3. Townhouse



4. Two family dwelling (duplex)
5. Industrialized housing
6. Single family dwelling attached 3
7. Family home
8. Accessory dwelling
9. Accessory building (residential)
10. Backyard compost operation
11. Home occupation
12. Hotel or motel
13. Stable (private)
14. Electrical substation (high voltage bulk power)
15. Electrical transmission line (high voltage)
16. Gasoline and regulation station
17. Cleaning Plant (Commercial)
18. Household appliance service or repair
19. Pawn Shop
20. Radio or television tower
21. Radio, television transmitting station
22. Telephone Exchange Switch-relay or transmitting equipment
23. Public building shop yard of local, state or federal government
24. Water Treatment Plant
25. Playfield or stadium (public)
26. Roller or ice rink
27. Child Care: small home facility
28. Fraternity or sorority
29. Helistop
30. Railroad track or right-of-way
31. Veterinarian Hospital (outside pens only)
32. Farm, ranch orchard or garden
33. Flea market (indoors)
34. Plumbing shop
35. Warehouse office

D. The following buffering standards apply to the PD-GR District:

1. Landscape and wall buffers between retail and residential uses. A landscape and wall buffer must be installed along the north and east boundaries of the PD-GR District, excluding the curb cut for street access and the intersection visibility triangles.
  - a. The landscape buffers must be 10 feet wide and consist of hardwood trees on 25 foot centers, with a minimum 2 inch caliper and 5 foot planted height, with 5 gallon shrubs placed 5 feet on center between trees located outside of the buffering wall.
  - b. The buffering walls must consist of fences or walls constructed of brick or rock columns, supported by a capstone, placed on 50-75 foot centers, interspersed with wood plank fencing supported by a rot board and stained a compatible color to the brick or rock columns, with a minimum 6 foot vertical height and a maximum 8 foot vertical height.



- c. Openings in fence or wall buffering must not contain openings constituting more than 20 square inches in each square foot of wall or fence surface. The objective is to create a visual barrier.
2. Landscaping along highways. A landscape buffer must be installed along the south and west sides of the PD-GR District (adjoining FM 93 and South Fifth Street), consisting of hardwood trees on 25 foot centers, with a minimum 2 inch caliper and 5 foot planted height, and 5 gallon shrubs placed 5 feet on center between the hardwood trees.
3. Landscape islands in parking lot. One hardwood tree with a minimum 2 inch caliper and 5 foot planted height shall be installed in a landscape island in the parking lot for every 20 parking spaces. Landscape islands shall be a minimum of 128 square feet.
4. Total landscaped area. The total area of landscaping on private property within the PD-GR District must equal or exceed 5 percent of the aggregate lot area.
5. Time of installation. Buffering walls must be installed after the City of Temple's acceptance of infrastructure installed for water, sewer and storm drainage, and prior to the issuance of any building permit. Landscaping must be installed prior to issuance of a certificate of occupancy.
6. Maintenance. If the PD-GR District is divided into two or more lots, the developer must establish a property owners' association (POA) and record covenants so that every lot in the subdivision is sold subject to covenants that require the POA to perpetually maintain buffering and landscaping in compliance with the standards for the PD-SF2 District.

E. The following buffering standards apply to the PD-SF2 District:

1. Buffering walls. Buffering walls must be installed on the western edge of the lots next to South 5th Street and the southern edge of the southernmost lots (abutting the abandoned road parallel to FM 93).
  - a. The buffering walls must consist of fences or walls constructed of brick or rock columns, supported by a capstone, placed on 20-25 foot centers, interspersed with wood plank fencing supported by a rot board and stained a compatible color to the brick or rock columns, with a minimum 6 foot vertical height and a maximum 8 foot vertical height.
  - b. Openings in fence or wall buffering must not contain openings constituting more than 20 square inches in each square foot of wall or fence surface. The objective is to create a visual barrier.
2. Time of installation. The buffering walls must be installed after the infrastructure of water, sewer, paving and drainage is accepted by the City of Temple and prior to the issuance of any building permit.
3. Maintenance. The developer must establish a homeowners' association and record covenants so that every lot in the subdivision is sold subject to covenants that require the HOA to perpetually maintain buffering in compliance with the standards for the PD-SF2 District.

F. Development or redevelopment of the property shall be through the building permit process, in accordance with the Aberdeen Heights Concept Plan, which is attached



hereto as Exhibit B.

These conditions shall be expressed conditions of any building permit issued for construction on the property which may be enforced by the City of Temple by an action either at law or in equity, including the right to specifically enforce the requirements of the ordinance, and these requirements shall run with the land.

**Part 4:** The City Council directs the Director of Planning to make the necessary changes to the City Zoning Map accordingly.

**Part 5:** It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such phrase, clause, sentence, paragraph or section.

**Part 6:** This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

**Part 7:** It is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading and Public Hearing on the **6<sup>th</sup>** day of **November**, 2008.

PASSED AND APPROVED on Second Reading on the **20<sup>th</sup>** day of **November**, 2008.

THE CITY OF TEMPLE, TEXAS

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

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Clydetta Entzminger  
City Secretary

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





## COUNCIL AGENDA ITEM MEMORANDUM

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11/20/08  
Item #4(M)  
Consent Agenda  
Page 1 of 2

### DEPT./DIVISION SUBMISSION & REVIEW:

Tim Dolan, Planning Director

**ITEM DESCRIPTION:** SECOND READING – Z-FY-08-39: Consider adopting an ordinance authorizing a zoning change from Agricultural (A) District to Commercial (C) District on 1.7 ± acres of Lot 2, Block 4, Green Acres Addition, located at 3411 Dogwood Lane. **(Note: Approval of this item on consent agenda will rezone the subject property to GR as approved on first reading.)**

**PLANNING & ZONING COMMISSION & STAFF RECOMMENDATION:** At its October 20, 2008 meeting, the Planning and Zoning Commission voted 9/0 in accordance with staff recommendation to recommend approval of a zoning change from the A, Agricultural zoning district to the GR, General Retail, zoning district instead of the originally requested Commercial district for the following reasons:

1. The subject property is in close proximity to a residential area;
2. Adequate public facilities do not sufficiently serve the property for the Commercial zoning district; and
3. The request complies with the Thoroughfare Plan

**Although the applicant originally requested commercial zoning, they do approve of the general retail zoning recommended by the Planning and Zoning Commission and staff.**

**ITEM SUMMARY:** Please refer to the Staff Report and draft minutes of case Z-FY-08-39, from the Planning and Zoning meeting, October 20, 2008.

The applicant originally requested C, Commercial zoning, for unspecified use. However, due to the reasons listed in the Staff and Planning and Zoning Commission recommendation above, the Planning and Zoning Commission unanimously recommends the GR, General Retail zoning district.

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



Public Notice

Nine notices for the P&Z meeting were sent out. As of Wednesday, October 15 at 5 PM, one notice was returned in favor of and one notice was returned in opposition to the request. The newspaper printed notice of the P&Z public hearing on October 11, 2008 in accordance with state law and local ordinance

**FISCAL IMPACT:** None

**ATTACHMENTS:**

Aerial  
Land Use and Character Map  
Zoning Map  
Notice Map  
P&Z Staff Report (Z-FY-08-39)  
P&Z Minutes  
Ordinance





**Z-FY-08-39**

Part of Lot 2, Block 4, Green Acres Addition

3411 Dogwood Ln



 Area of Proposed Zoning

**A to C Zoning**

1 inch = 200 feet  
J Stone 09.22.08





Z-FY-08-39

Part of Lot 2, Block 4, Green Acres Addition

3411 Dogwood Ln

- Area of Proposed Zoning
- Neighborhood Conservation
- Estate Residential
- Suburban Residential
- Auto-urban Residential
- Auto-Urban Multi-Family
- Auto-Urban Mixed Use
- Auto-Urban Commercial
- Suburban Commercial
- Urban Center
- Temple Medical Education District
- Industrial
- Business park
- Public/Institutional
- Parks and Open Space
- Agricultural/Rural
- Temple Boundary



1 inch = 300 feet  
J Stone 09.22.08

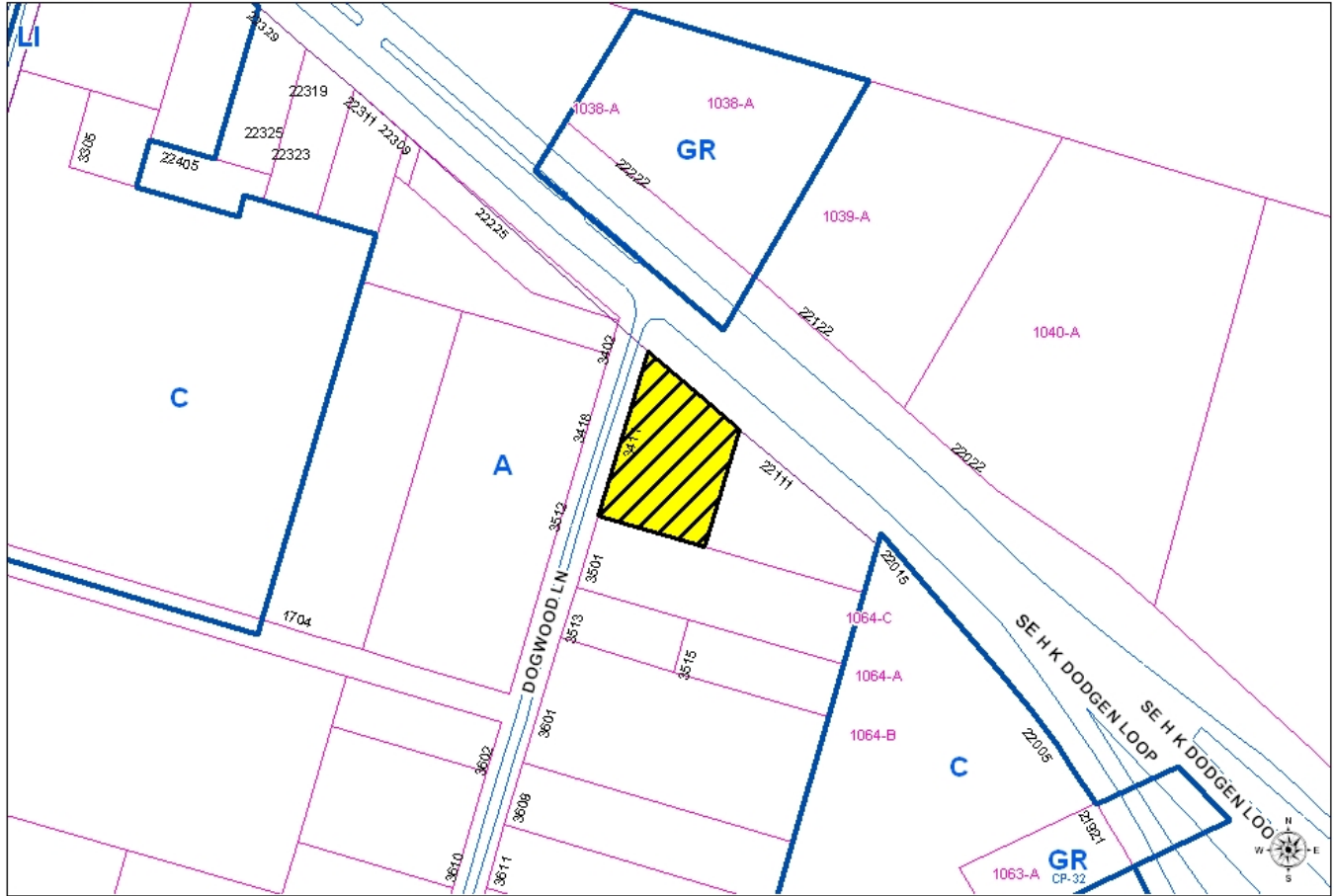





**Z-FY-08-39**

Part of Lot 2, Block 4, Green Acres Addition

3411 Dogwood Ln



 Area of Proposed Zoning

A to C Zoning

1 inch = 200 feet  
J Stone 09.22.08

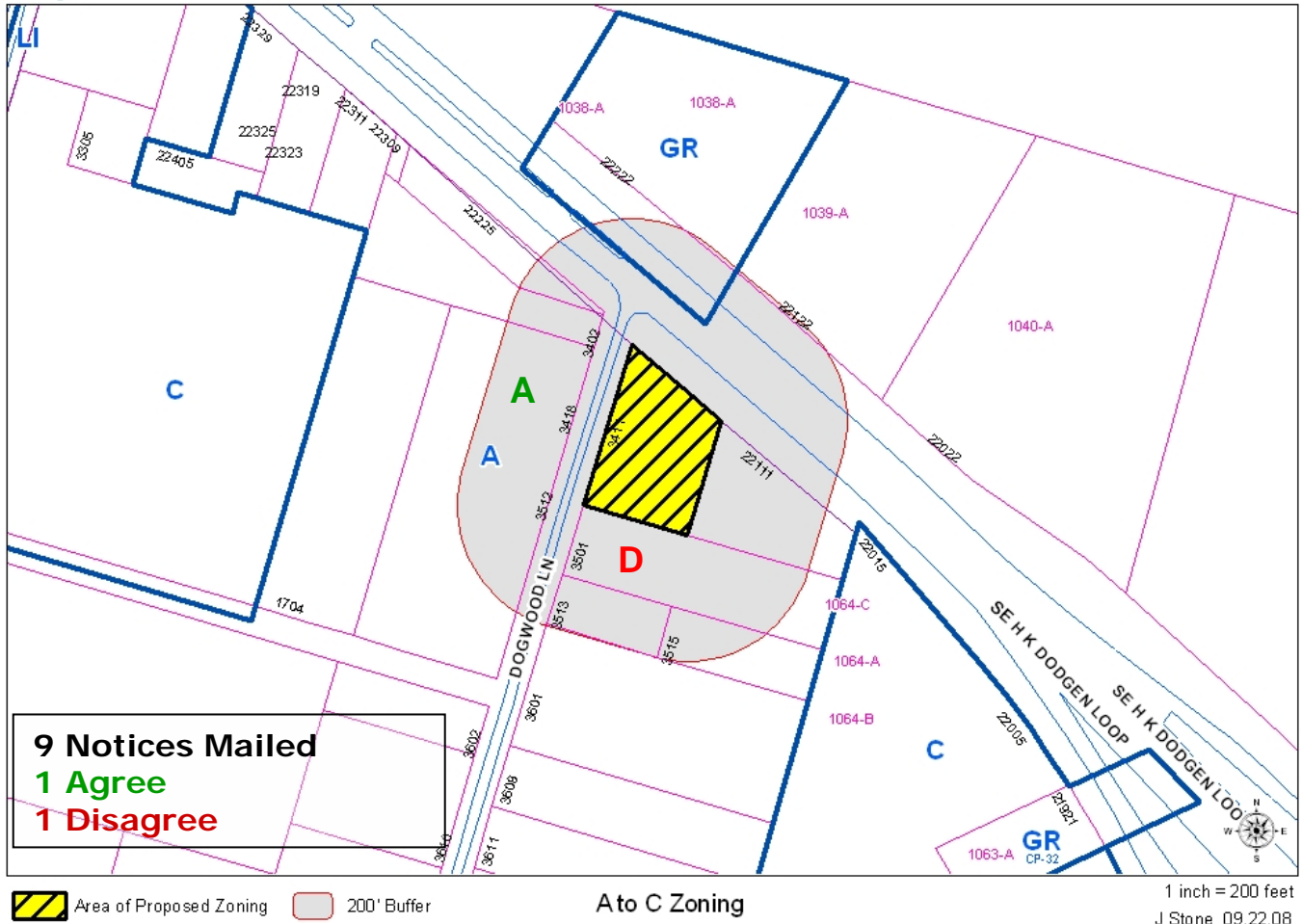




**Z-FY-08-39**

Part of Lot 2, Block 4, Green Acres Addition

3411 Dogwood Ln







# PLANNING AND ZONING COMMISSION AGENDA ITEM

10/20/08  
Item #6  
Regular Agenda  
Page 1 of 3

**APPLICANT / DEVELOPMENT:** Deborah Tubbs

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

**ITEM DESCRIPTION:** Z-FY-08-39 Hold a public hearing to discuss and recommend action on a zone change from Agricultural District (A) to Commercial District (C) on 1.7 ± acres of Lot 2, Block 4, Green Acres Addition, located at 3411 Dogwood Lane. (Deborah Tubbs)

**BACKGROUND:** The applicant requests a zone change from the A, Agricultural zoning district to the C, Commercial zoning district for unspecified uses.

The property is at the corner of HK Dodgen Loop 363 and Dogwood Lane.

**Surrounding Property and Uses**

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

Direction	Zoning	Current Land Use
North	A	HK Dodgen Loop 363
	A	Bus and RV parking
	GR	Gas station
East	A	Vacant
South	A	Single-family subdivision
West	A	Agriculture

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

**Future Land Use and Character**

The Future Land Use and Character map designates the property suburban residential. The Plan states that the suburban residential character district is for mid-size single family lots, allowing for greater separation between dwellings and more emphasis on green spaces versus the streets and driveways that predominate in an auto-urban setting. However, the property is located along HK Dodgen Loop 363 which is designated as an Expressway on the Thoroughfare Plan map. This frontage makes the property suitable for nonresidential development. In the future, the Future Land Use and Character map should be amended so that the entire frontage of HK Dodgen Loop 363 in the area of the subject property has the auto urban character designation.

**Thoroughfare Plan**

HK Dodgen Loop 363 is designated as an Expressway on the Thoroughfare Plan map and Dogwood is a local street. Due to the proximity to the Loop, the request complies with the Thoroughfare Plan.

**Double Sided**



### Adequacy of Public Facilities

A 6" water line and no sewer serve the property. The nearest sewer line serves the old Action World bowling alley 1/3<sup>rd</sup> of a mile to the northwest. The Assistant City Engineer estimates that the City will upgrade the water line to 8" and build a sewer line in the vicinity in the 2011-2013 timeframe. Adequate public facilities do not serve the site.

### Development Regulations – C, Commercial

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 does not meet some of these criteria: it is not located along a major highway or at an intersection and it is not located away from low and medium residential development.

Permitted uses include all retail and most commercial land uses including auto dealerships with complete servicing facilities, building material sales, light industrial uses and heavy machinery sales. Prohibited uses include, but are not limited to, apartments, heavy industrial uses, sexually oriented businesses, shooting ranges, and wrecker and salvage yards.

Minimum lot area and setback requirements are as follow:

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

However, as stated in the Staff Recommendation below, due to the close proximity of the property to existing residential uses, staff recommends the GR, General Retail zoning district for the property. The even less intense NS, Neighborhood Services zoning district would not be appropriate for property fronting an expressway.

### Development Regulations – GR, General Retail

The purpose of the GR, General Retail zoning district is to serve larger service areas than neighborhoods. This district should be located at the intersection of major arterials 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 retail facility. This is the standard retail district and allows most retail uses including retail sales, fuel sales, restaurants, grocery stores, or offices and residential uses except apartments. Uses prohibited in GR that are permitted in C include: Auto storage or auction, major vehicle repair, auto sales, pawn shop, tool rental, and several light industrial uses.



The dimensional standards for the GR zoning district are the same as those for the C zoning district as shown in the table above.

Public Notice

Nine notices were sent out. As of Wednesday, October 15 at 5 PM, one notice was returned in favor of and one notice was returned in opposition to the request. The newspaper printed notice of the public hearing on October 11, 2008 in accordance with state law and local ordinance

**STAFF RECOMMENDATION:**

Staff recommends approval of the zone change request from A, Agricultural to GR, General Retail rather than C, Commercial because:

1. The subject property is in close proximity to a residential area;
2. Adequate public facilities do not serve the property; and
3. The request complies with the Thoroughfare Plan.

**FISCAL IMPACT:** Not Applicable

**ATTACHMENTS:**

Zoning Map  
Land Use and Character Map  
Aerial  
Notice Map  
Response Letters



**EXCERPTS FROM THE  
PLANNING & ZONING COMMISSION MEETING**

**MONDAY, OCTOBER 20, 2008**

**ACTION ITEMS**

**6. Z-FY-08-39:** Public Hearing - Hold a public hearing to discuss and recommend action on a zone change from Agricultural District (A) to Commercial District (C) on 1.7 ± acres of Lot 2, Block 4, Green Acres Addition, located at 3411 Dogwood Lane. (Deborah Tubbs)

Brian Mabry, Senior Planner, presented the background on this zone change request. The Staff recommended the GR designation rather than the Commercial designation originally requested, since most retail uses are permitted in GR, such as gas stations, restaurants, grocery stores, offices and minor vehicle repair.

Staff recommended approval of this zoning change request from A to GR due to the subject's proximity to residential areas, the South and across Dogwood Lane, and the lack of adequate public facilities being in place to serve the property (no sewer). This request also complied with the Thoroughfare Plan.

Commissioner Luck made a motion to approve the zone change from A to GR.

Commissioner Martin seconded the motion.

Motion passed (9:0)



ORDINANCE NO. \_\_\_\_\_

[PLANNING NO. Z-FY-08-39]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A ZONING CHANGE FROM AGRICULTURAL DISTRICT (A) TO GENERAL RETAIL DISTRICT (GR) ON APPROXIMATELY 1.7 ACRES OF LOT 2, BLOCK 4, GREEN ACRES ADDITION, LOCATED AT 3411 DOGWOOD LANE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

**Part 1:** The City Council approves a zoning change from Agricultural District (A) to General Retail District (GR) on approximately 1.7 acres of Lot 2, Block 4, Green Acres Addition, located at 3411 Dogwood Lane, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

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

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the 6<sup>th</sup> day of November, 2008.



PASSED AND APPROVED on Second Reading on the **20<sup>th</sup>** day of **November**, 2008.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Clydette Entzminger  
City Secretary

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Jonathan Graham  
City Attorney





## COUNCIL AGENDA ITEM MEMORANDUM

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11/20/08  
Item #4(N)  
Consent Agenda  
Page 1 of 2

### DEPT./DIVISION SUBMISSION & REVIEW:

Tim Dolan, Planning Director

**ITEM DESCRIPTION:** SECOND READING – Z-FY-08-41: Consider adopting an ordinance authorizing a zoning change from General Retail (GR) District to Commercial (C) District on part of Lots 1 and 2, Block 4, Keaton Addition, located at 919 North General Bruce Drive. **(Note: Approval of this item on the consent agenda will rezone the subject property to PD-C as approved on first reading.)**

**PLANNING & ZONING COMMISSION & STAFF RECOMMENDATION:** At its October 20, 2008 meeting, the Planning and Zoning Commission voted 9/0 in accordance with staff recommendation to recommend approval of a zoning change from the GR, General Retail zoning district to the PD-C, Planned Development-Commercial zoning district, instead of the straight Commercial zoning as originally requested by the applicant. The following uses shall be permitted in the PD-C zoning district:

1. All uses permitted in the GR, General Retail zoning district; and
2. Off-premise sign.

Staff and P&Z make the recommendation for the following reasons:

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

The applicant originally requested “straight” Commercial zoning. Staff met with the applicant a few days prior to the Planning and Zoning Commission meeting and explained the need to avoid including additional potentially unattractive light industrial uses allowed in the Commercial zoning district to the I-35 corridor. **The applicant then approved of the Planned Development-Commercial recommendation that would** allow all of the uses permitted in the current GR zoning district, plan an off-premise sign.

**ITEM SUMMARY:** Please refer to the Staff Report and draft minutes of case Z-FY-08-41, from the Planning and Zoning meeting, October 20, 2008.

A gas station currently occupies the subject property. The applicant requests the PD-C, Planned Development-Commercial zoning district in order to build an off-premise sign (billboard) on the property.



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

Public Notice

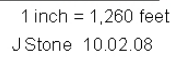
Seven notices of the P&Z meeting were sent out. As of Wednesday, October 16 at 5 PM, one notice was returned in favor of and no notices were returned in opposition to the request. The newspaper printed notice of the P&Z public hearing on October 11, 2008 in accordance with state law and local ordinance

**FISCAL IMPACT:** None

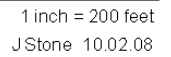
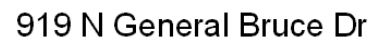
**ATTACHMENTS:**

[Off-Premise Sign Separation Aerial](#)  
[Zoning Map](#)  
[Notice Map](#)  
[P&Z Staff Report \(Z-FY-08-41\)](#)  
[P&Z Minutes](#)  
[Ordinance](#)

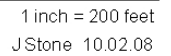
















# PLANNING AND ZONING COMMISSION AGENDA ITEM

10/20/08  
Item #5  
Regular Agenda  
Page 1 of 3

**APPLICANT / DEVELOPMENT:** Jared Westmoreland

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

**ITEM DESCRIPTION:** Z-FY-08-41 Hold a public hearing to discuss and recommend action on a zone change from General Retail District to Commercial District on part of Lots 1 and 2, Block 4, Keaton Addition, located at 919 North General Bruce Drive. (Applicant: Jared Westmoreland)

**BACKGROUND:** A gas station currently occupies the subject property. The applicant requests the C, Commercial zoning district in order to build an off-premise sign (billboard) on the property. Off-premise signs are only permitted in the C, Commercial; LI, Light Industrial and HI, Heavy Industrial zoning districts along General Bruce Drive and HK Dodgen Loop 363.

The Zoning Ordinance requires a minimum separation distance of 1,500 feet between off-premise signs along General Bruce Drive. As shown in the attached aerial, existing off-premise signs are 2,150 to the north and 4,355 feet to the south.

According to the off-premise sign standards in the Zoning Ordinance, the dimensions of an off-premise sign erected on property fronting General Bruce Drive must be 14 feet by 48 feet, for a total surface display area per face of 672 square feet. An off-premise sign must be 42.5 feet in height and an off-premise sign must be set back at least 20 feet from any road or street right-of-way line, measured from the closest part of the sign. Compliance with these standards will be checked at the time of administrative building permit review.

## Surrounding Property and Uses

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

Direction	Zoning	Current Land Use
North	GR	Motel
	GR-CUP	Private club
East	GR	Motel
South	GR	Motel
West	GR	S. General Bruce Drive
	LI	S. General Bruce Drive
	LI	Hotel
	LI-CUP	Private Club

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

**Double Sided**



### Future Land Use and Character Map

The Future Land Use and Character map designates the subject property as Auto-Urban Commercial, which the Comprehensive Plan states is for the majority of the areas identified for commercial use. The request complies with the Future Land Use and Character map.

### Thoroughfare Plan

South General Bruce Drive is designated as an Expressway on the Thoroughfare Plan map. The request complies with the Thoroughfare Plan.

### Adequacy of Public Facilities

The property is served by a 6" water line and 6" sewer line. Adequate public facilities 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 does not meet some of these criteria: it is not located along a major highway or at an intersection and it is not located away from low and medium residential development.

Permitted uses include all retail and most commercial land uses including auto dealerships with complete servicing facilities, building material sales, light industrial uses 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.

Minimum lot area and setback requirements are as follow:

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

The setback and height standards for off-premise signs described on the previous page supersede the general district requirements in the table above. The dimensional standards for the existing GR zoning district are the same as those for the requested C zoning district as shown in the table above.

### Public Notice

Seven notices were sent out. As of Wednesday, October 16 at 5 PM, one notice was returned in favor of and no notices were returned in opposition to the request. The newspaper printed notice of the public hearing on October 11, 2008 in accordance with state law and local ordinance



**STAFF RECOMMENDATION:** In order to avoid the intense uses allowed in the C, Commercial zoning district along the I-35 corridor, staff recommends approval of the zone change from GR, General Retail to PD-C, Planned Development-Commercial zoning district. The following uses shall be permitted in the PD-C zoning district:

1. All uses permitted in the GR, General Retail zoning district in Section 7 of the Zoning Ordinance; and
2. Off-premise sign.

Staff makes the recommendation for the following reasons:

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

**FISCAL IMPACT:** Not Applicable

**ATTACHMENTS:**

Zoning Map  
Off-Premise Sign Separation Aerial  
Notice Map  
Response Letters



**EXCERPTS FROM THE  
PLANNING & ZONING COMMISSION MEETING**

**MONDAY, OCTOBER 20, 2008**

**ACTION ITEMS**

**5. Z-FY-08-41:** Public Hearing - Hold a public hearing to discuss and recommend action on a zone change from General Retail District (GR) to a Planned Development Commercial District (PD-C) on part of Lots 1 and 2, Block 4, Keaton Addition, located at 919 North General Bruce Drive. (Applicant: Jared Westmoreland)

Brian Mabry, Senior Planner, stated this request was originally submitted for Commerical zoning but Staff recommended PD-C. The requested zone change was in order to erect an off-premise sign, a/k/a a billboard.

Staff recommended that the PD allow for all the uses that are allowed in GR which is the current zoning district for the property, plus an all premises sign which is the billboard so Staff recommended approval of this zone change from GR to PD-C since the request also complied with the Future Land Use map and character map, character plan and adequate public facilities are available to serve the site.

Commissioner Hurd made a motion to approve the zone change from GR to PD-C allowing the one commercial use of an off-premises sign.

Commissioner Martin seconded the motion.

Motion passed (9:0)



ORDINANCE NO. \_\_\_\_\_

[PLANNING NO. Z-FY-08-41]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A ZONING CHANGE FROM GENERAL RETAIL DISTRICT TO PLANNED DEVELOPMENT (COMMERCIAL) DISTRICT ON PART OF LOTS 1 AND 2, BLOCK 4, KEATON ADDITION, LOCATED AT 919 NORTH GENERAL BRUCE DRIVE, IN ACCORDANCE WITH SECTIONS 7-500 THROUGH 7-509 OF THE COMPREHENSIVE ZONING ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the owner of the property consisting of part of Lots 1 and 2, Block 4, Keaton Addition, located at 919 North General Bruce Drive, has requested that the property be rezoned from General Retail District to Planned Development (Commercial) District; and

**Whereas**, the City Council, after notice and a public hearing, finds that it is in the public interest to authorize this action.

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

**Part 1:** The City Council approves a zoning change from General Retail District to Planned Development (Commercial) District on part of Lots 1 and 2, Block 4, Keaton Addition, located at 919 North General Bruce Drive, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

**Part 2:** In accordance with Sections 7-500 through 7-509 of the Comprehensive Zoning Ordinance of the City of Temple, Texas, Ordinance No. 91-2101, is amended by changing the zoning classification of the property described in Part 1 above, to Planned Development (Commercial) District, and shall comply with all applicable sections of the Code of Ordinances of the City of Temple, Texas, and all local, State and Federal laws and regulations as they may now read or hereafter be amended, including but not limited to the following conditions:

- (a) The use and development standards of the property shall conform to the requirements of the General Retail District; and
- (b) Off-premise sign is allowed.

These conditions shall be expressed conditions of any building permit issued for construction on the property which may be enforced by the City of Temple by an action either at law or in



equity, including the right to specifically enforce the requirements of the ordinance, and these requirements shall run with the land.

**Part 4:** The City Council directs the Director of Planning to make the necessary changes to the City Zoning Map accordingly.

**Part 5:** It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such phrase, clause, sentence, paragraph or section.

**Part 6:** This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

**Part 7:** It is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading and Public Hearing on the **6<sup>th</sup>** day of **November**, 2008.

PASSED AND APPROVED on Second Reading on the **20<sup>th</sup>** day of **November**, 2008.

THE CITY OF TEMPLE, TEXAS

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

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Clydetta Entzminger  
City Secretary

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





## COUNCIL AGENDA ITEM MEMORANDUM

---

11/20/08  
Item #4(O)  
Consent Agenda  
Page 1 of 1

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

Tim Dolan, AICP, Planning Director

**ITEM DESCRIPTION:** SECOND READING – Z-FY-09-01: Consider adopting an ordinance authorizing an amendment to the City of Temple Subdivision Ordinance, Sections 33-91 (blocks) and 33-93 (cul-de-sacs), creating subdivision standards for cul-de-sacs and residential blocks to consider using the average daily trips in lieu of distance requirements, and to create subdivision access standards, and to relocate these requirements to the City of Temple Design & Development Standard Manual.

**PLANNING & ZONING COMMISSION & STAFF RECOMMENDATION:** Adopt ordinance on second and final reading.

**ITEM SUMMARY:** Please refer to the Staff Report and draft minutes of case Z-FY-09-01, from the Planning and Zoning meeting, October 20, 2008, which the Commission recommended approval 9/0.

The Fire Department is in the process of adopting a 2006 Uniform Fire Code which contains a provision requiring a 48' radius with a paved diameter of 96'. (Current regulations for a cul-de-sac radius are 40' with a paved diameter of 80').

The Design Standards Advisory Board (DSAB) has worked for more than one year with the Fire Department, plus the Public Works and the Planning Department, to look at various sized radii for cul-de-sacs. Both Public Works and Planning introduced the idea of using maximum number of vehicular average daily trips (ADT) for various sized cul-de-sacs. The idea of using vehicular trips is one used in Texas and nation-wide, focusing on the impact of vehicular trips in determining street design. The different sized cul-de-sacs would measure from a maximum of 250 ADTS to a minimum of 70 ADTS, and a residential block a maximum of 300 vehicular trips.

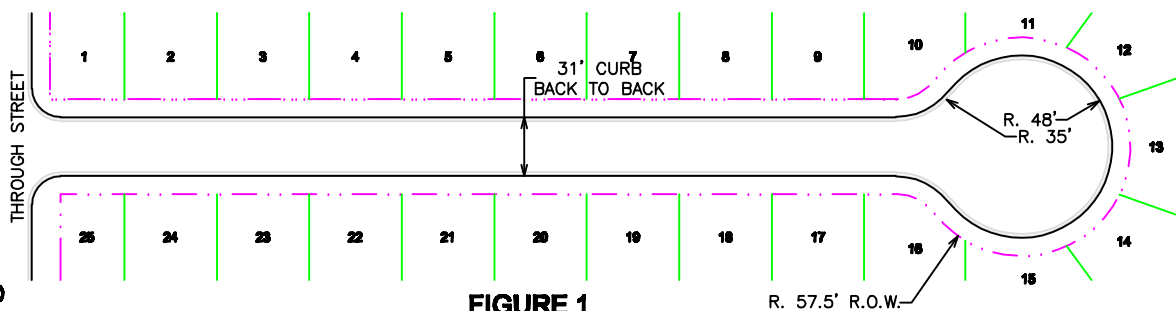
**FISCAL IMPACT:** None

### **ATTACHMENTS:**

[Graphics](#)  
[P&Z Staff Report](#)  
[P&Z Excerpts](#)  
[Ordinance](#)

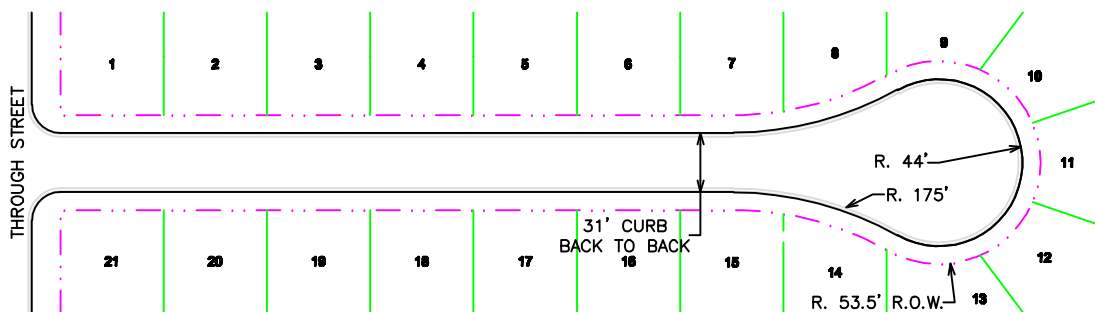


**48' RADIUS STANDARD  
CUL-DE-SAC  
(ROUND OR OFFSET TERMINAL)  
250 MAXIMUM ADT  
(25 DWELLING UNITS)**



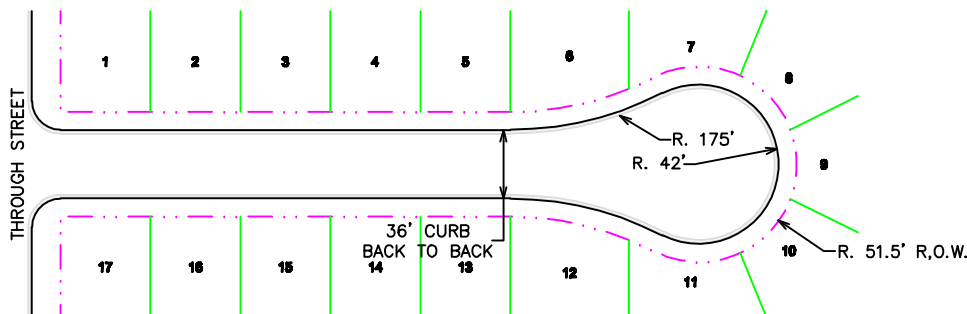
**FIGURE 1**

**44' RADIUS TEARDROP  
CUL-DE-SAC  
(TEARDROP TERMINAL)  
210 MAXIMUM ADT  
(21 DWELLING UNITS)**



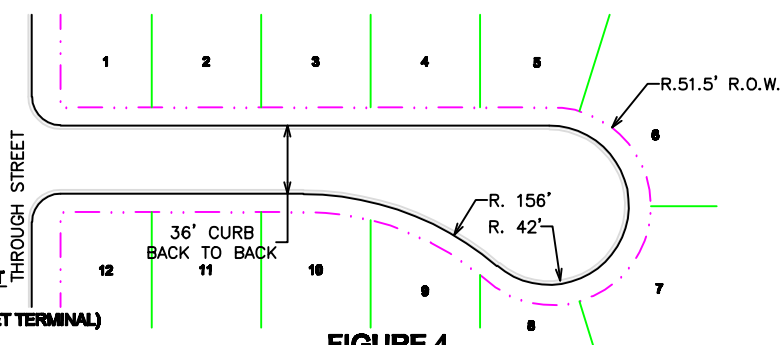
**FIGURE 2**

**42' RADIUS TEARDROP  
CUL-DE-SAC  
(TEARDROP TERMINAL)  
170 MAXIMUM ADT  
(17 DWELLING UNITS)**



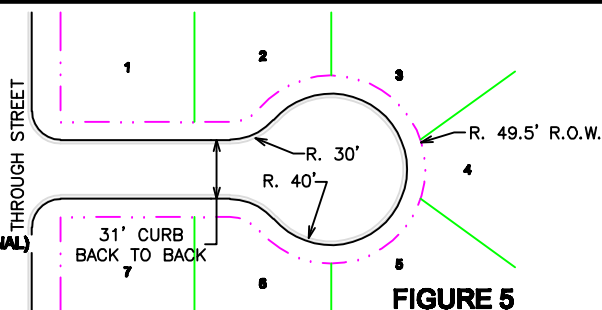
**FIGURE 3**

**42' RADIUS OFFSET  
CUL-DE-SAC  
(ROUND OR TEARDROP OFFSET TERMINAL)  
120 MAXIMUM ADT  
(12 DWELLING UNITS)**



**FIGURE 4**

**40' RADIUS LOW DENSITY  
CUL-DE-SAC  
(ROUND OR TEARDROP TERMINAL)  
70 MAXIMUM ADT  
(7 DWELLING UNITS)**



**FIGURE 5**

**SHEET 1 OF 2**



**CITY OF TEMPLE  
ENGINEERING DEPARTMENT**

3210 E. Avenue H, Bldg. A

TEMPLE, TX 76791-0402

APPROVED BY: Michael C. Newman, P.E.

DESIGN APPROVED DATE: 1 OCTOBER 2008

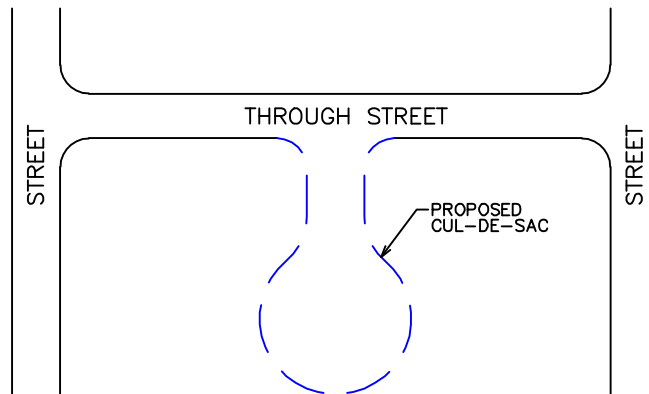
DRAWN BY: Chris Paul

FILE NAME: CULDESAC08.dwg

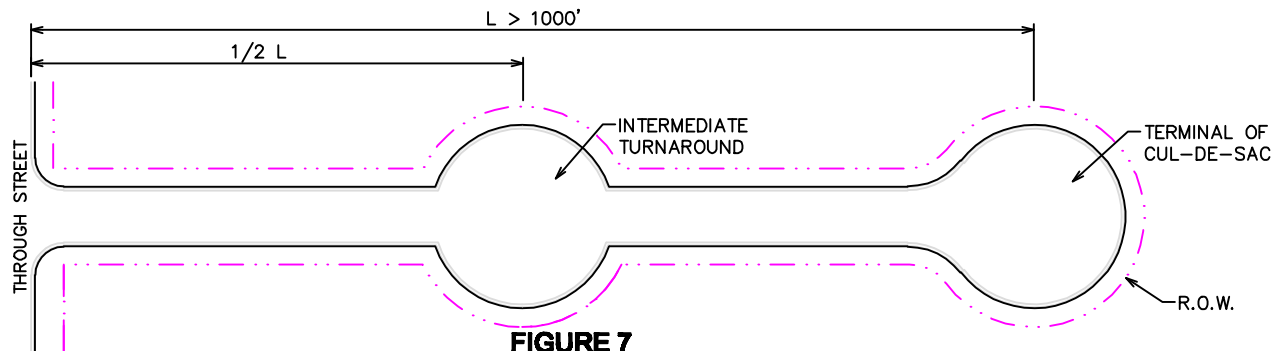
**DESIGN CRITERIA-CUL-DE-SACS**

**SCALE:  
1"=100'**





**FIGURE 6**  
**THROUGH STREET DIAGRAM**



**FIGURE 7**  
**INTERMEDIATE TURNAROUND**

**GENERAL NOTES FOR ALL CUL-DE-SACS**

1. A THROUGH STREET IS DEFINED AS A STREET THAT EXTENDS CONTINUOUSLY BETWEEN TWO OR MORE STREETS. (SEE FIG. 6)
2. PARKING SHALL NOT BE PERMITTED IN THE TERMINAL OF A CUL-DE-SAC WHEN DESIGNED PER FIGURES 2,3, OR 4 UNLESS SUCH CUL-DE-SACS ARE ALSO SERVED BY ALLEYS OR DWELLINGS ARE PROTECTED WITH AN APPROVED, OPERATIONAL FIRE SPRINKLER SYSTEM.
3. WHEN EACH DWELLING ON A CUL-DE-SAC IS PROTECTED WITH AN APPROVED, OPERATIONAL FIRE SPRINKLER SYSTEM, THE CUL-DE-SAC MAY BE DESIGNED WITH A MINIMUM TERMINAL RADIUS OF 40'.
4. COMMERCIAL CUL-DE-SACS SHALL HAVE A MINIMUM 50' RADIUS AND 60' OF RIGHT OF WAY.
5. CUL-DE-SAC LOTS THAT ARE ACCESSIBLE BY ALLEYS MAY BE DESIGNED WITH A MINIMUM 40' TERMINAL RADIUS WITH EITHER A ROUND, TEARDROP, OR OFFSET TERMINAL.
6. INTERMEDIATE TURNAROUNDS ARE REQUIRED WHEN THE LENGTH OF A CUL-DE-SAC IS GREATER THAN 1000'. CONSIDERATION OF THE NUMBER OF INTERMEDIATE TURNAROUNDS SHALL BE BASED ON THE OVERALL LENGTH. (SEE FIG. 7)
7. THE PLANNING DIRECTOR MAY APPROVE UP TO A 15% INCREASE IN ADT WHEN OVERALL SUBDIVISION STREET DESIGN INCLUDES TRAFFIC ENHANCING DESIGN FEATURES SUCH AS: 1) STREET LAYOUT THAT PROMOTES ORDERLY AND CONVENIENT TRAFFIC FLOW 2) TRAFFIC CALMING FEATURES, OR 3) SUBDIVISION ENTRANCE DESIGN THAT FACILITATES EASE OF TRAFFIC FLOW AND ACCESS.
8. A FUTURE INTERSECTING STREET THAT IS NOT A CUL-DE-SAC MAY BE USED IN CALCULATING ADT's FOR A CUL-DE-SAC, PROVIDED SUCH A FUTURE INTERSECTING STREET IS PART OF AN APPROVED PRELIMINARY OR FINAL PLAT.
9. CUL-DE-SACS DESIGNED TO COLLECTOR STREET WIDTH STANDARDS MAY BE DESIGNED WITH A MINIMUM 40' TURNAROUND RADIUS AND MAY BE EITHER ROUND, TEARDROP, OR OFFSET TERMINAL.
10. CONSIDERATION TO REDUCE RIGHT OF WAY IN CUL-DE-SAC WILL BE SUBJECT TO APPROVAL OF ENGINEERING DEPARTMENT. CITY STAFF MAY APPROVE ALTERNATIVE CUL-DE-SAC TERMINAL RIGHT OF WAY DESIGN TO PARTIALLY MITIGATE LOSS OF LAND RESULTING FROM INCREASED CUL-DE-SAC RADIUS REQUIREMENTS. ALTERNATIVE DESIGNS MUST PROVIDE CITY RIGHT OF WAY AT WATER AND WASTEWATER SERVICE POINTS ADEQUATE FOR CITY SERVICE ACCESS.
11. RADIUS ON INTERMEDIATE TURNAROUNDS SHALL BE THE SAME SIZE AS THE TERMINAL.

**SHEET 2 OF 2**

APPROVED BY: Michael C. Newman, P.E.

DESIGN APPROVED DATE: 1 OCTOBER 2008

DRAWN BY: Chris Peel

FILE NAME: CULDESACBldg.dwg



**CITY OF TEMPLE  
ENGINEERING DEPARTMENT**

3210 E. Avenue H, Bldg. A

TEMPLE, TX 76781-8402

**DESIGN CRITERIA-CUL-DE-SACS**

**SCALE:  
1"=100'**



THE FOLLOWING 'STANDARD' AND 'ALTERNATE' ENTRANCE STREET DESIGNS ARE TO BE USED WHEN DESIGNING TEMPLE RESIDENTIAL SUBDIVISIONS. ALTERNATE DESIGNS AFFORD INCREASED FLEXIBILITY AND MAY BE UTILIZED TO INCREASE THE RATIO OF LOTS TO ENTRANCE.

## RESIDENTIAL SUBDIVISION ENTRANCE/ACCESS DESIGN STANDARDS

NUMBER OF LOTS	STANDARD DESIGN MINIMUM ENTRANCES (LOCAL OR COLLECTOR STREET) (FIGURES 1,2,3,or4)	ALTERNATE DESIGNS MINIMUM ENTRANCES (MINIMUM CUMULATIVE STREET WIDTH 41' CB/CB) (FIGURES 2,3,4,&5or6)
1-75	1	
76-150	2(b)	1(d)
151-300	3(b&c)	2(b,c,&d)
301+	N/A	3(a,b,c,&d)

Subdivision Street Entrance/Access Design Requirements maybe satisfied with a combination of standard or alternate designs in combination with access to other subdivisions, in accordance with the table above and figures 1-7.

Fire Sprinkler Subdivisions. When all dwelling units within a subdivision are served by approved fire sprinkler systems, multiple entrance access is not required to meet fire safety requirements

Street Width and Curb Radii are determined by respective street classifications.

(a) Subdivisions with more than 300 residential lots may be required to have more than three entrance/access streets (or provision for future street connections with adjacent property) to facilitate adequate traffic flow and safety.  
The Planning Director may waive the requirement for more than three entrance access street design includes traffic-enhancing features such as: 1) street layout that promotes orderly and convenient traffic flow with local street to collector street to subdivision entrance/access 2) traffic calming features, 3) continuous left and right turn exit traffic lanes, 4) direct access to a multi-lane arterial street, arterial with center turn lane, boulevard, or acceleration/deceleration lanes to/from the entrance, 5) increased radii at entrance corners.

b) Second or Third Entrance Access required under this standard may be temporarily satisfied by the execution of a development agreement between the City and the developer and the subsequent dedication and construction of a "Temporary Emergency Vehicle Access" across a public lot or easement if the "access" is constructed in accordance with Figure 7.  
The development agreement must, in addition to addressing construction standards for the "Temporary Emergency Vehicle Access" provide that the City shall maintain the temporary access paving and retain the right to access until such time as the "Temporary Emergency Vehicle Access" is replaced by a permanent subdivision entrance/access constructed in accordance with these standards and accepted by the City. The development agreement shall also provide that as a condition of acceptance of a "Temporary Emergency Vehicle Access" by the City, that the developer shall create a home owners association with responsibility for maintaining vegetation adjacent to the "Temporary Emergency Vehicle Access" or shall provide financial guaranty acceptable to the City Attorney.


(c) Future Street Access may satisfy additional entrance access requirements when a future street access is a component of an approved Preliminary or Final Plat.

(d) Residential Driveway access to Entrance Streets is not permitted.

### NOTES:

- ADT IS A REFERENCED TERM FROM THE TRIP GENERATION MANUAL PUBLISHED BY THE INSTITUTE OF TRANSPORTATION ENGINEERS. RESIDENTIAL LOT IS ASSUMED AT 10 ADT/DWELLING UNIT.
- AN ENTRANCE ACCESS STREET IS A STREET THAT EXTENDS CONTINUOUSLY BETWEEN TWO OR MORE STREETS. WHEN THE ACCESS OF A PROPOSED SUBDIVISION IS FROM AN EXISTING LOCAL STREET, THE AVERAGE DAILY TRIPS ("ADT's") OF THE EXISTING SUBDIVISION MUST BE INCLUDED IN THE ADT CALCULATION FOR THE PROPOSED SUBDIVISION.

SHEET 1 OF 3

		<b>CITY OF TEMPLE</b> <b>ENGINEERING DEPARTMENT</b>	
		2210 E. Avenue H, Bldg. A TEMPLE, TX 76701-0402	
APPROVED BY: Michael C. Newman, P.E.	D&B APPROVED DATE: 1 OCTOBER 2008	<b>DESIGN CRITERIA-</b> <b>RESIDENTIAL SUBDIVISION ENTRANCES</b>	
DRAWN BY: Chris Peel	FILE NAME: SUBDIVENTRY.dwg	<b>SCALE:</b> 1"=100'	



**NOTE:**  
THIS ALTERNATIVE IS THE  
EQUIVALENT OF TWO  
ENTRANCES.

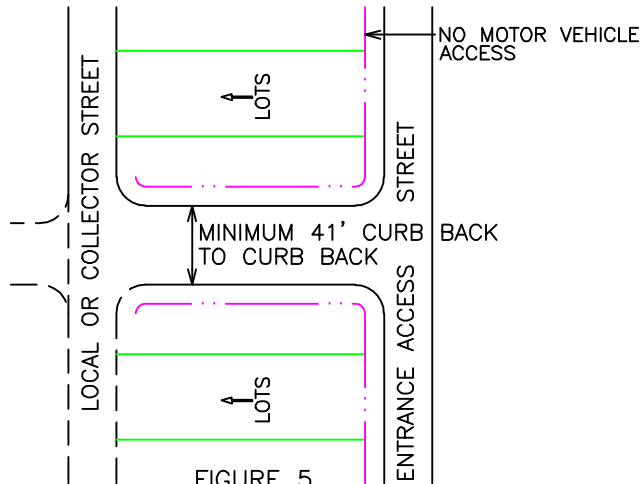


FIGURE 5

ALTERNATE ENTRANCE  
MINIMUM 41' CB/CB

(LOTS DO NOT FACE ENTRANCE STREET)

-----LINES DEPICT OPTIONAL STREET DESIGNS THAT  
MAY WORK, SUBJECT TO OVERALL DESIGN COMPLIANCE  
WITH CITY ORDINANCE OR DEVELOPMENT STANDARDS

**NOTE:**  
THIS ALTERNATIVE IS THE  
EQUIVALENT OF TWO  
ENTRANCES.

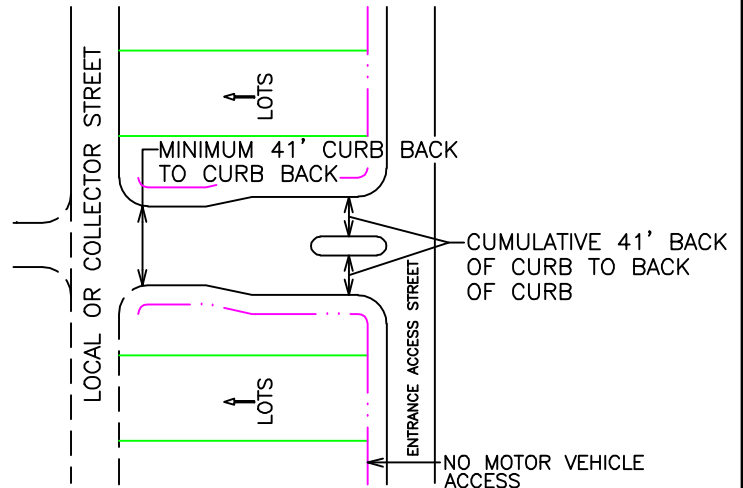


FIGURE 6

ALTERNATE ENTRANCE (BOULEVARD)  
MINIMUM 41' CB/CB

(LOTS DO NOT FACE ENTRANCE STREET)

-----LINES DEPICT OPTIONAL STREET DESIGNS THAT  
MAY WORK, SUBJECT TO OVERALL DESIGN COMPLIANCE  
WITH CITY ORDINANCE OR DEVELOPMENT STANDARDS

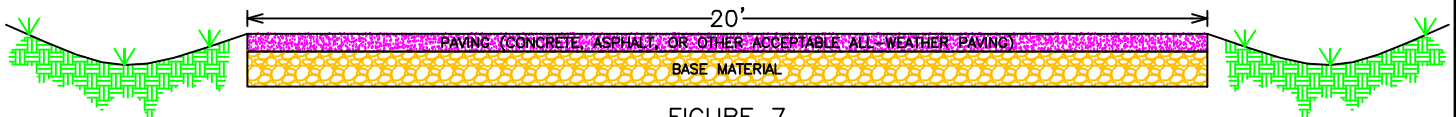


FIGURE 7

TEMPORARY EMERGENCY VEHICLE ACCESS DESIGN

MINIMUM PAVEMENT DESIGN BASED ON A GEOTECHNICAL REPORT RECOMMENDATION, MUST BE CAPABLE OF SUPPORTING THE IMPOSED LOAD OF FIRE APPARATUS WEIGHING AT LEAST 70,000 POUNDS, AND MEET STREET GRADE REQUIREMENTS OF THE MOVEABLE BARRICADES OR GATES, TO RESTRICT USE TO EMERGENCY VEHICLES, MAY BE INSTALLED WITH "NO PARKING FIRE LANE" SIGNS PER THE TEMPLE FIRE CODE.



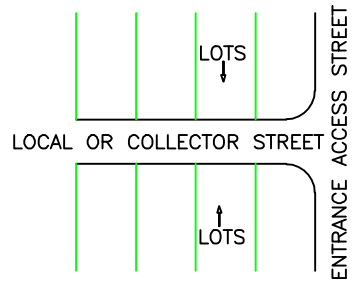


FIGURE 1  
STANDARD ENTRANCE  
(LOTS FACE ENTRANCE STREET)

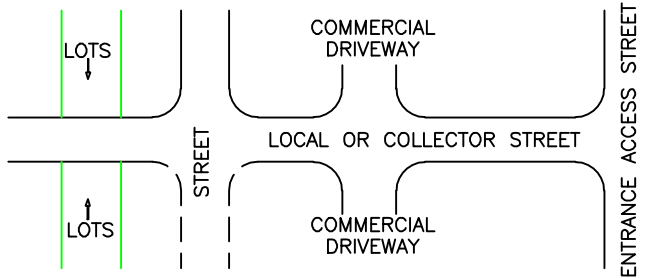


FIGURE 2  
STANDARD ENTRANCE  
(LOTS FACE ENTRANCE STREET AFTER INTERSECTION)

-----LINES DEPICT OPTIONAL STREET DESIGNS THAT  
MAY WORK, SUBJECT TO OVERALL DESIGN COMPLIANCE  
WITH CITY ORDINANCE OR DEVELOPMENT STANDARDS

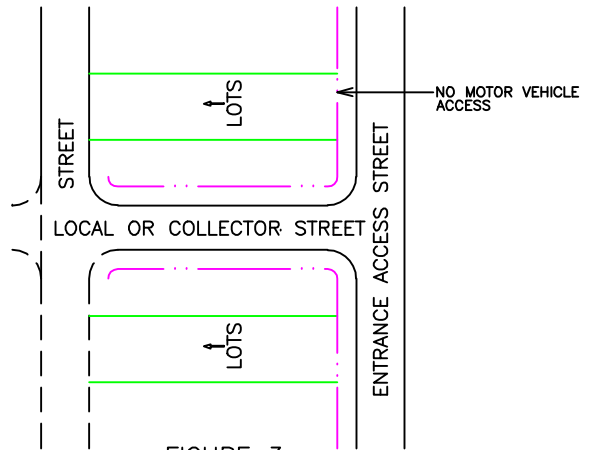


FIGURE 3  
STANDARD ENTRANCE  
(LOTS DO NOT FACE ENTRANCE STREET)

-----LINES DEPICT OPTIONAL STREET DESIGNS THAT  
MAY WORK, SUBJECT TO OVERALL DESIGN COMPLIANCE  
WITH CITY ORDINANCE OR DEVELOPMENT STANDARDS

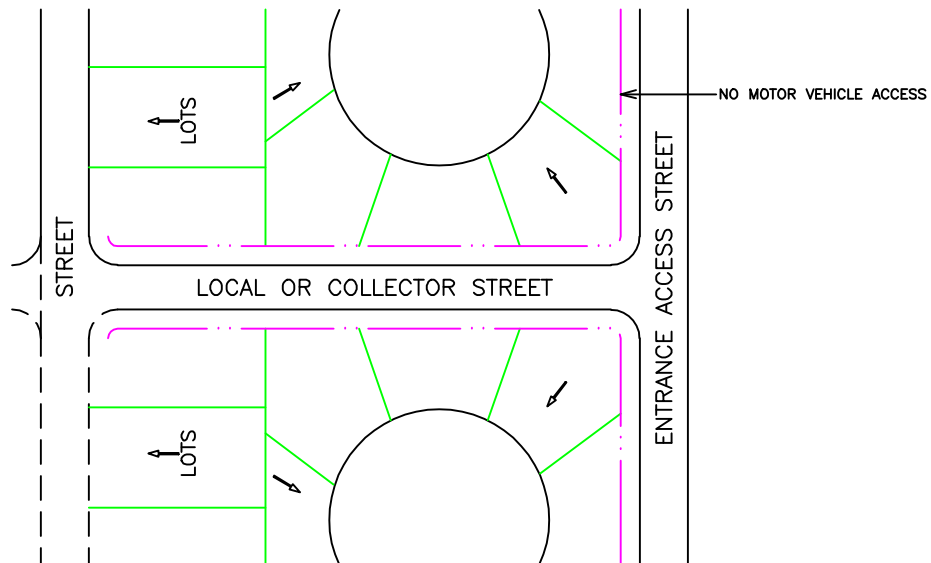


FIGURE 4  
STANDARD ENTRANCE  
(LOTS DO NOT FACE ENTRANCE STREET)

-----LINES DEPICT OPTIONAL STREET DESIGNS THAT  
MAY WORK, SUBJECT TO OVERALL DESIGN COMPLIANCE  
WITH CITY ORDINANCE OR DEVELOPMENT STANDARDS







# PLANNING AND ZONING COMMISSION AGENDA ITEM

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10/20/08  
Regular Agenda  
Item 7  
Page 1 of 2

**APPLICANT / DEVELOPMENT:** Staff c/o Planning & Zoning Commission

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

**ITEM DESCRIPTION:** Z-FY-09-01: Hold a public hearing to discuss and recommend action to approve amendments for the City of Temple Subdivision Ordinance, Sections 33-91 (blocks) and 33-93 (cul-de-sacs), creating subdivision standards for cul-de-sacs and residential blocks to consider using the average daily trips (ADT) in lieu of distance requirements, and to create subdivision access standards and to relocate these requirements to the City of Temple Design & Development Standard Manual.

**BACKGROUND:** At the meeting October 6<sup>th</sup>, the Commission called a hearing for today's meeting. The proposed amendment was advertised in Temple Daily Telegram as required by state law and local ordinance.

From the discussion item October 6<sup>th</sup>, Staff explained the current ordinance requires cul-de-sacs to be shorter in length than 500' and for block length to be shorter than 1,000' without an intersecting street. Lengths longer than these dimensions require exceptions by the City Council. The cul-de-sac radius is 40' with a paved diameter of 80'.

## Cul-de Sac – Use average daily trips versus length

The Fire Department is in the process of adopting a 2006 Uniform Fire Code which contains a provision requiring a 48' radius with a paved diameter of 96'. The Design Standards Advisory Board (DSAB) has worked with the Department, plus the Public Works and the Planning Department to look at various sized radii for cul-de-sacs. Both Public Works and Planning introduced the idea of using maximum number of vehicular average daily trips (ADT) for various sized cul-de-sacs. The idea of using vehicular trips is one used nation wide and focuses on the impact of vehicular trips in determining street design. The different sized cul-de-sacs would measure from allowing a maximum of 250 ADTS to a minimum of 70 ADTS.

## Blocks - Use average daily trips versus length

The same principle will be applied to residential blocks. Now the Subdivision Ordinance allows a 1,000 linear foot maximum length. Staff recommends using the same ADT principle and allow a maximum of 300 vehicular trips (15 lots on both sides of a street @ 30 lots x 10 trips daily = 300 ADTS) with the allowance of up to 15% more when either natural or man-made influences affect the block design.

## Subdivision Entrances

Both groups also recommend a specific ratio for subdivision entrances, minimizing the run-on streets for subdivisions with few entrances. The ratio is once access point for each 75 single family lots.



The Design Standards Advisory Board (DSAB) passed a number of new standards this including streets (cul-de-sac, entrance design, and block length).

**STAFF RECOMMENDATION:**

Staff requests the Commission recommend approval to the amendments for the City of Temple Subdivision Ordinance, Sections 33-91 (blocks) and 33-93 (cul-de-sacs), creating subdivision standards for cul-de-sacs and residential blocks to consider using the average daily trips (ADT) in lieu of distance requirements, and to create subdivision access standards and to relocate these requirements to the City of Temple Design & Development Standard Manual.

**FISCAL IMPACT:** Not Applicable

**ATTACHMENTS:**

Proposed charts for cul-de-sacs, blocks and subdivision entrances



**EXCERPTS FROM THE  
PLANNING & ZONING COMMISSION MEETING**

**MONDAY, OCTOBER 20, 2008**

**ACTION ITEMS**

**7. Z-FY-09-01:** Public Hearing - Hold a public hearing to discuss and recommend action to approve amendments for the City of Temple Subdivision Ordinance, Sections 33-91 (blocks) and 33-93 (cul-de-sacs), creating access subdivision standards for cul-de-sacs and residential blocks to consider using the average daily trips (ADT) in lieu of distance requirements and to relocate these requirements to the City of Temple Design & Development Standard Manual. (Applicant: City Staff)

Mr. Tim Dolan, Planning Director, gave an overview of the previously discussed Sections 33-91 (block) and 33-93 (cul-de-sacs) to the Commission. Mr. Dolan stated Staff recommended the Commission approve amending Sections 33-91 and 93, the Subdivision Ordinance which addresses blocks, streets and cul-de-sacs, and also to create the standards for the residential subdivisions regarding adequate points of access and to request locating all of these standards in the City of Temple Design and Development Standards Manual.

Commissioner Talley made a motion to approve the amendments for the City of Temple Subdivision Ordinance, Sections 33-91 (blocks) and 33-93 (cul-de-sacs), creating access subdivision standards for cul-de-sacs and residential blocks to consider using the average daily trips (ADT) in lieu of distance requirements and to relocate these requirements to the City of Temple Design & Development Standard Manual.

Commissioner Martin seconded the motion.

Motion passed. (9:0)



**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING CHAPTER 33, "SUBDIVISIONS," OF THE CODE OF ORDINANCES OF THE CITY OF TEMPLE, TEXAS, SECTION 33-91, "BLOCKS," AND SECTION 33-93, "STREETS," SUBSECTION (h), "CUL-DE-SACS," CREATING SUBDIVISION STANDARDS FOR CUL-DE-SACS AND RESIDENTIAL BLOCKS TO CONSIDER USING THE AVERAGE DAILY TRIPS IN LIEU OF DISTANCE REQUIREMENTS, TO CREATE SUBDIVISION ACCESS STANDARDS, AND TO RELOCATE THESE REQUIREMENTS TO THE CITY OF TEMPLE DESIGN & DEVELOPMENT STANDARDS MANUAL; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

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

**Part 1:** The City Council amends Chapter 33, "Subdivisions," of the Code of Ordinances of the City of Temple, Texas, by amending Section 33-91, "Blocks," to read as follows:

**Sec. 33-91. Blocks.**

(a) In general, intersecting streets determining block lengths shall be provided at such intervals as to serve cross traffic adequately and to meet existing streets or contemporary and accepted subdivision practices.

(b) ~~Blocks shall be not more than one thousand (1,000) feet in length, and shall be bounded on either end of the long axis by a local street (thirty one (31) feet back to back). Block length, up to twelve hundred (1,200) feet, may be approved by the administrator for good and sufficient reasons (example: curvilinear streets or paved alleys).~~ **Blocks shall be designed with the standards in the adopted City of Temple Design and Development Standards Manual.**

(c) Industrial and commercial subdivisions may under appropriate circumstances include blocks longer than one thousand (1,000) feet. A master plan or preliminary plat of the subdivision depicting proposed land use shall demonstrate reasonable provisions in the street layout for the public health and safety, particularly the circulation of emergency vehicles and



anticipated truck traffic.

**Part 2:** The City Council amends Chapter 33, "Subdivisions," of the Code of Ordinances of the City of Temple, Texas, by amending Section 33-93, "Streets," subsection (h), "Cul-de-Sacs," to read as follows:

**Sec. 33-93. Streets.**

...

(h) *Cul-de-sacs*:

(1) ~~Streets ending in a cul-de-sac shall generally not exceed five hundred (500) feet in length, except two hundred (200) feet in the case of a residential lane.~~ Streets ending in a cul-de-sac shall be designed with the standards in the adopted City of Temple Design and Development Standards Manual.

(2) Minimum cul-de-sac dimensions shall be as follows:

<i>Area</i>	<i>Pavement Radius</i>	<i>Right of Way Radius</i>
	<i>(feet)</i>	<i>(feet)</i>
Residential	40	50
Commercial/industrial	50	60

For commercial and industrial subdivisions, the dimensions for cul-de-sacs measure 50 feet pavement width and 60 feet right-of-way radius.

...

**Part 3:** If any provision, section, subsection, sentence, clause or phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void, or invalid, the validity of the remaining portions or sets of circumstances shall not be affected hereby, it being the intent of the City Council in adopting this Ordinance that no portion thereof or provisions or regulation contained herein shall become inoperative or fail by reason of an unconstitutionality and all provisions of this Ordinance are declared to be reasonable.

**Part 4:** The Code of Ordinances of the City of Temple, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

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

**Part 6:** It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.



PASSED AND APPROVED on First Reading and Public Hearing on the **6<sup>th</sup>** day of **November**, 2008.

PASSED AND APPROVED on Second Reading on the **20<sup>th</sup>** day of **November**, 2008.

THE CITY OF TEMPLE, TEXAS

---

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

---

Clydette Entzminger  
City Secretary

---

Jonathan Graham  
City Attorney





## COUNCIL AGENDA ITEM MEMORANDUM

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11/20/08  
Item #4(P)  
Consent Agenda  
Page 1 of 2

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

Tim Dolan, AICP, Planning Director

**ITEM DESCRIPTION:** SECOND READING – Z-FY-09-02: Consider adopting an ordinance authorizing an amendment to City of Temple Zoning Ordinance Section 7-632 (Major Vehicle Repair), Section 21 (Definitions) and Section 13-102 (Screening Walls/Fences, Screened Refuse Areas, Display for Sale, and Open Storage outside a Building).

**PLANNING & ZONING COMMISSION & STAFF RECOMMENDATION:** Adopt ordinance on second and final reading.

In addition to Stakeholder input, the Commission recommended requiring evergreen plantings at a minimum of 6-foot planted height on 36" centers, plus the screening of outdoor storage in the C and LI districts.

Staff also recommended adding auto rental use with the new or used automobile dealer facilities and exempting business parks from the screening for outdoor storage, allowing the codes, covenants and restrictions used by TEDC to manage the areas. Staff is asking to include commercial screening when next to agriculture zoned (A) areas since commercial centers have been built next to A areas without screening. Many of these areas are planned for residential uses, creating a conflict with future residential to centers potentially without exterior screening.

**ITEM SUMMARY:** Below are the changes made subsequent to the first reading:

- Major vehicle repair: synced up section with Outdoor Storage section
- Inserted illustration for intersection visibility triangle
- Added language to allow refuse container storage areas in the side area; added illustration for rear and side areas
- Added language that refers to the Design and Development Standards Manual and for the Director of Public Works to establish specifications for refuse container storage areas "in conjunction with the Design Standards Advisory Board"
- Added auto rental leasing and outdoor patio and garden furniture as allowed display for sale
- Added language to allow open storage outside a building:



**“Screening in NS, GR, O-1, O-2, CA.** Open storage of commodities, materials, and equipment outside a building is permitted where the storage area is situated behind the principal building in the rear area and is screened from public view by a solid wooden or masonry fence at least one foot higher than the stored material. Development standards established in this ordinance for particular land uses are governed by those standards.”

Please refer to the Staff Report and draft minutes of case Z-FY-09-02, from the Planning and Zoning meeting, October 20, 2008, which the Commission recommended approval 9/0.

In a September work session, the Council directed Staff to revise the fence and screening regulations to clarify the regulations for fence materials, screening for dumpsters, etc.

Staff worked with area stakeholders including fence contractors, a local manufacturer representative for portable storage containers and TABA. The goal was to clear up inadequacies and prohibit materials not manufactured for fencing.

**FISCAL IMPACT:** None

**ATTACHMENTS:**  
[P&Z Staff Report](#)  
[P&Z Excerpts](#)  
[Ordinance](#)





# PLANNING AND ZONING COMMISSION AGENDA ITEM

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10/20/08  
Item 8  
Page 1 of 1

**APPLICANT / DEVELOPMENT:** Staff c/o Planning & Zoning Commission

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

**ITEM DESCRIPTION:** Z-FY-09-02: Hold a public hearing to discuss and recommend action to approve amendments to Section 7-632 (Major Vehicle Repair), Section 21 (Definitions) and Section 13-102 (Screening Walls/Fences, Screened Refuse Areas, Display for Sale, and Open Storage Outside a Building) of the City of Temple Zoning Ordinance.

**BACKGROUND:** At the meeting October 6<sup>th</sup>, Staff explained to the Commission that the City Council asked Staff to create clearer standards for fences, screening walls, dumpster enclosures, outside display for sale, and the storage of commodities. The proposed ordinance contains those standards with struck-through language for deletion and the shaded language for addition.

Staff worked with area stakeholders including fence contractors, a local manufactured representative for portable storage containers and TABA. The goal was to clear up inadequacies, and prohibit materials not manufactured for fencing. The Council was concerned with fiberglass or corrugated steel or metal appearing as fence materials. The current ordinance allows wood, masonry 'or other suitable' materials.

**STAFF RECOMMENDATION:**

Staff requests the Commission recommend approval to approve amendments to Section 7-632 (Major Vehicle Repair), Section 21 (Definitions) and Section 13-102 (Screening Walls/Fences, Screened Refuse Areas, Display for Sale, and Open Storage outside a Building) of the City of Temple Zoning Ordinance.

**FISCAL IMPACT:** Not Applicable

**ATTACHMENTS:**

Proposed ordinance



**EXCERPTS FROM THE  
PLANNING & ZONING COMMISSION MEETING**

**MONDAY, OCTOBER 20, 2008**

**ACTION ITEMS**

**8. Z-FY-09-02:** Public Hearing - Hold a public hearing to discuss and recommend action to approve amendments to Section 7-632 (Major Vehicle Repair), Section 21 (Definitions) and Section 13-102 (Screening Walls/Fences, Screened Refuse Areas, Display for Sale, and Open Storage Outside a Building) of the City of Temple Zoning Ordinance. (Applicant: Staff)

Mr. Tim Dolan, Planning Director, gave the Commission a brief overview of the amendments previously discussed.

Commissioner Secrest made the motion to approve this item and move forward to City Council.

Commissioner Barton seconded the motion.

Commissioner Luck made a motion to amend Commissioner Secrest's motion to approve this item with the inclusion of amending Section 13 and 13-102 to include minimum 5 gallon containers with 6 to 8 feet plant height on No. 3 design, Part A.

Commissioner Barton seconded the motion.

Motion passed (9:0)



ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING ORDINANCE NO. 91-2101, THE ZONING ORDINANCE OF THE CITY OF TEMPLE, TEXAS, AMENDING SECTION 7-632, "MAJOR VEHICLE REPAIR," SUBSECTION 2 (c); SECTION 13, "FENCE AND WALL REGULATIONS, DISPLAY FOR SALE, OPEN STORAGE, METAL FAÇADE RESIDENTIAL BUILDING REGULATIONS, AND MASONRY STANDARDS," AND SECTION 21, "DEFINITIONS," "YARD;" PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

**Part 1:** The City Council approves an amendment to Ordinance No. 91-2101, the Zoning Ordinance of the City of Temple, by amending Section 7-632, "Major Vehicle Repair," subsection 2(c), to read as follows:

**7-632. MAJOR VEHICLE REPAIR**

...

**2. MAJOR VEHICLE REPAIR DEVELOPMENT STANDARDS**

(c) vehicle parts, and wrecked vehicles, commodities, materials and equipment may be stored outside, behind a of a building in the rear area, if screened from public view from at any street, residentially developed or zoned property, or adjacent or opposite public property such as a school or park. Such storage shall never occupy more than 20% of the lot or tract; and shall be screened by a solid wooden or masonry fence at least one foot higher than the stored items screening standards shall conform to provisions specified in Section 13-102-4

**Part 2:** The City Council approves an amendment to Ordinance No. 91-2101, the Zoning Ordinance of the City of Temple, Section 13, "Fence and Wall Regulations, Display for Sale, Open Storage, Metal Façade Residential Building Regulations, and Masonry Standards," to read as follows:



## SECTION 13

### FENCE AND WALL REGULATIONS, **SCREENED REFUSE AREA**, DISPLAY FOR SALE, OPEN STORAGE, METAL FACADE RESIDENTIAL BUILDING REGULATIONS, AND MASONRY STANDARDS

~~13-100 In any residential district or along the common boundary between any residential or nonresidential district w~~Where a **fence**, wall, fence, or screening separation, **buffer or enclosure** is erected, the following standards for height and design **apply** shall be observed.

#### 13-101 **Height and Location of Fence, or Wall, Screen, or Enclosure**

##### 1. **Maximum Height for SF and 2F.**

a) **Front yard.** A fence, wall, screen, enclosure, or similar barrier erected in the front yard of a single or two family dwelling must not exceed 48 inches in height above the adjacent grade. A barrier that does not exceed 36 inches in height may be made of a solid allowed material. A barrier that is higher than 36 inches must have an open design, with a minimum of 50 percent openness, so as not to impose a visual barrier within 10 feet from the back of curb or edge of pavement on a street.

~~**Mixed Use District.** In MU a fence erected between the front of a dwelling and the front property line must not exceed 4 feet in height above the adjacent grade or impose a visual barrier within 10 feet from the back of curb or edge of pavement on a street. Only openly designed fences with a minimum of 50 percent openness or visibility are permitted.~~

b) **Behind front building line.** Any fence or wall erected on the property line and located to the rear of the minimum required front yard line, as determined by the provision of 8-401 shall not exceed eight (8) feet in height above the adjacent grade. A fence, wall, screen, enclosure or similar barrier behind the front building line of a single or two family dwelling must not exceed 8 feet in height above the adjacent grade.

##### 2. **Intersection visibility triangle.**

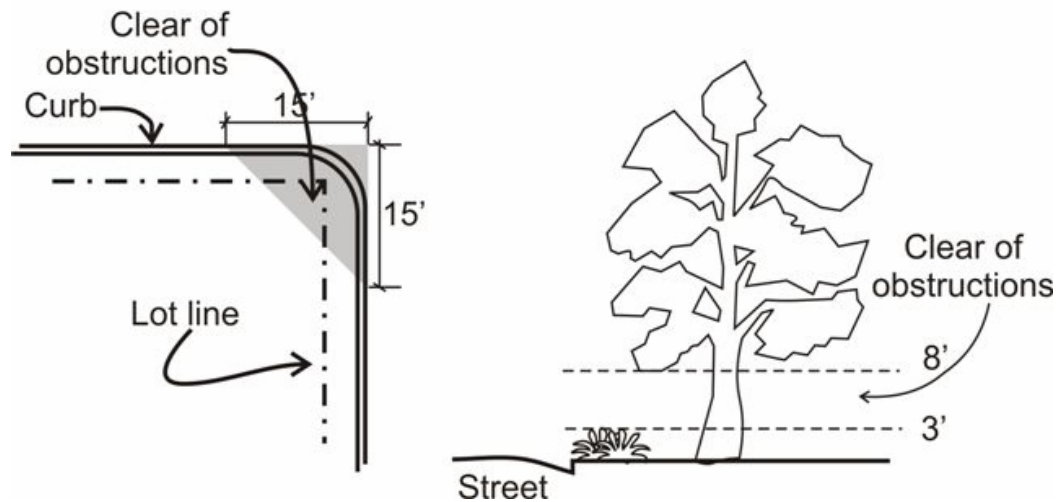
a) ~~No vehicles shall be parked and no~~ **No** fence, wall, screen, or view obstruction or foliage or hedges, trees, bushes, or shrubs are allowed to be erected, planted or maintained within the "intersection visibility triangle" so as to obstruct within the sight line at elevations between ~~three (3) feet~~ and ~~eight (8) feet~~ above the average street grade. Obstructions of this nature are declared to be a public traffic nuisance.

b) In connection with regulations provided herein, "intersection visibility triangle" means a triangle sight area, at all intersections where the streets, avenues, alleys and public or private drives, intersect. It includes that portion of public right of way and any corner lot in the triangular area formed by extending the curb lines of the intersecting streets to their imaginary point of intersection for the first point of the triangle, then proceeding back from this imaginary point of intersection ~~fifteen (15) feet~~ along the curb lines of the intersecting streets to establish the ~~two (2)~~ remaining points of the triangle. These points must then be connected with imaginary lines, thereby forming a triangle. If there are no curbs existing, the triangular area must be formed by extending the pavement edges to the



imaginary point of intersection of the streets and then proceeding in the same manner described above.

- c) ~~Any fence, wall, screen, enclosure, hedge, tree, bush, shrub, erected,~~  
Intersection Visibility Triangle



~~planted or maintained in violation of these paragraphs must be removed within ten (10) days upon written notice from the city to the owners of the affected or adjacent property.~~ Obstruction of an intersection visibility triangle must be abated within 10 days after written notice.

### **13-102 — Screening Walls/Fences, Screened Refuse Areas, Display for Sale, and Open Storage Outside a Building**

#### **1. Screening Wall/Fences**

~~Any screening wall or fence required under the provisions of the planned development district shall be constructed of masonry or wood or other suitable materials, or with a concrete or metal frame supporting a permanent type wall or fence material which does not contain openings constituting more than forty (40) square inches in each one (1) square foot of wall or fence surface, and the surface of such wall or fence must constitute a visual barrier. All wall or fence openings shall be equipped with gates equal in height and screening characteristics to the wall or fence. The planned development ordinance shall address required fencing.~~

~~All nonresidential and multiple family uses, excluding duplex or two-family dwellings, shall provide a 6 ft. fence and/or masonry fence and/or a natural landscape screen which achieves this screening objective at the property line where abutting a single family or duplex residential use, or where abutting a single family or Two-Family Dwelling district. However, when these uses are separated from the single family or duplex residential uses or zoning districts by a public street this screening requirement will not be applicable.~~

### **13-102 Buffering**

1. **Location.** Nonresidential and multiple family uses must provide continuous



buffering along the common boundary with an agricultural or residential district or use, except where buffering is provided by a public street. Buffering is also required along the perimeter of a nonresidential or multiple family use located across an alley from a residential district or use.

**2. Design.** Buffering must meet one or a combination of the following design standards:

- a) Buffering may consist of evergreen hedges composed of plants purchased in 5-gallon or larger containers, with a minimum planted height of 6 feet, placed on 36-inch centers.
- b) Buffering may consist of fences or walls constructed of wood, masonry, stone or pre-cast concrete, with integrated color, texture and pattern. Structural buffering must be from 6 to 8 feet in height above the adjacent grade. Openings in fence or wall buffering must not contain openings constituting more than 20 square inches in each square foot of wall or fence surface. Gates must be equal in height and screening characteristics to the fence or wall. The objective is to create a visual barrier.

### **13-103 Allowed Materials for Fences, Walls, Screens and Enclosures**

**1. Allowed Materials.** Fences, walls, screens, enclosures and gates must be constructed of one or a combination of the following materials:

- a) Plain or coated chain link (installed as manufactured, without affixing materials such as slats and tarps)
- b) Exterior Insulation and finish systems (EIFS)
- c) Fiberglass composite (manufactured for fencing)
- d) Fired brick
- e) Latticework that does not exceed 2 feet in height and is anchored as a design element at the top of a 6-foot tall fence
- f) Natural stone
- g) Pre-cast concrete
- h) Split faced block
- i) Smooth faced block
- j) Support poles made of metal or wood
- k) Stucco
- l) Tubular aluminum
- m) Tubular steel
- n) Wood planks
- o) Wrought iron

**2. Prohibited Materials.** Permits must not be issued for materials not manufactured specifically for fencing, such as fibrous masonry products, landscape timbers, railroad ties, latticework panels, plywood, corrugated steel panels, or fiberglass panels.

**3. Electric fences.** An electrically charged fence is allowed only in the Agricultural District, with proof submitted to the electrical inspector that the fence will be designed to retain animals, inaccessible to the general public, and not hazardous to life.

**4. Barbed and razor wire fences.** Barbed and razor wire fences and other structures composed or partially composed of barbed or razor wire are allowed only in



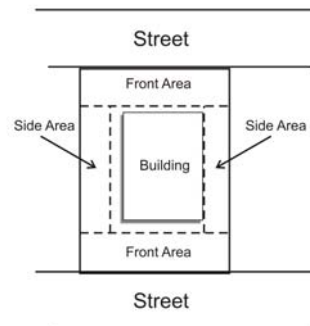
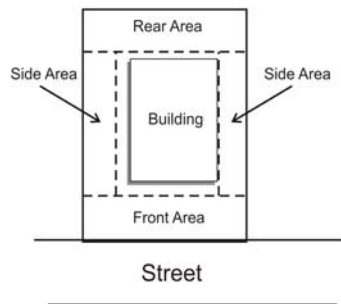
the Agricultural, Light Industrial and Heavy Industrial districts. A permit is required. The barbed or razor wire must not be closer than 6 feet to the ground. Security fencing for utility facilities such as electrical substations and water and sewer pumping stations may be topped with barbed wire that is not closer than 6 feet to the ground.

**5. Razor wire fences.** Razor wire fences are allowed only in the Light Industrial and Heavy Industrial Districts. A permit is required. The razor wire must not be closer than 6 feet to the ground.

**6. Construction.** Fences visible from a public street must place fence framing and posts to the interior of the lot so that they are not visible from the street. Unless a continuous masonry beam extends beneath a wooden privacy fence, rot board must be used and attached to the base of wooden privacy fence pickets to prevent warping of materials.

### 13-104 Screened Refuse Area

1. Refuse container storage areas ~~are encouraged~~ must be located in a rear or side service area, or alley where available, for all uses other than single family and two family dwellings.



2. Refuse container storage areas located within fifty (50) feet of the curb line of a public street and or visible from the public street must be visually screened from public view by a minimum six (6) foot high solid wooden or masonry fence; that is at least 1 foot higher than the refuse container or suitable alternate, on all sides except the side used for servicing the container. At all times maintenance of fencing for the screened refuse area shall be the responsibility of the property owner.

3. Refuse container storage areas must allow maneuvering room to avoid backing into a street or other traffic area.

4. Refuse container storage areas and gates must be built in accordance with specifications in the Design and Development Standards Manual established by the Director of Public Works in conjunction with the Design Standards Advisory Board.

Standards for screened refuse are shall include:

- (1) clear opening of 8' width;
  - (2) gates must allow truck to pull alongside within 6" of enclosure;
  - (3) enclosure must allow maneuvering room to avoid backing into street or other traffic area;
  - (4) concrete required for area in front of the pickup service opening.
- The Board of Adjustments will consider variance requests to these requirements.



### 13-105 Display for Sale or Lease

1. **Display consistent with classification.** No commodities, materials, or equipment may be displayed for sale or lease in a zoning district where such sale or lease is not an allowed land use.

2. **MU, O-1, O-2, NS, GR, CA, C.** No commodities, materials, or equipment may be displayed for sale or lease outside a building in any Residential, Mixed Use, Office, Neighborhood Service, or General Retail, Central Area, or Commercial district, except as exempted below:

- a) ~~Garage sales as regulated by Section 22.71 of the Municipal Code~~
- b) New or used automobile dealer facilities and auto rental leasing;
- c) Motorcycle, boat, recreational vehicle, and other motorized vehicle/sales facility;
- d) Retail plant nursery and produce stand;
- e) Farm and garden equipment;
- f) ~~Tires, batteries, etc. in conjunction with a full service gasoline service station only~~
- g) Outdoor patio and garden furniture.
- h) For areas zoned O-1, O-2, NS, C and GR: Temporary display for a sidewalk sale that does not extend more than 10 feet from front façade and reserves at least 5 feet of sidewalk or walkway for pedestrian use
- i) For areas zoned CA: Temporary display for a sidewalk sale that does not extend more than 5 feet from front façade and reserves at least 5 feet of sidewalk or walkway for pedestrian use
- j) Other uses not listed above where the display for sale area is situated adjacent and/or behind the principal business building and does not exceed a maximum of ~~twenty (20%)~~ 10 percent of the building floor area of the business.

3. **C, LI, HI.** Commodities, materials, and equipment may be displayed for sale or lease with a CUP in the Commercial districts, Central Area, and by right in Light Industrial and Heavy Industrial districts if not otherwise prohibited or restricted by other provisions of this ordinance.

### 13-106 Open Storage Outside a Building

~~1. Open storage of commodities, materials, and equipment outside a building is permitted as an accessory use in Commercial, Light Industrial, and Heavy Industrial districts if not otherwise prohibited or restricted by other provision of this ordinance. Such open storage must be screened from public view by a solid wooden or masonry, or other suitable fence of adequate height, to provide an effective screen when located adjacent to or across the street from, any residentially zoned or developed property.~~

**1. Residential Districts, MU.** Open storage of commodities, materials, and equipment outside a building is not permitted.

**2. CA, O-1, O-2 GR, NS, C, LI, HI.** Open storage of commodities, materials, and equipment outside a building is permitted as follows:

- a) **Screening in NS, GR, O-1, O-2, CA.** Open storage of commodities, materials, and equipment outside a building is permitted where the storage area is situated behind the principal building in the rear area and is



screened from public view by a solid wooden or masonry fence at least one foot higher than the stored material. Development standards established in this ordinance for particular land uses are governed by those standards.

b) **Screening in C and LI.** In Commercial and Light Industrial districts, open storage must be screened from public view by a solid wooden or masonry fence at least one foot higher than the stored material.

c) **Screening in HI.** In Heavy Industrial districts, open storage adjacent to or across the street from a residential district or use must be screened from public view by a solid wooden or masonry fence at least one foot higher than the stored material.

d) **Business park exception.** Screening of open storage outside a building is not required on land located in a public or quasi-public business park in existence before November 20, 2008.

### **13-107. Maintenance**

The maintenance of items permitted under this Section is the responsibility of the property owner, and must be maintained in the condition upon receipt of the original building permit.

**Part 3:** The City Council approves an amendment to Ordinance No. 91-2101, the Zoning Ordinance of the City of Temple, by amending Section 21, “Definitions,” “Yard,” to read as follows:

### **SECTION 21 DEFINITIONS**

...

**YARD** - An open space other than a court, on the lot in which a building is situated and which is not obstructed from a point ~~forty (40)~~ 48 inches above the general ground level of the graded lot to the sky, except as provided for roof overhang and similar special architectural features and plant material.

...

**Part 4:** 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 5:** Ordinance No. 91-2101, the Zoning Ordinance of the City of Temple, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.



**Part 6:** This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

**Part 7:** It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading and Public Hearing on the **6<sup>th</sup>** day of **November**, 2008.

PASSED AND APPROVED on Second Reading on the **20<sup>th</sup>** day of **November**, 2008.

THE CITY OF TEMPLE, TEXAS

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

ATTEST:

APPROVED AS TO FORM:

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

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





## COUNCIL AGENDA ITEM MEMORANDUM

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11/20/08  
Item #4(Q)  
Consent Agenda  
Page 1 of 1

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

Tim Dolan, Planning Director

**ITEM DESCRIPTION:** SECOND READING – Consider adopting an ordinance abandoning portions of East Barton Avenue and North Second Street rights-of-way for First United Methodist Church and retaining utility easements in a portion of the abandoned rights-of-way.

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

**ITEM SUMMARY:** This ordinance corrects some of the boundary text and drawings when the City Council abandoned other rights-of-way along North 2<sup>nd</sup> Street, Calhoun and Barton. The church requested the areas to be abandoned to allow expansion of the church and improve pedestrian safety between existing and future buildings. The church has submitted a building permit and has paid the fees for the abandoned right-of-way.

**FISCAL IMPACT:** None

**ATTACHMENTS:**

[Location Map](#)  
[Ordinance](#)

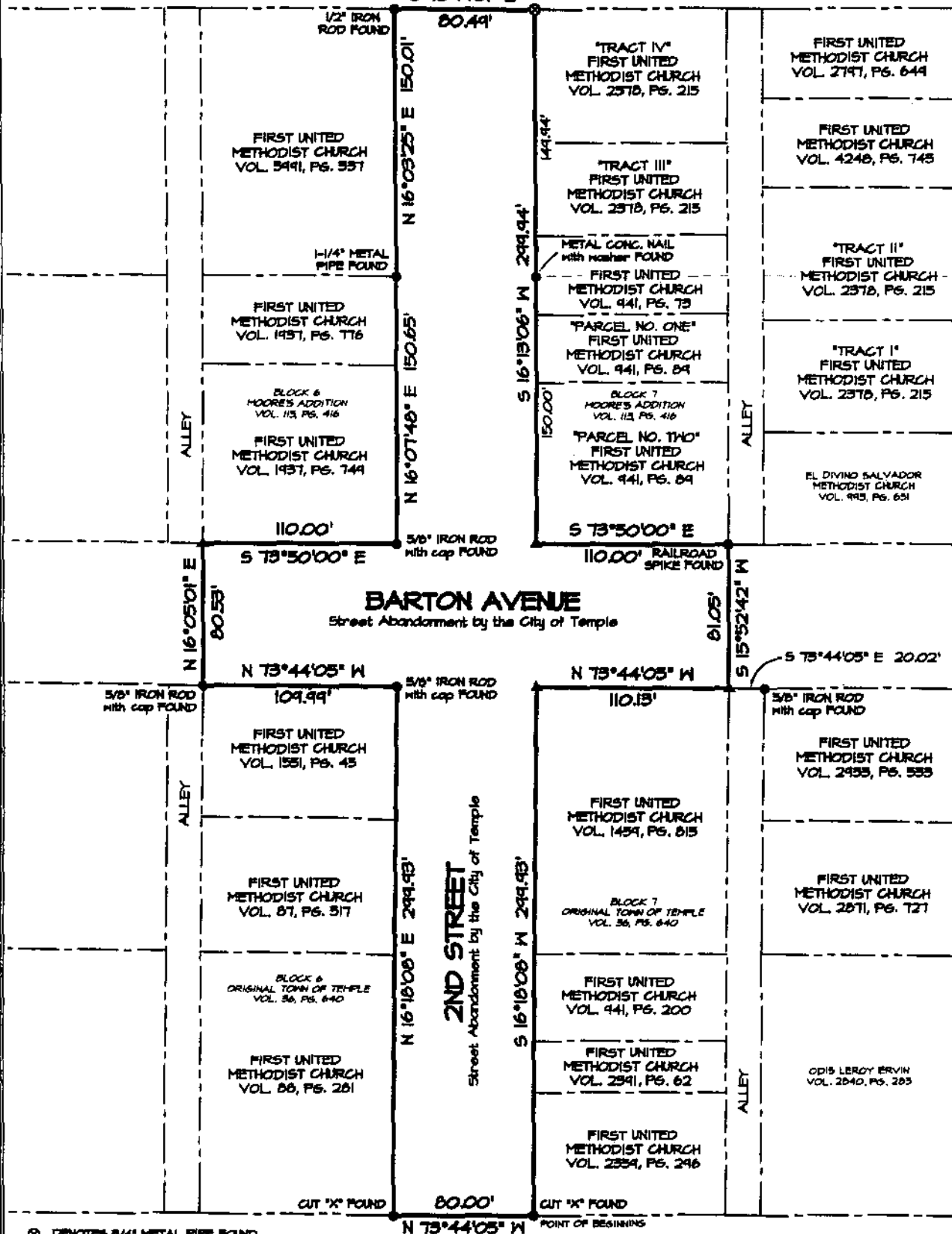


This sketch is to accompany a metes and bounds description of the herein shown 1.660 acre tract.



## PUBLIC MAINTAINED ROADWAY

5 73'14" E



⊗ DENOTES 3/4" METAL PIPE FOUND

▲ DENOTES CALCULATED POINT

## PUBLIC MAINTAINED ROADWAY

4TH STREET  
PUBLIC MAINTAINED ROADWAY

This project is referenced to the City of Tempe Coordinate System, an extension of the Texas Coordinate System of 1983, Central Zone. All distances are horizontal surface distances and all bearings are grid bearings. All coordinates are referenced to City Monument No. 46. The theta angle of City Monument No. 46 is 0°53'31". The combined correction factor (CCF) is 0.000046. Grid distance = Surface distance x CCF. Spheroidal north = grid north + theta angle. Published City Coordinates for City Monument No. 46 are N = 10,575,404.33 E = 3,233,943.70. Reference line from City Monument No. 46 to the southeast corner of sold 1560 acre tract is N 14° 46' 10" E, 77.21 feet.



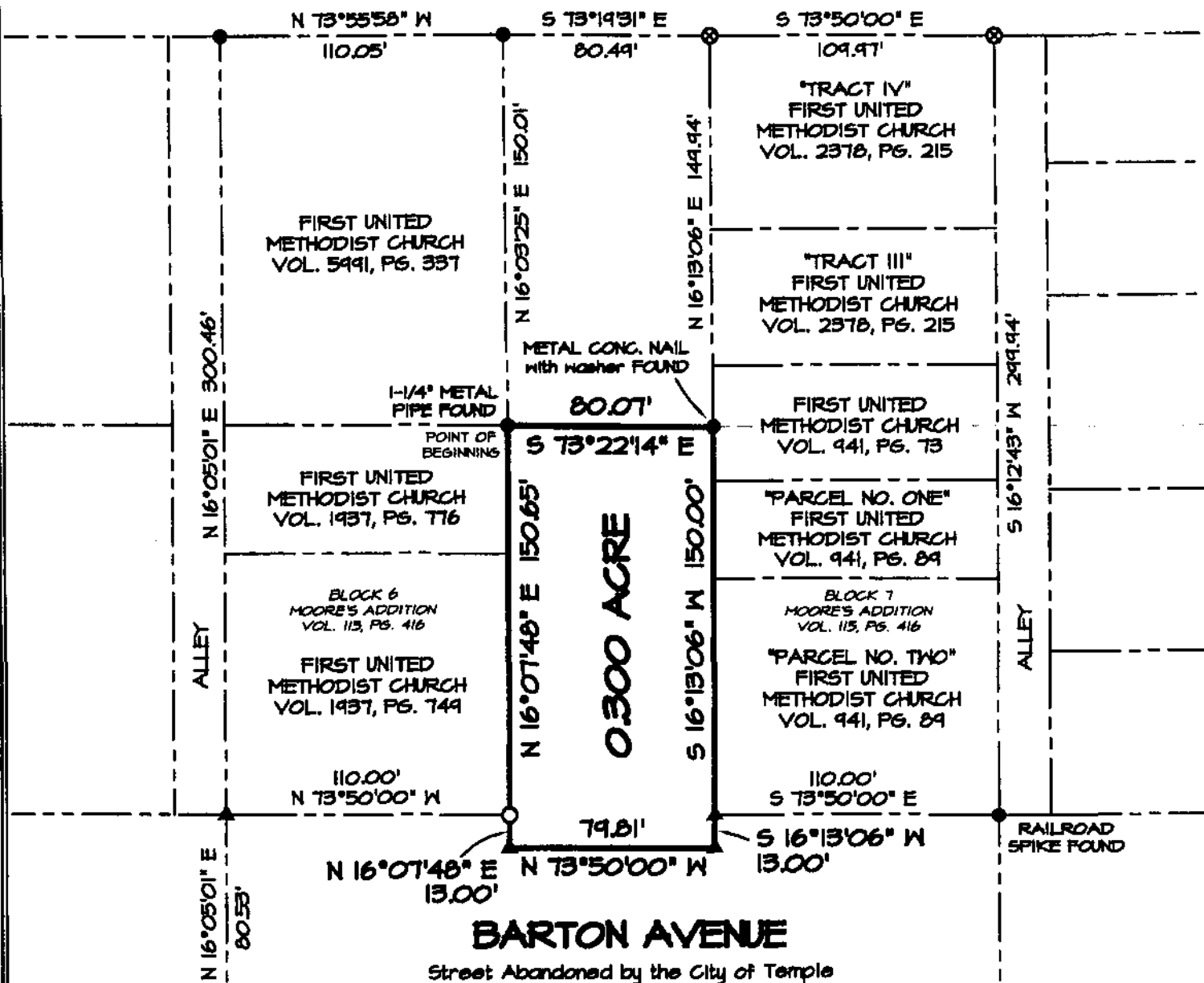


Surveyor's Sketch showing a 0.300 acre tract, being part of the  
Maximo Moreno Survey, Abstract No. 14, Bell County, Texas.

This sketch is to accompany a metes and bounds description  
of the herein shown 0.300 acre tract.



**CALHOUN AVENUE**  
PUBLIC MAINTAINED ROADWAY



**BLOCK 7  
ORIGINAL TOWN OF TEMPLE  
VOL. 36, PG. 640**

This project is referenced to the City of Temple Coordinate System, an extension of the Texas Coordinate System of 1983, Central Zone. All distances are horizontal surface distances and all bearings are grid bearings. All coordinates are referenced to City Monument No. 46. The theta angle at City Monument No. 46 is 01°32'31". The combined correction factor (CCF) is 0.999848. Grid distance = Surface distance X CCF. Geodetic north = Grid north + theta angle. Published City coordinates for City Monument No. 46 are N = 10375,404.33 E = 3,233,343.70. Reference tie from City Monument No. 46 to the northwest corner of said 0.300 acre tract is N 08°32'29" E, 614.11 feet.

DENOTES 5/8" IRON ROD WITH



ORDINANCE NO. 2008-4265

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, ABANDONING PORTIONS OF EAST BARTON AVENUE AND NORTH SECOND STREET RIGHTS-OF-WAY FOR FIRST UNITED METHODIST CHURCH; RETAINING UTILITY EASEMENTS IN A PORTION OF THE ABANDONED RIGHTS-OF-WAY; DECLARING FINDINGS OF FACT; AUTHORIZING CONVEYANCE OF SUCH PROPERTY BY A DEED WITHOUT WARRANTY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the City Council passed Ordinance No. 2005-4006 and Ordinance No. 2008-4231 for the purpose of abandoning portions of the right-of-way for North 2<sup>nd</sup> Street and East Barton Avenue at the request of the First United Methodist Church;

**Whereas**, it is necessary to correct errors in land descriptions in said ordinances;

**Whereas**, the previous ordinances retained public drainage and utility easements throughout the abandoned street rights-of-way, but the extent of easements may be decreased now in concert with approval of the Church's site plan and subdivision plat;

**Whereas**, the Staff recommends that the property be abandoned and that the land be sold for not less than the fair market value of \$0.694 per square foot;

**Whereas**, the land is not necessary for the purpose of serving the general public or landowners adjacent thereto for any public purposes and the Staff recommends this action; 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:**

**Part 1:** The City Council abandons the portions of the right-of-way of North Second Street and East Barton Avenue described by metes and bounds in the field notes and surveyor's drawing attached as Exhibit A to this ordinance.

**Part 2:** The City Council reserves a public utility easement for the installation, operation, maintenance, repair, use and replacement of public utilities, including but not limited to electric power, water, sewer, gas, and telecommunications, over the entire area abandoned for public street purposes, save and except the 0.300 acre tract described in the field notes and surveyor's drawing attached as Exhibit B to this ordinance.



**Part 3:** 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.

**Part 4:** As consideration for the conveyance described in Part 1 hereof, the abutting property owner shall pay \$50,153.30, the appraised fair market value.

**Part 5:** If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

**Part 6:** It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading and Public Hearing on the **6<sup>th</sup>** day of **November**, 2008.

PASSED AND APPROVED on Second Reading the **20<sup>th</sup>** day of **November**, 2008.

THE CITY OF TEMPLE, TEXAS

---

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

---

Clydetta Entzminger  
City Secretary

---

Jonathan Graham  
City Attorney



STATE OF TEXAS           §

COUNTY OF BELL           §

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

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





## COUNCIL AGENDA ITEM MEMORANDUM

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11/20/08  
Item #4(R)  
Consent Agenda  
Page 1 of 1

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

Jonathan Graham, City Attorney

**ITEM DESCRIPTION:** SECOND READING – Consider adopting an ordinance renewing the franchise agreement with Atmos Energy Corporation.

**STAFF RECOMMENDATION:** Adopt ordinance as presented in item description on second reading, and schedule public hearing and third reading for December 4<sup>th</sup> 2008.

**ITEM SUMMARY:** The current franchise agreement with Atmos expires January 19, 2009. Staff is proposing the franchise be renewed for a period of 15 years with the same terms and conditions in existing franchise.

Staff is currently in discussion with Atmos representatives and if changes to the franchise agreement are proposed they will be presented at second reading of the ordinance on November 20<sup>th</sup>.

**FISCAL IMPACT:** Franchise fees received from Atmos Energy Corporation in FY 2007-2008 totaled \$819,535. In the FY 2008-2009 operating budget, \$800,000 is budgeted for the receipt of gas franchise fees.

### **ATTACHMENTS:**

Ordinance – to be provided at a later date





## COUNCIL AGENDA ITEM MEMORANDUM

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11/20/08  
Item #4(S)  
Consent Agenda  
Page 1 of 1

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

Tim Dolan, Planning Director

**ITEM DESCRIPTION:** P-FY-08-72: Consider adopting a resolution approving the Preliminary Plat of Downs First Addition, Phase II, 12 residential lots on 3.5± acres, located south of Downs Avenue, between Calhoun and Barton Avenues with developer requested exceptions to Subdivision Ordinance Sec. 33-93(e)(1), Curve Radius and Sec. 33-93(h), Cul-de-Sac Length.

**PLANNING & ZONING COMMISSION RECOMMENDATION:** At its November 3, 2008 meeting the Planning and Zoning Commission voted 8/1, in accordance with Staff recommendation, for approval of Preliminary Plat P-FY-08-72 with exception to Sec. 33-93(e)(1), Curve Radius and Sec. 33-93(h), Cul-de-Sac Length. Commissioner Barton voted against the motion to approve the plat.

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

**ITEM SUMMARY:** Please refer to the Staff Report and draft minutes of case P-FY-08-72, from the Planning and Zoning Commission meeting, November 3, 2008.

Staff and the Planning and Zoning Commission support the two requested exceptions due to the narrowness of the property and the presence of developed land surrounding the property which prevents having an enlarged curve radius and a street connection.

**FISCAL IMPACT:** None

### **ATTACHMENTS:**

Plat  
P&Z Staff Report (P-FY-08-72)  
P&Z Minutes (11/03/08)  
Resolution





# PLANNING AND ZONING COMMISSION AGENDA ITEM

11/03/08  
Item #5  
Regular Agenda  
Page 1 of 2

**APPLICANT / DEVELOPMENT:** All County Surveying for Pat Patterson

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

**ITEM DESCRIPTION:** P-FY-08-72 Consider a recommendation to approve the Preliminary Plat of Downs First Addition, Phase II, 12 residential lots on 3.5± acres, located south of Downs Avenue, between Calhoun and Barton Avenues with exceptions to Sec. 33-93(e)(1), Curve Radius and Sec. 33-93(h), Cul-de-Sac Length. Zoned 2F. (Applicant: All County Surveying for Pat Patterson)

**STAFF RECOMMENDATION:** Staff recommends approval of the Preliminary Plat with exception to Sec. 33-93(e)(1), Curve Radius and Sec. 33-93(h), Cul-de-Sac Length.

**BACKGROUND:** The Design Review Committee reviewed and deemed the Preliminary Plat complete on 10/13/08. Except for the requested exceptions, it meets the minimum requirements of the Subdivision Ordinance. The City Council is the final plat authority since exceptions have been requested.

The applicant proposes single-family and two-family dwelling units in the subdivision.

The applicant requests exceptions to the following provisions.

Subdivision Regulations Citation	Requirement	Applicant's Justification	Staff Support?*
Sec. 33-93(e)(1)	Curve Radius	Narrowness of property requires a sharper street curve than normally allowed	Yes
Sec. 33-93(h)	Cul-de-Sac Length	Surrounding developed properties do not allow for a through street	Yes

\*See explanations below

Staff agrees with the applicant's justification for both exceptions. The property has a narrow width so that having an enlarged curve radius and connecting with East Calhoun would be difficult. In addition, providing a stub out toward East Downs would be impractical since the subject property is separated from Downs by platted lots with existing homes.

Park fees in the sum of \$225 per dwelling unit are required for this proposed subdivision. If all of the lots in the subdivision were developed for two-family dwellings then \$5,400 in park fees would be required. If all lots were developed for single-family dwellings then \$2,700 in park fees would be required. A mix of housing types would result in a park fee requirement somewhere between those two amounts. A definite park fee amount will need to be determined upon submittal of a final plat. The "Proposed Parkland" shown to the west of the subdivision will be privately maintained and is not a part of this plat.



**ATTACHMENTS:**

Plat



STATE OF TEXAS  
COUNTY OF BELL

THAT, PATCO CONSTRUCTION, L.C., OWNER OF THE LAND SHOWN ON THIS PLAT AND DESIGNATED HEREIN AS **DOWN'S FIRST ADDITION, PHASE II**, WITHIN THE CITY OF TEMPLE, BELL COUNTY, TEXAS, AND WHOSE NAME IS SUBSCRIBED HERETO, HEREBY DEDICATE THE USE OF THE PUBLIC FOREVER ALL STREETS, ALLEYS, PARKS, WATERCOURSES, DRAINS, EASEMENTS, AND PUBLIC PLACES SHOWN HEREON WITHIN THE PLAT BOUNDARIES OF THIS SUBDIVISION.

BY: \_\_\_\_\_  
PATCO CONSTRUCTION, L.C.  
Meldon C. Patterson  
2116 N. Ave. H  
Temple, Texas 76504

STATE OF TEXAS  
COUNTY OF BELL

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED MELDON C. PATTERSON, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2008.

NOTARY PUBLIC, STATE OF TEXAS

I HEREBY CERTIFY THAT THE ABOVE AND FOREGOING PLAT OF **DOWN'S FIRST ADDITION, PHASE II**, WITHIN THE CITY LIMITS OF THE CITY OF TEMPLE, BELL COUNTY, TEXAS, WAS APPROVED BY THE CITY OF TEMPLE ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2008. SAID SUBDIVISION SHALL BE SUBJECT TO ALL REQUIREMENTS OF THE SUBDIVISION ORDINANCE OF THE CITY OF TEMPLE, TEXAS.

WITNESS MY HAND THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2008.

CITY SECRETARY

THIS FINAL PLAT HAS BEEN SUBMITTED TO AND CONSIDERED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF TEMPLE, TEXAS, AND IS HEREBY APPROVED BY SUCH COMMISSION.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2008.

CHAIRPERSON

SECRETARY OF PLANNING AND ZONING

STATE OF TEXAS  
COUNTY OF BELL

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, HEREBY CERTIFY THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN THIS PLAT.

MONTY CLARK, P. E.  
REGISTRATION NUMBER 90844

STATE OF TEXAS  
COUNTY OF BELL

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT THIS PLAT IS TRUE AND CORRECT, THAT IT WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND, AND THAT ALL NECESSARY SURVEY MONUMENTS WILL BE PLACED AS SHOWN HEREON.

CHARLES C. LUCKO, R.P.L.S. DATE SURVEYED: SEPTEMBER 2008  
REGISTRATION NO. 4636

## FINAL PLAT OF DOWN'S FIRST ADDITION, PHASE II WITHIN THE CITY OF TEMPLE, BELL COUNTY, TEXAS

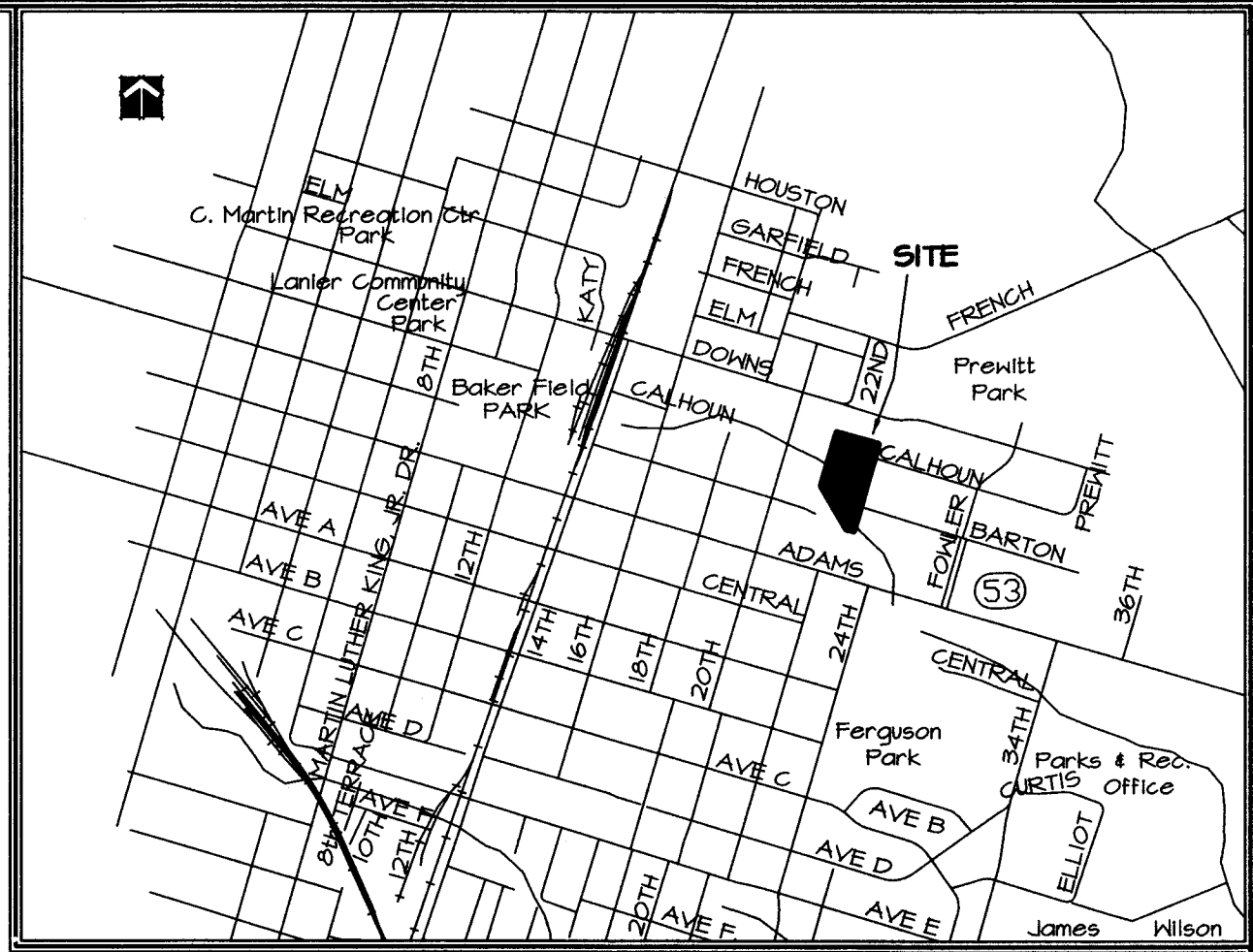
Being part of the Maximo Moreno Survey, Abstract No. 14, Bell County, Texas, and being a portion of that certain called 5,328 acre tract described in a deed to PATCO CONSTRUCTION, L.C., of record in Volume 6325, Page 428 of the Official Public Records of Real Property of Bell County, Texas.

This plat is to accompany a metes and bounds description of the herein shown 3.58 acre tract.

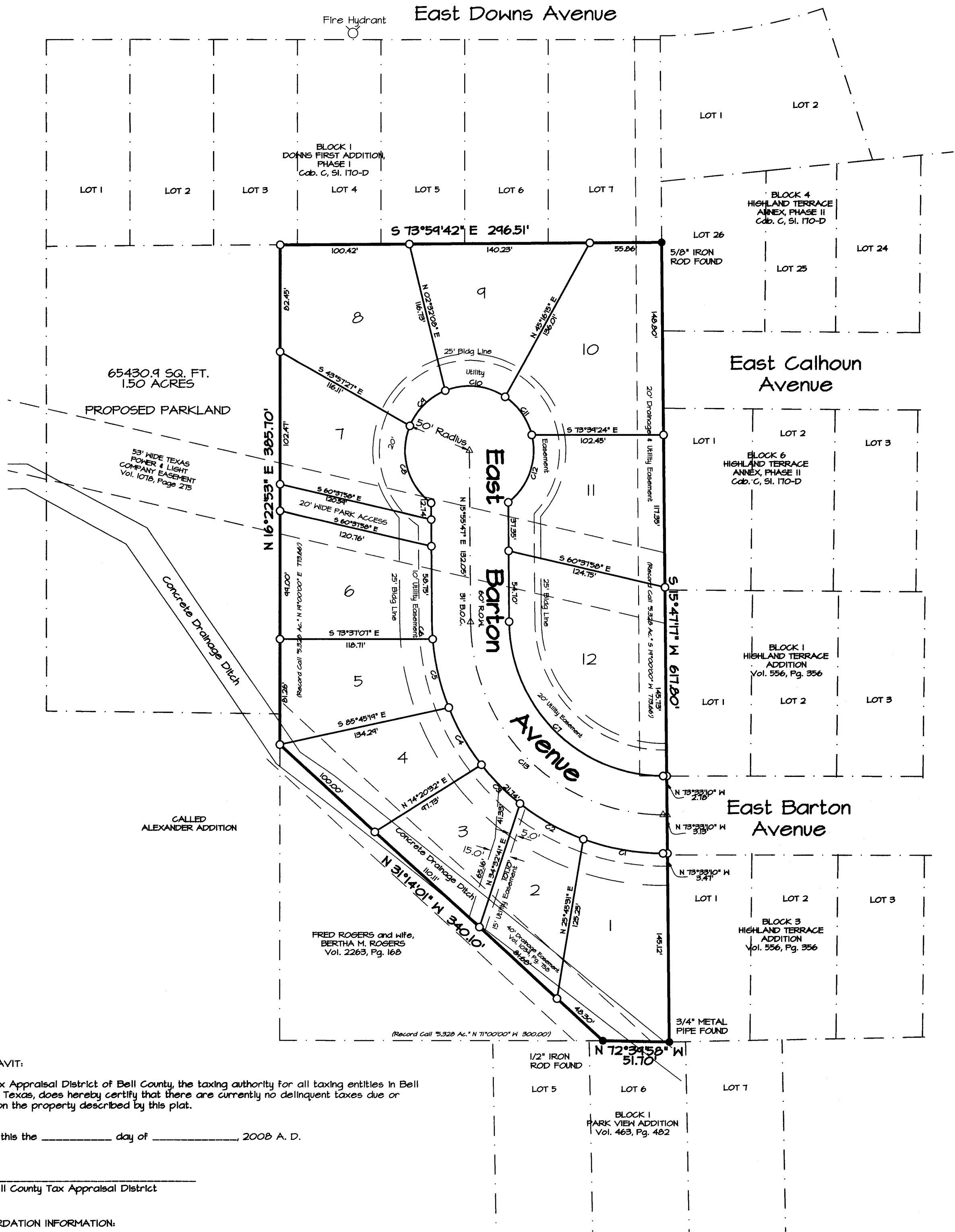
LOTS - TWELVE (12)  
BLOCKS - ONE (1)  
AREA - 3.58 ACRES

OWNER:

PATCO CONSTRUCTION, L.C.  
Meldon C. Patterson  
2116 N. Ave. H  
Temple, Texas 76504



VICINITY MAP  
n.t.s



CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	180.00'	63.24'	62.96'	N 63°28'47\"	20°08'45\"
C2	180.00'	56.64'	56.41'	N 44°23'31\"	18°01'47\"
C3	180.00'	42.54'	42.44'	N 28°36'26\"	13°32'22\"
C4	180.00'	50.81'	50.64'	N 13°48'01\"	16°10'26\"
C5	180.00'	54.71'	54.50'	N 03°02'34\"	17°24'55\"
C6	180.00'	13.13'	13.12'	N 13°50'27\"	04°10'41\"
C7	120.00'	187.41'	188.94'	N 28°48'41\"	84°28'57\"
C8	50.00'	66.34'	61.62'	N 00°50'22\"	76°04'45\"
C9	50.00'	34.70'	38.67'	N 61°37'31\"	45°24'35\"
C10	50.00'	48.74'	46.83'	S 67°42'15\"	55°50'53\"
C11	50.00'	36.76'	35.94'	S 18°43'03\"	42°07'31\"
C12	50.00'	58.22'	54.99'	S 35°42'04\"	66°42'54\"
C13	150.00'	234.26'	211.17'	N 28°48'41\"	84°28'57\"

Based upon what can be scaled from the graphics shown on Federal Insurance Rate Map (FIRM), Community Panel No. 480034 0006 D, dated January 3, 1985, portions of the above shown property do appear within the "Special Flood Hazard Area", and appears to be situated in Zones A2 & C. This Flood statement does not imply that this tract will never flood, nor does it create any liability in such event on the part of this surveyor or company.

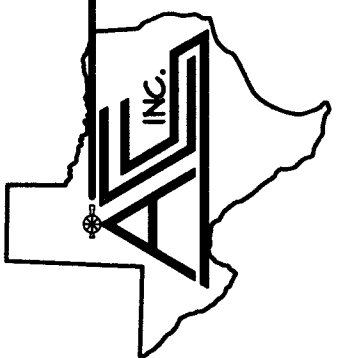
This project is referenced to the City of Temple Coordinate System, an extension of the Texas Coordinate System of 1983, Central Zone. All distances are horizontal surface distances unless noted and all bearings are grid bearings. All coordinates are referenced to City Monument No. 44. The theta angle at City Monument No. 44 is 01°32'47\". The combined correction factor (CCF) is 0.999849. Grid distance = Surface distance X CCF. Geodetic north = Grid north + theta angle. Reference line from City monument No. 44 to the northwest corner of this 3.58 acre tract is N 53°51'04\" E, 1233.38 feet. Published City coordinates for project reference point 44 are N = 10,374,593.74 E = 3,236,162.23

Copyright 2008 All County Surveying, Inc.

1988 - 2008  
**20**  
YEARS OF  
EXCELLENCE  
ALL COUNTY  
SURVEYING

FINAL PLAT OF  
**DOWN'S FIRST ADDITION, PHASE II**  
WITHIN THE CITY OF TEMPLE, BELL COUNTY, TEXAS

**ALL COUNTY SURVEYING, INC.**  
1303 South 21st Street, Temple, Texas 76504  
(254) 719-2212 FAX (254) 714-1608



Plot Date: Sep 26, 2008 - 10:52am

Survey completed **Sept. 2008**  
Scale: **1\"**  
Job No. **99T56205**  
Dwg No. **99T56205**  
Drawn by **DME**  
Surveyor **CCJ #4636**



**EXCERPTS FROM THE  
PLANNING & ZONING COMMISSION MEETING**

**MONDAY, NOVEMBER 3, 2008**

**ACTION ITEMS**

**5. P-FY-08-72:** Consider a recommendation to approve the Preliminary Plat of Downs First Addition, Phase II, 12 residential lots on 3.5± acres, located south of Downs Avenue, between Calhoun and Barton Avenues with exceptions to Sec. 33-93(e)(1), Curve Radius and Sec. 33-93(h), Cul-de-Sac Length. Zoned 2F. (Applicant: All County Surveying for Pat Patterson)

Mr. Brian Mabry, Senior Planner gave the Commission a brief PowerPoint overview of the request to the Commission.

Commissioner Hurd made the motion to approve this item with exceptions for an over length cul-de-sac and Commissioner Martin seconded the motion.

Motion passed (8:1)

[Commissioner Barton voted against the motion.]



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

(Planning No. P-FY-08-72)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING THE PRELIMINARY PLAT OF DOWNS FIRST ADDITION, PHASE II, 12 RESIDENTIAL LOTS ON APPROXIMATELY 3.5 ACRES, LOCATED SOUTH OF DOWNS AVENUE, BETWEEN CALHOUN AND BARTON AVENUES, SUBJECT TO THE DEVELOPER'S REQUESTED EXCEPTIONS TO THE SUBDIVISION ORDINANCE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on November 3, 2008, the Planning and Zoning Commission approved the preliminary plat of Downs First Addition, Phase II, 12 residential lots on approximately 3.5 acres, located south of Downs Avenue, between Calhoun and Barton Avenues, subject to the developer's requested exceptions to the Subdivision Ordinance; and

**Whereas**, the City Council has considered the matter and deems it in the public interest to approve the preliminary plat of Downs First Addition.

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

**Part 1:** The City Council approves the preliminary plat of Downs First Addition, Phase II, 12 residential lots on approximately 3.5 acres, located south of Downs Avenue, between Calhoun and Barton Avenues, more fully shown on the Plat which is on file in the City's Planning Department, incorporated herein and referred to by reference, and including the following exceptions to the Subdivision Ordinance: *Section 33-93(e)(1)* to allow a smaller curve radius; and *Section 33-93(h)* to allow a longer cul-de-sac length.

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

PASSED AND APPROVED this the 20<sup>th</sup> day of **November**, 2008.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, MAYOR

ATTEST:

APPROVED AS TO FORM:

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Clydette Entzminger  
City Secretary

---

Jonathan Graham  
City Attorney





## COUNCIL AGENDA ITEM MEMORANDUM

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11/20/08  
Item #4(T)  
Consent Agenda  
Page 1 of 1

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

Tim Dolan, Planning Director

**ITEM DESCRIPTION:** P-FY-09-02: Consider adopting a resolution approving the Final Plat of Havemann Estates, 2 single-family lots on 1.41± acres, located on the south side of FM 93, on the east side of Hartrick Bluff Road in Temple Southeastern ETJ with developer requested exceptions to Subdivision Ordinance Sec. 33-93(p), Perimeter Street Fees and Sec. 33-102(d) Park Fees.

**PLANNING & ZONING COMMISSION RECOMMENDATION:** At its November 3, 2008 meeting the Planning and Zoning Commission voted 9/0, in accordance with Staff recommendation, for approval of Preliminary Plat P-FY-09-02 with exceptions to Sec. 33-93(p), Perimeter Street Fees and Sec. 33-102(d) Park Fees.

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

**ITEM SUMMARY:** Please refer to the Staff Report and draft minutes of case P-FY-09-02, from the Planning and Zoning Commission meeting, November 3, 2008.

Staff and the Planning and Zoning Commission support the two requested exceptions due to the subdivision's minimal street frontage, distance from the City limits and slim likelihood of annexation in the near future.

**FISCAL IMPACT:** None

### **ATTACHMENTS:**

Plat  
P&Z Staff Report (P-FY-09-02)  
P&Z Minutes (11/03/08)  
Resolution





# PLANNING AND ZONING COMMISSION AGENDA ITEM

11/06/08  
Item #6  
Regular Agenda  
Page 1 of 2

**APPLICANT / DEVELOPMENT:** All county Surveying for David and Sydney Havemann

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

**ITEM DESCRIPTION:** P-FY-09-02 Consider a recommendation to approve the final plat of Havemann Estates, 2 single-family lots on 1.41± acres, located on the south side of FM 93, on the east side of Hartrick Bluff Road in Temple Southeastern ETJ with exceptions to Sec. 33-93(p), Perimeter Street Fees and Sec. 33-102(d), Park Fees. (Applicant: All County Surveying for David and Sydney Havemann)

**STAFF RECOMMENDATION:** Staff recommends approval of the Final Plat with exceptions to Subdivision Regulations Section 33-93(p), Perimeter Street Fees and 33-102(d), Park Fees.

**BACKGROUND:** The Design Review Committee reviewed and deemed complete the Final Plat on October 28, 2008. Except for the requested exceptions, it meets the minimum requirements of the Subdivision Ordinance. The City Council is the final plat authority since exceptions have been requested.

The property is being platted in order to facilitate the sale of a vacant parcel and to make larger a tract which currently has the applicant's home on it. One proposed lot on the property has access to Morgan Drive and the other proposed lot has access to Hartrick Bluff Road.

The applicant requests exceptions to the following provisions.

Subdivision Regulations Citation	Requirement	Applicant's Justification	Staff Support?*
Sec. 33-93(p)	Perimeter street fees	Fee collected for limited frontage would be minimal	Yes
Sec. 33-102(d)	Payment of \$225 in park fees per dwelling unit	Distance from City limits and no existing or future parks in area.	Yes

\*See explanations below

Staff agrees with the applicant's justification for the request for exemption from perimeter street fees. The property's frontage on Hartrick Bluff Road is only 148 feet and the resulting fee collected would be minimal.

The Parks Department supports the exception request for park fees because the proposed subdivision consists of only two lots, the property is almost a mile from the City limits and the chances of it being annexed over the next five years are minimal.

**Double Sided**



**ATTACHMENTS:**

Plat







**EXCERPTS FROM THE  
PLANNING & ZONING COMMISSION MEETING**

**MONDAY, NOVEMBER 3, 2008**

**ACTION ITEMS**

- 6. P-FY-09-02** Consider a recommendation to approve the Final Plat of Havemann Estates, 2 single-family lots on 1.41± acres, located on the south side of FM 93, on the east side of Hartrick Bluff Road in Temple Southeastern ETJ with exceptions to Sec. 33-93(p), Perimeter Street Fees and Sec. 33-102(d) Park Fees. (Applicant: All County Surveying for David and Sydney Havemann)

Mr. Brian Mabry, Senior Planner gave the Commission a brief PowerPoint overview of the request.

Commissioner Luck made a motion to approve the recommendation and Commissioner Talley seconded the motion.

Motion passed (9:0)



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

(Planning No. P-FY-09-02)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING THE FINAL PLAT OF HAVEMANN ESTATES, 2 SINGLE FAMILY LOTS ON APPROXIMATELY 1.41 ACRES LOCATED ON THE SOUTH SIDE OF FM 93, ON THE EAST SIDE OF HARTRICK BLUFF ROAD IN TEMPLE'S SOUTHEASTERN ETJ, SUBJECT TO THE DEVELOPER'S REQUESTED EXCEPTIONS TO THE SUBDIVISION ORDINANCE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, on November 3, 2008, the Planning and Zoning Commission approved the final plat of Havemann Estates, 2 single family lots on approximately 1.41 acres located on the south side of FM 93, on the east side of Hartrick Bluff Road in Temple's southeastern ETJ, subject to the developer's requested exceptions to the Subdivision Ordinance; and

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

**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 Havemann Estates, 2 single family lots on approximately 1.41 acres located on the south side of FM 93, on the east side of Hartrick Bluff Road in Temple's southeastern 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 33-93(p)* exempting the requirement for perimeter street fees; and *Section 33-102 (d)* exempting the requirement for park fees.

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

PASSED AND APPROVED this the 20<sup>th</sup> day of **November**, 2008.

THE CITY OF TEMPLE, TEXAS

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

ATTEST:

APPROVED AS TO FORM:

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

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





## COUNCIL AGENDA ITEM MEMORANDUM

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11/20/08  
Item #4(U)  
Consent Agenda  
Page 1 of 2

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

Tim Dolan, Planning Director

**ITEM DESCRIPTION:** P-FY-09-03: Consider adopting a resolution approving the Preliminary Plat of The Ranch at Woodland Trails, 42 single-family lots on 24.01± acres, located south of FM 2305 and West of Northcliffe Subdivision in Temple's Western ETJ with developer requested exceptions to Subdivision Ordinance Sec. 33-93(h), Cul-de-Sac Length and Sec. 33-102(d), Park Fees. **(Note: Approval of this item on consent agenda will approve the preliminary plat with an exception for cul-de-sac length only – no park fee waiver.)**

**PLANNING & ZONING COMMISSION RECOMMENDATION:** At its November 3, 2008 meeting the Planning and Zoning Commission voted 9/0, in accordance with Staff recommendation, for approval of Preliminary Plat P-FY-09-03 with:

1. Exception to Sec. 33-93(h), Cul-de-Sac Length; and
2. Park fees required in the amount of \$9,450.

Staff and the Planning and Zoning Commission do not support the park fees exception request. The applicant does not contest the P&Z and Staff recommendation.

**STAFF RECOMMENDATION:** Adopt resolution as presented in item description, with exception to cul-de-sac length only and requiring payment of park fees.

**ITEM SUMMARY:** Please refer to the Staff Report and draft minutes of case P-FY-09-03, from the Planning and Zoning Commission meeting, November 3, 2008.

Staff agrees with the applicant's justification for the cul-de-sac length requirement. Development surrounding the proposed subdivision does not allow for a stub out street. In an effort to assist the staging of fire apparatus the applicant has provided a mid-point turnaround on the throat of the cul-de-sac.

The Parks Department does not support an exception request. The property is in a developing area, so annexation is a possibility. Also, there are more than 9 lots and the property is only 1,000 feet from the City limits.

**FISCAL IMPACT:** None

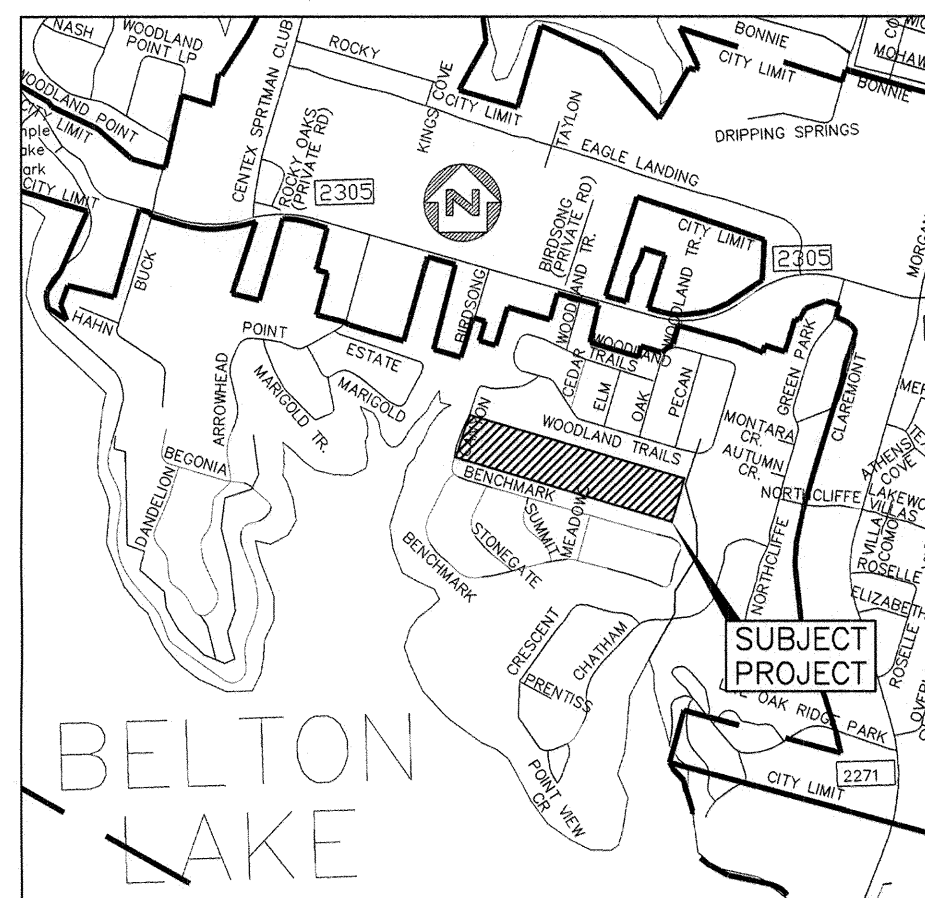


**ATTACHMENTS:**

Plat  
P&Z Staff Report (P-FY-09-03)  
P&Z Minutes (11/03/08)  
Resolution



PRELIMINARY PLAT OF  
*THE RANCH at WOODLAND TRAILS*  
*ETJ of Temple, County of Bell, Texas*



LOCATION MAP (NTS)

NOTES:

1. LOCAL STREET WITH CUL-DE-SAC, NO SIDEWALK(S) REQUIRED
2. 26' PAVED CROWN WITH 1' RIBBON CURB, 28' OA.
3. BORROW DITCH DRAINAGE WITH INDIVIDUAL DRIVEWAY CULVERTS
4. EXCEPTION TO 33-93(h) CUL-DE-SAC LENGTH REQUESTED

FEMA NOTES:

THE SUBJECT PROPERTY OVERLAPS FIRM PANEL: MAP #48027C0175E  
EFFECTIVE DATE SEPT. 26,2008 & MAP #48027C0330E EFFECTIVE  
DATE SEPT. 26,2008.

Curve Table			
Curve #	Length	Radius	Delta
C1	48.514	50.42	55.1293
C2	50.287	50.00	57.6234
C3	76.026	50.00	87.1189
C4	51.930	50.00	59.5070
C5	50.857	50.00	58.2773
C6	77.111	50.00	88.3628
C7	48.843	50.00	55.9686
C8	50.017	50.00	57.3136

TOTAL TRACT	25.582 AC.	1,114,362 SF
ROW DEDICATION	3.12 AC.	135,742 SF
NET AREA OF LOTS FOR SALE	22.46 AC.	978,620 SF
TOTAL LOTS FOR SALE	42 LOTS	42 LOTS
AVERAGE AREA PER LOT	0.61 AC.	26,532 SF
LARGEST LOT	0.80 AC.	34,992 SF
SMALLEST LOT	0.52 AC.	22,500 SF
LOT YIELD	1.64 LOT/ACRE	1.64 LOT/ACRE

OWNER'S CERTIFICATION

I, Carothers Executive Homes, Owner of the land shown on this plat and designated herein as the Preliminary Plat for The Ranch at Woodland Trails, hereby express our intent to subdivide and plat said land.

Carothers Executive Homes  
By: Jason Carothers, Owner

RECOMMENDED FOR PRELIMINARY APPROVAL:

City Engineer and/or Director of Public Works \_\_\_\_\_ Date \_\_\_\_\_

APPROVED FOR PREPARATION OF FINAL PLAT:

Chairman, Planning and Zoning Commission \_\_\_\_\_ Date \_\_\_\_\_

APPROVED FOR PREPARATION OF FINAL PLAT:

Secretary, Planning and Zoning Commission \_\_\_\_\_ Date \_\_\_\_\_

ENGINEER'S CERTIFICATION

34 STATE OF TEXAS:  
COUNTY OF BELL:

I, the undersigned, a registered professional engineer in the State of Texas, hereby certify that proper engineering consideration has been given this plat.



John Hart Bandas  
Registered Professional Engineer  
Seal Number 88858

Preliminary Plat is based on Deed of Record on file.  
Registered Public Surveyor for The Ranch at Woodland Trail will be  
R.P. Shelley, RPLS No. 4540, of Sightline Surveying.

C.O.T.  
MONUMENT  
# 506

PRELIMINARY PLAT NOTES:

NUMBER OF LOTS = 42  
NUMBER OF BLOCKS = 1  
AREA OF SUBDIVISION = 24.012 ACRES

BUILDING SETBACKS

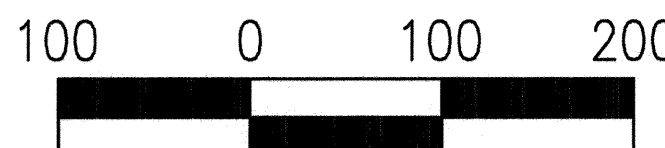
25' TYPICAL FRONT SETBACK  
10' TYPICAL REAR SETBACK  
5' TYPICAL SIDE SETBACK  
15' TYPICAL CORNER LOT SETBACK  
UNLESS OTHERWISE NOTED

15' TYPICAL P.U.E. IN FRONT OF LOTS  
UNLESS OTHERWISE NOTED

CITY OF TEMPLE MONUMENT INFORMATION:

COT MONUMENT NO. 506  
N=10383950.33 E=3198199.05

1/2" Iron Rod Set at all Lot Corners  
Unless Otherwise Noted.



SCALE: 1" = 200' (HALF-SIZE)

SCALE: 1" = 100' (FULL-SIZE)

LEGEND

- ① LOT NUMBER
- EASEMENT
- BUILDING SETBACK
- LOT / R.O.W. LINE
- SUBDIVISION BOUNDARY
- ⊕ 1/2" IRON ROD SET
- IRON ROD FOUND

**BANDAS ENGINEERING COMPANY**  
CIVIL ENGINEERING

404 COTTINGHAM DRIVE  
TEMPLE, TEXAS 76504

(254) 778-8728  
bandasengineering@sbcglobal.net

PROJECT:

CAROTHERS EXECUTIVE HOMES  
THE RANCH AT WOODLAND TRAILS  
TEMPLE, BELL COUNTY, TEXAS

PRELIMINARY PLAT

DATE: 10/6/08  
DESIGNED BY: JK  
DRAWN BY: JK  
CHECKED BY: JHB  
DWG. NO228-P-PLAT  
SHT. # 1 OF 2





# PLANNING AND ZONING COMMISSION AGENDA ITEM

11/03/08  
Item #7  
Regular Agenda  
Page 1 of 2

**APPLICANT / DEVELOPMENT:** Bandas Engineering for Jason Carrothers

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

**ITEM DESCRIPTION:** P-FY-09-03 Consider a recommendation to approve the Preliminary Plat of The Ranch At Woodland Trails, 42 single-family lots on 24.01± acres, located south of FM 2305 and West of Northcliffe Subdivision in Temple's Western ETJ with exceptions to Sec. 33-93(h), Cul-de-Sacs and Sec. 33-102(d), Park Fees. (Applicant: Bandas Engineering for Jason Carrothers)

**STAFF RECOMMENDATION:** Staff recommends approval of the Preliminary Plat without exception to Sec. 33-102(d), Park Fees and with exception to Sec. 33-93(h), Cul-de-Sac Length.

**BACKGROUND:**

The Design Review Committee reviewed the Preliminary Plat and deemed it complete on 10/28/08. Except for the request exceptions, it meets the minimum requirements of the Subdivision Ordinance. The City Council is the final plat authority since exceptions have been requested.

The proposed subdivision is in ETJ, so zoning does not apply. Ribbon curbs are proposed for the subdivision. The Subdivision Regulations allow ribbon curbs if the density of the subdivision is less than two dwelling units per acre. The proposed subdivision shows 1.63 dwelling units per acre so ribbon curbs are allowed.

The applicant requests exceptions to the following provisions.

Subdivision Regulations Citation	Requirement	Applicant's Justification	Staff Support?*
Sec. 33-93(h)	Cul-de-Sac Length	Surrounding developed properties do not allow for a through street	Yes
Sec. 33-102(d)	Payment of \$225 in park fees per dwelling unit	There subdivision has large lots and there is a Corps of Engineers park nearby	No

\*See explanations below

Staff agrees with the applicant's justification for the cul-de-sac length requirement. In an effort to assist the staging of fire apparatus the applicant has provided a mid-point turnaround on the throat of the cul-de-sac. This feature complies with the cul-de-sac standards drafted and endorsed by the Design Standards Advisory Board.

At \$225 per lot, \$9,450 are required in park fees. The Parks Department does not support an exception request. Parks only supports an exception to the fees if the property is over a mile into the

**Double Sided**



ETJ with no annexation forecasted in the near future and if the property has 9 or fewer lots. This part of Temple is a developing area, so annexation is a possibility. Also, there are more than 9 lots and the property is less than one mile from the city limits.

**ATTACHMENTS:**

Plat



**EXCERPTS FROM THE  
PLANNING & ZONING COMMISSION MEETING**

**MONDAY, NOVEMBER 3, 2008**

**ACTION ITEMS**

- 7. P-FY-09-03:** Consider a recommendation to approve the Preliminary Plat of The Ranch at Woodland Trails, 42 single-family lots on 24.01± acres, located south of FM 2305 and West of Northcliffe Subdivision in Temple's Western ETJ with exceptions to Sec. 33-93(h), Cul-de-Sac Length and Sec. 33-102(d), Park Fees. (Applicant: Banda's Engineering for Jason Carothers)

Mr. Brian Mabry, Senior Planner presented a brief PowerPoint overview to the Commission regarding this request.

Commissioner Hurd made a motion to approve this request with exception to the over length cul-de-sac length requirement but requiring park fees to be paid. Commissioner Barton seconded the motion.

Motion passed (9:0)



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

(Planning No. P-FY-09-03)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING THE PRELIMINARY PLAT OF THE RANCH AT WOODLAND TRAILS, 42 SINGLE-FAMILY LOTS ON APPROXIMATELY 24.01 ACRES, LOCATED SOUTH OF FM 2305 AND WEST OF NORTHCLIFFE SUBDIVISION IN TEMPLE'S WESTERN ETJ, SUBJECT TO THE DEVELOPER'S REQUESTED EXCEPTION TO THE SUBDIVISION ORDINANCE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, on November 3, 2008, the Planning and Zoning Commission approved the preliminary plat of The Ranch at Woodland Trails, 42 single-family lots on approximately 24.01 acres, located south of FM 2305 and west of Northcliffe Subdivision in Temple's western ETJ, subject to the developer's requested exception to the Subdivision Ordinance; and

**Whereas**, the City Council has considered the matter and deems it in the public interest to approve the preliminary plat of The Ranch at Woodland Trails.

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

**Part 1:** The City Council approves the preliminary plat of The Ranch at Woodland Trails, 42 single-family lots on approximately 24.01 acres, located south of FM 2305 and west of Northcliffe Subdivision in Temple's western 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 exception to the Subdivision Ordinance: *Section 33-93(h)* to allow a longer cul-de-sac length.

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

PASSED AND APPROVED this the **20<sup>th</sup>** day of **November**, 2008.

THE CITY OF TEMPLE, TEXAS

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

ATTEST:

APPROVED AS TO FORM:

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

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





## COUNCIL AGENDA ITEM MEMORANDUM

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11/20/08  
Item #4(V)  
Consent Agenda  
Page 1 of 2

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

Jonathan Graham, City Attorney

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing acquisition of 11 parcels of land and 2 utility easements adjacent to Old Waco Road, for the Outer Loop Phase III project, from approximately 950 feet south of Jupiter Drive to FM 2305; describing the tracts to be acquired; determining that such acquisitions are necessary for public road, drainage and utility purposes, and authorizing exercise of eminent domain if such becomes necessary.

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

**ITEM SUMMARY:** Council previously authorized acquisition services, construction administration, and on-site representation for Phase III of the Outer Loop (Resolution No. 2007-5094-R). Six parcels were already in City ownership. Eighteen parcels and two easements have been acquired from 15 parties. Eleven parcels are needed from 7 parties. In the event that the negotiations in progress do not result in agreements with all of the property owners, the proposed resolution will authorize filing of eminent domain proceedings to acquire the following parcels:

1. Rush #2
2. Crisp #18, 19
3. West End Joint Venture #21, 22
4. Procter #23, 24, 25
5. Brenek #27
6. Wade #30
7. Lewis #34 (includes a utility easement)

**FISCAL IMPACT:** In FY 2007, \$2,000,000 was appropriated in account 361-3400-534-6813, project # 100089 from the 2006 Certificates of Obligation bonds for preliminary design for phases 3-6 and ROW acquisition for phase 3. An additional \$ 5,280,000, from the 2008 Certificates of Obligation bonds was appropriated in FY 2008 for final design of phases 3-6, construction of phases 3 & 4, and ROW acquisition for phase 4.



On October 16, 2008, Council authorized the reallocation of \$1,906,612 of these funds to fund commitments between the City of Temple and the Texas Department of Transportation (TxDot) related to funding 10% of total ROW and Utility Relocation related to the FM 2305 – FM 2271 to SH 317 and the IH 35/Loop 363 projects.

After funding ROW acquisition services, the final design of phase 3, the preliminary design of phases 4-6, the purchase of nineteen parcels and one easement, and reallocating funding as mentioned above, \$ 3,194,330 is available for the remaining ROW acquisition of phases 3-4, construction of phases 3-4 (or as much as can be constructed with current funding available), and final design of phases 4-6.

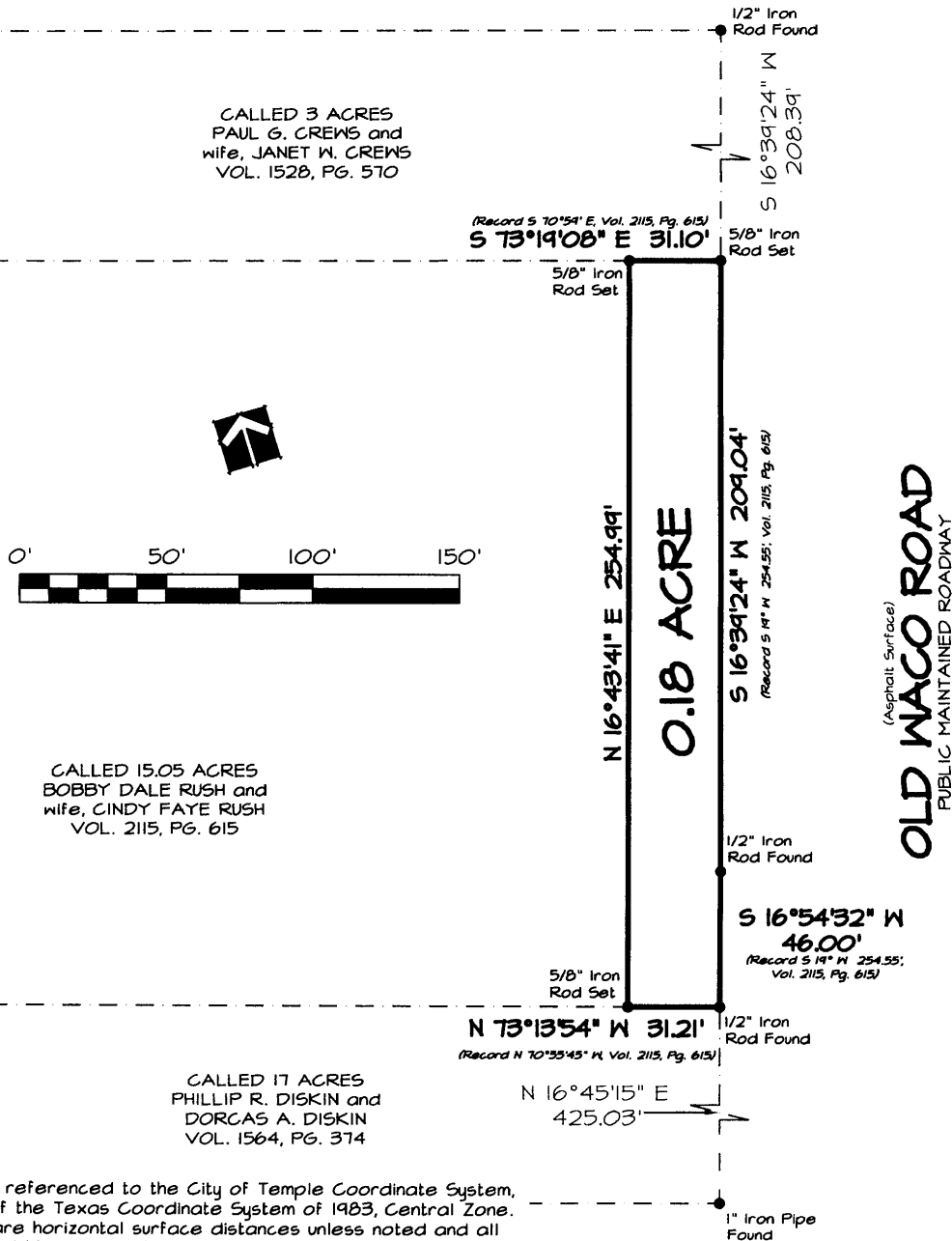
**ATTACHMENTS:**

[Parcel drawings](#)  
[Resolution](#)



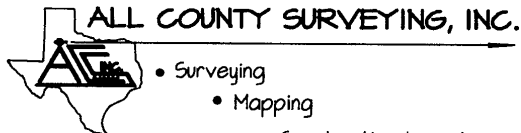
OUTER LOOP  
R.O.W. PARCEL - BOBBY DALE RUSH and wife, CINDY FAYE RUSH  
**Surveyor's Sketch showing 0.18 ACRE, situated in the  
NANCY CHANCE SURVEY, ABSTRACT 5, City of Temple,  
Bell County, Texas.**

This sketch to accompany a metes and bounds  
description of the hereon shown 0.18 Acre tract.



This project is referenced to the City of Temple Coordinate System,  
an extension of the Texas Coordinate System of 1983, Central Zone.  
All distances are horizontal surface distances unless noted and all  
bearings are grid bearings. All coordinates are referenced to City  
Monument No. 260. The theta angle at City Monument No. 260 is  
01°29'57". The combined correction factor (CCF) is 0.999856. Grid  
distance = Surface distance X CCF. Geodetic north = Grid north +  
theta angle. Reference tie from City monument No. 260 to the  
northeast corner of this 0.18 acre tract is N 15° 52' 12" E, 2217.02'  
feet. Published City coordinates for project reference point 260  
are N. = 10,376,015.76 E. = 3,207,456.48

This document is not valid for any  
purpose unless signed and sealed by a  
Registered Professional Land Surveyor.



- Surveying
- Mapping
- Construction Layout

1303 South 21st Street  
Temple, Texas 76504  
254-778-2272 Killeen 254-634-4636  
Fax 254-774-7608

1988-2008 20 YEARS OF EXCELLENCE



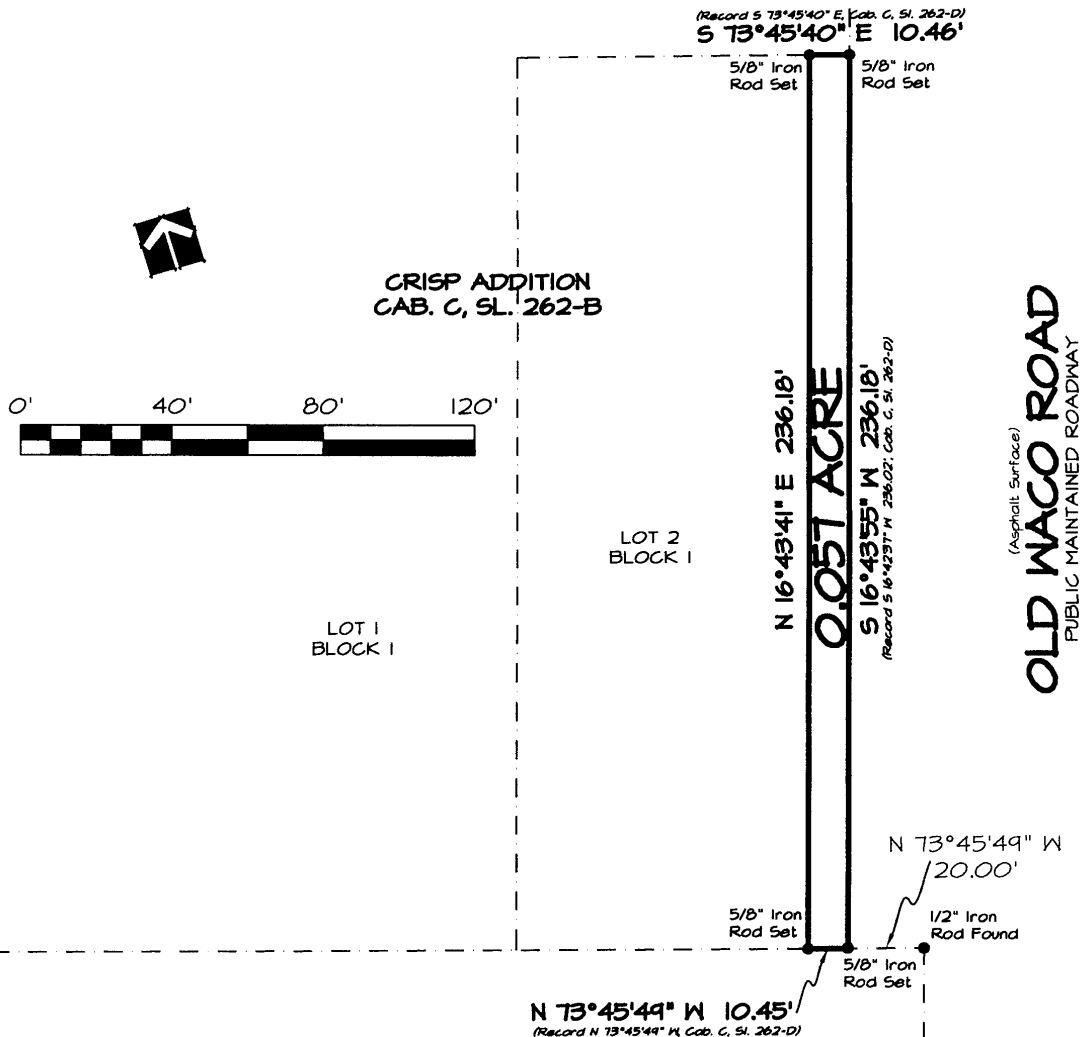
Plot Date: 02-22-2008

Survey  
completed 04-04-2007  
Scale: 1" = 50'  
Job No. 997299.2  
Dwg No. 997299-ROW-24  
Drawn by SLW  
Surveyor CCL #4636

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This sketch to accompany a metes and bounds description of the hereon shown 0.057 Acre tract.



This project is referenced to the City of Temple Coordinate System, an extension of the Texas Coordinate System of 1983, Central Zone. All distances are horizontal surface distances unless noted and all bearings are grid bearings. All coordinates are referenced to City Monument No. 260. The theta angle at City Monument No. 260 is 01°29'57". The combined correction factor (CCF) is 0.999856. Grid distance = Surface distance X CCF. Geodetic north = Grid north + theta angle. Reference tie from City monument No. 260 to the northeast corner of this 0.057 acre tract is N 16° 01' 49" E, 4420.24' feet. Published City coordinates for project reference point 260 are N. = 10376.015.76 E. = 3207.456.98

**CALLER 5.50 ACRES  
CYNTHIA JIMENEZ and  
ARTURO JIMENEZ  
VOL. 3563, PG. 145**

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Plot Date: 02-22-2008

Survey completed 04-04-2007  
Scale: 1" = 40'  
Job No. 997299.2  
Dwg No. 997299.2-ROW-1  
Drawn by SLW  
Surveyor CCL #4636

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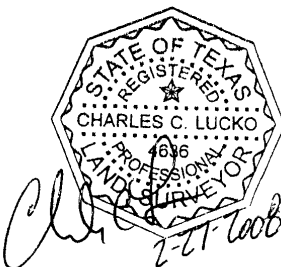
ALL COUNTY SURVEYING, INC.



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  - Mapping
  - Construction Layout

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Fax 254-774-7608

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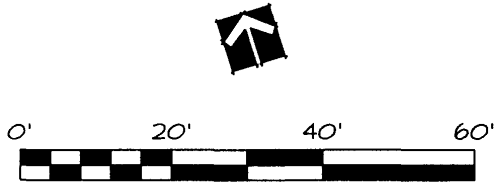




OUTER LOOP  
R.O.W. PARCEL - LOT 1, BLOCK 1, CRISP ADDITION

**Surveyor's Sketch showing 0.007 ACRE, situated in the  
NANCY CHANCE SURVEY, ABSTRACT 5, City of Temple,  
Bell County, Texas.**

This sketch to accompany a metes and bounds  
description of the hereon shown 0.007 Acre tract.

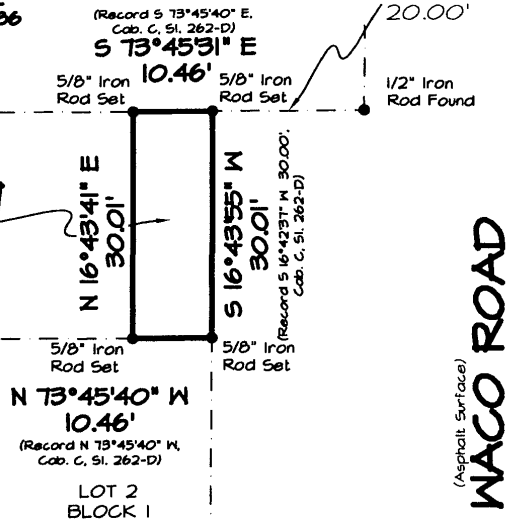


CALLLED 5.00 ACRES  
CITY OF TEMPLE  
VOL. 3627, PG. 206

LOT 1  
BLOCK 1

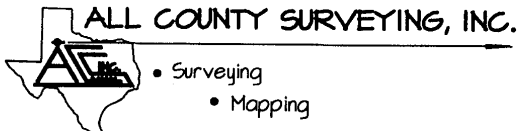
**0.007  
ACRE**

CRISP ADDITION  
CAB. C, SL. 262-B



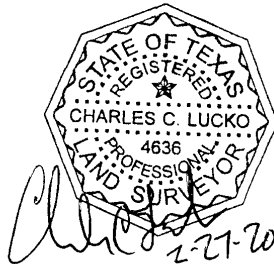
This project is referenced to the City of Temple Coordinate System, an extension of the Texas Coordinate System of 1983, Central Zone. All distances are horizontal surface distances unless noted and all bearings are grid bearings. All coordinates are referenced to City Monument No. 260. The theta angle at City Monument No. 260 is 01°29'57". The combined correction factor (CCF) is 0.999856. Grid distance = Surface distance X CCF. Geodetic north = Grid north + theta angle. Reference tie from City monument No. 260 to the northeast corner of this 0.007 acre tract is N 16° 02' 06" E, 4450.24' feet. Published City coordinates for project reference point 260 are N. = 10,376,015.76 E. = 3,207,456.98

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Temple, Texas 76504  
254-778-2272 Killeen 254-634-4636  
Fax 254-774-7608



Plot Date: 02-22-2008

Survey  
completed 04-04-2007  
Scale: 1" = 20'  
Job No. 997299.2  
Dwg No. 997299.2-ROW-B  
Drawn by SLW  
Surveyor CCL #4636

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OUTER LOOP  
R.O.W. PARCEL - WEST END JOINT VENTURE

Surveyor's Sketch showing 0.11 ACRE, situated in the  
NANCY CHANCE SURVEY, ABSTRACT 5, City of Temple,  
Bell County, Texas.

This sketch to accompany a metes and bounds  
description of the hereon shown 0.11 Acre tract.



PORTION OF CALLED  
6.973 ACRES  
WEST END JOINT VENTURE  
VOL. 3144, PG. 228

3/8" Iron  
Rod Found

S 16°49'40" W 211.59'

THE MEADOWS, PHASE IV  
CAB. C, SL. 196-C

TANGLEHEAD DRIVE

(Record S 73°35'58" E, Cab. C, Sl. 196-C)  
S 73°44'08" E 30.89'

1/2" Iron  
Rod Found

5/8" Iron  
Rod Set

PORTION OF CALLED  
6.973 ACRES  
WEST END JOINT VENTURE  
VOL. 3144, PG. 228

N 16°43'41" E 156.83'

0.11 ACRE

S 16°47'11" W 156.78'  
(Record S 19°08'46" N Vol. 3144, Pg. 228)

OLD WACO ROAD  
(Asphalt Surface)  
PUBLIC MAINTAINED ROADWAY

5/8" Iron  
Rod Set

N 73°44'01" W 30.73'  
(Record N 71°25'46" W, Vol. 3144, Pg. 228)

5/8" Iron  
Rod Set

CALLED 5.00 ACRES  
CITY OF TEMPLE  
VOL. 3821, PG. 286

This project is referenced to the City of Temple Coordinate System,  
an extension of the Texas Coordinate System of 1983, Central Zone.  
All distances are horizontal surface distances unless noted and all  
bearings are grid bearings. All coordinates are referenced to City  
Monument No. 260. The theta angle at City Monument No. 260 is  
01°29'57". The combined correction factor (CCF) is 0.999856. Grid  
distance = Surface distance X CCF. Geodetic north = Grid north +  
theta angle. Reference tie from City monument No. 260 to the  
northeast corner of this 0.11 acre tract is N 16° 20' 07" E, 4872.19'  
feet. Published City coordinates for project reference point 260  
are N. = 10,376,015.76 E. = 3,207,456.98

This document is not valid for any  
purpose unless signed and sealed by a  
Registered Professional Land Surveyor.

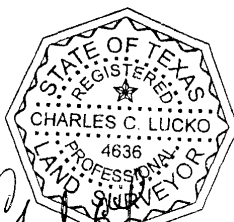
ALL COUNTY SURVEYING, INC.



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- Mapping
- Construction Layout

1303 South 21st Street  
Temple, Texas 76504  
254-778-2272 Killeen 254-634-4636  
Fax 254-774-7608

1988-2008 20 YEARS OF EXCELLENCE



Plot Date: 02-22-2008

Survey  
completed 04-04-2007  
Scale: 1" = 50'  
Job No. 997299.2  
Dwg No. 997299.2-ROW-6  
Drawn by SLW  
Surveyor CCL #4636

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OUTER LOOP  
R.O.W. PARCEL - WEST END JOINT VENTURE

**Surveyor's Sketch showing 0.11 ACRE, situated in the  
NANCY CHANCE SURVEY, ABSTRACT 5, City of Temple,  
Bell County, Texas.**

This sketch to accompany a metes and bounds  
description of the hereon shown 0.11 Acre tract.

CALLED 10.33 ACRES  
H. A. PROCTER  
VOL. 1500, PG. 445

(Record S 71°26'04" E, Vol. 3149, Pg. 228)  
S 73°49'44" E 31.26'

3/8" Iron  
Rod Found

5/8" Iron  
Rod Set



PORTION OF CALLED  
6.973 ACRES  
WEST END JOINT VENTURE  
VOL. 3144, PG. 228

N 16°43'41" E 156.02'

**0.11 ACRE**

S 16°49'40" N 156.08'  
(Record S 14°00'46" N, Vol. 3149, Pg. 228)

(Asphalt Surface)  
**OLD WACO ROAD**  
PUBLIC MAINTAINED ROADWAY

5/8" Iron  
Rod Set

N 73°44'08" W 30.99'  
(Record N 73°35'58" W, Cab. C, Sl. 196-C)

5/8" Iron  
Rod Set

THE MEADOWS, PHASE IV  
CAB. C, SL. 196-C

**TANGLEHEAD DRIVE**

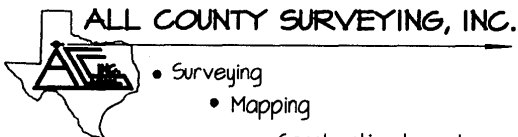
N 16°49'40" E  
55.52'

1/2" Iron  
Rod Found

PORTION OF CALLED  
6.973 ACRES  
WEST END JOINT VENTURE  
VOL. 3144, PG. 228

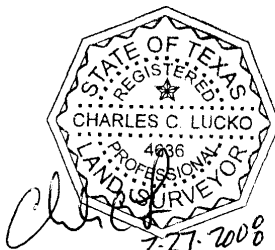
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Temple, Texas 76504  
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Fax 254-774-7608



Plot Date: 02-22-2008

Survey  
completed 04-04-2007  
Scale: 1" = 50'  
Job No. 997299.2  
Dwg No. 997299.2-ROW-5  
Drawn by SLW  
Surveyor CCL #4636

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OUTER LOOP  
R.O.W. PARCEL - H. A. PROCTER

**Surveyor's Sketch showing 0.27 ACRE, situated in the  
NANCY CHANCE SURVEY, ABSTRACT 5, City of Temple,  
Bell County, Texas.**

This sketch to accompany a metes and bounds  
description of the hereon shown 0.27 Acre tract.

REMAINDER OF CALLED 47.01 ACRES  
HAROLD L. PROCTER  
VOL. 1066, PG. 249

(Record S 71° E, Vol. 1500, Pg. 445)  
**S 73°14'51" E 31.46'**

5/8" Iron  
Rod Set

5/8" Iron  
Rod Set



**CALLED 10.33 ACRES  
H. A. PROCTER  
VOL. 1500, PG. 445**

**N 16°43'41" E 371.37'**

**0.27 ACRE**

**S 16°45'34" W 371.06'**  
(Record S 14° W 371.04'; Vol. 1500, Pg. 445)

**OLD WACO ROAD**  
(Asphalt Surface)  
PUBLIC MAINTAINED ROADWAY

This project is referenced to the City of Temple Coordinate System, an extension of the Texas Coordinate System of 1983, Central Zone. All distances are horizontal surface distances unless noted and all bearings are grid bearings. All coordinates are referenced to City Monument No. 260. The theta angle at City Monument No. 260 is 01°29'57". The combined correction factor (CCF) is 0.999856. Grid distance = Surface distance X CCF. Geodetic north = Grid north + theta angle. Reference tie from City monument No. 260 to the northeast corner of this 0.27 acre tract is N 16° 22' 59" E, 5454.82' feet. Published City coordinates for project reference point 260 are N. = 10,376,015.76 E. = 3,207,456.98

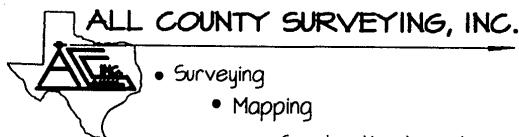
5/8" Iron  
Rod Set

**N 73°49'49" W 31.26'**  
(Record N 71°35'04" W, Vol. 1500, Pg. 445)

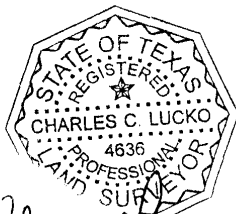
3/8" Iron  
Rod Found

PORTION OF CALLED  
6.973 ACRES  
WEST END JOINT VENTURE  
VOL. 3149, PG. 228

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Registered Professional Land Surveyor.



1303 South 21st Street  
Temple, Texas 76504  
254-778-2272 Killeen 254-634-4636  
Fax 254-774-1608



Plot Date: 02-22-2008

Survey completed 04-04-2007  
Scale: 1" = 50'  
Job No. 997299.2  
Dwg No. 997299.2-ROW-4  
Drawn by SLW  
Surveyor CCL #4636

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OUTER LOOP  
R.O.W. PARCEL - H. A. PROCTER

**Surveyor's Sketch showing 0.06 ACRE, situated in the  
NANCY CHANCE SURVEY, ABSTRACT 5, City of Temple,  
Bell County, Texas.**

This sketch to accompany a metes and bounds  
description of the hereon shown 0.06 Acre.



CALLLED 5.36 ACRES  
H. A. PROCTER  
VOL. 2058, PG. 467

CALLLED 10.33 ACRES  
H. A. PROCTER  
VOL. 1500, PG. 445

L=78.10'  
R=1440.00'  
 $\Delta=02^{\circ}18'24''$   
C LEN=78.10'  
BRG=N  $15^{\circ}34'07''$  E

N  $73^{\circ}14'51''$  W 31.54'  
(Record N 71° W, Vol. 1500, Pg. 445)

REMAINDER OF CALLED  
47.07 ACRES  
HAROLD L. PROCTER  
VOL. 1066, PG. 244

S  $16^{\circ}45'34''$  W  
260.88'

1/2" Iron  
Rod Found

5/8" Iron  
Rod Set

5/8" Iron  
Rod Set

5/8" Iron  
Rod Set

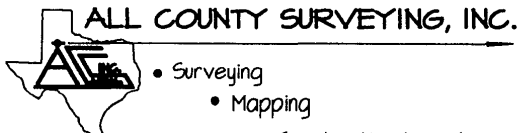
5/8" Iron  
Rod Set

S  $16^{\circ}45'34''$  W  
80.41'  
(Record S 1st W 8034',  
Vol. 1500, Pg. 445)

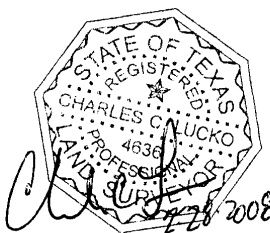
OLD WACO ROAD  
(Asphalt Surface)  
PUBLIC MAINTAINED ROADWAY

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This document is not valid for any  
purpose unless signed and sealed by a  
Registered Professional Land Surveyor.



1303 South 21st Street  
Temple, Texas 76504  
254-778-2272 Killeen 254-634-4636  
Fax 254-774-7608



Plot Date: 02-22-2008

Survey  
completed 04-04-2007  
Scale: 1" = 50'  
Job No. 997299.2  
Dwg No. 997299.2-ROW-2  
Drawn by SLW  
Surveyor CCL #4636

1988-2008 20 YEARS OF EXCELLENCE

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OUTER LOOP  
R.O.W. PARCEL - HAROLD L. PROCTER

**Surveyor's Sketch showing 0.10 ACRE, situated in the  
NANCY CHANCE SURVEY, ABSTRACT 5, City of Temple,  
Bell County, Texas.**

This sketch to accompany a metes and bounds  
description of the hereon shown 0.10 Acre tract.

**CALLED 10.33 ACRES  
H. A. PROCTER  
VOL. 1500, PG. 445**

(Record S 71° E, Vol. 1500, Pg. 445)  
**S 73°14'51" E 31.54'**  
5/8" Iron Rod Set

**REMAINDER OF CALLED  
47.07 ACRES  
HAROLD L. PROCTER  
VOL. 1066, PG. 249**

**0.10 ACRE**  
N 16°43'41" E 142.13'

5/8" Iron Rod Set

S 16°45'34" W 142.13'  
(Record S 14° W, Vol. 1500, Pg. 445)

**OLD WACO ROAD**  
(Asphalt Surface)  
PUBLIC MAINTAINED ROADWAY

5/8" Iron Rod Set

**N 73°14'51" W 31.46'**  
(Record N 71° W, Vol. 1500, Pg. 445)

5/8" Iron Rod Set

N 16°45'34" E 371.06'

3/8" Iron Rod Found

**CALLED 10.33 ACRES  
H. A. PROCTER  
VOL. 1500, PG. 445**

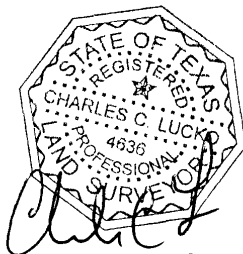


This project is referenced to the City of Temple Coordinate System, an extension of the Texas Coordinate System of 1983, Central Zone. All distances are horizontal surface distances unless noted and all bearings are grid bearings. All coordinates are referenced to City Monument No. 260. The theta angle at City Monument No. 260 is 01°29'57". The combined correction factor (CCF) is 0.999856. Grid distance = Surface distance X CCF. Geodetic north = Grid north + theta angle. Reference tie from City monument No. 260 to the northeast corner of this 1.10 acre tract is N 16° 23' 34" E, 5546.95' feet. Published City coordinates for project reference point 260 are N. = 10,376,015.76 E. = 3,207,456.98

This document is not valid for any  
purpose unless signed and sealed by a  
Registered Professional Land Surveyor.

**ALL COUNTY SURVEYING, INC.**  
• Surveying  
• Mapping  
• Construction Layout

1303 South 21st Street  
Temple, Texas 76504  
254-778-2272 Killen 254-634-4636  
Fax 254-774-7608



*Charles C. Luck*  
2-27-2008

Plot Date: 02-22-2008

Survey completed 04-04-2007  
Scale: 1" = 50'  
Job No. 997299.2  
Dwg No. 997299.2-ROW-3  
Drawn by SLW  
Surveyor CCL #4636

1988-2008 20 YEARS OF EXCELLENCE

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Surveyor's Sketch showing 0.25 ACRE, situated in the  
NANCY CHANCE SURVEY, ABSTRACT 5, City of Temple,  
Bell County, Texas.

This sketch to accompany a metes and bounds  
description of the hereon shown 0.25 Acre.

**CALLLED 0.403 ACRE**  
**TRINITY CHURCH OF TEMPLE,**  
**TEXAS, INC.**  
**VOL. 1844, PG. 897**

(Record S 72°30'25" E, Vol. 2058, Pg. 467)  
**S 74°53'31" E 44.47'**

5/8" Iron  
Rod Set

1/2" Iron  
Rod Found

**CALLLED 5.36 ACRES**  
**H. A. PROCTER**  
**VOL. 2058, PG. 467**

**L=155.95'**  
**R=2060.00'**  
**Δ=04°20'15"**  
**C LEN=155.91'**  
**BRG=N 13°26'30" E**

**0.25 ACRE**

**S 16°45'34" W 260.88'**  
(Record S 16°00'00" W, Vol. 2058, Pg. 467)

**OLD WACO ROAD**  
(Asphalt Surface)  
PUBLIC MAINTAINED ROADWAY

5/8" Iron  
Rod Set

**L=106.40'**  
**R=1940.00'**  
**Δ=03°08'32"**  
**C LEN=106.38'**  
**BRG=N 12°50'39" E**

5/8" Iron  
Rod Set

5/8" Iron  
Rod Set

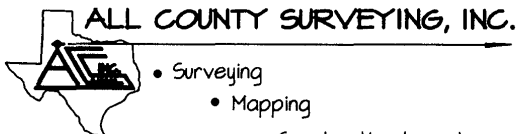
**N 77°15'53" W 33.24'**  
(Record N 75°01'02" W, Vol. 2058, Pg. 467)

**CALLLED 10.33 ACRES**  
**H. A. PROCTER**  
**VOL. 1500, PG. 445**

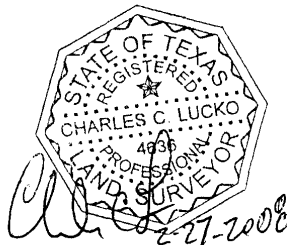


This project is referenced to the City of Temple Coordinate System,  
an extension of the Texas Coordinate System of 1983, Central Zone.  
All distances are horizontal surface distances unless noted and all  
bearings are grid bearings. All coordinates are referenced to City  
Monument No. 260. The theta angle at City Monument No. 260 is  
01°29'57". The combined correction factor (CCF) is 0.999856. Grid  
distance = Surface distance X CCF. Geodetic north = Grid north +  
theta angle. Reference tie from City monument No. 260 to the  
northeast corner of this 0.25 acre tract is N 16° 24' 50" E, 5938.23'  
feet. Published City coordinates for project reference point 260  
are N. = 10,376,015.76 E. = 3,207,456.98

This document is not valid for any  
purpose unless signed and sealed by a  
Registered Professional Land Surveyor.



1303 South 21st Street  
Temple, Texas 76504  
254-778-2272 Killeen 254-634-4636  
Fax 254-774-7608



Plot Date: 02-22-2008

Survey completed 04-04-2007  
Scale: 1" = 50'  
Job No. 997299.2  
Dwg No. 997299.2-ROW-1  
Drawn by SLW  
Surveyor CCL #4636



OUTER LOOP

R.O.W. PARCEL - DORIS ANN BRUGGMAN, RICHARD J. BRENEK, MARVIN BRENEK, ERNEST BRENEK, ALBERT J. BRENEK, and EDWARD E. BRENEK, JR.

**Surveyor's Sketch showing 0.84 ACRE, situated in the NANCY CHANCE SURVEY, ABSTRACT 5, City of Temple, Bell County, Texas.**

This sketch to accompany a metes and bounds description of the hereon shown 0.84 Acre tract.

REMAINDER OF CALLED 62.81 ACRES  
CRESCENT VIEW-TEMPLE, LTD.  
VOL. 4718, PG. 534

1" Iron Pipe Found  
(Record S 71° E, Vol. 2688, Pg. 745)  
S 73°17'11" E 30.52'

5/8" Iron Rod Set

**0.84 ACRE**

FIRST TRACT  
DORIS ANN BRUGGMAN, RICHARD J. BRENEK,  
MARVIN BRENEK, ERNEST BRENEK, ALBERT J.  
BRENEK, and EDWARD E. BRENEK, JR.  
VOL. 2688, PG. 745



(Record N 18° E, Vol. 2688, Pg. 745)  
N 16°28'45" E 1330.80'

S 16°43'41" W 1330.82'

5/8" Iron Rod Set

5/8" Iron Rod Set  
N 73°13'03" W 24.73'  
(Record N 73°13'07" W, Vol. 5244, Pg. 130)

CALLED 8.986 ACRES  
CITY OF TEMPLE  
VOL. 5244, PG. 130

This project is referenced to the City of Temple Coordinate System, an extension of the Texas Coordinate System of 1983, Central Zone. All distances are horizontal surface distances unless noted and all bearings are grid bearings. All coordinates are referenced to City Monument No. 260. The theta angle at City Monument No. 260 is 01°29'57". The combined correction factor (CCF) is 0.999856. Grid distance = Surface distance X CCF. Geodetic north = Grid north + theta angle. Reference tie from City monument No. 260 to the northwest corner of this 0.84 acre tract is N 17° 00' 11" E, 5248.06' feet. Published City coordinates for project reference point 260 are N. = 10,376,015.76 E. = 3,207,456.98

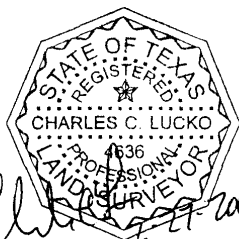
This document is not valid for any purpose unless signed and sealed by a Registered Professional Land Surveyor.

**ALL COUNTY SURVEYING, INC.**



- Surveying
- Mapping
- Construction Layout

1303 South 21st Street  
Temple, Texas 76504  
254-778-2272 Killen 254-634-4636  
Fax 254-774-7608



Plot Date: 04-16-2007

Survey completed 04-04-2007  
Scale: 1" = 200'  
Job No. 997299.2  
Dwg No. 997299-ROW-27  
Drawn by SLW  
Surveyor CCL #4636

1988-2008 20 YEARS OF EXCELLENCE

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OUTER LOOP  
R.O.W. PARCEL - LESLEY C. WADE and wife, JOSEPHINE WADE

**Surveyor's Sketch showing 0.095 ACRE, situated in the NANCY CHANCE  
SURVEY, ABSTRACT 5, City of Temple, Bell County, Texas.**

This sketch to accompany a metes and bounds  
description of the hereon shown 0.095 Acre tract.

REMAINDER OF CALLED  
2.0 ACRES  
JOHN H. LAURIE  
VOL. 1191, PG. 257

1/2" Iron  
Rod Found  
(Record S 71°26' E, Vol. 1478, Pg. 73)  
**S 73°38'14" E 23.09'**

5/8" Iron  
Rod Set

(Record N 16°20'13" E, Vol. 1478, Pg. 73)  
**N 16°20'13" E 185.00'**

**0.095 ACRE**

**S 16°43'41" W 184.90'**



**CALLLED 0.632 ACRE  
LESLEY C. WADE and wife,  
JOSEPHINE WADE  
VOL. 1478, PG. 73**

5/8" Iron  
Rod Set  
**N 73°54'47" W 21.82'**  
(Record N 71°26' E, Vol. 1478, Pg. 73)

**CALLLED 0.55 ACRE  
ROBERT A. WADE and wife,  
DEBORAH WADE  
VOL. 1478, PG. 206**

This project is referenced to the City of Temple Coordinate System, an extension of the Texas Coordinate System of 1983, Central Zone. All distances are horizontal surface distances unless noted and all bearings are grid bearings. All coordinates are referenced to City Monument No. 260. The theta angle at City Monument No. 260 is 01°29'51". The combined correction factor (CCF) is 0.999856. Grid distance = Surface distance X CCF. Geodetic north = Grid north + theta angle. Reference tie from City monument No. 260 to the northwest corner of this 0.095 acre tract is N 17° 19' 05" E, 3166.92' feet. Published City coordinates for project reference point 260 are N. = 10,376,015.76 E. = 3,207,456.98

This document is not valid for any  
purpose unless signed and sealed by a  
Registered Professional Land Surveyor.

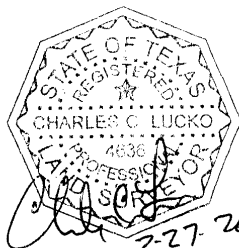
**ALL COUNTY SURVEYING, INC.**



- Surveying
- Mapping
- Construction Layout

1303 South 21st Street  
Temple, Texas 76504  
254-778-2272 Killeen 254-634-4636  
Fax 254-774-7608

**1988-2008 20 YEARS OF EXCELLENCE**



Plot Date: 02-22-2008

Survey  
completed 04-04-2007  
Scale: 1" = 40'  
Job No. 997299.2  
Dwg No. 997299-ROW-30  
Drawn by SLW  
Surveyor CCL #4636

Copyright 2008 All County Surveying, Inc.



OUTER LOOP  
R.O.W. PARCEL - PRENTICE RICHARD LEWIS

**Surveyor's Sketch showing 0.23 ACRE, situated in the NANCY CHANCE  
SURVEY, ABSTRACT 5, City of Temple, Bell County, Texas.**

This sketch to accompany a metes and bounds  
description of the hereon shown 0.23 Acre tract.

**JUPITER DRIVE**

NON-EXCLUSIVE EASEMENT AND RIGHT-OF-WAY  
VOL. 1054, PG. 354

(Record S 71° E, Vol. 1028, Pg. 495)  
S 73°20'43" E 17.86'  
5/8" Iron  
Rod Found

5/8" Iron  
Rod Set

(Record N 19° E, Vol. 1028, Pg. 495)  
N 16°34'35" E 282.26'

**0.23 ACRE**



CALLED 28.788 ACRES  
PRENTICE RICHARD LEWIS  
VOL. 1028, PG. 495

1" Iron Pipe  
Found

(Record N 19° E, Vol. 1028, Pg. 495)  
N 17°20'44" E 280.24'

S 16°43'41" W 564.95'

5/8" Iron  
Rod Set  
N 66°21'05" W 20.28'  
(Record N 64° W, Vol. 1028, Pg. 495)

CALLED 5.5 ACRES  
DAVID M. LUCKY, JR. and  
wife, LUNELLE  
VOL. 739, PG. 268

N 17°20'44" E 303.04'

3/4" Iron  
Pipe Found

This project is referenced to the City of Temple  
Coordinate System, an extension of the Texas  
Coordinate System of 1983, Central Zone. All  
distances are horizontal surface distances unless  
noted and all bearings are grid bearings. All  
coordinates are referenced to City Monument No.  
260. The theta angle at City Monument No. 260  
is 01°29'57". The combined correction factor  
(CCF) is 0.999856. Grid distance = Surface  
distance X CCF. Geodetic north = Grid north +  
theta angle. Reference tie from City monument  
No. 260 to the northwest corner of this 0.23  
acre tract is N 17° 31' 50" E, 2401.90' feet.  
Published City coordinates for project reference  
point 260 are N. = 10,376,015.76 E. =  
3,207,456.98

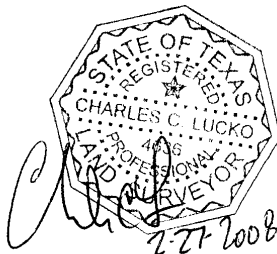
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Registered Professional Land Surveyor.



**ALL COUNTY SURVEYING, INC.**

- Surveying
- Mapping
- Construction Layout

1303 South 21st Street  
Temple, Texas 76504  
254-778-2272 Killeen 254-634-4636  
Fax 254-774-7608



Plot Date: 02-22-2008

Survey  
completed 04-04-2007  
Scale: 1" = 100'  
Job No. 997299.2  
Dwg No. 997299-ROW-34  
Drawn by SLW  
Surveyor CCL #4636

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1988-2008 20 YEARS OF EXCELLENCE



OUTER LOOP  
PERMANENT UTILITY EASEMENT - PRENTICE RICHARD LEWIS

Surveyor's Sketch showing 0.348 ACRE, situated in the NANCY CHANCE  
SURVEY, ABSTRACT 5, City of Temple, Bell County, Texas.

This sketch to accompany a metes and bounds  
description of the hereon shown 0.348 Acre tract.

**JUPITER DRIVE**  
NON-EXCLUSIVE EASEMENT AND RIGHT-OF-WAY  
VOL. 1054, PG. 354

● = Calculated Point  
(unless otherwise noted)

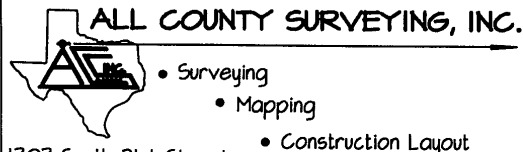


CALLED 28.788 ACRES  
PRENTICE RICHARD LEWIS  
VOL. 1028, PG. 495

LINE	BEARING	DISTANCE
L1	S 73°22'30" E	44.88'
L2	S 16°37'30" W	66.34'
L3	N 73°16'19" W	20.00'
L4	N 66°21'05" W	25.18'
L5	S 16°43'41" W	13.75'

This project is referenced to the City of Temple  
Coordinate System, an extension of the Texas  
Coordinate System of 1983, Central Zone. All  
distances are horizontal surface distances unless  
noted and all bearings are grid bearings. All  
coordinates are referenced to City Monument No.  
260. The theta angle at City Monument No. 260  
is 01°29'51". The combined correction factor  
(CCF) is 0.999856. Grid distance = Surface  
distance X CCF. Geodetic north = Grid north +  
theta angle. Reference tie from City monument  
No. 260 to the northwest corner of this 0.348  
acre tract is N 18° 03' 51" E, 2388.52' feet.  
Published City coordinates for project reference  
point 260 are N. = 10,376,015.76 E. =  
3,207,456.98

This document is not valid for any  
purpose unless signed and sealed by a  
Registered Professional Land Surveyor.

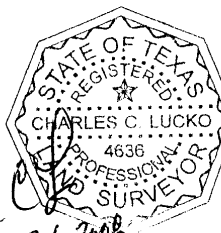


1303 South 21st Street  
Temple, Texas 76504  
254-778-2272 Killen 254-634-4636  
Fax 254-774-7608

1988-2008 20 YEARS OF EXCELLENCE

Plot Date: 03-06-2008

Survey  
completed 04-04-2007  
Scale: 1" = 100'  
Job No. 997299.2  
Dwg No. 997299-PUE-34  
Drawn by SLW  
Surveyor CCL #4636



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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE ACQUISITION OF 11 PARCELS OF LAND AND ONE UTILITY EASEMENT ADJACENT TO OLD WACO ROAD, FOR THE OUTER LOOP PHASE III PROJECT, FROM APPROXIMATELY 950 FEET SOUTH OF JUPITER DRIVE TO FM 2305; DESCRIBING THE TRACTS TO BE ACQUIRED; DETERMINING THAT SUCH ACQUISITIONS ARE NECESSARY FOR PUBLIC ROAD, DRAINAGE AND UTILITY PURPOSES; AUTHORIZING EXERCISE OF EMINENT DOMAIN IF SUCH BECOMES NECESSARY; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, it is necessary to acquire 11 parcels of land and one utility easement adjacent to Old Waco Road for the Outer Loop Phase III project;

**Whereas**, the Staff requests authorization to begin acquiring the necessary property interests for this project and to exercise eminent domain if such becomes necessary; and

**Whereas**, the City Council has considered the matter and has determined that it is necessary to acquire the property described in this resolution for public road, drainage and utility purposes.

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

**Part 1:** The City Council directs the Staff to acquire the easements that are listed as follows and more particularly described in the surveyors' drawings which are attached as Exhibit A to this resolution:

1. 0.18 acre from called 15.05 acres; Bobby Dale Rush and wife, Cindy Faye Rush, Vol. 2115, Pg. 615, Real Property Records of Bell County, Texas (Parcel #2)
2. 0.057 acre from Lot 2, Block 1, Crisp Addition, Cabinet C, Slide 262-B, City of Temple, Bell County, Texas (Parcel #18)
3. 0.007 acre from Lot 1, Block 1, Crisp Addition, Cabinet C, Slide 262-B, City of Temple, Bell County, Texas (Parcel #19)
4. 0.11 acre out of called 6.973 acres, West End Joint Venture, Volume 3149, Page 228, Real Property Records of Bell County, Texas (Parcel #21)
5. 0.11 acre out of called 6.973 acres, West End Joint Venture, Volume 3149, Page 228, Real Property Records of Bell County, Texas (Parcel #21)



6. 0.33 acre out of called 10.33 acres, H. A. Procter, Volume 1500, Page 448, Real Property Records of Bell County, Texas (Parcel #23)
7. 0.10 acre out of remainder of called 47.07 acres, Harold A. Procter, Volume 1066, Page 249, Real Property Records of Bell County, Texas (Parcel #24)
8. 0.25 acre out of called 5.36 acres, H. A. Procter, Volume 2058, Page 467, Real Property Records of Bell County, Texas (Parcel #25)
9. 0.84 acres out of First Tract, Doris Ann Bruggman et al., Volume 2688, Page 745, Real Property Records of Bell County, Texas (Parcel #27)
10. 0.095 acres out of called 0.632 acres, Lesley C. Wade and wife, Josephine Wade, Volume 1478, Page 73 (Parcel #30)
11. 0.23 acres out of called 28.788 acres, Richard Prentice Lewis, Volume 1038, Page 495, Real Property Records of Bell County, Texas (Parcel #34)
12. 0.348 acre public utility easement out of called 28.788 acres, Richard Prentice Lewis, Volume 1038, Page 495, Real Property Records of Bell County, Texas (Parcel #34UE)

The City Council determines that acquisition of this property is necessary for public road, drainage and utility purposes.

**Part 2:** The City Manager is authorized and directed to acquire the required property rights for the City of Temple, and to acquire said rights in compliance with State and Federal law. The City Manager is specifically authorized and directed to do each and every act necessary to acquire the needed property rights including, but not limited to, the authority to negotiate, give notices, make written offers to purchase, prepare contracts, and where necessary, to request that the City Attorney institute proceedings in eminent domain.

**Part 3:** A qualified appraiser will be designated the appraiser of the property to be acquired, when such appraisal is necessary.

**Part 4:** The City Manager, or any City employee or contractor he may so designate, is appointed as "negotiator" for the acquisition of this property; and as such the City Manager is authorized and directed to do each and every act and deed hereinabove specified or authorized by reference. Subject to the availability of funds appropriated by the City Council for such purpose, and with the advise and recommendation of the City Attorney and City's appraiser, the City Manager is specifically authorized to establish the just compensation for the acquisition of this property, when necessary, and to acquire all property required for the above-mentioned project by negotiation or through eminent domain.

**Part 5:** Funding is available in Account No. 361-3400-534-6813, Project #100089, to acquire all property required of this project



**Part 6:** The findings, determinations and certifications contained in the preamble hereof are incorporated herein for all purposes.

**Part 7:** It is hereby officially found and determined that the meeting at which this resolution is passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on this the **20<sup>th</sup>** day of **November**, 2008.

THE CITY OF TEMPLE, TEXAS

---

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

---

Clydette Entzminger  
City Secretary

---

Jonathan Graham  
City Attorney





## COUNCIL AGENDA ITEM MEMORANDUM

---

11/20/08  
Item #4(W)  
Consent Agenda  
Page 1 of 1

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

Traci L. Barnard, Director of Finance

**ITEM DESCRIPTION:** Consider adopting a resolution approving fourth quarter financial results for the fiscal year ended September 30, 2008.

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

**ITEM SUMMARY:** This item will present in detail the Fiscal 2007/2008 year end results for the General Fund, Water & Sewer Fund, Hotel/Motel Tax Fund, Drainage Fund, and the Reinvestment Zone No. 1 Fund as of September 30, 2008.

Included with these 4<sup>th</sup> quarter results will be various schedules detailing construction contracts, grants, sales tax, capital projects and investments.

As in the past years, we do not feel that there will be any significant variances of ending balances shown here when compared with the final audited financial reports. Final audited reports will be presented to the City Council in February 2009.

**FISCAL IMPACT:** These reports will establish year-end allocations of fund balances for all funds upon acceptance by the City Council.

### **ATTACHMENTS:**

Quarterly Financial Statements (Hard copy)  
[Resolution](#)



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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING THE FOURTH QUARTER FINANCIAL RESULTS FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2008; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, the fourth quarter 2007-2008 fiscal year financial results need to be approved by the City Council;

**Whereas**, included in the fourth quarter results are various schedules detailing construction contracts, grants, sales tax, capital projects and investments; and

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

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

**Part 1:** The City Council approves the fourth quarter financial results for the fiscal year ended September 30, 2008, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

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

PASSED AND APPROVED this the **20<sup>th</sup>** day of **November**, 2008.

THE CITY OF TEMPLE, TEXAS

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

ATTEST:

APPROVED AS TO FORM:

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

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





## COUNCIL AGENDA ITEM MEMORANDUM

---

11/20/08  
Item #4(X)  
Consent Agenda  
Page 1 of 2

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

Traci L. Barnard, Director of Finance

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the carry forward of FY 2007-2008 funds to the FY 2008-2009 budget.

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

**ITEM SUMMARY:** This resolution is to recognize and carry forward to fiscal year 2008-2009 outstanding purchase orders and contracts that were not completed at the end of fiscal year 2007-2008. These items will be received or completed during fiscal year 2009. Also, all unencumbered Community Development funds and ongoing Capital Projects will be carried forward to fiscal year 2009.

Line item expenditure accounts in the fiscal year 2009 budget will be amended to reflect fiscal year 2008 funds that will be carried forward. The total of all expenditure-related carry forwards is \$72,313,508. The total of all expenditure-related carry forwards from prior fiscal year was \$34,713,449. The large increase compared to the prior year is due to the three bond issues in the summer of 2008 that funded the Capital Improvement Program. Revenue carry forwards related to Capital Projects and Federal/State Grant funding, detailed on the attachment, total \$1,879,147.

Itemization by fund is as follows:

<u>Fund</u>	<u>Carry Forward</u>
General Fund	\$ 1,135,810
Utility Fund	24,917,875
Hotel/Motel Tax Fund	27,258
Bond Projects	21,616,179
Capital Projects	626,057
Federal/State Grant Fund	1,357,340
Drainage Fund	45,240
Reinvestment Zone No. 1	22,587,749
Total Carry forwards	<u>\$72,313,508</u>



**FISCAL IMPACT:** The fiscal impact will not change the fiscal year results presented in the agenda item detailing year end financial results for FY 2008.

**ATTACHMENTS:**

[Carry Forward to FY 2008/2009  
Resolution](#)



**CITY OF TEMPLE, TEXAS**  
**PRIOR YEAR ENCUMBRANCES, UNENCUMBERED AMOUNTS & CONTRACTS**  
**CARRY FORWARD TO FY 2008-2009**

ACCOUNT #	DESCRIPTION	PROJECT #	APPROPRIATION	
			DEBIT	CREDIT
GENERAL FUND				
110-1000-511.25-14	TRAVEL & TRAINING		\$ 340	
110-1000-511.25-15	DUES & SUBSCRIPTIONS		250	
110-1100-513.21-13	CLOTHING & UNIFORMS		709	
110-1100-513.25-14	TRAVEL & TRAINING		375	
110-1200-515.22-10	FURNITURE & FIXTURES		3,152	
110-1200-515.25-14	TRAVEL & TRAINING		290	
110-1200-515.26-16	PROFESSIONAL		9,000	
110-1200-515.26-23	OTHER CONTRACTED SERVICES		7,070	
110-1200-515.26-30	BANKING SERVICE FEES		15,000	
110-1400-511.22-10	FURNITURE & FIXTURES		234	
110-1500-515.26-86	HILL COUNTRY TRANSIT		112,000	
110-1500-515.26-92	EMERGENCY REHABILITATION		18,724	
110-1500-515.26-95	SIZ NEIGHBORHOOD REHABILITATION		85,000	
110-1700-519.25-10	CONTRIBUTION/PRIZES		10	
110-1700-519.26-16	PROFESSIONAL		27,500	
110-1800-525.21-10	OFFICE SUPPLIES		385	
110-1800-525.22-23	COMPUTER SOFTWARE		1,600	
110-1900-519.22-10	FURNITURE & FIXTURES		3,716	
110-1900-519.22-28	PUBLIC EDUCATION EXPENDITURES		1,057	
110-1900-519.23-38	MAINTENANCE CONTRACT		577	
110-1900-519.25-15	DUES & SUBSCRIPTIONS		5,000	
110-1900-519.62-28	PUBLIC EDUCATION EXPENDITURES	190002	26,379	
110-2000-521.21-13	CLOTHING & UNIFORMS		3,194	
110-2000-521.21-36	PUBLIC SAFETY EXPENDITURES		6,838	
110-2000-521.22-10	FURNITURE & FIXTURES		25	
110-2000-521.22-11	INSTRUMENTS/SPECIAL EQUIPMENT		24,564	
110-2000-521.25-37	AIR SUPPORT PROGRAM		24,000	
110-2000-521.25-38	CRIME VICTIM EXPENDITURES		678	
110-2000-521.62-11	INSTRUMENTS/SPECIAL EQUIPMENT	100367	4,005	
110-2000-521.62-13	AUTOMOTIVE	100261	3,000	
110-2200-522.22-11	INSTRUMENTS/SPECIAL EQUIPMENT		5,465	
110-2330-540.22-11	INSTRUMENTS/SPECIAL EQUIPMENT		22,500	
110-2330-540.26-49	LANDFILL TIPPING FEES		116	
110-2350-540.22-11	INSTRUMENTS/SPECIAL EQUIPMENT		10,500	
110-2400-519.23-11	REPAIR & MAINTENANCE-BUILDINGS & GROUNDS		141	
110-2700-515.26-16	PROFESSIONAL		11,115	
110-3110-551.27-13	COST OF GOODS SOLD-MISC. MERCHANDISE		370	
110-3120-551.25-16	JUDGMENTS & DAMAGES		15,947	
110-3130-551.27-23	COST OF GOODS SOLD-BEVERAGE GOODS		58	
110-3200-551.21-50	SENIOR GAMES	SG0810	3,800	
110-3200-551.21-50	SENIOR GAMES	SG0804	1,450	
110-3200-551.25-11	PRINTING/PUBLICATIONS		2,880	
110-3400-531.22-10	FURNITURE & FIXTURES		40	
110-3400-531.23-33	REPAIR & MAINTENANCE-AUTOMOTIVE		5,000	
110-3500-552.25-11	PRINTING/PUBLICATIONS		2,160	
110-3600-560.22-10	FURNITURE & FIXTURES		120	
110-3600-560.23-11	REPAIR & MAINTENANCE-BUILDINGS & GROUNDS		13,570	
110-3600-560.26-23	OTHER CONTRACTED SERVICES		6,560	
110-3800-519.21-23	POSTAGE		900	
110-3900-533.26-16	PROFESSIONAL		20,000	
110-3900-533.26-16	PROFESSIONAL		1,575	
110-4000-555.22-23	COMPUTER SOFTWARE		1,067	
110-4000-555.22-25	BOOKS & PERIODICALS		2,435	
110-4000-555.23-11	REPAIR & MAINTENANCE-BUILDINGS & GROUNDS		575	
110-4000-555.23-20	REPAIR & MAINTENANCE-AIR CONDITION/HEAT		4,850	
110-4000-555.25-11	PRINTING/PUBLICATIONS		360	
110-5900-531.62-13	AUTOMOTIVE	100279	36,452	
110-5900-540.62-13	AUTOMOTIVE	100285	46,997	
110-5900-551.26-23	OTHER CONTRACTED SERVICES		15,000	
110-5900-552.63-10	BUILDINGS & GROUNDS	2006CF	24,410	
110-5924-519.23-11	REPAIR & MAINTENANCE-BUILDINGS & GROUNDS		8,455	
110-5924-519.63-10	BUILDINGS & GROUNDS	100268	22,360	



**CITY OF TEMPLE, TEXAS**  
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ACCOUNT #	DESCRIPTION	PROJECT #	APPROPRIATION	
			DEBIT	CREDIT
110-5924-519.63-10	BUILDINGS & GROUNDS	100270	4,000	
110-5924-519.63-10	BUILDINGS & GROUNDS	100271	\$ 5,000	
110-5924-519.63-10	BUILDINGS & GROUNDS	100269	21,736	
110-5935-552.62-13	AUTOMOTIVE	100291	27,058	
110-5935-552.63-10	BUILDINGS & GROUNDS	100297	11,867	
110-5935-552.63-10	BUILDINGS & GROUNDS	350009	11,786	
110-9100-591.81-51	TRANSFER OUT - CAPITAL PROJECTS FUND		331,237	
110-9100-591.81-60	TRANSFER OUT - FED/STATE GRANT FUND		51,226	
110-0000-490.25-82	TRANSFER IN - BOND FUND 361			4,902
<b>TOTAL GENERAL FUND</b>			<b>\$ 1,135,810</b>	<b>\$ 4,902</b>
<b>HOTEL/MOTEL FUND</b>				
240-4400-551.26-15	EQUIPMENT LEASE		\$ 60	
240-4400-551.26-16	PROFESSIONAL	100149	13,000	
240-4400-551.26-16	PROFESSIONAL		480	
240-4400-551.26-25	ADVERTISING		600	
240-7000-551.26-23	OTHER CONTRACTED SERVICES		2,000	
240-7000-551.63-10	BUILDINGS & GROUNDS	700001	11,118	
<b>TOTAL HOTEL/MOTEL FUND</b>			<b>\$ 27,258</b>	
<b>FEDERAL/STATE GRANT FUND</b>				
260-1500-571.61-10	LAND	100249	\$ 92,940	
260-2000-521.21-13	CLOTHING & UNIFORMS		173	
260-3200-551.21-20	EDUCATION/RECREATION		500	
260-3600-560.26-16	PROFESSIONAL		30,834	
260-3600-560.63-10	BUILDINGS & GROUNDS	100263	100,000	
260-3600-560.63-24	AIRPORT LIGHTING	100184	284,268	
260-3600-560.65-24	FAA RUNWAY REHABILITATION	100190	586,112	
260-4000-555.22-21	COMPUTER EQUIPMENT		3,750	
260-6000-515.26-16	PROFESSIONAL		12,777	
260-6000-515.65-32	CONTINGENCY		33,979	
260-6100-571.26-41	PUBLIC SERVICE AGENCIES		5,322	
260-6100-571.26-98	CODE ENFORCEMENT/CLEARANCE		35,023	
260-6100-571.63-17	STREETS & ALLEYS	100178	280	
260-6100-571.65-16	PARK IMPROVEMENTS	100370	99,917	
260-6100-571.65-16	PARK IMPROVEMENTS	100325	6,190	
260-6100-571.65-30	CONTINGENCY		14,338	
260-6100-571.65-32	CONTINGENCY		50,937	
260-0000-431.01-63	FEDERAL GRANTS			1,043,101
260-0000-431.02-61	STATE GRANTS			4,250
260-0000-490.25-89	TRANSFER IN - LLEB GRANT			87
260-0000-490.25-88	TRANSFER IN - AIRPORT GRANT MATCH			51,139
260-0000-431.01-31	CDBG FEDERAL GRANT			258,763
<b>TOTAL FEDERAL/STATE GRANT FUND</b>			<b>\$ 1,357,340</b>	<b>\$ 1,357,340</b>
<b>DRAINAGE FUND</b>				
292-2900-534.23-17	DRAINAGE SYSTEMS		\$ 2,100	
292-2900-534.26-16	PROFESSIONAL		37,399	
292-2900-534.63-12	DRAINAGE SYSTEMS	100127	5,400	
292-2900-534.63-12	DRAINAGE SYSTEMS	100253	341	
<b>TOTAL DRAINAGE FUND</b>			<b>\$ 45,240</b>	



**CITY OF TEMPLE, TEXAS**  
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ACCOUNT #	DESCRIPTION	PROJECT #	APPROPRIATION	
			DEBIT	CREDIT
CAPITAL PROJECTS FUND				
351-1100-513.26-16	PROFESSIONAL		\$ 29,018	
351-1600-512.25-15	DUES & SUBSCRIPTIONS		4,552	
351-1700-519.26-16	PROFESSIONAL	100233	15,222	
351-1900-519.22-19	PC REPLACEMENT		1,257	
351-1900-519.22-21	COMPUTER EQUIPMENT		988	
351-1900-519.22-23	COMPUTER SOFTWARE		723	
351-1900-519.23-38	MAINTENANCE CONTRACT		1,598	
351-1900-519.25-14	TRAVEL & TRAINING		523	
351-1900-519.62-18	PC REPLACEMENT	100412	6,170	
351-1900-519.62-18	PC REPLACEMENT	100401	34,500	
351-1900-519.62-21	COMPUTER SOFTWARE	100379	4,000	
351-1900-519.62-40	NETWORK HARDWARE	100464	7,635	
351-1900-519.65-19	FINANCIAL SOFTWARE	190001	55,335	
351-2200-522.22-20	MACHINERY & EQUIPMENT		13,853	
351-2700-515.26-16	PROFESSIONAL		4,148	
351-3100-551.63-10	BUILDINGS & GROUNDS	100189	8,518	
351-3200-551.22-22	CAPITAL < \$5,000		228	
351-3200-551.26-23	OTHER CONTRACTED SERVICES		850	
351-3200-551.63-10	BUILDINGS & GROUNDS	100243	304	
351-3200-551.63-10	BUILDINGS & GROUNDS	100246	4,220	
351-3400-531.61-10	LAND	100346	179,840	
351-3400-531.65-12	STREET IMPROVEMENTS	100253	7,626	
351-3400-531.65-12	STREET IMPROVEMENTS	2006CF	852	
351-3400-531.65-12	STREET IMPROVEMENTS	100253	1,800	
351-3500-552.23-11	REPAIR & MAINTENANCE-BUILDINGS & GROUNDS	350009	9,146	
351-3500-552.23-24	PARKS DEFERRED MAINTENANCE	350009	101,997	
351-3500-552.26-16	PROFESSIONAL		2,000	
351-3500-552.65-16	PARK IMPROVEMENTS	100347	23,465	
351-3500-552.65-41	WOODBIDGE PARK IMPROVEMENTS	350012	967	
351-3500-552.65-43	FREEDOM PARK IMPROVEMENTS	350013	622	
351-3600-560.26-16	PROFESSIONAL		1,373	
351-3600-560.63-41	AIRPORT IMPROVEMENTS	100376	74,560	
351-3600-560.65-23	T HANGERS	360002	28,167	
351-0000-461.08-41	DONATIONS-KTB			5,828
351-0000-461.08-65	MISCELLANEOUS REIMBURSEMENTS-KEGLEY RD			179,840
351-0000-490.25-82	TRANSFER IN - GENERAL FUND			331,237
TOTAL CAPITAL PROJECTS FUND			\$ 626,057	\$ 516,905
BOND PROJECTS FUND				
359-8800-525.67-79	MUNICIPAL COURT	100240	\$ 229,495	
361-1800-525.68-49	MUNICIPAL COURT	100240	800,000	
361-1900-519.68-01	SCADA NETWORK	100177	2,610	
361-1900-519.68-02	BROADBAND NETWORK	100087	57,028	
361-2000-521.68-03	PORTABLE DIGITAL RADIOS	100061	421	
361-2000-521.68-32	AUTOMOTIVE	100406	170,000	
361-2200-522.68-05	FIRE STATION #1	100120	507,702	
361-2200-522.68-06	EMERGENCY OPERATIONS CENTER	100141	229,283	
361-2300-540.68-24	SOLID WASTE FACILITY	100128	10,763	
361-2400-519.68-07	FACILITY IMPROVEMENTS	100151	15,178	
361-2400-519.68-07	FACILITY IMPROVEMENTS	100158	75,000	
361-2400-519.68-07	FACILITY IMPROVEMENTS	100159	11,578	
361-2400-519.68-07	FACILITY IMPROVEMENTS	100160	115,446	
361-2400-519.68-07	FACILITY IMPROVEMENTS	100329	300,000	
361-2400-519.68-07	FACILITY IMPROVEMENTS	100407	100,714	
361-2400-519.68-07	FACILITY IMPROVEMENTS	100159	68,400	
361-2800-532.68-10	TRAFFIC SIGNALS	100403	179,194	
361-2800-532.68-10	TRAFFIC SIGNALS	100150	126,718	
361-2900-534.68-11	LAKE THORTON DAM IMPROVEMENTS	100049	25,000	
361-2900-534.68-15	PEPPER CREEK-WESTFIELD	100125	136,394	
361-2900-534.68-16	PEPPER CREEK-CRESCENT	100127	263,590	



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ACCOUNT #	DESCRIPTION	PROJECT #	APPROPRIATION	
			DEBIT	CREDIT
361-2900-534.68-20	DRAINAGE IMPROVEMENTS	290001	86,950	
361-2900-534.68-20	DRAINAGE IMPROVEMENTS	290002	\$ 150,000	
361-3000-519.68-18	FLEET IMPROVEMENTS	100152	2,639	
361-3400-531.68-09	STREETS RESURFACED	100091	12,498	
361-3400-531.68-13	OUTER LOOP	100089	3,555,198	
361-3400-531.68-33	INTERSECTION ENHANCEMENTS	100331	120,700	
361-3400-531.68-34	1ST STREET GATEWAY	100332	470,000	
361-3400-531.68-35	NW LOOP 363 EXPANSION	100222	1,684,021	
361-3400-531.68-47	TARVER ROAD EXTENSION TO OLD WACO ROAD	100392	1,360,000	
361-3400-531.68-48	HWY 93/HARTICK BLUFF CONNECTOR	100393	500,000	
361-3500-552.68-21	WILSON PARK IMPROVEMENTS	100201	13,760	
361-3500-552.68-22	LIONS PARK IMPROVEMENTS	100202	370	
361-3500-552.68-23	BAKER FIELD IMPROVEMENTS	100203	287	
361-3600-560.68-19	AIRPORT IMPROVEMENTS	100134	41,871	
361-4000-555.68-08	LIBRARY IMPROVEMENTS	100348	872,093	
361-4000-555.68-08	LIBRARY IMPROVEMENTS	100395	130,132	
361-4000-555.68-08	LIBRARY IMPROVEMENTS	100348	2,750	
361-5700-580.73-12	BOND ISSUANCE COSTS		14,457	
361-9100-591.81-10	TRANSFER OUT - GENERAL FUND		4,902	
362-3100-551.68-40	GOLF COURSE IMPROVEMENTS	100358	350,000	
362-3200-551.68-41	SUMMIT EXPANSION/IMPROVEMENTS	100359	1,513,166	
362-3500-552.68-38	FAMILY AQUATICS CENTER	100356	3,945,853	
362-3500-552.68-39	SAMMONS PARK INDOOR AQUATIC CENTER	100357	1,766,880	
362-3500-552.68-42	MILLER PARK IMPROVEMENTS	100360	514,889	
362-3500-552.68-43	WEST TEMPLE SPRAY PARK	100361	474,914	
362-3500-552.68-44	LIONS SOCCER FIELDS	100362	393,595	
362-3500-552.68-45	FERGUSON PARK IMPROVEMENTS	100363	209,740	
<b>TOTAL BOND FUNDS</b>			<b>\$ 21,616,179</b>	
<b>WATER &amp; SEWER FUND</b>				
520-5000-535.26-16	PROFESSIONAL		\$ 7,095	
520-5100-535.26-51	BRAZOS RIVER AUTHORITY		10,000	
520-5100-535.63-10	BUILDINGS & GROUNDS	100116	92,319	
520-5100-535.63-10	BUILDINGS & GROUNDS	100300	25,923	
520-5100-535.63-10	BUILDINGS & GROUNDS	100301	20,435	
520-5100-535.63-10	BUILDINGS & GROUNDS	100303	80,203	
520-5100-535.63-10	BUILDINGS & GROUNDS	100305	68,019	
520-5100-535.63-10	BUILDINGS & GROUNDS	100306	31,304	
520-5100-535.63-10	BUILDINGS & GROUNDS	2006CF	5,200	
520-5100-535.63-10	BUILDINGS & GROUNDS	100302	9,800	
520-5200-535.23-26	HYDRANTS & VALVES		510	
520-5200-535.62-13	AUTOMOTIVE	100308	23,115	
520-5200-535.63-57	WATER LINE IMPROVEMENT PROJECT	100397	49,457	
520-5200-535.63-57	WATER LINE IMPROVEMENT PROJECT	100176	6,080	
520-5200-535.63-57	WATER LINE IMPROVEMENT PROJECT	100230	8,080	
520-5200-535.63-57	WATER LINE IMPROVEMENT PROJECT	100397	6,729	
520-5400-535.21-16	SUPPLIES & TOOLS		6	
520-5400-535.62-13	AUTOMOTIVE	100312	27,661	
520-5400-535.62-13	AUTOMOTIVE	100313	27,661	
520-5400-535.63-59	SEWER LINE REPLACEMENT-IN-HOUSE	100454	121,224	
520-5400-535.63-61	SEWER LINE REPLACEMENT	100175	17,416	
520-5400-535.63-61	SEWER LINE REPLACEMENT	100319	224,003	
520-5400-535.63-61	SEWER LINE REPLACEMENT	100320	143,338	
520-5400-535.63-61	SEWER LINE REPLACEMENT	100321	144,140	
520-5400-535.63-61	SEWER LINE REPLACEMENT	100373	298,833	
520-5500-535.63-13	MECHANICAL	2006CF	7,450	
520-5700-580.72-11	BOND INTEREST		97,680	
520-5800-535.26-23	OTHER CONTRACTED SERVICES		39,300	
520-5800-535.26-30	BANKING SERVICE FEES		21,400	



**CITY OF TEMPLE, TEXAS**  
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ACCOUNT #	DESCRIPTION	PROJECT #	APPROPRIATION	
			DEBIT	CREDIT
520-5900-535.63-52	SEWER MAINS	100414	\$ 82,838	
520-5900-535.63-62	WATER & SEWER EXTENSIONS	100374	10,586	
520-5900-535.63-66	WATER LINE EXTENSION	520004	54,685	
520-5900-535.63-68	SEWER LINE EXTENSION	540003	21,025	
561-5000-535.65-32	BOND CONTINGENCY		220,705	
561-5100-535.69-06	EMERGENCY OPERATIONS INFRASTRUCTURE	100100	1,267,085	
561-5100-535.69-13	WATER TREATMENT PLAN LAGOON #4 REHAB	100334	247,560	
561-5100-535.69-21	MEMBRANE FACILITY	100229	3,540,346	
561-5100-535.69-24	REHABILITATION OF CONVENTIONAL WTP FILTERS	100335	1,891,184	
561-5100-535.69-31	SCADA SYSTEM UPGRADES @ WTP	100336	400,000	
561-5200-535.69-07	317 WATERLINE RELOCATION	100223	317,844	
561-5200-535.69-09	SOUTH TEMPLE WATER SYSTEM IMPROVEMENTS	100333	2,500,900	
561-5200-535.69-11	WATERLINE-SOMERVILLE/FM 2271	100171	324,080	
561-5200-535.69-16	LOOP 363 & 31ST UTILITY RELOCATION	100097	227,862	
561-5200-535.69-17	FM 2305 WATERLINE RELOCATION	100096	110,333	
561-5200-535.69-23	835 PRESSURE PLANE EXPANSION	100043	193,500	
561-5200-535.69-28	WATER & WASTEWATER EXP-NORTH OF 2305	100172	5,502,908	
561-5200-535.69-30	OUTER LOOP WATERLINE RELOCATION	100089	912,500	
561-5200-535.69-34	WATERLINE-AVE G TO 25TH	100388	1,307,080	
561-5200-535.69-36	TARVER ROAD/OLD WACO UTILITY RELOCATION	100391	200,000	
561-5400-535.69-20	FM 2305 WASTEWATER EXTENSION	100095	765,557	
561-5400-535.69-25	BIRD CREEK WASTEWATER LINE RELOCATION	100045	1,508,101	
561-5400-535.69-35	LILAC LANE SEWER PROJECT	100390	500,000	
561-5500-535.69-32	DOSHIER-REHAB 5 LIFT STATIONS	100337	460,000	
561-5500-535.69-33	DOSHIER-REHAB BELT FILTER	100169	10,385	
561-5500-535.69-33	DOSHIER-REHAB BELT FILTER	100389	2,747	
561-5800-535.69-29	WATER BUSINESS OFFICE RELOCATION	100240	723,683	
<b>TOTAL WATER &amp; SEWER FUND</b>			<b>\$ 24,917,875</b>	
<b>REINVESTMENT ZONE NO. 1</b>				
795-9500-531.26-16	PROFESSIONAL		\$ 35,000	
795-9500-531.26-27	INTERGOVERNMENTAL EXPENDITURES		107,508	
795-9500-531.63-10	BUILDINGS & GROUNDS	100219	8,873	
795-9500-531.63-17	STREET IMPROVEMENTS	100138	250,111	
795-9500-531.65-14	MISCELLANEOUS RAIL SPUR IMPROVEMENTS	100167	203,469	
795-9500-531.65-18	PUBLIC IMPROVEMENTS	100222	905,410	
795-9500-531.65-28	DOWNTOWN IMPROVEMENTS	100328	13,612	
795-9500-531.65-28	DOWNTOWN IMPROVEMENTS	2006CF	4,869	
795-9500-531.68-25	NORTH ZONE RAIL SPUR IMPROVEMENTS	100166	1,073,949	
795-9500-531.68-29	PEPPER CREEK GREENBELT PROJECT	100220	2,376,428	
795-9600-531.67-73	WESTERN ZONE PROJECT	100150	157,050	
795-9600-531.67-73	WESTERN ZONE PROJECT	100210	2,100	
795-9600-531.67-73	WESTERN ZONE PROJECT	100150	1,391,894	
795-9700-531.61-10	LAND	100166	3,661	
795-9700-531.65-32	BOND CONTINGENCY		280,815	
795-9700-531.67-73	WESTERN ZONE PROJECT	100150	2,786,519	
795-9700-531.68-25	NORTH ZONE RAIL SPUR IMPROVEMENTS	100256	86,500	
795-9700-531.68-25	NORTH ZONE RAIL SPUR IMPROVEMENTS	100166	6,335,906	
795-9700-531.68-26	AIRPORT PARK	100257	31,371	
795-9700-531.68-27	BIOSCIENCE PARK	100259	461,295	
795-9700-531.68-28	SOUTHEAST INDUSTRIAL PARK	100258	73,500	
795-9700-531.68-30	ELM CREEK DETENTION POND	950003	1,177,044	
795-9700-531.68-31	WENDLAND ROAD PROJECT	950007	2,977,362	
795-9700-531.68-36	UNDERGROUND STORM WATER PROJECT	100166	1,591,344	
795-9700-531.68-37	WASTEWATER LIFT STATION	100166	237,244	
795-9700-531.73-12	BOND ISSUANCE COSTS		14,915	
<b>TOTAL REINVESTMENT ZONE NO. 1</b>			<b>\$ 22,587,749</b>	
<b>TOTAL CARRY FORWARDS - ALL FUNDS</b>			<b>\$ 72,313,508</b>	<b>\$ 1,879,147</b>



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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE,  
TEXAS, AUTHORIZING THE CARRY FORWARD OF 2007-2008 FUNDS  
TO THE 2008-2009 BUDGET; AND PROVIDING AN OPEN MEETINGS  
CLAUSE.

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**Whereas**, there are outstanding purchase orders and contracts that were not completed at the end of fiscal year 2007-2008 which need to be carried forward to fiscal year 2008-2009;

**Whereas**, these items will be received or completed during fiscal year 2008-2009;

**Whereas**, all unencumbered Community Development funds and ongoing Capital Projects also need to be carried forward to fiscal year 2008-2009; and

**Whereas**, the City Council deems it in the public interest to authorize the carry forward of 2007-2008 funds to the 2008-2009 budget.

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

**Part 1**: The City Council authorizes the Director of Finance to carry forward fiscal year 2007-2008 funds to the 2008-2009 budget, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

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

PASSED AND APPROVED this the **20<sup>th</sup>** day of **November**, 2008.

THE CITY OF TEMPLE, TEXAS

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

ATTEST:

APPROVED AS TO FORM:

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

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





## COUNCIL AGENDA ITEM MEMORANDUM

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11/20/08  
Item #5  
Regular Agenda  
Page 1 of 2

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

Tim Dolan, Planning Director

**ITEM DESCRIPTION:** FIRST READING - FY-08-32-A: Consider adopting an ordinance authorizing an amendment to the *Choices '08*, Comprehensive Plan to reflect Moderate Density Residential uses on 21.5 ± acres situated in the George Givens Survey, Abstract No. 345, with platted land recorded as Bird Creek Valley VI and Bird Creek Valley Phase 4-Plexes Phase III.

**PLANNING & ZONING COMMISSION RECOMMENDATION:** The Planning and Zoning Commission voted 8/0 to recommend approval of moderate density residential uses amending the Temple Comprehensive Plan at its meeting on August 4, 2008.

**STAFF RECOMMENDATION:** Staff recommends approval of the future land use map amendment from Commercial, Retail, High Density Residential and Moderate Density Residential to Moderate Density Residential because:

1. Medium density residential is compatible with surrounding uses of property and for the general locality;
2. The request complies with the Thoroughfare Plan; and
3. Adequate public facilities will serve the site.

**The public hearing will be conducted on the second reading of this item, December 4<sup>th</sup>, due to legal notice requirements.**

**ITEM SUMMARY:** The City Council denied a related zoning case and took no action (motion failed for lack of a second) on this item amending the City's South Temple Comprehensive Plan at its August 21<sup>st</sup> meeting. The vote on the Plan amendment followed the discussion of the zoning case to build duplexes at this location, and the City Council may not have fully appreciated that amending the City's Comprehensive Plan would provide further protection for the neighborhood.

While the zoning case was withdrawn by the applicant at the same meeting, amending the Comprehensive Plan will limit the area into conformance for medium density residential uses recommended by Staff. Since this item was considered in August, the City Council adopted the *Choices '08* Comprehensive Plan, which while repealing the South Temple Comprehensive Plan,



allows a variety of future land use categories for the subject property, including: Commercial, Retail, High Density Residential and Moderate Density Residential. Given the uses of adjacent properties, the Staff feels that medium density residential is a more appropriate future use designation.

Councilmember Tony Jeter requested the item be placed back on the agenda for reconsideration by the City Council.

For background purposes, we are attaching the Staff Report and minutes from case Z-FY-08-32 from the Planning and Zoning meeting, August 4, 2008. In that zoning case (since withdrawn, the applicant proposed a duplex development on both sides of Battle Drive.

**FISCAL IMPACT:** None

**ATTACHMENTS:**

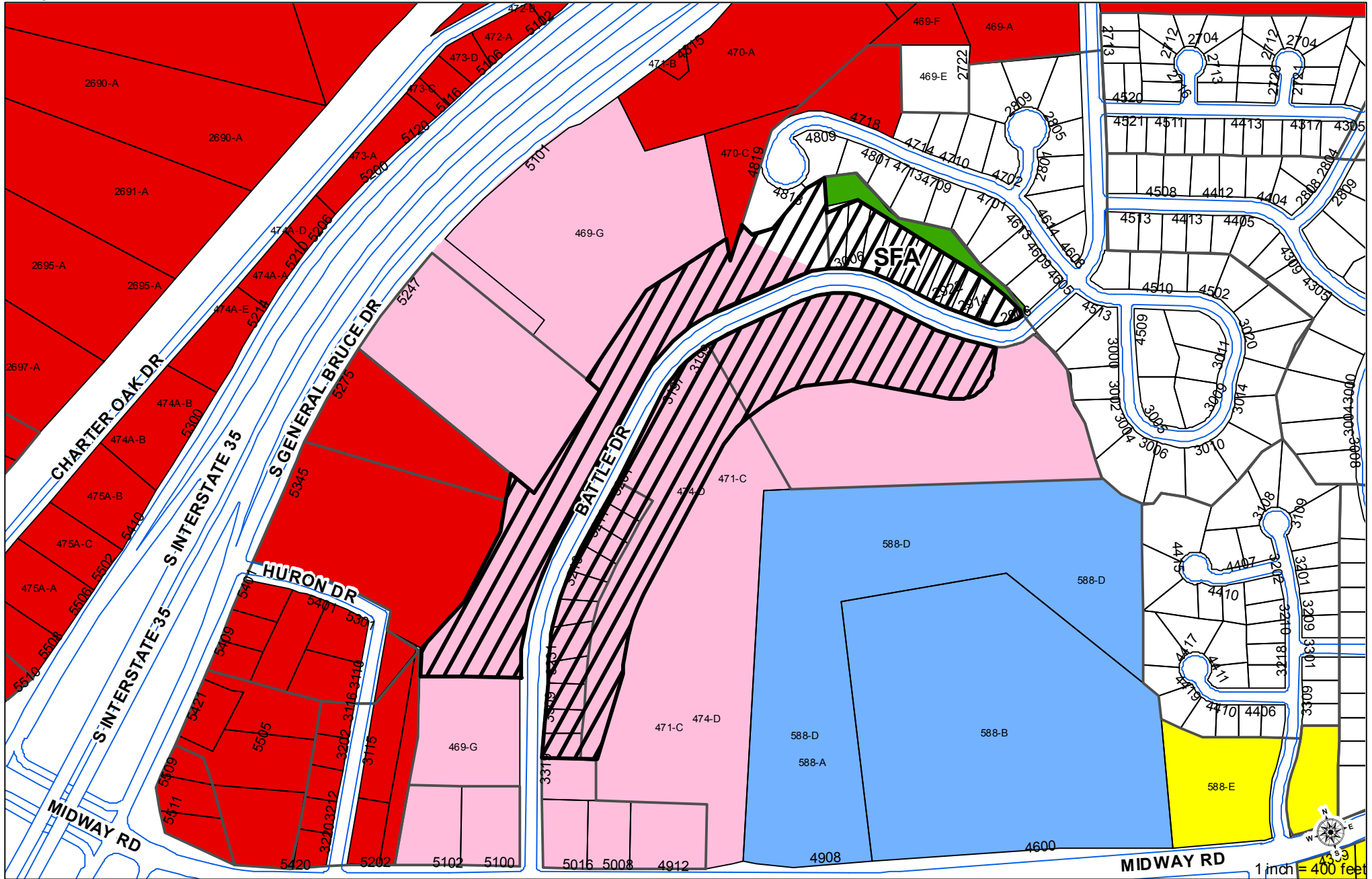
[Land Use Map](#)  
[P&Z Staff Report \(Z-FY-08-32-A\)](#)  
[P&Z Minutes \(08/04/08\)](#)  
[Ordinance](#)





Z-FY-08-32

## 21.49 Acres of Proposed Residences at Bird Creek



C, GR, SFA & MF2 to 2F Zoning

Neighborhood Conservation	Auto-urban Residential	Auto-Urban Commercial	Temple Medical Education District	Public/Institutional	ZFY0832
Estate Residential	Auto-Urban Multi-Family	Suburban Commercial	Industrial	Parks and Open Space	Temple Boundary
Suburban Residential	Auto-Urban Mixed Use	Urban Center	Business park	Agricultural/Rural	J Stone 07.21.08





# PLANNING AND ZONING COMMISSION AGENDA ITEM

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08/04/08  
Item #4  
Page 1 of 2

**APPLICANT / DEVELOPMENT:** Central Texas Interests

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

**ITEM DESCRIPTION:** Z-FY-08-32-A Hold a public hearing to consider an amendment to the South Temple Comprehensive Plan to reflect Moderate Density Residential uses on 21.49 ± acres situated in the George Givens Survey, Abstract No. 345, with platted land recorded as Bird Creek Valley VI and Bird Creek Valley Phase 4-Plexes Phase III.

**BACKGROUND:** The applicant proposes a duplex development on both sides of Battle Drive. The property is located within the boundaries of the South Temple Plan. The South Temple Plan was adopted in 1998. The future land use map shows a variety of future land use categories for the subject property, including: Commercial, Retail, High Density Residential and Moderate Density Residential.

**Future Land Use Plan**

The portions of the subject property designated High and Moderate Density Residential accommodate the requested zoning district. The portions of the property designated Commercial and Retail do not. Since the plan was adopted in 1998, no nonresidential development has occurred on portions of the subjected property designated Commercial or Retail, so an amendment to the Future Land Use Map is warranted.

**Thoroughfare Plan**

Battle Drive is designated as collector road on the Thoroughfare Plan. The South Temple Plan says that residential uses may be appropriate to front on collectors provided that access is managed. Staff is working with the applicant through the platting process to provide rear lot access for many of the lots in the proposed subdivision. The request complies with the Thoroughfare Plan.

**Adequacy of Public Facilities**

The platting process will ensure that adequate public water and sewer lines will be provided for those portions of the property that do not currently have such services.

**STAFF RECOMMENDATION:** Staff recommends approval of the future land use map amendment from Commercial, Retail, High Density Residential and Moderate Density Residential to Moderate Density Residential because:

1. Lack of nonresidential development on the subject property warrants an amendment to the Future Land Use Map;
2. The request complies with the Thoroughfare Plan; and
3. Adequate public facilities will serve the site.

**FISCAL IMPACT:** Not Applicable

**ATTACHMENTS:** Land Use Map



**EXCERPTS FROM THE  
PLANNING & ZONING COMMISSION MEETING**

**MONDAY, AUGUST 4, 2008**

**ACTION ITEMS**

4. **Z-FY-08-32-A** Hold a public hearing to consider an amendment to the South Temple Comprehensive Plan to reflect Moderate Density Residential uses on 21.5 ± acres situated in the George Givens Survey, Abstract No. 345, with platted land recorded as Bird Creek Valley VI and Bird Creek Valley Phase 4-Plexes Phase III. (Applicant: Central Texas Instruments).

Mr. Tim Dolan, Planning Director, presented this item on behalf of Mr. Brian Mabry. Mr. Dolan presented a detailed Powerpoint and explained the area is being planned for a 2-Family or duplex subdivision and there's a preliminary plat that has been submitted which shows 52 residential lots, essentially a doubled lot subdivision, double loaded on the street with 26 lots either way. The applicant is also aware of the soil condition settling in that area.

The aerial photograph shows some of the pictures around the area and the condition of Battle Drive, along with some of the gabions or rock retaining wall along the area. Currently, three-fourths of the zoning already allows duplexes. Staff recommended to the applicant to consider cleaning this up because in the Commercial, General Retail and MF2 Zoning it already allows duplexes and the only area that is not is the area zoned SFA.

21 notices were mailed to area property owners and the notice was advertised in the local paper as required by Local Ordinance and State Law. Out of the 21 notices, two (2) notices agreed to it and at least three (3) recommended opposition to this zoning case.

There are some existing sewer and water lines that would either be extended through the area as they did come enforce some type of subdivision platting. The Battle Drive is designated on the thoroughfare plan as a collector road which is a minimum of 55 feet of right-of-way and the 36 feet of pavement. Staff reviewed the zoning request and has recommended approval to combine the zoning from the MF2, Commercial, General Retail, Single Family Attached to 2-Family, subject to the request complying with the Future Land Use Plan, the Thoroughfare Plan and adequate public facilities to serve the site.



Vice-Chair Pope opened the public hearing asking anyone wishing to speak in favor or opposition to this item to address the Commission.

Mr. Wayne Pope, resident of 4713 Arrowhead Drive, addressed the Commission. Mr. Pope pointed out three (3) specific concerns: 1) he purchased the lot knowing he would be in a single family neighborhood and his back door neighbor in the future would be a single family home as well and he would like to keep it that way.

The rest of Battle is undeveloped. Mr. Pope would prefer just to look back on single family houses versus a duplex or anything else that should go up and keep the neighborhood from becoming a transient neighborhood like duplexes and apartments tend to be and to keep it an established neighborhood like single family homes normally are.

2) Battle is one of the worst roads in town. It collects water in areas that aren't suppose to hold water and creates one lane traffic which has to swerve around. Hopefully, if this is approved, the road is approved as well.

3) Mr. Pope indicated where it says SFA, it is the low spot of the neighborhood and becomes a holding area for water when it rains. It slopes from the lower right hand corner back up to the left. The street is higher than where the houses are going to be built and the creek is higher than where the houses are going to be built. The houses would be built some number of feet below street level and below creek level which concerns Mr. Pope since he backs up to it. Where are they going to put that water? If it knocks the dirt down going into the creek, it's going upstream from where it enters the creek at this point.

Mr. Pope stressed again these issues are a big concern. There are a lot of street water issues on this side of town already and it wouldn't be fair to the 10 homeowners or so that live right next to it.

Mr. Howard Burkholtz, 4709 Arrowhead Drive, also spoke. Mr. Burkholtz is Mr. Wayne Pope's neighbor and built his home there in 1976. Mr. Burkholtz echoed the same complaints Mr. Pope did. His main concern is also the water. About a year ago, the City dug a ditch between their two houses to control water from a subdivision that was built uphill and now runs down the street, down the hill, and into their front yards. With all the construction on the Loop, the new mall, and the shopping area going on the Loop, there will be a lot more water coming down on us. The gabions that were shown on the pictures were put there about 20 years ago and really helped the erosion problem but will the City make sure to keep that area cleaned up. If something were to be done downstream, there should be something to improve the drainage in Bird Creek. When it gets just



past Arrowhead, the cul-de-sac down there, where the gabions and the concrete ends, it's just water and trees. If something could be done with that, it would probably help control the water.

Mr. Burkholtz said there has been progress made, and things have to be built, but it is his feeling that it's endangering the homes by doing all this without taking anything else into consideration like the flood control.

Mr. Dolan defers this issue to the Engineering Department for any clarification.

Mr. Michael Newman responds that they anticipate there would be some kind of mitigation, including possibly channel work downstream along the property where the creek is, to help get water to go through there and then whether or not there's detention is required, that still remains to be seen and would be a study associated with the final plat.

Mr. Newman explains they just implemented the Flood Damage Prevention Ordinance and actually had drainage criteria that allowed to require one foot above, now we've got a Flood Plain Ordinance that's up to date with that and with the current FEMA standards and is one foot above the base foot elevation or the 100 year.

Commissioner Talley inquires about Battle Drive?

Mr. Newman responds that they've looked at the Ordinance and typically, there's a section that talks about upgrading roadways and that's usually when they're not of the right proportion but we can require developments contiguous to roadways to actually put up fiscal or do physical improvements to widen those roadways. Since Battle Drive is already collector size in width street, it's really on our list of projects that needs attention and Public Works is aware of its condition as well as other streets in the City. Currently, we do not have funding for any projects or will and/or maintenance of that street.

Vice-Chair Pope closes the public hearing.

Commissioner Secrest asks if the applicant is in attendance. Mr. Dolan responds they tried to contact the applicant to attend today's meeting and have not heard anything that would have prevented applicant from attending. Mr. Dolan responds that the applicant's name is Cy Long who submitted the project on behalf of the owners.

Commissioner Kjelland clarifies that it was City Staff who recommended clean up and not the applicant. Mr. Dolan confirms this statement. Mr. Dolan also comments that the Ordinance that is currently written allows a



lot of residential development of any type and here is the case for the 2-Family, the duplex that can already occur in the GR, the Commercial, and the Multi-family. The applicant was asked as they were going through the process, to go ahead and look at the zoning for residential only and there's still plenty of commercial area for the non-residential area for that area adjacent to General Bruce.

Vice Chair Pope asks Mr. Dolan if the Commission is being asked to approve an amendment to reflect a Moderate Density Residential use of the entire 21 ± acres, but the Commission could exclude, if they chose to do so, part of the acreage that are 2-Family or Single Family in the Comprehensive Plan and leave the rest alone. Mr. Dolan confirms that yes, if the Commission chose to do so.

Trudi Dill, Assistant City Attorney, brought up the fact that the Moderate Density Residential would still hold for the Single Family Attached.

Motion to recommend approval of Z-FY-08-32-A to amend the South Temple Comprehensive Plan to reflect Moderate Density Residential by Commissioner Secrest; seconded by Commissioner Martin.

Motion passed. (7/0)



ORDINANCE NO. \_\_\_\_\_

[PLANNING. Z-FY-08-32(A)]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING AN AMENDMENT TO THE *CHOICES '08*, COMPREHENSIVE PLAN TO REFLECT MODERATE DENSITY RESIDENTIAL USES ON APPROXIMATELY 21.5 ACRES SITUATED IN THE GEORGE GIVENS SURVEY, ABSTRACT NO. 345, WITH PLATTED LAND RECORDED AS BIRD CREEK VALLEY VI AND BIRD CREEK VALLEY PHASE 4-PLEXES PHASE III; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

**Part 1:** The City Council approves an amendment to the *Choices '08*, Comprehensive Plan to reflect moderate density residential uses on approximately 21.5 acres situated in the George Givens Survey, Abstract No. 345, with platted land recorded as Bird Creek Valley VI and Bird Creek Valley Phase 4-Plexes Phase III, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

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

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

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

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



PASSED AND APPROVED on First Reading on the **20<sup>th</sup>** day of **November**, 2008.

PASSED AND APPROVED on Second Reading and Public Hearing on the **4<sup>th</sup>** day of **December**, 2008.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Clydette Entzminger  
City Secretary

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Jonathan Graham  
City Attorney