



**MEETING OF THE  
TEMPLE CITY COUNCIL**

**MUNICIPAL BUILDING**

**2 NORTH MAIN STREET**

**3<sup>rd</sup> FLOOR - CONFERENCE ROOM**

**THURSDAY, JUNE 16, 2011**

**3:00 P.M.**

**WORKSHOP AGENDA**

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, June 16, 2011.
2. Discuss proposed amendments to the Code of Ordinances regarding storm water management and illicit discharge.
3. Discuss proposed amendments to the Code of Ordinances regarding erosion and sedimentation control.
4. Discuss the possible acquisition of land related to the expansion of the City of Temple landfill.

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

5:00 P.M.

**MUNICIPAL BUILDING**

**2 NORTH MAIN STREET  
CITY COUNCIL CHAMBERS – 2<sup>ND</sup> FLOOR**

**TEMPLE, TX**

**REGULAR MEETING AGENDA**

**I. CALL TO ORDER**

1. Invocation
2. Pledge of Allegiance

**II. PUBLIC HEARINGS**

3. PUBLIC HEARING – Receive Municipal Service Plan and conduct a public hearing to receive comments on the possible annexation, known as the [Lawson Voluntary Annexation](#), for a 3± acre tract of land located on the east side of State Highway 36, north of Moffat Road, part of Outblock 10790-A, more commonly known as 10740 West State Highway 36.

**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) June 2, 2011 Special Called and Regular Meeting**

## **Contracts, Leases & Bid**

- (B) [2011-6317-R](#): Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick & Associates, LP of Temple for on-site representation and contract administration of the Friars Creek Hike and Bike Trail Phase I in the amount of \$54,500.
- (C) [2011-6318-R](#): Consider adopting a resolution authorizing a construction contract with J.S. Haren Company of Athens, TN, to construct the Pea Ridge Lift Station Improvements in an amount not to exceed \$537,000.
- (D) [2011-6319-R](#): Consider adopting a resolution authorizing a contract amendment to a professional services agreement with Bury+Partners, Inc. (Bury), for onsite representation services required to implement the Pea Ridge Lift Station Improvements in southwest Temple in an amount not to exceed \$25,250
- (E) [2011-6320-R](#): Consider adopting a resolution authorizing an interlocal agreement with Bell County for use of the County's software and fiber optic network to process and maintain election records, in the amount of \$1200.
- (F) [2011-6321-R](#): Consider adopting a resolution authorizing the purchase of Toro utility carts from Professional Turf Products utilizing the BuyBoard in the amount of \$31,175.03.

## **Plat**

- (G) [2011-6322-R](#): P-FY-11-26: Consider adopting a resolution authorizing the Final Plat of Biggs Subdivision, a 2.32± acre, three-lot nonresidential subdivision located on the north side of Whitehall Road, west of FM 317, in Temple's northern ETJ with developer's requested exception to Section 8.2.7.E of the Unified Development Code requiring fire hydrants to comply with the City's Fire Code.

## **Ordinances – Second and Final Reading**

- (H) [2011-4447](#): SECOND READING – Consider adopting an ordinance approving a negotiated resolution between the Steering Committee of Cities Served by Oncor and Oncor Electric Delivery Company regarding the company's application to increase electric rates in all cities exercising original jurisdiction.
- (I) [2011-4448](#): SECOND READING – Z-FY-11-26: Consider adopting an ordinance amending Planned Development Ordinance No. 2010-4382, to allow construction of duplexes on a 6.76 ± acre tract of land being part of the Maximo Moreno Survey, Abstract No. 14, City of Temple, Bell County Texas, located at 1000 South Knob Street.

- (J) 1. [2011-4449](#): SECOND READING – A-FY-10-02: Consider adopting an Ordinance abandoning the 0.433-acre unnamed county road, located along the north edge of Coughran Subdivision, between the east right-of-way of South Pea Ridge Road and the north right-of-way of West Adams Avenue, and retaining a 15-foot wide utility easement along the north line of the abandoned road.
2. [2011-6323-R](#): Consider adopting a resolution authorizing conveyance of 0.433 acres of abandoned ROW along the north side of Coughran Subdivision and the execution of a Chapter 380 agreement between the City and Mr. George Coughran.

**Misc.**

- (K) [2011-6324-R](#): Consider adopting a resolution authorizing budget amendments for fiscal year 2010-2011.

**V. REGULAR AGENDA**

**RESOLUTIONS**

5. [2011-6325-R](#): P-FY-11-24: Consider adopting a resolution authorizing the Final Plat of Westwood Estates, 10.31± acre seven-lot residential subdivision located along the east side of South Pea Ridge Road as it connects to Hogan Road with developer requested exception to Sec. 8.5.1 of the Unified Development Code requiring payment of perimeter street fees.
6. [2011-6326-R](#): P-FY-11-32(A): Consider adopting a resolution authorizing the appeal of Sec. 6.7.8.D.3 of the Unified Development Code related to exterior building material requirements in the I-35 Corridor Overlay Zoning District for a proposed 35,100+ square-foot building located at 6910 N. General Bruce Drive.

**BOARD APPOINTMENTS**

7. [2011-6327-R](#): Consider adopting a resolution appointing members to the Citizen Advisory Committee on Redistricting and appointing one member to serve as Chair of the Committee.
8. [2011-6328-R](#): Consider adopting a resolution appointing members to the following City boards and commissions:
- (A) Airport Advisory Board – one member to fill an unexpired term of the Temple Economic Development Corporation representative through September 1, 2013
  - (B) Reinvestment Zone Number One Board of Directors – one member to fill an unexpired term through September 1, 2011
  - (C) Temple Economic Development Corporation – one member to fill an at-large position through September 1, 2012
  - (D) Temple Public Safety Advisory Board – one member to fill an unexpired term through September 1, 2012.

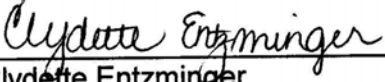


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***The City Council reserves the right to discuss any items in executive (closed) session  
Whenever permitted by the Texas Open Meetings Act.***

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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 11:30 AM, on June 10, 2011.

  
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 at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 2011. \_\_\_\_\_



## COUNCIL AGENDA ITEM MEMORANDUM

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06/16/11  
Item #3  
Regular Agenda  
Page 1 of 2

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

Brian Mabry, Planning Director

**ITEM DESCRIPTION:** PUBLIC HEARING – Receive Municipal Service Plan and conduct a public hearing to receive comments on the possible annexation, known as the Lawson Voluntary Annexation, for a 3± acre tract of land located on the east side of State Highway 36, north of Moffat Road, part of Outblock 10790-A, more commonly known as 10740 West State Highway 36.

**STAFF RECOMMENDATION:** Receive staff presentation on the Municipal Service Plan, as required by State law, hold public hearing and take no action at this time. **The second hearing is scheduled for a special meeting of the City Council, Friday, June 17, 2011 8:00 a.m.**

**ITEM SUMMARY:** On June 2, 2011, the City Council adopted a resolution directing City staff to create a Municipal Service Plan and public hearing schedule in anticipation of the annexation of the subject property. The property is located near the intersection of State Highway 36 and Moffat Road and contains approximately three acres. The property includes an existing boat storage facility. The property owner, who signed a non-annexation agreement with the City in 2007, wishes to add more boat storage units to the property. Under the terms of the non-annexation agreement, any future development requires that the applicant submit a voluntary request for annexation. On July 21, 2011, along with the ordinance to approve the annexation, the City Council will consider rezoning the property from Agricultural to Commercial in order to allow construction of the proposed addition storage units.

The annexation schedule calls for two public hearings on the proposed Municipal Service Plan — this being the first, with the second scheduled for a special meeting on June 17, 2011. The public hearing today is to receive the first set of public comments on the proposed annexation and proposed service plan from anyone that might wish to speak. There are no residents on the three-acre property.

**FISCAL IMPACT:** Future tax revenue. Need to provide police and fire services to the area. The Municipal Service Plan does not contain any proposal to extend water or wastewater services to the area, or any other new physical facilities to serve this small tract.

**ATTACHMENTS:**

Municipal Service Plan

Property Field Notes

Map of Proposed Annexation Area

# **CITY OF TEMPLE**

## **ANNEXATION SERVICE PLAN—VOLUNTARY ANNEXATION – BARGE ET ALL**

For approximately 3± acre tract of land located on the east side of State Highway 36, north of Moffat Road, part of Outblock 10790-A, more commonly known as 10740 W. State Highway 36, located in Bell County, and being more particularly described as Exhibit “A” and depicted as Exhibit “B” of the Annexation Ordinance (2011-####).

### **SERVICES TO BE PROVIDED ON THE EFFECTIVE DATE OF ANNEXATION**

#### **1. POLICE PROTECTION**

The City will provide protection to the newly-annexed tract at the same or similar of service now being provided to other areas of the City, with the same or similar topography, land use and population density.

#### **2. FIRE PROTECTION AND AMBULANCE SERVICE**

The City will provide fire protection from Station 5 to the newly-annexed area at the same or similar level of service now being provided to other areas of the City with the same or similar topography, land use and population density. The City will provide First Responder services through its Fire Department and contract for emergency medical services (EMS) through the Scott & White Hospital System.

#### **3. SOLID WASTE COLLECTION**

Upon payment of any required deposits and the agreement to pay lawful service fees and charges, solid waste collection will be provided to the newly-annexed area to the extent that the City has access to the area to be serviced. Private contractors currently providing sanitation collecting services in the area may continue to do so for up to two years.

#### **4. MAINTENANCE OF WATER AND WASTEWATER FACILITIES**

Any and all water or wastewater facilities owned or maintained by the City at the time of the proposed annexation shall continue to be maintained by the City. Any and all water or wastewater facilities which may be acquired subsequent to the annexation of the proposed area shall be maintained by the City, to the extent of its ownership. Any and all water or wastewater facilities outside the extent of the ownership of the City, and owned by other water or wastewater providers shall continue to be allowed to provide those services to the newly-annexed tract.

#### **5. MAINTENANCE OF ROADS AND STREETS**

Any and all public roads, streets or alleyways which have been dedicated to the City, or which are owned by the City, shall be maintained to the same degree and extent that other roads, streets and alleyways are maintained in areas with similar topography, land use and population density. Any and all lighting of roads, streets and alleyways which may be positioned in a right-of-way, roadway or utility company easement shall be maintained by the applicable utility company servicing the City, pursuant to the rules, regulations and fees of such utility.

## 6. MAINTENANCE OF PUBLIC PARKS, PLAYGROUNDS AND SWIMMING POOLS

The City Council is not aware of the existence of any public parks, playgrounds or swimming pools now located in the area proposed for annexation. In the event any such parks, playgrounds or swimming pools do exist and are public facilities, the City, will maintain such areas to the same extent and degree that it maintains parks, playgrounds and swimming pools and other similar areas of the City now incorporated in the City.

## 7. MAINTENANCE OF MUNICIPALLY-OWNED FACILITY, BUILDING OR MUNICIPAL SERVICE

The City Council is not aware of the existence of any publicly-owned facility, building or other municipal service now located in the area proposed for annexation. In the event any such publicly-owned facility, building or municipal service does exist and are public facilities, the City will maintain such areas to the same extent and degree that it maintains publicly-owned facilities, buildings or municipal services of the City now incorporated in the City.

## 8. CONSTRUCTION SAFETY

The City will provide building inspection services upon approved building permits from the City to the newly-annexed tract at the same or similar level of service now being provided to other areas of the City with the same or similar topography, land use and population density.

## 9. CODE ENFORCEMENT

The City will provide code enforcement services to the newly-annexed tract at the same or similar level of service now being provided to other areas of the City with the same or similar topography, land use and population density.

## 10. MOWING

The City will provide right-of-way mowing services adjacent to the newly-annexed tract at the same or similar level of service now being provided to other areas of the City with the same or similar topography, land use and population density.

## CAPITAL IMPROVEMENTS

### 1. POLICE PROTECTION, FIRE PROTECTION AND EMERGENCY MEDICAL SERVICES

The City Council finds and determines it to be unnecessary to acquire or construct any capital improvements for the purposes of providing police protection, fire protection, or emergency medical services. The City Council finds and determines that it has at the present time adequate facilities to provide the same type, kind and level of protection and service which is presently being administered to other areas already incorporated in the City with the same or similar topography, land use and population density.

### 2. ROADS AND STREETS

The City will undertake to provide the same degree of road and street lighting as is provided in areas of the same or similar topography, land use and population density within the present corporate limits of the City. Maintenance of properly dedicated roads and streets will be consistent with the maintenance provided by the City to other roads and streets in areas of similar topography, land use and sub development of the annexed property. Developers will be required, pursuant to the ordinances of the City to provide internal and peripheral streets and to construct those streets in accordance with the specifications required by the City for the properly dedicated street. City participation in capital expenditures will be in accordance with city policies.

3. WATER AND WASTEWATER FACILITIES

The City of Temple has water facilities within the boundaries of the voluntary annexation, and proposes no other extension of water facilities to the area, taking into consideration the existing land use, and topography and population density relative to areas within the existing City Limits which do not have water services.

The City of Temple has no wastewater providers within the boundaries of the voluntary annexation and property owners rely on septic tank systems. The City of Temple proposes non extensions of wastewater facilities to the boundaries of the voluntary annexation taking into consideration existing service providers, the existing land use, and topography and population density relative to areas within the existing City Limits which do not have water services.

4. CAPITAL IMPROVEMENTS

Notwithstanding any other provision of this service plan, a landowner within the newly annexed area will not be required to fund capital improvements as necessary for municipal services in a manner inconsistent with Chapter 395 of the Local Government Code, unless otherwise agreed to by the landowner.

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**SPECIFIC FINDINGS**

The City Council finds and determines that this proposed Service Plan will not provide any fewer services, and it will not provide a lower level of service in the area proposed to be annexed than were in existence in the proposed area at the time immediately preceding the annexation process.

Because of the differing characteristics of topography, land utilization and population density, the service levels which may ultimately be provided in the newly annexed area may differ somewhat from services provided in other areas of the City. These differences are specifically dictated because of differing characteristics of the property and the City will undertake to perform consistent with this contract so as to provide the newly-annexed area with the same type, kind and quality of service presently enjoyed by the citizens of the City who reside in areas of the same or similar topography, land utilization and population density.

APPROVED ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2011.

City of Temple, Texas

\_\_\_\_\_  
Mayor

ATTEST:

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City Secretary

## EXHIBIT A

Field Notes for a 3.00 acre tract of land out of the Sarah Fitzhenry Survey, Abstract #312, Bell County, Texas, and also being a part of a 15.00 acre tract of land described in a deed to Frank J. Lawson, recorded in Volume 4149, page 773 of the Deed Records of Bell County, Texas, said 3.000 acre tract being more fully described as follows:

Beginning at a 5/8" iron rod found in the North line of State Highway 36 for the Southwest corner of this tract of land , the Southwest corner of the aforementioned 15.00 acre tract of land and the Southwest corner of a 11.54 acre tract of land described in a deed to C. B. B. PROPERTIES, recorded in Document #2009-28362 of the Deed Records of Bell County, Texas.

Thence: North 27° 59' 04" West, 77.99 feet, (Deed North 26° 26' 29" West, 77.69 feet) with the South line of this tract of land, the South line of the aforementioned 15.00 acre tract of land and the North line of SH 36, to a Tex-Dot Monument an angle point in the South line of this tract of land, an angle point in the South line of the said 15.00 acre tract of land, and an angle point in the North line of SH 36.

Thence: North 45° 39' 51" West, 25.00 feet, (Deed North 43° 18' 49" West ) continuing with the South line of this tract of land, the South line of the aforementioned 15.00 acre tract of land and the North line of SH 36 to a cotton spindle set in a gravel drive for the Southwest corner of this tract of land.

Thence: With the West line of this tract of land to wit:

North 44° 03' 04" East, 29.27 feet, an IRS w/ Cap#2181.  
North 58° 39' 35" East, 81.11 feet, an IRS w/ Cap#2181.  
North 30° 23' 35" East, 82.23 feet, an IRS w/ Cap#2181.  
North 10° 10' 09" East, 63.25 feet, a Cotton Spindle Set.  
North 47° 57' 48" East, 152.88 feet, an IRS w/ Cap#2181.  
South 43° 45' 57" East, 81.28 feet, an IRS w/ Cap#2181.  
North 48° 37' 31" East, 81.06 feet, an IRS w/ Cap#2181  
North 41° 22' 29" West, 90.38 feet, an IRS w/ Cap#2181, and  
North 48° 37' 31" East, 453.19 feet, to an IRS w/ Cap#2181 for the Northwest corner of this tract of land.

Thence: South 41° 22' 29" East, 165.00 feet with the North line of this tract of land to an iron rod set w/ cap#2181 in the East line of the aforementioned 15.00 acre tract of land and in the West line of the aforementioned 11.54 acre tract of land for the Northwest corner of this tract of land.



Thence: South 48° 37' 31" West, 943.37 feet with the East line of this tract of land, the East line of the aforementioned 15.00 acre tract of land and the West line of the aforementioned 11.54 acre tract of land to the place of BEGINNING, containing 3.00 acres.

Bearing Basis for this survey is Grid North, NAD 83, Zone 4203, Convergence = 1° 28' 54".

STATE OF TEXAS:  
COUNTY OF BELL

KNOW ALL MEN BY THESE PRESENTS, that I, Carl B. Pearson, Registered Professional Land Surveyor, do hereby certify that I did cause to be surveyed on the ground on the 11th day of March, 2011, the above described tract of land and to the best of my knowledge and belief, said description is true and accurate.

IN WITNESS THEREOF, my hand and seal, this 11th day of April, 2011.

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

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



PART ONE - PLATS  
PART TWO - FIELD NOTES  
FNS - 8286





## COUNCIL AGENDA ITEM MEMORANDUM

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06/16/11  
Item #4(A)  
Consent Agenda  
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**DEPT./DIVISION SUBMISSION & REVIEW:**

Clydette Entzminger, City Secretary

**ITEM DESCRIPTION:** Approve Minutes:

(A) June 2, 2011 Special Called and Regular Meeting

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

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

**FISCAL IMPACT:** N/A

**ATTACHMENTS:**

[June 2, 2011 Special Called and Regular Meeting](#)

## TEMPLE CITY COUNCIL

**JUNE 2, 2011**

The City Council of the City of Temple, Texas conducted a Special Meeting on Thursday, June 2, 2011, at 3:30 P.M., in the Conference Room, 3rd Floor, Municipal Building, 2 North Main Street.

**Present:**

Councilmember Perry Cloud  
Councilmember Danny Dunn  
Mayor Pro Tem Russell Schneider  
Councilmember Judy Morales  
Mayor William A. Jones, III

**1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, June 2, 2011.**

Regular Agenda Item #6 - Oncor Settlement: Councilmember Morales questioned how the negotiated rates were justified. Jonathan Graham, City Attorney, explained the review process and how the settlement agreement works. The negotiated settlement is substantially less than the original requested increase. If the settlement is not adopted by the Council Oncor will appeal to the Public Utilities Commission.

Regular Agenda Item #7 - Amend PD at 1000 South Knob: Councilmember Morales asked if this property is located in the flood plain. Brian Mabry, Planning Director, stated the flood plain does go through the property and there is a drainage channel. The action to be taken by Council today is whether to allow the construction of duplexes as part of the previously approved Planned Development.

Regular Agenda Item #9 - Biggs Subdivison Final Plat: Councilmember Cloud asked what happens if the exception to the fire hydrant is approved and in the future water becomes available. Mr. Mabry replied there is no mechanism within the City to address that situation.

Regular Agenda Item #10 - Redistricting Process: Mr. Graham explained today's action is requesting the Council establish the schedule, process and criteria for the City's redistricting efforts.

Regular Agenda Item #11 - Board Appointments: Mayor Pro Tem Schneider recommended Councilmember Dunn be appointed to the KTMPO Policy Board. Mayor Jones stated Councilmember Cloud is currently in the at-large position on the TEDC Board. He recommended he be moved to the standing Councilmember position and that another appointment be made to fill the at-large position. Councilmember Cloud also serves on the Airport Board as the TEDC/at-large representative and it was recommended he continue to serve until a TEDC recommendation is received. It was recommended that Mayor Jones fill the Councilmember position on the Animal Services Advisory Board and Councilmember Morales fill the position on the Hill Country Transit District Board. No recommendations were made to fill the position on the Temple Public Safety Advisory Board.

## **2. Discuss basic planning and zoning principles and issues.**

Brian Mabry, Planning Director, began with a discussion of planning principles and issues. He discussed the Comprehensive Plan and Unified Development Code (UDC) and how they are used in the planning process. Zoning was discussed, including how rezonings differ from code amendments, the rezoning notice process, special purpose and overlay zoning districts, planned development districts and conditional use permits. Next, Mr. Mabry explained the platting process and the role of the Development Review Committee. He also discussed some of the subdivision design standards. The final topic presented by Mr. Mabry related to permits, including general development standards, street use licenses and abandonments, and specific use standards. Mr. Mabry also noted some of the provisions that are not addressed in the UDC, including citywide lighting, curb and gutter for parking, cut, fill and grading, site plan before building permit review and change in use and business registration.

Jonathan Graham, City Attorney, presented the legal considerations of zoning. His discussion focused on what zoning is and he provided an overview of the zoning process in the City of Temple. He reminded the Council it is the final authority for zoning in Temple, not the Planning and Zoning Commission. In addition to presenting the procedures for zoning, Mr. Graham also discussed the discretion the Council has in approving zoning. He recommended always being consistent, fair and predictable with decisions. Mr. Graham also reviewed the platting process, noting the City Council takes action on plats only when the applicant is asking for an exception to the UDC. He explained the differences between platting and zoning. The last issues presented related to the City's common practices regarding zoning and platting and frequently asked questions.

The City Council of the City of Temple, Texas conducted a Regular Meeting on Thursday, June 2, 2011 at 5:00 PM in the Council Chambers, Municipal Building, 2nd Floor, 2 North Main Street.

### **Present:**

Mayor William A. Jones, III  
Councilmember Danny Dunn  
Councilmember Judy Morales  
Councilmember Perry Cloud  
Mayor Pro Tem Russell Schneider

## **I. CALL TO ORDER**

### **1. Invocation**

Greg Hartigan, Chaplain with District 14 VFW, voiced the Invocation.

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

Sam Weed, Superintendent of Fleet Services, led the Pledge of Allegiance.

## **II. PROCLAMATIONS & SPECIAL RECOGNITIONS**

**3. (A) Recognition of Sam Weed, Superintendent of Fleet Services, for attaining life time membership in the American Public Works Association.**

Kristina Ramirez, Texas Public Works Association, recognized Sam Weed for attaining this achievement.

**(B) National Scleroderma Month June 2011**

Mayor Jones presented this proclamation to Melissa Deaton.

**III. PUBLIC HEARINGS**

**4. PUBLIC HEARING - Presentation of the proposed Community Development Block Grant (CDBG) 2011-2012 Annual Action Plan and Budget, including the funding recommendations for public service agencies from the Community Services Advisory Board.**

Lois Whitley, Finance Department, presented the allocation for the 2012 Community Development Block Grant (CDBG) funds, which are estimated to be \$466,832. No program income or prior year reallocation funds are available this year. Ms. Whitley reviewed the proposed allocation of funds by project for infrastructure improvements, park improvements, demolition and general administration.

Melissa Bragg, current Chair of the Community Services Advisory Board, presented the recommendations for funding of public service agencies. Four projects are recommended for funding for a total of \$65,356. Mrs. Bragg introduced the members of the Community Services Advisory Board.

Ms. Whitley provided a recap of the proposed uses of FY 2012 CDBG funds and the annual action plan schedule. She also presented the comments submitted as part of the public comment period.

Mayor Jones declared the public hearing to be open with regard to agenda item 4.

Mrs. Sonjanette Crossley, 5102 Sturbridge Drive, addressed the City Council on behalf of the Citizens for Progress, Inc. (CFP), a non profit organization concerned with the improvement of Temple. She presented the recommendations from the CFP as follows: \$50,000 for revitalization and clean up of ROW on East Ave C, East Adams and Martin Luther King Blvd.; \$50,000 for landscaping in TMED designated area; \$100,000 for demolition of unsafe buildings and houses; \$50,000 for resurfacing of flooring in Clarence Martin Gym (recommended by City staff); \$50,000 for financial incentives for small businesses to locate on MLK Blvd.; and \$50,000 for ADA sidewalk improvements in the downtown area and on South 1st Street. It was recommended that \$150,000 be allocated in FY 2013 for Avenue G sidewalks due to the inability to fund this year. Mrs. Crossley also recommended that 100% of the administration of CDBG funds be brought back to the City and performed by staff.

Mrs. Bobbie Thompson, 1107 South 10th Street, addressed the City Council, as the president of the Eastside Neighborhood Watch Association. She asked for

additional assistance for Jeff Hamilton Park. The trees need to be cut, the creek cleaned, lights with covers installed in the small pavilion and security cameras added. Mrs. Thompson stated they are very proud of the park and lots of volunteer hours are spent there cleaning and monitoring the park. She also asked that the 700 block of 14th Street to East Avenue C be mowed on a regular basis.

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

Mrs. Bobbie Thompson signed up to speak during the public comment section of the agenda but made her comments as part of item 4.

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

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

**(A) 2011-6309-R: Consider adopting a resolution authorizing submission of an application for funding through the Texas Comptroller of Public Accounts, State Energy Conservation Office (SECO), Emerging Clean Energy Technologies for the Alternative Fuels Initiative Grant Program in the amount of \$51,050, with \$10,210 cost-shared by the City, to convert six vehicles and install a propane autogas fueling station.**

**(B) 1. 2011-4445: SECOND READING - Consider adopting an ordinance designating a tract located at 3601 Eberhardt Road as City of Temple Tax Abatement Reinvestment Zone Number Twenty-One for commercial/industrial tax abatement.**

- 2. 2011-6310-R: Consider adopting a resolution authorizing a tax abatement agreement with LJT Texas, LLC, for a tract of land located at 3601 Eberhardt Road.**

**(C) 1. 2011-4446: SECOND READING - Consider adopting an ordinance designating a tract located at 3000 Pegasus Drive as City of Temple Tax Abatement Reinvestment Zone Number Twenty-Two for commercial/industrial tax abatement.**

- 2. 2011-6311-R: Consider adopting a resolution authorizing a tax abatement agreement with Pactiv Corporation, for a tract of land located at 3000 Pegasus Drive.**

**(D) 2011-6312-R: Consider adopting a resolution rescheduling public hearings to consider the petition received for the Lawson Voluntary Annexation, a 3+/- acre tract of land located on the east side of State Highway 36, north of Moffat Road, part of Outblock 10790-A, more commonly known as 10740 West State Highway 36.**

**(E) 2011-6313-R: Consider adopting a resolution authorizing budget amendments for fiscal year 2010-2011.**

Motion by Councilmember Danny Dunn to adopt resolution approving Consent Agenda, seconded by Councilmember Judy Morales.

Motion passed unanimously.

## **VI. REGULAR AGENDA**

### **ORDINANCES**

- 6. 2011-4447: FIRST READING - PUBLIC HEARING - Consider adopting an ordinance approving a negotiated resolution between the Steering Committee of Cities Served by Oncor and Oncor Electric Delivery Company regarding the company's application to increase electric rates in all cities exercising original jurisdiction.**

Jonathan Graham, City Attorney, presented this item to the City Council. The City was notified of a proposed rate increase filed by Oncor on or about January 7, 2011. Temple is a member of the Steering Committee of Cities Served by Oncor and that committee has reviewed the rate increase. Oncor's original filing was for a \$353M rate increase but they have agreed to a settlement of \$136.7M. The City of Temple has original jurisdiction over rates. If the settlement is not approved, Oncor can appeal to the Public Utilities Commission. The rate increase will be implemented in two phases, the first on July 1, 2011 in the amount of \$93.7M and the second on January 1, 2012 for \$43M.

Councilmember Morales expressed her concern with any rate increase during these difficult economic times. She added she was not comfortable with the justifications made for the rate increase.

Mr. Graham stated the Steering Committee has reviewed the rate increase costs and those recommended are justified by the committee.

Mayor Jones noted this will also cause an increase in street light costs.

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

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

Motion by Mayor Pro Tem Russell Schneider to adopt ordinance, with second and final reading set for June 16, 2011, seconded by Councilmember Perry Cloud.

Councilmember Judy Morales voted nay. The other Councilmembers voted aye. The motion passed.

- 7. 2011-4448: FIRST READING - PUBLIC HEARING - Z-FY-11-26: Consider adopting an ordinance amending Planned Development Ordinance No. 2010-4382, to allow construction of duplexes on a 6.76**



**± acre tract of land being part of the Maximo Moreno Survey, Abstract No. 14, City of Temple, Bell County Texas, located at 1000 South Knob Street.**

Brian Mabry, Planning Director, presented this item to the City Council. The request is to amend the approved planned development district to allow construction of duplexes on the property. The SF-1 base zoning would be retained for purposes of lot area, setbacks, etc. Mr. Mabry displayed the zoning map depicting subject property and noting surrounding zoning. Photos of the property and surrounding tracts were also presented. Mr. Mabry noted the area is shown as parks and open space on the future land use and character map however there is no intended such use by the City Parks Department. Mr. Mabry presented the dimensional requirements for the SF-1 zoning district and the modification of the approved development plan for the property. Forty-nine notices were mailed to surrounding property owners, with 1 being returned in agreement and 0 in disapproval. The Planning and Zoning Commission unanimously recommended approval and Staff recommended approval with pre-existing conditions as noted by Mr. Mabry.

Mayor Jones declared the public hearing open with regard to agenda item 7 and asked if anyone wished to address this item.

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

Motion by Councilmember Perry Cloud to adopt ordinance, with second and final reading set for June 16, 2011, seconded by Councilmember Danny Dunn.

Motion passed unanimously.

- 8. 2011-4449: FIRST READING - PUBLIC HEARING - A-FY-10-02: Consider adopting an Ordinance abandoning the 0.433-acre unnamed county road, located along the north edge of Coughran Subdivision, between the east right-of-way of South Pea Ridge Road and the north right-of-way of West Adams Avenue, and retaining a 15-foot wide utility easement along the north line of the abandoned road.**

Brian Mabry, Planning Director, presented this item to the City Council. He displayed an aerial photo of the property showing the proposed road abandonment. Mr. George Coughran is the applicant and owner of the abutting property. The northern property owner has relinquished his right to purchase the property. This request was originally presented to the Council in May 2010. A Chapter 380 agreement will be presented at the second reading of the ordinance to allow Mr. Coughran to provide additional landscaping on his property, Big Chew Chews Burgers & Shakes, in exchange for the City transferring ownership of the right-of-way to him without compensation.

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

8 and asked if anyone wished to address this item.

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

Motion by Councilmember Danny Dunn to adopt ordinance, with second and final reading set for June 16, 2011, seconded by Councilmember Judy Morales.

Motion passed unanimously.

## RESOLUTIONS

9. **2011-6314-R: P-FY-11-26: Consider adopting a resolution authorizing the Final Plat of Biggs Subdivision, a 2.32± acre, three-lot nonresidential subdivision located on the north side of Whitehall Road, west of FM 317, in Temple's northern ETJ with developer's requested exception to Section 8.2.7.E of the Unified Development Code requiring fire hydrants to comply with the City's Fire Code.**

Brian Mabry, Planning Director, presented this item to the City Council. This is a 3-lot subdivision, located in the City's ETJ. There is no zoning but the City does have platting authority. An airplane hangar is present and the property is being platted to expand the number of hangars on the property. The applicant desires to divide the property into 3 lots and has requested an exception to the requirement for fire hydrants. Park fees do not apply because it is a non-residential plat. There are no staff issues. The property is served by Moffat VFD who supports this request and does not require fire hydrants for structure fires. The Planning and Zoning Commission approved the final plat with the requested exception.

Mayor Pro Tem Schneider asked if this property is within the control area of our airport. Mayor Jones replied that it appears to be so. He questioned whether this was the location of Soar Spot, a glider operation. Mr. Mabry stated he is not aware of any existing conflicts.

Chuck Lucko, All County Surveying, addressed the Council representing the applicant. He stated he is not aware of glider activity originating from this property. There are 4 hangars on this strip with a private aircraft and it is not the location of Soar Spot.

The Council discussed how approval or disapproval of this final plat will affect the existing operation.

Motion by Mayor Pro Tem Russell Schneider to deny resolution approving the final plat of Biggs Subdivision because of lack of information about the intended use of this private airport, seconded by Councilmember Judy Morales.

Motion passed unanimously.

10. **2011-6315-R: Consider adopting a resolution establishing a schedule**

**for the City's redistricting efforts, creating a citizen advisory committee on redistricting, and adopting criteria for the City's redistricting efforts.**

Jonathan Graham, City Attorney, presented this item to the City Council. This is a five-step process, which includes the initial assessment, redrawing the districts if required, consideration of the proposed plan and conducting a public process, formally adopting a new district plan and preclearing a newly adopted plan by the U.S. Justice Department. The last redistricting process was completed in 2001, following the 2000 Census. The initial assessment has been completed and it has been determined that the deviation of population between the four districts based, on the 2010 Census, will require redistricting. Mr. Graham presented the timeline for the five-step process, with completion of the entire process, including preclearance, scheduled to occur by December 31, 2011.

Mr. Graham provided some detailed information regarding the initial assessment performed by staff. The ideal district size is 16,526. The overall deviation is 36.82% so redistricting will be required. Mr. Graham reviewed the recommended approach, which includes establishing the need for a citizen advisory committee, approving the schedule and criteria for redistricting. He recommended a 15-member advisory committee be appointed at the June 16th meeting with each Councilmember recommending three members.

Mr. Graham reviewed the procedural elements that are required for any plan submitted for consideration. The substantive elements for the criteria for redistricting include such points as maintaining identifiable geographic boundaries where possible; maintaining communities of interest; basing plan initially on existing districts; maintaining within 10% of equal population; compact district size and shape; preserving incumbent-constituency relations; avoiding regression and fragmenting geographically compact minority voters or packing minority voters.

Motion by Councilmember Judy Morales to adopt resolution, seconded by Councilmember Danny Dunn.

Motion passed unanimously.

## **BOARD APPOINTMENTS**

- 11. 2011-6316-R: Consider adopting a resolution appointing members to the following City boards and commissions:**

**(A) Airport Advisory Board - one member to fill an unexpired term of the Temple Economic Development representative through September 1, 2013**

It was recommended this appointment be tabled.

**(B) Animal Services Advisory Board - one member to fill a standing**

**Councilmember position**

It was recommended that Mayor Jones fill this position.

**(C) Hill Country Transit District Board - one member to fill a Councilmember position**

It was recommended that Councilmember Morales fill this position.

**(D) Killeen-Temple Metropolitan Planning Organization - one member to fill a position on the KTMPO Policy Board**

It was recommended that Councilmember Dunn fill this position.

**(E) Temple Economic Development Corporation - one member to fill a standing Councilmember position and one member to fill an at-large position through September 1, 2012**

It was recommended that Councilmember Cloud be appointed to the Councilmember standing position on this board and that the at-large appointment be tabled to a future meeting.

**(F) Temple Public Safety Advisory Board - one member to fill an unexpired term through September 1, 2012.**

It was recommended this appointment be tabled.

Motion by Mayor Pro Tem Russell Schneider to adopt resolution with recommendations for appointment, seconded by Councilmember Perry Cloud.

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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06/16/11  
Item #4(B)  
Consent Agenda  
Page 1 of 2

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

Ken Cicora, Director of Parks and Leisure Services

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick & Associates, LP of Temple for on-site representation and contract administration of the Friars Creek Hike and Bike Trail Phase I in the amount of \$54,500.

**STAFF RECOMMENDATION:** Adopt resolution as presented in item description. Execution of the contract will occur following consideration by the Reinvestment Zone No. 1 Board at its June 22, 2011, meeting.

**ITEM SUMMARY:** In April, the City approved entering into an agreement with Dixon Paving to construct Phase I of the Friars Creek Hike and Bike Trail. We are requesting to enter into an agreement with Kasberg, Patrick & Associates, LP (KPA) of Temple for \$54,500 to provide on-site representation and contract administration of the project for the City.

The specific scope of services to be provided by KPA include:

Contract Administration: management of the pre-construction conference, reviewing all of the submittals, coordination of progress meetings, processing of pay applications, providing technical answers to project questions, meeting with the contractor in the field and answering questions, conducting the final walk through for the project, recommending the project acceptance and processing the final pay estimates and any change orders - \$17,500.

On-site representation: daily on-site representation of an average of three (3) hours per day for the City of Temple utilizing the plans and specifications as outlined in the project documents plus two weeks for the start-up of the project and two weeks for project close out. Daily inspections reports will be completed and submitted to the City on a weekly basis - \$31,500.

Construction staking - \$5,500.

KPA was the design firm for this project. We have worked with KPA on many projects and find them to provide excellent service.

**FISCAL IMPACT:** Funds are available in the Reinvestment Zone No. Project Plan, Line 455, account number 795-9600-531-6552, project # 100585, to fund this contract in the amount of \$54,500. Originally, \$1,500,000, was designated for phase II of this project. At the April 27, 2011, Reinvestment Zone No. 1 Board meeting, \$84,254 was approved to fund the additional amount needed for phase I construction, leaving a balance of \$1,415,746 available. After funding this agreement, \$1,361,246 will remain available to fund phase II of the trail.

**ATTACHMENTS:**

[Resolution](#)

**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 ON-SITE REPRESENTATION AND  
CONTRACT ADMINISTRATION OF THE FRIAR'S CREEK HIKE &  
BIKE TRAIL PHASE 1, IN AN AMOUNT NOT TO EXCEED \$54,500;  
AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, in April, 2011, the City Council approved a contract with Dixon Paving, Inc., to construct Phase 1 of the Friar's Creek Hike and Bike Trail;

**Whereas**, the Staff recommends entering into a professional services agreement with Kasberg, Patrick & Associates, L.P., in the amount of \$54,500, for on-site representation and contract administration for this project;

**Whereas**, funds are available for this project in Account No. 795-9600-531-6552, project # 100585; 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 \$54,500, between the City of Temple, Texas, and Kasberg, Patrick & Associates, L.P., after approval as to form by the City Attorney, for on-site representation and contract administration of the Friar's Creek Hike and Bike Trail Phase 1, following consideration by the Reinvestment Zone No. One Board at its June 22, 2011, meeting.

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

PASSED AND APPROVED this the **16<sup>th</sup>** day of **June**, 2011.

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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06/16/11  
Item #4(C)  
Consent Agenda  
Page 1 of 2

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

Nicole Torralva, P.E., Director of Public Works

Michael Newman, P.E., Assistant Director of Public Works/City Engineer

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a construction contract with J.S. Haren Company of Athens, TN, to construct the Pea Ridge Lift Station Improvements in an amount not to exceed \$537,000.

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

**ITEM SUMMARY:** The Pea Ridge Lift Station is a critical element in the sewer collection system currently serving south and west Temple. The lift station, located on Poison Oak Road west of Pea Ridge Road, has performed above its intended capacity and for longer than its original anticipated design life. Recent and ongoing development in west Temple continues to add sewer customers to the service area and push the installation toward its performance limit. Repair and upsizing so that the station can continue to serve in the wastewater collection system is urgent.

On August 5, 2010, Council authorized a professional services agreement with Bury+Partners, Inc. (Bury), for engineering services, including design, surveying, easement acquisition, bidding, and construction administration, required to implement the Pea Ridge Lift Station rehabilitation and expansion in southwest Temple in an amount not to exceed \$142,000. An item authorizing a contract amendment with Bury for inspection services for this project is scheduled for Council consideration as part of this agenda.

Construction activities authorized under this contract will consist of rehabilitating the existing lift station and upsizing the pumps and force main (see attached Project Map) to provide capacity for ongoing and anticipated growth in the drainage basins served by the lift station. Base bids ranged from J.S. Haren's low bid of \$537,000 to \$806,848 (see attached Bid Tabulation). The Engineer's Opinion of Probable Construction Cost was \$500,000. Area-wide increases in bid prices have been observed recently, so this difference is not unexpected. Bury recommends awarding the contract to the low bidder, J.S. Haren Company (Engineer's Recommendation attached).

This project was approved by Council as part of the FY 2010 Capital Improvement Program as revised on November 19, 2009. Construction time allotted for this project is 180 days.



**FISCAL IMPACT:** Funding in the amount of \$1,000,000 was appropriated in account 561-5400-535-6905, project #100667 from the 2010 Utility Revenue Bond Issue for the Pea Ridge Lift Station Rehabilitation Project. After funding engineering services in the amount of \$142,000, miscellaneous costs related to the project in the amount of \$1,380 and this construction contract in the amount of \$537,000, a balance of \$319,620 will remain available to complete this project.

**ATTACHMENTS:**

[Project Map](#)

[Bid Tabulation](#)

[Engineer's Recommendation](#)

[Resolution](#)



**b Bury+Partners**  
 ENGINEERING SOLUTIONS  
 221 West Sixth Street, Suite 600  
 Austin, Texas 78701  
 Tel. (512)328-0011 Fax (512)328-0325  
 TBPE Registration Number F-1048  
 Bury+Partners, Inc. © Copyright 2010

**PEA RIDGE LIFT STATION**

**CITY OF TEMPLE**

**SITE LOCATION MAP**

DATE: 07/23/2010

SCALE: N.T.S.

DRAWN BY: RWM

FILE: \

PROJECT No.: XXXX-XX.XX



BURY+PARTNERS, INC.  
BID TABULATION SHEET

OWNER: City of Temple  
PROJECT: Pea Ridge Lift Station Expansion

CITY JOB NO.: 54-01-11  
BPI PROJ. NO.: R0100805-80001  
BIDS OPENED: Tuesday, May 17, 2011 @ 2:00 PM CST

CERTIFICATION:  
I CERTIFY THAT THIS IS A TRUE RECORD OF BIDS

T. Jason Roberts, P.E.



				1		2		3		4		5		6		7		8		9		10	
CONTRACTOR				J.S. Haren Company		K&S Backhoe Services, Inc.		Rockin Q Construction LLC		Associated Construction Partners, LTD		Bell Contractors, Inc		TTG Utilities, LP		Keystone Construction, Inc		Matous Construction		Patin Construction LLC		JL Bryson, Inc.	
ADDRESS				1175 Highway 11, North Athens, TN 37303		PO Box 691 Gatesville, TX 76528		612 Oakwood Loop San Marcos, TX 78666		215 W. Bandera Rd, Suite 114-461 Boerne, TX 78006		3082 W. Hwy. 190 Belton, TX 76513		PO Box 299 Gatesville, TX 76528		PO Box 90398 Austin, TX 78709-0398		8602 North Highway 317 Belton, TX 76513		3800 West 2nd Street Taylor, Texas 76574		PO Box 1479 Huntsville, AR 72740	
ITEM NO.	DESCRIPTION	UNIT	QTY.	UNIT PRICE	COST	UNIT PRICE	COST	UNIT PRICE	COST	UNIT PRICE	COST	UNIT PRICE	COST	UNIT PRICE	COST	UNIT PRICE	COST	UNIT PRICE	COST	UNIT PRICE	COST	UNIT PRICE	COST
1	10-foot Diameter Wet Well and Associated Work	LS	1	\$232,750.00	\$232,750.00	\$70,123.14	\$70,123.14	\$50,000.00	\$50,000.00	\$130,000.00	\$130,000.00	\$170,400.00	\$170,400.00	\$105,000.00	\$105,000.00	\$140,000.00	\$140,000.00	\$142,000.00	\$142,000.00	\$80,000.00	\$80,000.00	\$157,000.00	\$157,000.00
2	Pre-Packaged Triplex Self-Primer Lift Station	LS	1	\$110,000.00	\$110,000.00	\$145,134.30	\$145,134.30	\$165,000.00	\$165,000.00	\$135,000.00	\$135,000.00	\$153,100.00	\$153,100.00	\$168,500.00	\$168,500.00	\$182,000.00	\$182,000.00	\$152,000.00	\$152,000.00	\$160,000.00	\$160,000.00	\$166,000.00	\$166,000.00
3	Packaged Lift Station Cover	LS	1	\$4,000.00	\$4,000.00	\$8,073.44	\$8,073.44	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00	\$8,900.00	\$8,900.00	\$24,500.00	\$24,500.00	\$8,500.00	\$8,500.00	\$35,000.00	\$35,000.00	\$20,000.00	\$20,000.00	\$17,000.00	\$17,000.00
4	12-inch PVC Forcemain	LF	1,950	\$20.00	\$39,000.00	\$46.79	\$91,240.50	\$45.00	\$87,750.00	\$50.00	\$97,500.00	\$41.30	\$80,535.00	\$35.50	\$69,225.00	\$38.00	\$74,100.00	\$50.00	\$97,500.00	\$95.00	\$185,250.00	\$52.30	\$101,985.00
5	12-inch PVC Connection to Existing Manhole	EA	1	\$500.00	\$500.00	\$2,049.13	\$2,049.13	\$5,000.00	\$5,000.00	\$2,500.00	\$2,500.00	\$1,300.00	\$1,300.00	\$2,000.00	\$2,000.00	\$4,000.00	\$4,000.00	\$3,000.00	\$3,000.00	\$2,000.00	\$2,000.00	\$2,700.00	\$2,700.00
6	4-foot Diameter Manhole (all depths)	EA	1	\$2,400.00	\$2,400.00	\$3,424.05	\$3,424.05	\$5,000.00	\$5,000.00	\$10,000.00	\$10,000.00	\$4,700.00	\$4,700.00	\$5,085.00	\$5,085.00	\$15,000.00	\$15,000.00	\$5,000.00	\$5,000.00	\$10,000.00	\$10,000.00	\$10,700.00	\$10,700.00
7	16-inch Gravity Pipe (all depths)	LF	30	\$120.00	\$3,600.00	\$118.92	\$3,567.60	\$150.00	\$4,500.00	\$250.00	\$7,500.00	\$150.00	\$4,500.00	\$49.50	\$1,485.00	\$115.00	\$3,450.00	\$275.00	\$8,250.00	\$300.00	\$9,000.00	\$1,600.00	\$48,000.00
8	16-inch Plug Valve	EA	2	\$4,000.00	\$8,000.00	\$4,209.35	\$8,418.70	\$13,000.00	\$26,000.00	\$5,000.00	\$10,000.00	\$5,000.00	\$10,000.00	\$4,445.00	\$8,890.00	\$5,200.00	\$10,400.00	\$5,500.00	\$11,000.00	\$5,000.00	\$10,000.00	\$5,750.00	\$11,500.00
9	20-foot wide sliding gate	LS	1	\$2,000.00	\$2,000.00	\$4,959.19	\$4,959.19	\$6,500.00	\$6,500.00	\$2,500.00	\$2,500.00	\$2,900.00	\$2,900.00	\$1,250.00	\$1,250.00	\$3,000.00	\$3,000.00	\$3,500.00	\$3,500.00	\$3,600.00	\$3,600.00	\$3,200.00	\$3,200.00
10	Trench Excavation Safety Plan	LS	1	\$500.00	\$500.00	\$845.64	\$845.64	\$1,000.00	\$1,000.00	\$10,000.00	\$10,000.00	\$550.00	\$550.00	\$24,500.00	\$24,500.00	\$1,500.00	\$1,500.00	\$1,000.00	\$1,000.00	\$1,000.00	\$1,000.00	\$3,500.00	\$3,500.00
11	Trench Excavation Safety Protection	EA	1,980	\$0.50	\$990.00	\$4.23	\$8,375.40	\$3.00	\$5,940.00	\$2.00	\$3,960.00	\$0.90	\$1,782.00	\$0.65	\$1,287.00	\$1.00	\$1,980.00	\$2.00	\$3,960.00	\$4.00	\$7,920.00	\$10.00	\$19,800.00
12	Traffic Control Measures	LS	1	\$3,000.00	\$3,000.00	\$5,663.02	\$5,663.02	\$2,500.00	\$2,500.00	\$5,000.00	\$5,000.00	\$1,100.00	\$1,100.00	\$2,000.00	\$2,000.00	\$3,000.00	\$3,000.00	\$18,000.00	\$18,000.00	\$2,000.00	\$2,000.00	\$5,500.00	\$5,500.00
13	Silt Fence	LF	2,250	\$1.00	\$2,250.00	\$3.69	\$8,302.50	\$2.00	\$4,500.00	\$4.00	\$9,000.00	\$1.70	\$3,825.00	\$2.80	\$6,300.00	\$1.50	\$3,375.00	\$2.00	\$4,500.00	\$2.00	\$4,500.00	\$1.80	\$4,050.00
14	Stabilized Construction Entrance	EA	1	\$410.00	\$410.00	\$1,077.14	\$1,077.14	\$1,500.00	\$1,500.00	\$5,000.00	\$5,000.00	\$900.00	\$900.00	\$1,250.00	\$1,250.00	\$1,000.00	\$1,000.00	\$1,400.00	\$1,400.00	\$1,000.00	\$1,000.00	\$3,300.00	\$3,300.00
15	Permanent Site Restoration Watering	MO	3	\$200.00	\$600.00	\$3,382.58	\$10,147.74	\$3,000.00	\$9,000.00	\$1,500.00	\$4,500.00	\$2,900.00	\$8,700.00	\$13,370.00	\$40,110.00	\$1,250.00	\$3,750.00	\$1,000.00	\$3,000.00	\$1,000.00	\$3,000.00	\$2,650.00	\$7,950.00
16	Rehabilitation and Recoat Existing Lift Station	LS	1	\$4,000.00	\$4,000.00	\$12,336.71	\$12,336.71	\$7,500.00	\$7,500.00	\$10,000.00	\$10,000.00	\$6,800.00	\$6,800.00	\$6,500.00	\$6,500.00	\$20,000.00	\$20,000.00	\$25,000.00	\$25,000.00	\$25,000.00	\$25,000.00	\$51,000.00	\$51,000.00
17	Lighting Improvements	EA	3	\$1,000.00	\$3,000.00	\$647.55	\$1,942.65	\$2,000.00	\$6,000.00	\$2,000.00	\$6,000.00	\$660.00	\$1,980.00	\$1,600.00	\$4,800.00	\$1,800.00	\$5,400.00	\$700.00	\$2,100.00	\$700.00	\$2,100.00	\$731.00	\$2,193.00
18	200A Electrical Service w/Panelboard	LS	1	\$20,000.00	\$20,000.00	\$32,053.96	\$32,053.96	\$35,000.00	\$35,000.00	\$30,000.00	\$30,000.00	\$32,700.00	\$32,700.00	\$27,100.00	\$27,100.00	\$30,000.00	\$30,000.00	\$35,000.00	\$35,000.00	\$35,000.00	\$35,000.00	\$36,300.00	\$36,300.00
19	Manual Transfer Switch and	LS	1	\$5,000.00	\$5,000.00	\$4,856.66	\$4,856.66	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$10,400.00	\$10,400.00	\$4,500.00	\$4,500.00	\$5,000.00	\$5,000.00	\$5,500.00	\$5,500.00	\$5,500.00	\$5,500.00
20	Electrical and Telephone Service Allowance	LS	1	\$40,000.00	\$40,000.00	\$40,000.00	\$40,000.00	\$40,000.00	\$40,000.00	\$40,000.00	\$40,000.00	\$40,000.00	\$40,000.00	\$40,000.00	\$40,000.00	\$40,000.00	\$40,000.00	\$40,000.00	\$40,000.00	\$40,000.00	\$40,000.00	\$40,000.00	\$40,000.00
21	Trailer Mounted Diesel Powered Emergency Pump	LS	1	\$30,000.00	\$30,000.00	\$80,944.35	\$80,944.35	\$90,000.00	\$90,000.00	\$75,000.00	\$75,000.00	\$83,200.00	\$83,200.00	\$93,500.00	\$93,500.00	\$77,000.00	\$77,000.00	\$94,000.00	\$94,000.00	\$90,000.00	\$90,000.00	\$91,500.00	\$91,500.00
22	Mobilization (5% max.)	LS	1	\$25,000.00	\$25,000.00	\$18,753.16	\$18,753.16	\$15,000.00	\$15,000.00	\$30,000.00	\$30,000.00	\$31,800.00	\$31,800.00	\$12,500.00	\$12,500.00	\$30,000.00	\$30,000.00	\$35,000.00	\$35,000.00	\$35,000.00	\$35,000.00	\$18,170.00	\$18,170.00
Total Bid Amount				\$537,000.00		\$562,288.98		\$582,690.00		\$638,460.00		\$654,672.00		\$656,182.00		\$661,955.00		\$725,210.00		\$731,870.00		\$806,848.00	



May 25, 2011

Mr. Don Bond, P.E.  
3210 East Avenue H, Suite 107  
Temple, Texas 76501

Re: Recommendation for Contract Award  
Pea Ridge Lift Station Expansion

Dear Mr. Bond:

On May 17, 2011 the City of Temple received ten (10) bids for the above referenced project. After tabulation of the bids, the low bidder was determined to be J.S. Haren Company headquartered in Athens, Tennessee for the total amount of \$537,000.00.

J.S. Haren has satisfactorily completed work for the City of Temple on the Doshier Farm Wastewater Treatment Plant Screw Pump project in 2010. Additionally, I have contacted references provided by both J.S. Haren and other previous project owners concerning the contractor's performance on previous projects. The majority of owners expressed satisfaction with the workmanship, competency, and performance by J.S. Haren. However, a minority of owners indicated their projects experienced delays and change orders which could, at least in part, be attributed to J.S. Haren's performance. In conversations with Mr. Haren, he expressed his willingness to provide the equipment and perform the work as specified in the Contract Bid Documents for his bid price.

J.S. Haren appears to be a responsible bidder that is capable of performing the specified work in a satisfactory manner. Bury+Partners, Inc. recommends that City of Temple award the Pea Ridge Lift Station Expansion project to J.S. Haren for the total bid price of \$537,000.00.

If you have any questions please call me at (512) 328-0011.

Sincerely,



T. Jason Roberts, P.E.  
Project Manager

Enclosures: Bid Tabulation

P:\ADMIN\0100805 - Temple\80001 - Pea Ridge\11.02 Correspondence to-from Bidding Contractors-Suppliers(during bidding)\052411 Ltr of Recommendation.doc

BURY+PARTNERS, INC.  
221 West Sixth Street, Suite 600  
Austin, Texas 78701

TEL (512) 328-0011

FAX (512) 328-0325

Austin • Dallas • Houston • San Antonio • Temple, Texas  
Fairfax • Williamsburg, Virginia

www.burypartners.com

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH J.S. HAREN COMPANY OF ATHENS, TN, TO CONSTRUCT THE PEA RIDGE LIFT STATION IMPROVEMENTS, IN AN AMOUNT NOT TO EXCEED \$537,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, on May 17, 2011, the City received 10 bids for a project to construct the Pea Ridge Lift Station Improvements;

**Whereas**, the Staff recommends accepting the bid (\$537,000) submitted by J.S. Haren Company of Athens, TN, for this project;

**Whereas**, funds are available for this project in Account No. 561-5400-535-6905, project #100667; 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 with J.S. Haren Company of Athens, TN, after approval as to form by the City Attorney, to construct the Pea Ridge Lift Station Improvements, in an amount not to exceed \$537,000.

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

PASSED AND APPROVED this the **16<sup>th</sup>** day of **June**, 2011.

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

Nicole Torralva, P.E., Director of Public Works

Michael Newman, P.E., Assistant Director of Public Works/City Engineer

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a contract amendment to a professional services agreement with Bury+Partners, Inc. (Bury), for onsite representation services required to implement the Pea Ridge Lift Station Improvements in southwest Temple in an amount not to exceed \$25,250.

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

**ITEM SUMMARY:** The Pea Ridge Lift Station is a critical element in the sewer collection system currently serving south and west Temple. The lift station, located on Poison Oak Road west of Pea Ridge Road (see attached Project Map), has performed above its intended capacity and for longer than its original anticipated design life. Recent and ongoing development in west Temple continues to add sewer customers to the service area and push the installation toward its performance limit. Repair and upsizing so that the station can continue to serve in the wastewater collection system is urgent.

On August 5, 2010, Council authorized a professional services agreement with Bury for engineering services, including design, surveying, easement acquisition, bidding, and construction administration, required to implement the Pea Ridge Lift Station Improvements in southwest Temple. An item authorizing a construction contract with the low-bidding contractor is scheduled for Council consideration as part of tonight's agenda.

The services authorized under this resolution (Engineer's Proposal attached) will provide onsite representation for the construction phase of this project. Construction time allotted is 180 days.

**FISCAL IMPACT:** Funding in the amount of \$1,000,000 was appropriated in account 561-5400-535-6905, project #100667 from the 2010 Utility Revenue Bond Issue for the Pea Ridge Lift Station Rehabilitation Project. After funding engineering services of \$142,000, miscellaneous costs related to the project in the amount of \$1,380 and pending council approval of the construction contract in the amount of \$537,000 a balance of \$319,620 will remain available to fund this contract amendment.

**ATTACHMENTS:**

Project Map  
Engineer's Proposal  
Resolution



**b Bury+Partners**  
**ENGINEERING SOLUTIONS**  
 221 West Sixth Street, Suite 600  
 Austin, Texas 78701  
 Tel. (512)328-0011 Fax (512)328-0325  
 TBPE Registration Number F-1048  
 Bury+Partners, Inc. © Copyright 2010

**PEA RIDGE LIFT STATION**

**CITY OF TEMPLE**

**SITE LOCATION MAP**

DATE: 07/23/2010

SCALE: N.T.S.

DRAWN BY: RWM

FILE: \

PROJECT No.: XXXX-XX.XX



May 23, 2011

Proposal No. 11-019

Ms. Nicole M. Torralva, P.E.  
Interim Director of Public Works  
City of Temple  
3210 East Avenue H, Building A, Suite 107  
Temple, Texas 76501

Re: Amendment for Proposal for Engineering Services  
Pea Ridge Lift Station Expansion  
Temple, Texas

Dear Ms. Torralva:

Bury+Partners, Inc. (Bury) appreciates the opportunity to submit this amendment to the existing contract (executed August 6, 2010) to provide construction observation services associated with the construction of improvements to the Pea Ridge Wastewater Lift Station Expansion.

Our proposed scope of work provided in this proposal includes construction observation for the duration of construction activities. Based on our understanding of your needs at this time and the current status of this project, we propose to provide the following specific services:

**A. Construction Observation Services**

Bury will provide assistance during construction to observe the general progress and quality of work completed by the Contractor. Observations are not intended to be an exhaustive check or detailed inspection of the work; they are intended to allow Bury to become familiar with the work in progress and to determine the general conformance with the contract documents. During the construction observation phase, Bury will provide the following services:

1. Provide construction observation services during active construction. A total of 80 three (3)-hour long site visits are anticipated to be necessary during a four (4) month construction period, and are included with this proposal.

BURY+PARTNERS, INC.  
221 West Sixth Street, Suite 600  
Austin, Texas 78701

TEL (512) 328-0011  
FAX (512) 328-0325

**B. Reimbursables/Reproductions**

Reproduction, courier and delivery services will be provided for this project and billed in accordance to our Standard Rate Schedule. In addition, minor out-of-pocket expenses for outside reproduction, courier and review agency fees, etc. incurred will be bill at Cost + 10%.

The cost for reimbursables is estimated in the Fee Schedule below.

**FEE SCHEDULE**

Bury proposes to provide the specific services described above on a lump sum fee basis as follows:

<u>Item</u>	<u>Fee Basis</u>	<u>Bury Fee</u>	<u>Bury Phase</u>
<b>A. Construction Observation Services</b>			
1	Lump Sum	\$ 24,600	.70
<b>B. Reimbursables/Reproductions</b>			
(preliminary budget amount)	Cost + 10%	\$ 650	.89
<b>TOTAL FEES</b>		<b>\$ 25,250</b>	

Work provided outside the above scope of services will be billed as an additional service at our standard hourly rates.

We appreciate the opportunity to submit this proposal and look forward to assisting you in the observation of construction of this project. We understand this proposal will be amended to the existing Bury contract for the design and construction administration of the Lift Station Expansion.

Sincerely,



Trey S. Taylor, PE  
Vice President

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF TEMPLE, TEXAS, AND BURY+PARTNERS, INC, FOR ON-SITE REPRESENTATION SERVICES REQUIRED TO IMPLEMENT THE PEA RIDGE LIFT STATION IMPROVEMENTS IN SOUTHWEST TEMPLE, IN AN AMOUNT NOT TO EXCEED \$25,250; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on August 5, 2010, the City Council authorized a professional services agreement with Bury+Partners, Inc., for engineering services, including design, surveying, easement acquisition, bidding, and construction administration required to implement the Pea Ridge Lift Station Improvements in southwest Temple;

**Whereas**, the Staff recommends amending the agreement to provide for onsite representation services for the construction phase of the project, for a cost not to exceed \$25,250;

**Whereas**, funds are available for this contract amendment in Account No. 561-5400-535-6905, project #100667; 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 amendment to the professional services agreement, not to exceed \$25,250, between the City of Temple, Texas, and Bury+Partners, Inc., after approval as to form by the City Attorney, for onsite representation services required to implement the Pea Ridge Lift Station Improvements in southwest Temple.

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

PASSED AND APPROVED this the **16<sup>th</sup>** day of **June**, 2011.

THE CITY OF TEMPLE, TEXAS

---

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Clydette Entzminger  
City Secretary

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Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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Consent Agenda  
Page 1 of 1

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

Clydette Entzminger, City Secretary

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing an interlocal agreement with Bell County for use of the County's software and fiber optic network to process and maintain election records, in the amount of \$1200.

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

**ITEM SUMMARY:** In 2002, an agreement was entered into with Bell County for the City to use the County's early voting system. This system includes computer software developed by the County to process and maintain records regarding early voting, as well as the County's fiber optic network to access the computer programs and voter registration data throughout the year.

This system has been used in all City elections since 2002 and is the same system used in all elections conducted by Bell County. The County continues to provide staff training and modifications to the programs and reports to meet our needs for each specific election. Utilization of this automated system saves time for both employees and voters by streamlining the early voting process. It also allows us to maintain an electronic database of voters for each election.

We recommend approval of this interlocal agreement with Bell County for a period of one year, at a cost of \$1,200.

**FISCAL IMPACT:** Funds are available in 110-1400-511-2517 for this contract in the amount of \$1,200.

### **ATTACHMENTS:**

[Resolution](#)

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN INTERLOCAL AGREEMENT WITH BELL COUNTY FOR USE OF THE COUNTY'S SOFTWARE AND FIBER OPTIC NETWORK TO PROCESS AND MAINTAIN RECORDS REGARDING EARLY VOTING, IN THE AMOUNT OF \$1,200; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, in 2002, the City entered into an interlocal agreement with Bell County for the City to use the County's early voting system;

**Whereas**, the system includes computer software developed by the County to process and maintain records regarding early voting, as well as the County's fiber optic network to access the computer programs and data;

**Whereas**, the Staff recommends approving an interlocal agreement with Bell County for this purpose for \$1,200 per year for a one year period;

**Whereas**, funds are available in Account No.110-1400-511-2517; 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 interlocal agreement between the City of Temple and the Bell County, after approval as to form by the City Attorney, for use of the County's software and fiber optic network to process and maintain records regarding early voting, in the amount of \$1,200 for a one year period.

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

PASSED AND APPROVED this the **16<sup>th</sup>** day of **June**, 2011.

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

Ken Cicora, Director of Parks and Leisure Services

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the purchase of Toro utility carts from Professional Turf Products utilizing the BuyBoard in the amount of \$31,175.03.

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

**ITEM SUMMARY:** On Sunday, May 29, when the Sammons Golf Links staff reported to work, they discovered their maintenance area had been broken into and 3 utility golf carts were taken. Two were damaged (one extensively) and found on the course and one was driven in the Lake Jim Thornton. That cart was very extensively damaged. All three utility carts were Toro products.

We are going to repair one cart but are requesting Council authorization to replace two carts:

Toro Workman MDX	\$ 9,105.24
Toro Workman HDX-D	\$20,144.46
High Flow Hydraulic Kit (HDX Models)	\$ 1,314.06
Destination Charges	\$ 611.27
Total	<u>\$31,175.03</u>

These carts are the primary pieces of maintenance equipment at the course. They are used to pull equipment, haul equipment and remove debris.

The City will be reimbursed for the carts from insurance, less a \$1,000 deductible and \$1,938.43 for the cost difference in repairing (\$7,166.81) versus replacing (\$9,105.24) the Toro Workman MDX cart.

The purchase is being recommended for purchase utilizing the BuyBoard, a purchasing cooperative formed by the Texas Association of School Boards, Texas Municipal League, and the Texas Association of Counties. All products and services offered on the BuyBoard have already been competitively procured.

**FISCAL IMPACT:** The cost to repair damaged equipment, repair damage to the greens and purchase replacement equipment is \$46,773. A budget adjustment is presented for Council's approval appropriating insurance proceeds in the amount of \$38,835, the City's deductible amount of \$6,000 from Judgments and Damages Contingency, and an additional \$1,938 from Judgments and Damages Contingency.

Description	Account Number	Amount
Toro Workman HDX-D	110-3120-551-6222, project 100739	\$21,888
Toro Workman HDX-D	110-3120-551-6222, project 100740	\$9,288
Repairs to Cart	110-3120-551-2333	\$1,467
Repairs to Greens	110-3120-551-2311	\$14,130
Total cost to repair/replace items damaged		\$46,773

**ATTACHMENTS:**

[Budget Adjustment Resolution](#)



FY **2011****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
110-3120-551-62-22	100739	Heavy Equipment	\$ 21,888	
110-3120-551-62-22	100740	Repair & Maint - Equipment	9,288	
110-3120-551-23-33		Repair & Maint - Equipment	1,467	
110-1500-515-65-31		Contingency - Judgments & Damages		\$ 2,938
110-0000-461-05-54		Insurance Claims	29,705	
110-3120-551-23-11		Repair & Maint -Buildings & Grounds	14,130	
110-1500-515-65-31		Contingency - Judgments & Damages		\$ 5,000
110-0000-461-05-54		Insurance Claims	9,130	
<b>TOTAL.....</b>			<b>\$ 85,608</b>	<b>\$ 7,938</b>

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

On May 29, 2011, vandalism occurred at the golf course. The cost of repairs and replacement to equipment and three greens is estimated to cost \$46,773. This budget adjustment appropriates \$6,000 from Judgments & Damages Contingency to pay for the deductibles and an additional \$1,938 from Judgments & Damages Contingency to cover the price difference between the repair and replacement of the Toro Workman MDX. The remaining \$38,835 appropriated is insurance proceeds to be received from our insurance provider.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒

Yes

☐

No

DATE OF COUNCIL MEETING

6/16/2011

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 PURCHASE OF TORO UTILITY CARTS FROM PROFESSIONAL TURF PRODUCTS OF HOUSTON, TEXAS, THROUGH THE BUYBOARD LOCAL GOVERNMENT ONLINE PURCHASING COOPERATIVE, IN THE AMOUNT OF \$31,175.03; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas,** 3 Toro utility golf carts at Sammons Golf Links were recently damaged (one extensively) as a result of a break-in at the facility;

**Whereas,** the carts are primary pieces of maintenance equipment at the course used to pull equipment, haul equipment and remove debris and need to be replaced;

**Whereas,** the Staff recommends purchasing the equipment from Professional Turf Products of Houston, Texas, through the BuyBoard local government online purchasing cooperative, for a total purchase price of \$31,175.03;

**Whereas,** an amendment to the FY 2010-11 budget needs to be approved to appropriate insurance proceeds received by 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 purchase of 2 Toro Workman MDX Utility Carts, a Toro Reelmaster 5510 Fairway Mower with cutting units, and a Pro Force Debris Blower from Professional Turf Products of Houston, Texas, through the BuyBoard local government online purchasing cooperative, in the amount of \$64,995.65.

**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:** The City Council authorizes an amendment to the FY 2010-11 budget, substantially in the form of the copy attached as Exhibit A, for this purchase.

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

PASSED AND APPROVED this the **16<sup>th</sup>** day of **June**, 2011.

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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Page 1 of 3

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

Brian Mabry, Planning Director

**ITEM DESCRIPTION:** P-FY-11-26: Consider adopting a resolution authorizing the Final Plat of Biggs Subdivision, a 2.32± acre, three-lot nonresidential subdivision located on the north side of Whitehall Road, west of FM 317, in Temple's northern ETJ with developer's requested exception to Section 8.2.7.E of the Unified Development Code requiring fire hydrants to comply with the City's Fire Code.

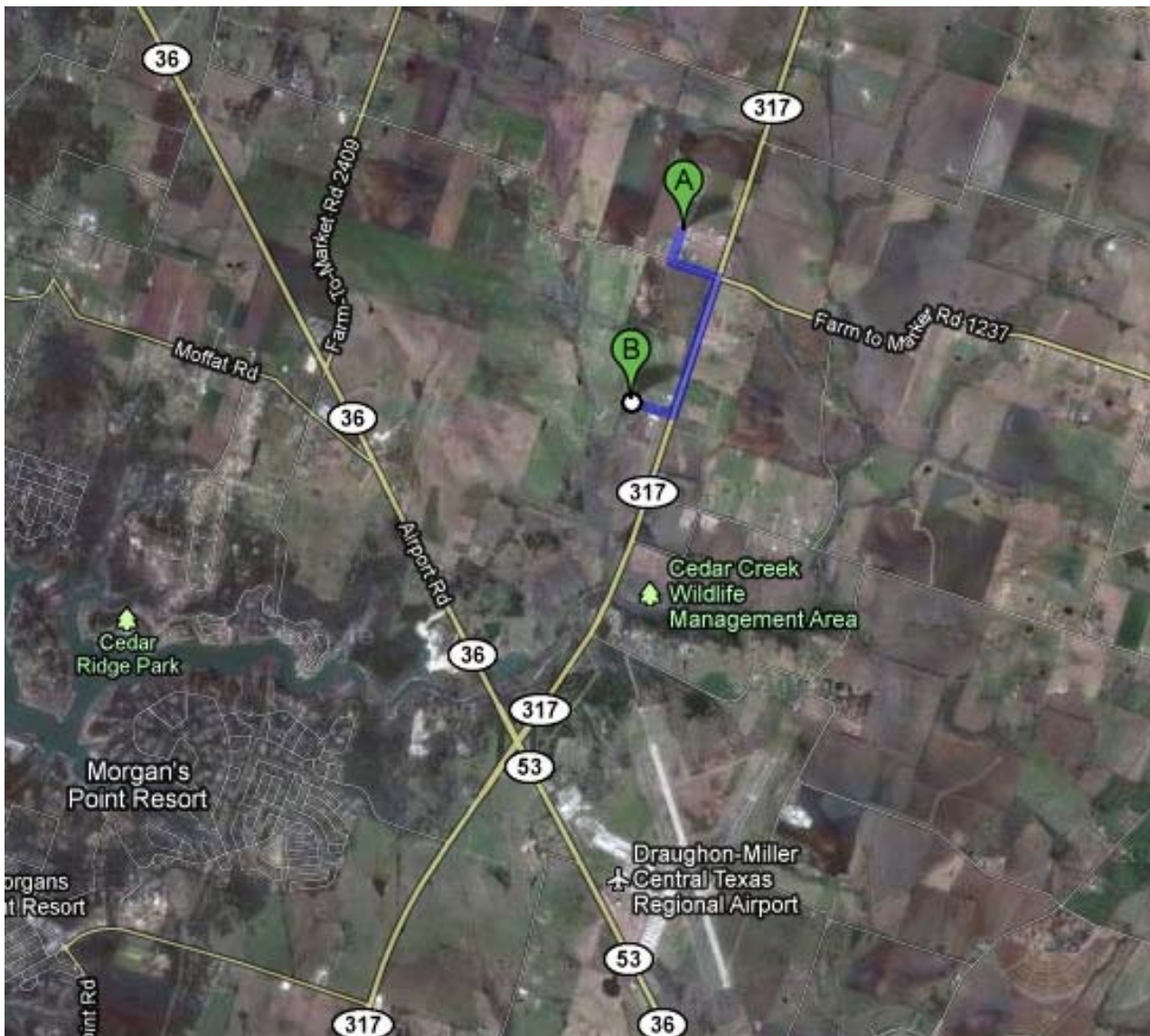
**P&Z COMMISSION AND STAFF RECOMMENDATION:** At its May 2, 2011, meeting, the Planning and Zoning Commission voted 7/0 to recommend approval of the Final Plat of Biggs Subdivision, subject to the developer's requested exception to Section 8.2.7.E of the Unified Development Code requiring fire hydrants to comply with the City's Fire Code.

Commissioner Staats abstained and Commissioner Martin was absent.

**ITEM SUMMARY: UPDATE:** At its meeting on June 2, 2011, the City Council denied this subdivision plat. The Council indicated that more information was needed relating to the plat and the impact of the development on Draughon-Miller Central Texas Regional Airport.

Specifically, a question came up at the June 2 meeting about the location of the subject property in relation to another set of hangars known as The Soar Spot. The map below shows the two properties as well as the Draughon-Miller Airport, with "A" being the location of the proposed Biggs Subdivision and "B" being the location of The Soar Spot. The two properties are approximately 1.3 miles apart by vehicle. According to the Airport manager, the Soar Spot is on the primary approach to Runway 15 while the subject property for this plat is not. The Airport manager reports to have had no issues with the subject property to date.

The applicant has respectfully requested that the City Council reconsider its decision



**PREVIOUS CITY COUNCIL NARRATIVE:**

Please refer to the Staff Report and draft minutes of case P-FY-11-26, from the Planning and Zoning Commission meeting on May 2, 2011. This is a three-lot nonresidential plat.

The Development Review Committee reviewed the Final Plat on April 20, 2011 and deemed the Final Plat administratively complete on April 26, 2011.

Pendleton Water Supply Corporation will supply water to the property for domestic use, but does not have the capacity to support fire hydrants. Therefore, the developer requests an exception to UDC Section 8.2.7 E requiring fire hydrants to comply with the City's Fire Code.

UDC Citation	Requirement	Applicant's Justification	Staff Support?*
Sec. 8.2.7.E	Nonresidential: Fire hydrants spaced 300 feet apart with no structure more than 500 feet from the fire hydrant.	There is adequate water for domestic use, but not enough capacity for fire hydrants at this time.	Yes

The Moffat Volunteer Fire Department will be the first responder for this property. It supports this request and does not require fire hydrants for attacking structure fires. They also have Automatic Aid from Morgan's Point VFD (1,500 gallon water) and if needed, 7,000 gallons of water from Troy VFD.

During the Planning and Zoning Commission meeting on May 2, 2011, the Commissions had questions regarding Moffat Volunteer Fire Department's fire fighting equipment. The Fire Department reviewed the plat during the City of Temple DRC review process and did not express concern over the requested exception.

Park fees do not apply to nonresidential development.

**FISCAL IMPACT:**

**ATTACHMENTS:**

Applicant's letter requesting reconsideration  
Vicinity Map  
Plat  
UDC Exception Letter  
Moffat VFD Letter  
P&Z Commission Staff Report  
P&Z Excerpts  
Resolution





## **ALL COUNTY SURVEYING, INC.**

\*Surveying \*Mapping \*Construction Layout \* GPS

June 7, 2011

City of Temple Planning Department  
2 North Main  
Temple, TX 76501  
Attn: Mr. Brian Mabry, Planning Director

Re: 2.328 acre ETJ Subdivision plat – Resubmittal after June 2 Council denial

Dear Mr. Mabry:

All County Surveying ( ACS ) was hired back in March, 2011 by Ms. Meagan Biggs, and her father, Mr. Bill Biggs, to prepare a survey and subdivision plat that would allow Ms. Biggs to properly divide 2.328 acres of her property for the purpose of selling 3 lots to individuals.

The Biggs family is involved in private, General Aviation, with Mr. Biggs being a licensed private pilot, and owning and maintaining many aircraft over the years. The Biggs property is located north and west of the incorporated city limits of the City of Temple, and adjoins a North-South oriented grass runway/ airstrip, which has been in existence for over 30 years. This airstrip is approximately 2500 feet long, and is maintained and used for a private runway for about 4 to 6 private pilots.

With this property being out in the County ( not inside City ), many tracts of land over the years, have been divided in such a way that they adjoin and contain a portion of the runway within their deeded tract. The runway is located on a 82 ft. wide "Private Ingress and Egress Easement", which is recorded in the Bell County Deed Records in Volume 1793, Page 779. Each landowner along this airstrip actually has fee title to a portion of the runway, subject to the permanent ingress-egress easement.

As the Biggs moved along to attempt to get their land platted, they made every effort to formally present their concept to any and all parties and governing entities whom might have need to offer some form of regulation that could affect this small subdivision of land.

They first visited with the City of Temple Planning Department, and then with the Bell County Engineer's office, and then after receiving instructions on the steps to follow to allow them to have a plat to put before the proper authorities, they came to ACS, and hired us to prepare the plat.

The plat was prepared by ACS, and a PDF version was sent to both your office and to Bell County Engineer's office for informal review/ request for comments on April 1, 2011.

The plat was submitted to City of Temple Planning, and placed on Design Review Committee ( DRC ) for April 20, 2011.

As you are aware from your records, DRC asked for us to address the "Post DRC Review Comments", and then it would be placed on the Planning & Zoning Commission agenda for May 2, 2011. We did everything we could to satisfy all the staff comments, including obtaining a letter from the Moffat Volunteer Fire Department addressing their ability to fight a fire ( if needed) at this site, and they responded with a letter stating that they typically bring their own

water to the scene. The health department furnished a letter stating that an on-site sewage facility could be properly placed on the site, and the Pendleton Water Supply Corporation furnished a letter stating that they have enough water capacity to serve 3 more lots.

The only exception to the Unified Development Code that was requested, was the exception pertaining to Fire Hydrant ( Section 8.2.7.E ).

As is normal City of Temple Planning protocol, you typically do not administratively authorize exceptions, and thus, the plats are forwarded on to the public bodies – Planning & Zoning, and City Council, for final approval.

You submitted the plat to P&Z, and on May 2, Biggs Subdivision was "Action Item 4" on the P&Z Agenda, and was voted on and approved by the P&Z.

Planning then moved this plat to the June 2 City Council Agenda. Note – June 2 is 31 DAYS after May 2. According to the Texas Local Government Code, Section 212.009, "the governing body shall act on the plat within 30 days after the date the plat is approved by the planning commission.....A plat is considered approved by the governing body unless it is disapproved within that period." I would think that this simple plat would actually fall into this category, and really, should be approved by default. Mr. Biggs wants to prepare the plat with full blessing by the City of Temple, but this clause in the Code, certainly seems to allow for approval.

Moving on, the Council heard this plat on June 2, and during the discussion of the plat by Council, discussion was about the amount of possible additional air traffic that this plat might help contribute to, and not so much discussion about the request for approval with Exception to the UDC/ Fire Protection. According to Section 212.003 ( Extension of Rules to ETJ ), "a municipality shall not regulate – 1.) the use of any building or property....".

On behalf of Mr. Biggs, I am requesting that the City of Temple RECONSIDER the "Final Plat of Biggs Subdivision", and move it forward for approval.

Mr. Biggs has been very patient, and totally wants to operate within the rules of the community, and he believes that he has done just that.

Please note that All County Surveying, Inc., is only the professional surveying firm hired to perform the platting, and not the developer of this property. We try our best to operate within the guidelines placed upon all of us within the City of Temple, and within the County of Bell, and State of Texas.

Thanks for your re-considering of this plat. I would like a formal reply in writing upon your review.

Sincerely,

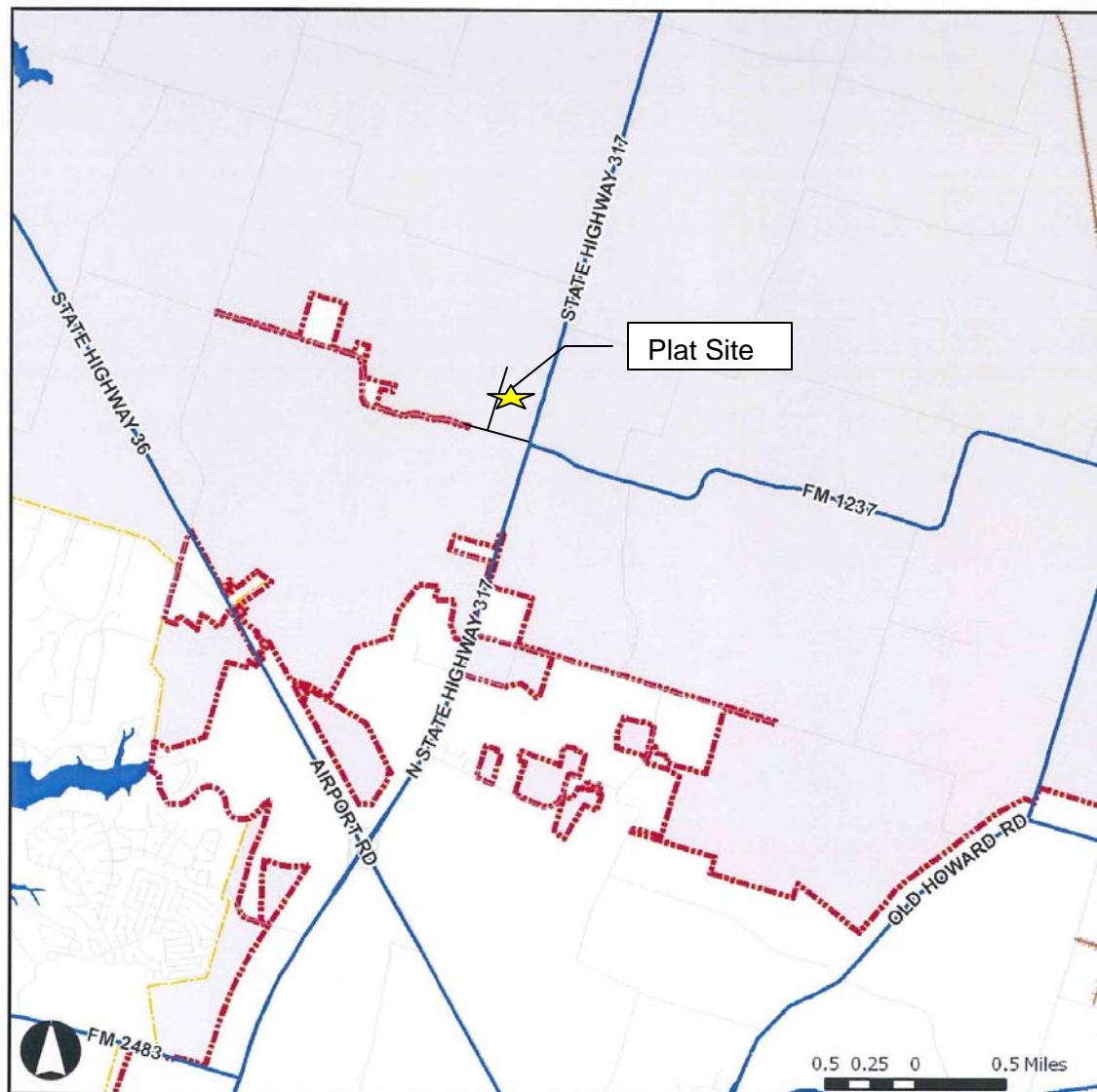


Charles C. Lucko, Registered Professional Land Surveyor  
President, All County Surveying, Inc.

cc: **Bill Biggs**  
**Meagan Biggs**

**1303 South 21<sup>st</sup> Street, Temple, Texas 76504**  
**254-778-2272 (Temple) 254 634-4636 (Killeen) 254 774-7608 (Fax)**

# City of Temple





FINAL PLAT of  
**BIGGS SUBDIVISION**  
WITHIN THE E. T. J. OF THE CITY OF TEMPLE,  
BELL COUNTY, TEXAS

STATE OF TEXAS  
COUNTY OF BELL

MEAGAN BIGGS, OWNER OF THE LAND SHOWN ON THIS PLAT AND DESIGNATED HEREIN AS **BIGGS SUBDIVISION** WITHIN THE E. T. J. OF 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: \_\_\_\_\_  
MEAGAN BIGGS

STATE OF TEXAS  
COUNTY OF BELL

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED MEAGAN BIGGS, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT SHE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2011.

NOTARY PUBLIC, STATE OF TEXAS

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 \_\_\_\_\_, 2011.

CHAIRPERSON \_\_\_\_\_ SECRETARY, PLANNING & ZONING \_\_\_\_\_

I HEREBY CERTIFY THAT THE ABOVE AND FOREGOING PLAT OF **BIGGS SUBDIVISION**, WITHIN THE E. T. J. OF THE CITY OF TEMPLE, BELL COUNTY, TEXAS, WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF TEMPLE ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2011. SAID SUBDIVISION SHALL BE SUBJECT TO ALL REQUIREMENTS OF THE SUBDIVISION ORDINANCE OF THE CITY OF TEMPLE, TEXAS.

WITNESS MY HAND THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2011.

CITY SECRETARY \_\_\_\_\_

BELL COUNTY  
PUBLIC HEALTH DISTRICT CERTIFICATE

The Bell County Public Health District, the Licensing Authority for an on-site sewage disposal in Bell County, Texas, hereby certifies that this subdivision meets or exceeds the minimum standards established by the Bell County Board of Health.

Sanitarian \_\_\_\_\_ Date \_\_\_\_\_

I hereby certify that this plat was approved this the \_\_\_\_\_ day of \_\_\_\_\_, 2011, by the Bell County Commissioners Court and may be filed for record in the Plat Records of Bell County, Texas.

County Judge \_\_\_\_\_

Witness my hand this the \_\_\_\_\_ day of \_\_\_\_\_, 2011.

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

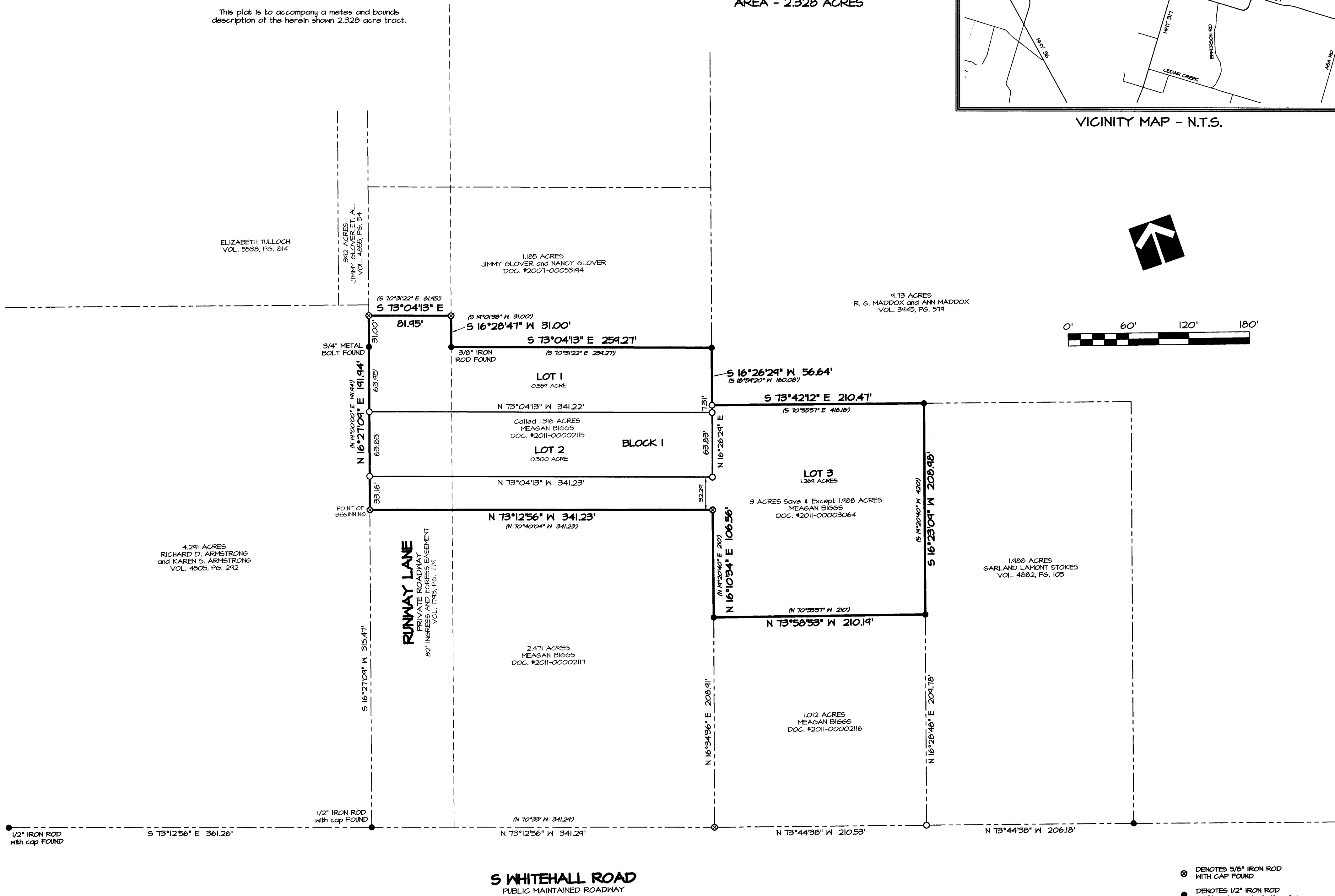
STATE OF TEXAS  
COUNTY OF BELL

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 ARE CORRECTLY SHOWN THEREON.

CHARLES C. LUCKO, R.P.L.S. DATE SURVEYED: MARCH 7, 2011  
REGISTRATION NO. 4636

Being part of the Sarah Fitzhenry Survey, Abstract No. 312, Bell County, Texas, and being all of that certain called 1.316 acre tract described in a deed to MEAGAN BIGGS, of record in Document #2011-00002115 of the Official Public Records of Real Property of Bell County, Texas, and being all of that certain tract described in a deed to MEAGAN BIGGS, of record in Document #2011-00003064 of said Official Public Records.

This plat is to accompany a metes and bounds description of the herein shown 2.328 acre tract.



AFFIDAVIT:

The Tax Appraisal District of Bell County, the taxing authority for all taxing entities in Bell County, Texas, does hereby certify that there are currently no delinquent taxes due or owing on the property described by this plat.

Dated this the \_\_\_\_\_ day of \_\_\_\_\_, 2011

By: \_\_\_\_\_  
Bell County Tax Appraisal District

RECORDATION INFORMATION:

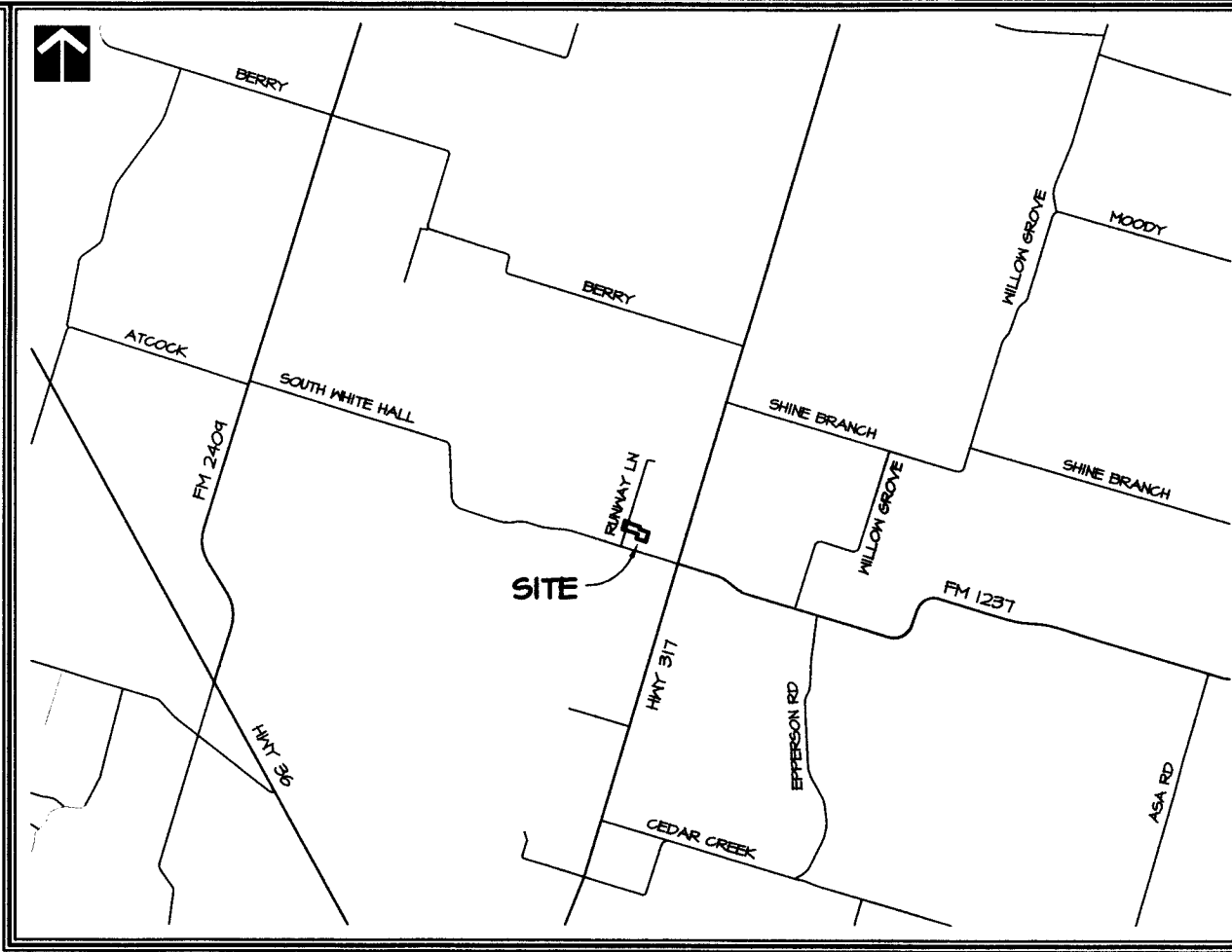
PLAT RECORDED IN CABINET \_\_\_\_\_, SLIDE \_\_\_\_\_, PLAT RECORDS OF BELL COUNTY, TEXAS

DEDICATION RECORDED IN INSTRUMENT NO. \_\_\_\_\_, OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF BELL COUNTY, TEXAS

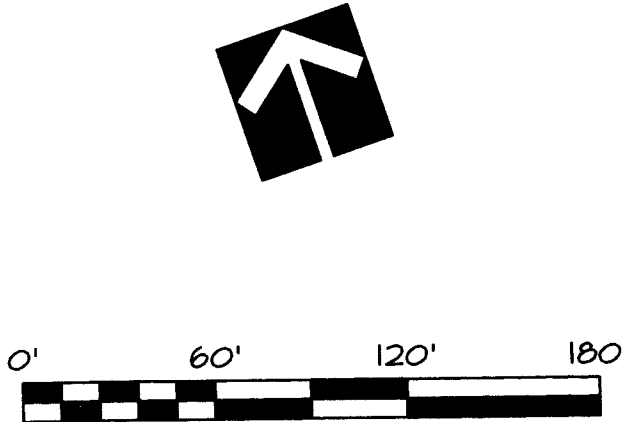
FILED THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2011.

OWNER:  
MEAGAN BIGGS  
211 RUNWAY LANE  
TEMPLE, TEXAS 76504

LOTS - THREE (3)  
BLOCKS - ONE (1)  
AREA - 2.328 ACRES



VICINITY MAP - N.T.S.



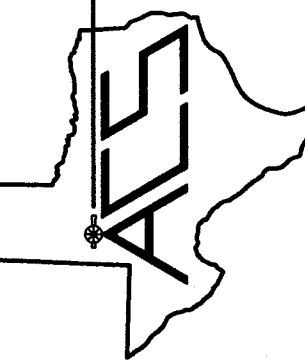
- ⊙ DENOTES 5/8" IRON ROD WITH CAP FOUND
- DENOTES 1/2" IRON ROD FOUND UNLESS NOTED OTHERWISE
- DENOTES 5/8" IRON ROD WITH CAP SET
- ( ) Record call

Based upon what can be scaled from the graphics shown on F.E.M.A Flood Insurance Rate Map (FIRM), Map No. 48027C01TSE, effective date September 26, 2008, the above shown property does not appear within the "Special Flood Hazard Area", and appears to be situated in Zone X. 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 1483, Central Zone. All distances are horizontal surface distances unless noted and all bearings are grid bearings. All coordinates are referenced to City Monument No. 64. The theta angle at City Monument No. 64 is 01° 32' 13". The combined correction factor (CCF) is 0.999847. Grid distance = Surface distance X CCF. Geodetic north = Grid north + theta angle. Reference tie from City monument No. 64 to the southwest corner of this 2.328 acre tract is N 45° 44' 45" W 27464.23 feet. Published City coordinates for project reference point 64 are N= 10341122.28 E= 3224442.64.

FINAL PLAT of  
**BIGGS SUBDIVISION**  
WITHIN THE E. T. J. OF THE CITY OF TEMPLE,  
BELL COUNTY, TEXAS

**ALL COUNTY SURVEYING, INC.**  
1303 South 21st Street, Temple, Texas 76504  
(254) 778-2272 FAX (254) 774-7608



Plot date: 3-11-11

Job No: 110114  
Date: 3-7-11  
Scale: 1" = 60'  
Drawing No: 110114P  
Drawn By: JMB/SLW  
Checked By: CCL  
Ref: 100134



# ALL COUNTY SURVEYING, INC.

\*Surveying \* Mapping \*Construction Layout \* GPS

RECEIVED

APR 21 2011

City of Temple  
Planning & Development

April 21, 2011

City of Temple Planning Department  
City Hall – Downtown Temple  
Temple, TX 76501  
Attn: Tammy Lyerly, Planner

Re: **BIGGS SUBDIVISION – POST DRC COMMENTS – SUBMITTAL**

Dear Ms. Lyerly:

Please accept the items requested for the above referenced plat, and please forward this plat on for Planning & Zoning and City Council approval.

This plat is in the western ETJ of the City, and I would like to point out the following facts:

- 1.) FIRE PROTECTION/ FIRST RESPONDERS TO SITE: Fire- Moffat Volunteer Fire Department. Law Enforcement – Bell County Sheriff. Medical- Scott & White EMS
- 2.) RUNWAY LANE – It is a private access easement, but Runway Lane is recognized by Bell County 911. The US Post Office also recognizes Runway Lane as an actual address.

*( see attached email from Central Texas Council of Governments )*

According to UDC Sect. 3.10 & 3.6.6 there are a few requested exceptions:

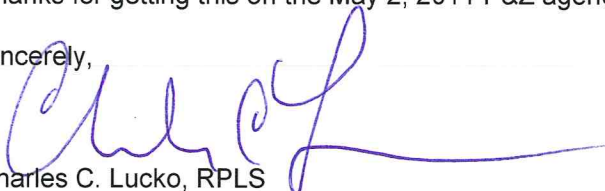
- Fire Hydrants – There is adequate water for domestic use, but not enough capacity for hydrants at this time

Note – The Bell County Health District has been issued this plat, and will have a letter referencing OSSF that All County will email to you within the next 2 or 3 days.

Note 2 - Pendleton Water Supply Corp supplies water to this site, and their engineer, BSP Engineers, of Temple, has indicated verbally that there is adequate water to serve these 3 new lots, but their standard protocol is for the letter to the developer to come from the Board, and we understand that a letter will be coming to Mr. Biggs in May. We will also supply you with this letter, and understand that the plat MAY NOT be recorded until this letter is in hand. Bell County Engineer's office will require this.

Thanks for getting this on the May 2, 2011 P&Z agenda.

Sincerely,

  
Charles C. Lucko, RPLS  
Pres., All County Surveying, Inc.

**Copy – file, Bill Biggs**

1303 South 21<sup>st</sup> Street, Temple, Texas 76504  
254 778-2272 (Temple) 254 634-4636 (Killeen) 254 774-7608 (Fax)  
**[www.allcountysurveying.com](http://www.allcountysurveying.com)**

# MOFFAT VOLUNTEER FIRE DEPARTMENT

5660 LAKEAIRE BLVD.  
TEMPLE, TEXAS 76502  
Hal R. Pagel-Fire Chief

Fax 254-986-2558  
Home Phone 254-986-8388  
Chief's Cell 254-760-3338  
Email: [chief@moffatvfd.org](mailto:chief@moffatvfd.org)

Federal Tax # 74-2164752

Mr. Shane Wood  
All County Surveying  
1303 South 21<sup>st</sup> St  
Temple, TX 76504

Re: Briggs Subdivision  
Runway Lane  
Bell County, Texas (City of Temple ETJ)


Mr. Wood

In regards to the above named subdivision, please be advised that Moffat Volunteer Fire Department currently provides Emergency Service Response to this location for Fire, Rescue and EMS calls. Moffat VFD is an all volunteer department with its station located at 5660 Lakeaire Blvd. at the Lakeaire Subdivision of Moffat. Our current fleet is comprised of a 1997 Pierce 1500 gallon per minute structure pumper with 1000 gallons of water on board, a 1996 Ford Tanker with 2000 gallons of water, 3-grass/booster trucks with 250 to 300 gallons of water each and a medium duty rescue/EMS vehicle. We currently have an active roster of 18 firefighters.

For the purpose of response to a structure fire at this location, Moffat VFD has no requirements for water supply such as hydrants. Because our district is mostly rural with few to no hydrants available, our attack plans call for water carried on first due vehicles, along with Automatic Aid from Morgan's Point VFD (1500 gallons water) and if needed, 7000 gallons of water from Troy VFD.

If you require any further information, please contact me.

Thank you

  
Hal R. Pagel - Fire Chief  
Moffat Vol. Fire Dept.



# PLANNING AND ZONING COMMISSION AGENDA ITEM

05/02/11

Item #4

Regular Agenda

Page 1 of 2

**APPLICANT / DEVELOPMENT:** All County Surveying for Meagan Biggs

**CASE MANAGER:** Tammy Lyerly, Planner

**ITEM DESCRIPTION:** P-FY-11-26 Consider and take action on the Final Plat of Biggs Subdivision, a 2.32± acre, three-lot non-residential subdivision located on the north side of Whitehall Road, west of FM 317, in Temple's northern ETJ with developer's requested exception to Section 8.2.7.E of the Unified Development Code requiring fire hydrants to comply with the City's Fire Code. (All County Surveying for Meagan Biggs)

**STAFF RECOMMENDATION:** Staff recommends approval of the Final Plat of Biggs Subdivision, subject to City Council's approval of the applicant's requested exception to UDC Section 8.2.7.E requiring fire hydrants to comply with the City's Fire Code.

**BACKGROUND:** This is a three-lot non-residential plat associated with airplane hangars. Runway Lane shown on the plat is a private 82-foot wide ingress/egress easement (vol.1793, pg. 779), with its west portion being a private grassy runway for airplanes and the remainder being a private asphalt roadway for lot access. Central Texas Council of Governments (CTCOG) recognizes Runway Lane as a private county road registered with the Intrado 9-1-1 Net database system.

The Design Review Committee reviewed the Final Plat on April 20, 2011 and deemed the Final Plat administratively complete on April 26, 2011. City Council is the final plat authority since the developer requests an exception to UDC Section 8.2.7 E requiring fire hydrants to comply with the City's Fire Code.

UDC Citation	Requirement	Applicant's Justification	Staff Support?*
Sec. 8.2.7.E	Non-residential: Fire hydrants spaced 300 feet apart with no structure more than 500 feet from the fire hydrant.	There is adequate water for domestic use, but not enough capacity for fire hydrants at this time.	Yes

The Moffat Volunteer Fire Department would be the first responder for this property. It supports this request and does not require fire hydrants for attacking structure fires. Their current fleet includes a 1997 Pierce 1500 gallon per minute structure pumper with 1000 gallons of water on board, a 1996 Ford Tanker with 2000 gallons of water, 3-grass/booster trucks with 250 to 300 gallons of water each, and a medium duty rescue/EMS vehicle. They also have Automatic Aid from Morgan's Point VFD (1500 gallon water) and if needed, 7000 gallons of water from Troy VFD.

Park fees do not apply to nonresidential development.

**ATTACHMENTS:**

UDC Exception Letter

Moffat VFD Letter

Plat

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

**MONDAY, MAY 2, 2011**

**ACTION ITEMS**

**Item 4: P-FY-11-26** - Consider and take action on the Final Plat of Biggs Subdivision, a 2.32± acre, three-lot non-residential subdivision located on the north side of Whitehall Road, west of FM 317, in Temple's northern ETJ with developer's requested exception to Section 8.2.7.E of the Unified Development Code requiring fire hydrants to comply with the City's Fire Code. (All County Surveying for Meagan Biggs)

Commissioner Staats stated he would have to recuse himself from this item.

Ms. Tammy Lyerly stated the developer for this plat is asking for exceptions to the UDC so City Council would be final authority on this matter.

South Whitehall Road runs to the south of the subject property, the entrance is from Runway Lane, and three tracts of land would connect to Runway Lane. This is a non-residential plat for airplane hangars. A grassy portion of Runway Lane is a private runway and the eastern area is an asphalt road for entry into the lots.

The exception being asked for is related to the fire hydrant requirement. DRC deemed the plat administratively complete on April 6, 2011. Park fees do not apply to this plat since it is non-residential. Moffat Volunteer Fire Department would be the first responder for this property and supported the request for exceptions. Ms. Lyerly stated the letter from the Moffat Volunteer Fire Department stated they did not need fire hydrants to fight fires in this area. The letter also describes the firefighting equipment they currently maintain.

Staff recommends approval of this plat subject to the exceptions of UDC Section 8.2.7(e) regarding fire hydrants.

Chair Talley questioned the amounts of water listed in Moffat Fire Department's letter and Ms. Lyerly stated the Fire Marshall was present during the DRC process and seemed to be in agreement with the available inventory.

Commissioner Sears made a motion to approve P-FY-11-26 and Commissioner Jones made a second.

*Motion passed: (7:0)*

Commissioner Staats abstained; Vice-Chair Martin absent

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

(PLANNING NO. P-FY-11-26)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING THE FINAL PLAT OF BIGGS SUBDIVISION, AN APPROXIMATELY 2.32 ACRE, THREE-LOT NONRESIDENTIAL SUBDIVISION LOCATED ON THE NORTH SIDE OF WHITEHALL ROAD, WEST OF FM 317, IN TEMPLE'S NORTHERN ETJ WITH DEVELOPER'S REQUESTED EXCEPTION TO SECTION 8.2.7E OF THE UNIFIED DEVELOPMENT CODE REQUIRING FIRE HYDRANTS TO COMPLY WITH THE CITY'S FIRE CODE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on May 2, 2011, the Planning and Zoning Commission approved the final plat of the Biggs Subdivision, an approximately 2.32 acre, three-lot nonresidential subdivision located on the north side of Whitehall Road, west of FM 317, in Temple's northern ETJ with developer's requested exception to Section 8.2.7E of the Unified Development Code requiring fire hydrants to comply with the City's Fire Code; and

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

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

**Part 1:** The City Council approves the final plat of the Biggs Subdivision, an approximately 2.32 acre, three-lot nonresidential subdivision located on the north side of Whitehall Road, west of FM 317, in Temple's northern 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 Unified Development Code; *Section 8.2.7E* to waive the requirement for fire hydrants.

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

PASSED AND APPROVED this the **16<sup>th</sup>** day of **June**, 2011.

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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06/16/11  
Item #4(H)  
Consent Agenda  
Page 1 of 4

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

Jonathan Graham, City Attorney

**ITEM DESCRIPTION:** SECOND READING – Consider adopting an ordinance approving a negotiated resolution between the Steering Committee of Cities Served by Oncor and Oncor Electric Delivery Company regarding the company's application to increase electric rates in all cities exercising original jurisdiction.

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

**ITEM SUMMARY:** The City, along with approximately 160 other cities served by Oncor Electric Delivery Company LLC ("Oncor" or "Company"), is a member of the Steering Committee of Cities Served by Oncor ("Steering Committee"). On or about January 7, 2011, Oncor filed with the City an application to increase electric rates.

The Oncor filing sought a \$353 million rate increase. The City worked with the Steering Committee to analyze the schedules and evidence offered by Oncor to support its request to increase rates. The Ordinance and attached rate and tariffs are the result of negotiations between the Steering Committee and the Company to resolve issues raised by the Steering Committee and other intervenors during the review and evaluation of the filing. The Ordinance resolves the Company's filing by authorizing an increase in the Company's base rate of \$136.7 million. The monthly bill impact for the average residential customer will be a \$2.35 increase (as opposed to the \$5.00 per bill increase as proposed in the Company's filing).

The Executive Committee of the Steering Committee and the Steering Committee's legal counsel recommend that all city members of the Steering Committee adopt the Ordinance implementing the rate change.

**Background:**

The tariff was approved by the Executive Committee of the Steering Committee as part of the settlement agreement to resolve the Oncor rate filing at the Public Utility Commission of Texas. As stated above, the agreement reduces Oncor's request for a \$353 million increase to \$136.7 million.

The agreement does not change the current authorized capitalization of 60% debt and 40% equity and return on equity of 10.25% from Oncor's last rate proceeding.

Also, the settlement results in a system-wide rate increase of 6.1%. Residential customers will see an increase of 6.2%, much lower than Oncor's requested 14.6% increase. Street lighting rates will increase 13.8%, which is also lower than Oncor's requested increase of 25.9%. Oncor has agreed that it will not file another general base rate case prior to July 1, 2013. However, as cities are regulatory authorities, cities may still initiate a rate case prior to that date.

Additionally, consistent with the District Court's reversal of the Commission's decision relating to municipal franchise fees in Docket No. 35717, Oncor will increase franchise fees to the contractually agreed to amounts within 60 days of the final order, or July 1, 2011, whichever is later. Additionally, Oncor will pay cities retroactive franchise fees from the date the rates approved in Oncor's prior rate case, Docket No. 35717, went into effect.

Oncor will also pay cities' rate case expenses and recover those amounts over three years with no carrying charges. Finally, at its own expense, the Company will reinstate Rider SCUD, which provides for a 20% discount for institutions of higher learning.

**Purpose of the Ordinance:**

Rates cannot change and the Settlement Agreement with Oncor cannot be implemented without passage of rate ordinances by cities. The purpose of the Ordinance is to approve rate tariffs ("Attachment A" and "Attachment B") that reflect the negotiated rate changes pursuant to the process and to ratify a Settlement Agreement recommended by the Steering Committee.

As a result of the negotiations, the Steering Committee was able to reduce the Company's requested \$353 million increase to \$13.6 million (a decrease of over 60% of the Company's request). Approval of the Ordinance will result in the implementation of new rates that increase Oncor's revenues in two phases: by \$93.7 million effective July 1, 2011 (i.e. "Attachment A") and by \$43 million effective January 1, 2012 ("Attachment B").

**Reasons Justifying Approval of the Negotiated Resolution:**

During the time that the City has retained original jurisdiction in this case, consultants working on behalf of the Steering Committee have investigated the support for the Company's requested rate increase. While the evidence does not support the \$353 million increase requested by the Company, the Steering Committee consultants agree that the Company can justify an increase in revenues of \$136.7 million. The agreement on \$136.7 million is a compromise between the positions of the parties.

The alternative to a settlement of the filing would be a contested case proceeding before the Public Utility Commission of Texas on the Company's current application, would take several months and cost ratepayers millions of dollars in rate case expenses, and would not likely produce a result more favorable than that to be produced by the settlement. The Executive Committee and counsel for the Steering Committee recommend that Steering Committee member cities take action to approve the Ordinance authorizing new rate tariffs.

**Explanation of "Be It Ordained" Paragraphs:**

1. This paragraph approves all findings in the Ordinance.
2. This section adopts the attached tariffs ("Attachment A") in all respects and finds the rates set pursuant to the attached tariffs to be just, reasonable and in the public interest.
3. This section requires the Company to reimburse the Steering Committee for reasonable rate making costs associated with reviewing and processing the application.
4. This section repeals any resolution or ordinance that is inconsistent with this Ordinance.
6. This section finds that the meeting was conducted in compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.
7. This section is a savings clause, which provides that if any section(s) is later found to be unconstitutional or invalid, that finding shall not affect, impair or invalidate the remaining provisions of this Ordinance. This section further directs that the remaining provisions of the Ordinance are to be interpreted as if the offending section or clause never existed.
8. This section is a "Most Favored Nations" clause, which protects the City by mandating that if the City determines any rates, revenues, terms and conditions, or benefits resulting from a Final Order or subsequent negotiated settlement approved in any proceeding addressing the issues raised in the Company's filing would be more beneficial to the City than the terms of the attached tariffs, then the more favorable rates, revenues, terms and conditions, or benefits shall additionally accrue to the City.
9. This section provides for an effective dates upon passage. Approval of the Ordinance will result in the implementation of new rates that increase Oncor's revenues in two phases: by \$93.7 million effective July 1, 2011 (i.e. "Attachment A") and by \$43 million effective January 1, 2012 ("Attachment B").
10. This paragraph directs that a copy of the signed Ordinance be sent to a representative of the Company and legal counsel for the Steering Committee.

**FISCAL IMPACT:** None.

**ATTACHMENTS:**

Attachment A – Phase One Tariff (to be provided)

Attachment B – Phase Two Tariff (to be provided

Attachment C – Settlement Agreement (to be provided)

[Ordinance](#)

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, (“CITY”) APPROVING A NEGOTIATED RESOLUTION BETWEEN THE STEERING COMMITTEE OF CITIES SERVED BY ONCOR (“STEERING COMMITTEE”) AND ONCOR ELECTRIC DELIVERY COMPANY LLC (“ONCOR” OR “COMPANY”) REGARDING THE COMPANY’S APPLICATION TO INCREASE ELECTRIC RATES IN ALL CITIES EXERCISING ORIGINAL JURISDICTION; DECLARING EXISTING RATES TO BE UNREASONABLE; REQUIRING THE COMPANY TO REIMBURSE CITIES’ REASONABLE RATEMAKING EXPENSES; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT AND FINDING THE RATES TO BE SET BY THE ATTACHED TARIFFS TO BE JUST AND REASONABLE; APPROVING ONCOR’S PROOF OF REVENUES; ADOPTING A SAVINGS CLAUSE; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND THE STEERING COMMITTEE’S LEGAL COUNSEL.

---

**Whereas**, the City of Temple, Texas (“City”) is an electric utility customer of Oncor Electric Delivery Company LLC (“Oncor” or “Company”), and a regulatory authority with an interest in the rates and charges of Oncor;

**Whereas**, the City is a member of the Steering Committee of Cities Served by Oncor (“Steering Committee”), a coalition of approximately 160 similarly situated cities served by Oncor that have joined together to facilitate the review of and response to electric issues affecting rates charged in the Oncor service area;

**Whereas**, on or about January 7, 2011, Oncor filed with the City its application to increase electric base rates by approximately \$353 million, such increase to be effective in every municipality within Oncor’s service territory;

**Whereas**, the Steering Committee coordinated their review of Oncor’s filing by designating an Executive Committee made up of Steering Committee representatives, assisted by Steering Committee attorneys and consultants, to resolve issues identified by the Steering Committee in the Company’s filing;

**Whereas**, the Company has filed evidence that existing rates are unreasonable and should be changed;

**Whereas**, independent analysis by the Steering Committee's rate experts concluded that Oncor is able to justify an increase over current rates of \$136.7 million;

**Whereas**, the Steering Committee has entered a Settlement Agreement ("Attachment C") with Oncor to increase base rate revenues by \$136.7 million;

**Whereas**, the Executive Committee of the Steering Committee, and the Steering Committee's lawyers and consultants recommend that Steering Committee members approve the attached rate tariffs ("Attachment A" and "Attachment B" to this Ordinance), which will increase the Company's revenue requirement by \$136.7 million;

**Whereas**, the attached tariffs implementing new rates are consistent with the negotiated resolution reached by the Steering Committee and are just, reasonable, and in the public interest;

**Whereas**, it is the intention of the parties that if the City determines any rates, revenues, terms and conditions, or benefits resulting from a Final Order or subsequent negotiated settlement approved in any proceeding addressing the issues raised in the Company's filing would be more beneficial to the City than the terms of the attached tariff, then the more favorable rates, revenues, terms and conditions, or benefits shall additionally accrue to the City; and

**Whereas**, the negotiated resolution of the Company's filing and the resulting rates are, as a whole, in the public interest.

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

**Part 1:** That the findings set forth in this Ordinance are hereby in all things approved.

**Part 2:** That the City Council finds the existing rates for electric service provided by Oncor are unreasonable and new tariffs, which are attached hereto and incorporated herein as Attachments A and B, are just and reasonable and are hereby adopted.

**Part 3:** That Oncor shall reimburse the reasonable ratemaking expenses of the Steering Committee in processing the Company's rate application.

**Part 4:** That to the extent any resolution or ordinance previously adopted by the Council is inconsistent with this Ordinance, it is hereby repealed.

**Part 5:** That the meeting at which this Ordinance was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

**Part 6:** That if any one or more sections or clauses of this Ordinance is adjudged to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remaining

provisions of this Ordinance and the remaining provisions of the Ordinance shall be interpreted as if the offending section or clause never existed.

**Part 7:** That if the City determines any rates, revenues, terms and conditions, or benefits resulting from a Final Order or subsequent negotiated settlement approved in any proceeding addressing the issues raised in the Company's filing would be more beneficial to the City than the terms of the attached tariffs, then the more favorable rates, revenues, terms and conditions, or benefits shall additionally accrue to the City.

**Part 8:** That this Ordinance and Settlement Agreement ("Attachment C") shall become effective from and after its passage with rates authorized by attached Tariffs to be effective in two phases. Phase one tariffs (attached to this Ordinance as "Attachment A"), increasing Oncor's revenues by \$93.7 million, are effective for bills rendered on or after July 1, 2011. Phase two tariffs (attached to this Ordinance as "Attachment B"), increasing Oncor's revenues by \$43 million, are effective for bills rendered on or after January 1, 2012.

**Part 9:** That a copy of this Ordinance shall be sent to Oncor, care of Autry Warren, Oncor Electric Delivery Company, LLC, 1601 Bryan St., 23<sup>rd</sup> Floor, Dallas, Texas 75201 and to Thomas Brocato, at Lloyd Gosselink Rochelle & Townsend, P.C., P.O. Box 1725, Austin, Texas 78767-1725.

PASSED AND APPROVED this on First Reading and Public Hearing on the **2<sup>nd</sup>** day of **June**, 2011.

PASSED AND APPROVED on Second and Final Reading on the **16<sup>th</sup>** day of **June**, 2011.

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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06/16/11  
Item #4(I)  
Consent Agenda  
Page 1 of 4

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

Brian Mabry, Planning Director

**ITEM DESCRIPTION:** SECOND READING – Z-FY-11-26: Consider adopting an ordinance amending Planned Development Ordinance No. 2010-4382, to allow construction of duplexes on a 6.76 ± acre tract of land being part of the Maximo Moreno Survey, Abstract No. 14, City of Temple, Bell County Texas, located at 1000 South Knob Street.

**P&Z COMMISSION RECOMMENDATION:** At its May 2, 2011, meeting, the Planning and Zoning Commission voted 7/1 (Chair Talley was in opposition, and Commissioner Martin was absent) to recommend approval of amending Planned Development (PD) Ordinance No. 2010-4382, to allow construction of duplexes with the following conditions, which were part of the original approval:

1. No housing construction or disturbance of vegetation other than periodic maintenance may take place within the 50 foot wide buffer zone along the west property line adjacent to the railroad;
2. Development must be based on the property's PD site plan;
3. Duplexes are a permitted use; and
4. All other development and land use must follow SF1 District regulations

**STAFF RECOMMENDATION:** Adopt ordinance as presented in the item description, with the above PD conditions, on second and final reading.

**ITEM SUMMARY:** Please refer to the Staff Report and draft minutes of case Z-FY-11-26, from the Planning and Zoning meeting, May 2, 2011. The applicant, Ratchnee France, requests an amendment to her existing Planned Development –Single Family One District (PD-SF1) to allow duplexes with all other conditions of the original PD approval remaining in place. City Council approved her original request on September 2, 2010 with PD Ordinance No. 2010-4382.

The subject property has a base zoning of Single Family One (SF1), allowing only single-family development. This base zoning district, with its associated dimensional standards, would remain in place, as further described on page 2. Since duplexes are not allowed in the SF1 base zoning district, this request requires an amendment to the PD with Planning and Zoning Commission recommendation and City Council approval.

The applicant plans to build herself a log cabin on this property and hopes to build additional homes in the future. Although the property's existing PD allows six homes on this property, any future residential development after the applicant builds her home will require the establishment of additional residential lots, easements and right-of-way through the platting process.

The PD site plan approved with Ordinance No. 2010-4382 requires a 50-foot wide "no housing construction" buffer at the west property line along the railroad right-of-way as an attempt to provide some distance and a vegetative buffer between the train tracks and the proposed homes. The site plan also restricts future homes within the 100-year flood plain along the east property line adjacent to the concrete channel.

Ms. Hazel Mathis, property owner at 1001 S. 18<sup>th</sup> Street, spoke in opposition to the applicant's request to build homes near the railroad tracks. She cited safety concerns of children near railroad tracks. She also warned that potential homes would be subject to loud train noises, train smoke, and house shaking from train traffic.

The applicant spoke in favor of her request at the Planning and Zoning Commission meeting. She mentioned her love of train watching and explained train noises did not bother her.

Mr. Johnny Ockelberry, property owner at 1002 S. 20<sup>th</sup> Street, did not have any statements regarding the applicant's request, but expressed safety concerns about the bridge on 24<sup>th</sup> street and Avenue H.

#### **DEVELOPMENT REGULATIONS:**

The purpose of the SF-1 "base" zoning district is to develop average or standard single-family lots that serve as a transition between larger and smaller lot single-family districts.

Typical uses permitted are detached single-family residences and related accessory structures. Typical prohibited uses include secondary homes, duplexes, apartments, and non-residential uses. **Although SF1 Districts prohibit duplexes, the applicant wants the option to build duplexes within this PD.**

The minimum lot area and setback requirements for the SF-1 zoning district are as follows.

<b>SF-1, Single-Family 1</b>	
<b>Min. Lot Area (sq. ft.)</b>	7,500
<b>Min. Lot Width (ft.)</b>	60
<b>Min. Lot Depth (ft.)</b>	100
<b>Max. Height (stories)</b>	2 ½ stories
<b>Min. Yard (ft)</b>	
Front	25
Side	10% width of lot - 6 min & 7.5 max
Rear	10

**COMPREHENSIVE PLAN COMPLIANCE:**

The proposed rezoning relates to the following goals, objectives or maps of the Comprehensive Plan and Sidewalk and Trails Plan:

Document	Policy, Goal, Objective or Map	Compliance?
CP	Map 3.1 - Future Land Use and Character	Yes
	Map 5.2 - Thoroughfare Plan	Yes
	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities.	Yes
	Land Use Policy 9 – New development or redevelopment on infill parcels in developed areas should maintain compatibility with existing uses and the prevailing land use pattern in the area.	Yes
STP	Page F4- Local connector trail along adjacent concrete channel to the east	Yes

CP = Comprehensive Plan      STP = Sidewalk and Trails Plan

**Future Land Use and Character (Cp Map 3.1)**

Although the Future Land Use and Character Map designates the subject property as Parks and Open Space, the Parks and Leisure Department currently has no plans to turn the applicant's property into a park. The applicant's intent is to keep an open space or woodsy environment with log cabins. Since the Comprehensive Plan recommends the use of Auto-Urban and Suburban residential districts for a range of development options with the incorporation of open space, the proposal conforms to the Future Land Use and Character Plan. Planning Staff will recommend this area be part of the semi-annual update to the Map.

**Thoroughfare Plan (CP Map 5.2)**

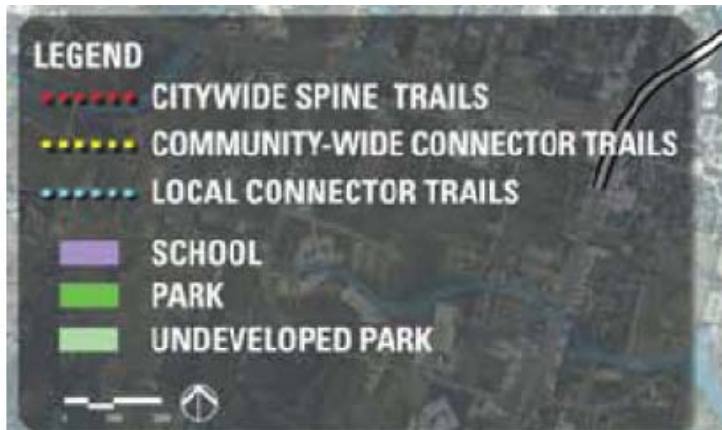
South Knob Street is a local street, which is appropriate for SF1 and duplex development.

**Availability of Public Facilities (CP Goal 4.1)**

Several 2-inch water mains, as well as 16-inch and 12-inch sewer mains are available to provide services to the property.

**Sidewalk and Trails Plan (STP pg. F3)**

The Citywide Trails Master Plan shows a local connector trail along the concrete creek channel that separates the applicant's property from the adjacent neighborhood. The Parks and Leisure Department has no plans to purchase the eastern edge of the applicant's property for the local connector trail shown below. When the property goes through the platting process the City will request a 20-foot wide trail easement for the local connector trail.



## *Citywide Trails Master Plan*

### **PUBLIC NOTICE:**

Forty-nine notices of the Planning and Zoning Commission's public hearing were mailed. As of Thursday, May 19, 2011, at 11 AM, one notice was returned in favor of the request. Although no notices were returned in opposition to the request, the property owner at 1001 S. 18<sup>th</sup> Street opposed the request at the Planning and Zoning Commission meeting. The newspaper printed notice of the Planning and Zoning Commission public hearing on Thursday, April 21, 2011 in accordance with state law and local ordinance.

### **FISCAL IMPACT:**

### **ATTACHMENTS:**

Aerial  
PD Site Plan  
Land Use and Character Map  
Zoning Map  
Utility Map  
Flood Plain Map  
Thoroughfare Map  
Notice Map  
P&Z Staff Report (Z-FY-11-26)  
P&Z Minutes (May 2, 2011)  
Ordinance

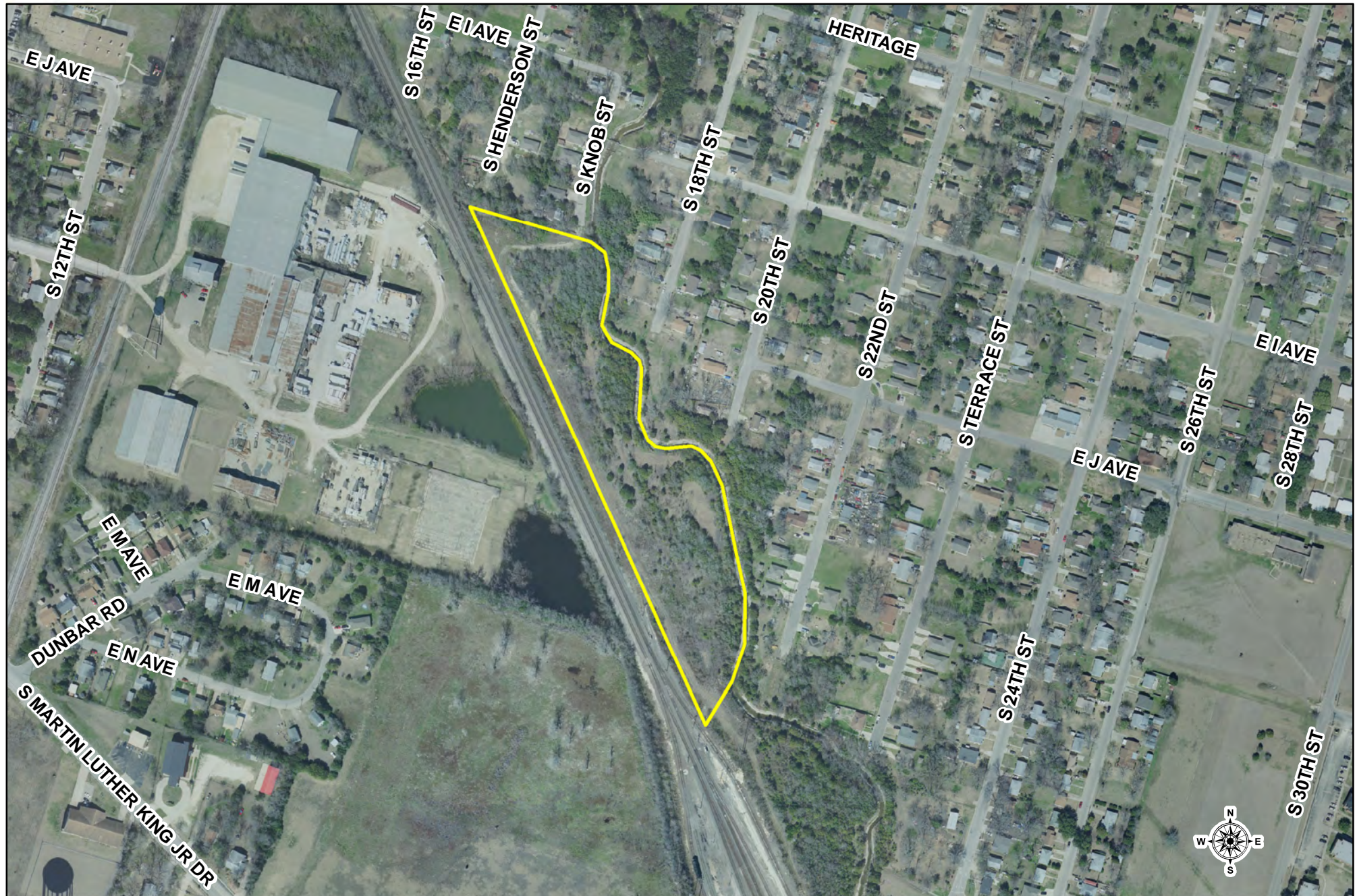




Z-FY-11-26


Ordinance 2010-4382  
PD-SF1 Amendment

1000 Knob Street



 ZFY 11-26      Streets 

2008 Bell County Aerial

Feet 0 100 200 300 400  


LMatlock Planning 4.05.11





- ✕ Applicant's Proposed House Location
- Potential Future House or Duplex Locations
- Property Line
- 50' Railroad Track Buffer
- 100 Year Flood Plain

6.76 ± acre tract of land in the Maximo Moreno Survey, Abstract No. 14 located at 1000 South Knob Street

In the event of a conflict between this development plan and the text of the PD ordinance for this project, the stricter standard applies. All standards of the Zoning and Subdivision Ordinance apply unless this development plan or the text of the PD ordinance for this project specifically modifies such standards.

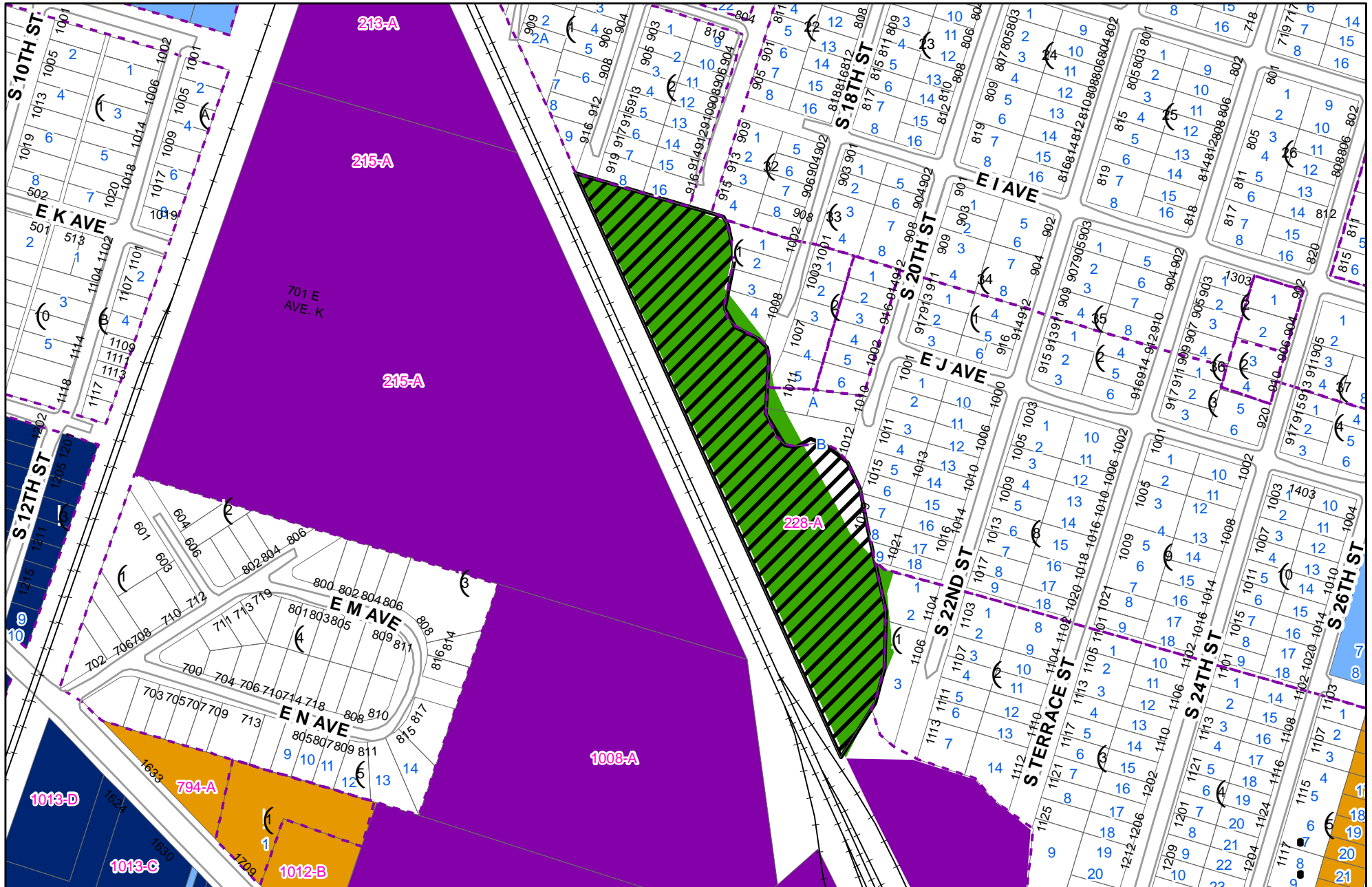


Z-FY-11-26

Ordinance 2010-4382  
PD-SF1 Amendment

OB# 228-A

1000 S Knob St



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

ZFY1034

1 inch = 300 feet

J Stone 6.24.10

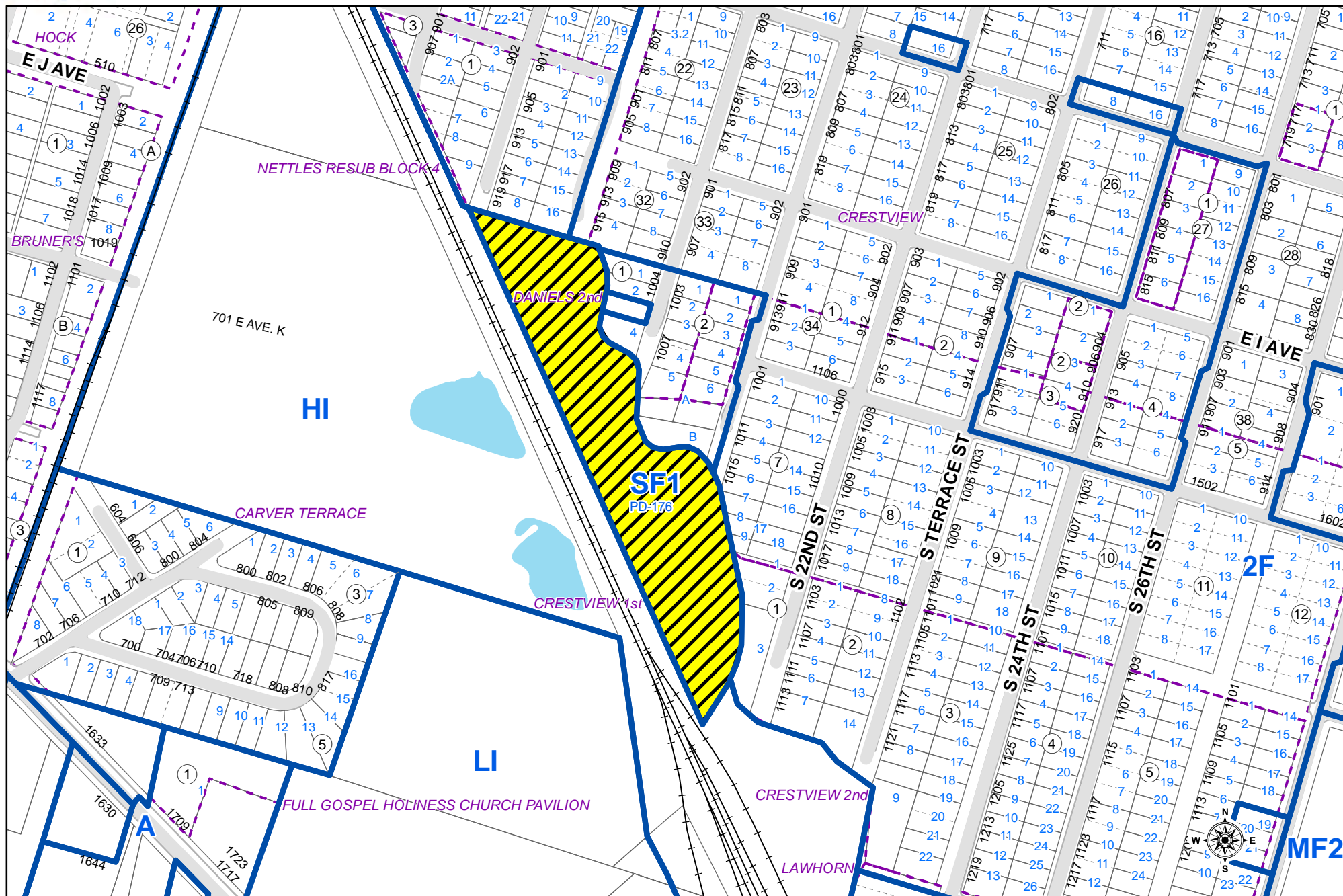




Z-FY-11-26

# Ordinance 2010-4382 PD-SF1 Amendment

1000 Knob Street



ZFY 11-26

Streets

Feet 0 100 200 300 400

LMatlock Planning 4.05.11

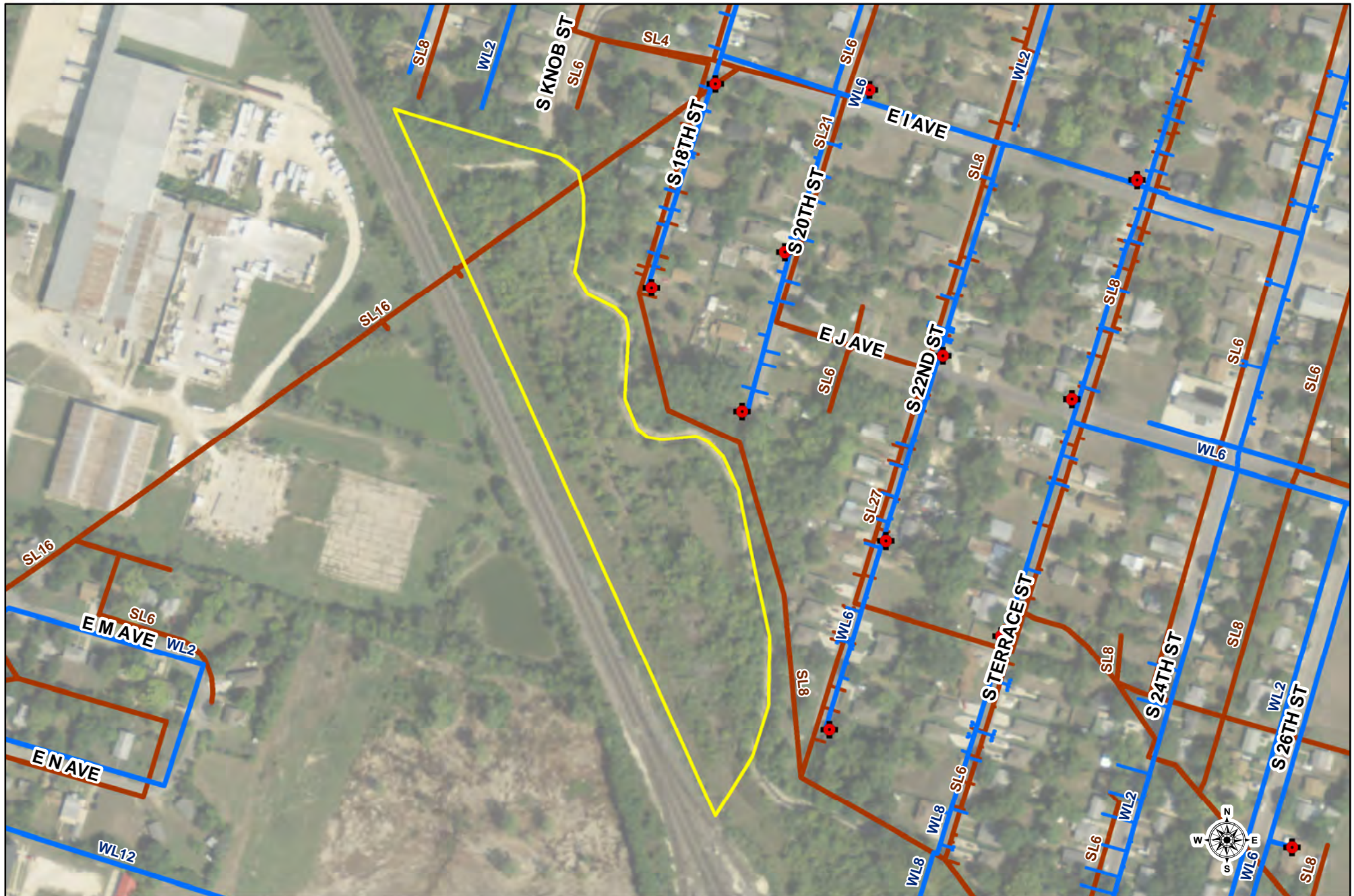




Z-FY-11-26

# Ordinance 2010-4382 PD-SF1 Amendment

1000 Knob Street



— ZFY 11-26    ● Fire Hydrants    — Sanitary Sewer Lines    — Domestic Water Lines

Feet 0 100 200 300 400

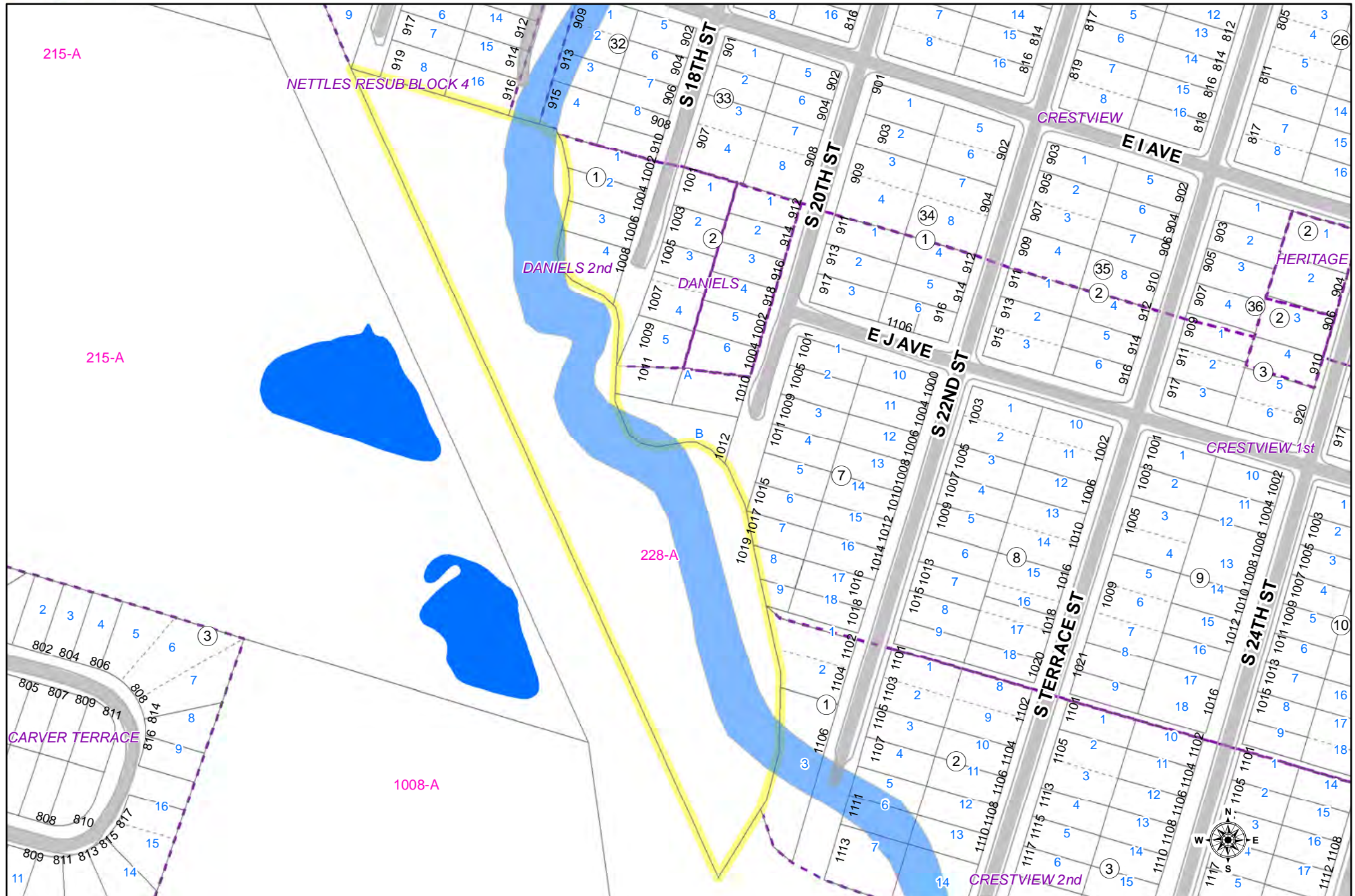




Z-FY-11-26

# Ordinance 2010-4382 PD-SF1 Amendment

1000 Knob Street



ZFY 11-26

Streets

FEMA 500-year Flood Plain

Bodies of Water

Feet 0 100 200 300 400





Z-FY-11-26

# Ordinance 2010-4382 PD-SF1 Amendment

1000 Knob Street



Collector Streets Streets Collector Streets

Feet 0 100 200 300 400

LMatlock Planning 4.05.11







# PLANNING AND ZONING COMMISSION AGENDA ITEM

05/02/11

Item #2

Regular Agenda

Page 1 of 5

**APPLICANT / DEVELOPMENT:** Ratchnee France

**CASE MANAGER:** Tammy Lyerly, Planner

**ITEM DESCRIPTION:** Z-FY-11-26 Hold a public hearing to discuss and recommend action to amend Planned Development Ordinance No. 2010-4382, to allow construction of duplexes on a 6.76 ± acre tract of land being part of the Maximo Moreno Survey, Abstract No. 14, City of Temple, Bell County Texas, located at 1000 South Knob Street. (Applicant: Ratchnee France)

**BACKGROUND:** The applicant wishes to add duplex uses to Planned Development Ordinance No. 2010-4382, approved by City Council on September 2, 2010. The subject ordinance has a base zoning of Single Family One (SF1), allowing only single-family development. This base zoning district with its associated dimensional standards would remain in place, as further described on page 4. Since duplexes are a “two-family” classification, this request requires an amendment to the PD with Planning and Zoning Commission recommendation and City Council approval.

The applicant plans to build herself a log cabin on this property and hopes to build additional homes in the future. Although the property’s existing Planned Development allows six homes on this property, any future residential development after the applicant builds her home will require the establishment of additional residential lots through the platting process.






The Planned Development site plan approved with Ordinance No. 2010-4382 requires a 50-foot wide “no housing construction” buffer at the west property line along the railroad right-of-way. The site plan also restricts future homes within the 100-year flood plain along the east property line adjacent to the concrete channel.

**SURROUNDING PROPERTY AND USES:**

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

Direction	Zoning	Current Land Use	Photo
Subject Property	PD-SF1	Undeveloped	



Direction	Zoning	Current Land Use	Photo
North	MU, SFA3, and 2F	Undeveloped and Residential	 
South	HI	Railroad	
East	SFA3 and 2F	Residential and Undeveloped	
West	HI	Railroad and Industrial	

## **COMPREHENSIVE PLAN COMPLIANCE:**

The proposed Planned Development amendment relates to the following goals, objectives or maps of the Comprehensive Plan and Sidewalk and Trails Plan:

Document	Policy, Goal, Objective or Map	Compliance?
CP	Map 3.1 - Future Land Use and Character	Yes
	Map 5.2 - Thoroughfare Plan	Yes
	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities.	Yes
	Land Use Policy 9 – New development or redevelopment on infill parcels in developed areas should maintain compatibility with existing uses and the prevailing land use pattern in the area.	Yes
STP	Page F4- Local connector trail along adjacent concrete channel to the east	Yes

CP = Comprehensive Plan      STP = Sidewalk and Trails Plan

### **Future Land Use and Character (Cp Map 3.1)**

Although the Future Land Use and Character Map designates the subject property as Parks and Open Space, the Parks and Leisure Department currently has no plans to turn the applicant's property into a park. The applicant's intent is to keep an open space or woodsy environment throughout the development. Since the Comprehensive Plan recommends the use of Auto-Urban and Suburban residential districts for a range of development options with the incorporation of open space, the proposal conforms to the Future Land Use and Character Plan.

### **Thoroughfare Plan (CP Map 5.2)**

South Knob Street is a local street, which is appropriate for SF1 and duplex development.

### **Availability of Public Facilities (CP Goal 4.1)**

Several 2-inch water mains, as well as 16-inch and 12-inch sewer mains are available to provide services to the property.

### **Sidewalk and Trails Plan (STP pg. F3)**

The Citywide Trails Master Plan shows a local connector trail along the concrete creek channel that separates the applicant's property from the adjacent neighborhood. When the property goes through the platting process the City will request a 20-foot wide trail easement for the local connector trail.



*Citywide Trails Master Plan*





**DEVELOPMENT REGULATIONS:**

The purpose of the SF-1 “base” zoning district is to develop average or standard single-family lots that serve as a transition between larger and smaller lot single-family districts.

Typical uses permitted are detached single-family residences and related accessory structures. Typical prohibited uses include secondary homes, duplexes, apartments, and non-residential uses. **Although SF1 Districts prohibit duplexes, the applicant wants the option to build duplexes within this Planned Development.**

The minimum lot area and setback requirements for the SF-1 zoning district are as follows.

<b>SF-1, Single-Family 1</b>	
<b>Min. Lot Area (sq. ft.)</b>	7,500
<b>Min. Lot Width (ft.)</b>	60
<b>Min. Lot Depth (ft.)</b>	100
<b>Max. Height (stories)</b>	2 ½ stories
<b>Min. Yard (ft)</b>	
Front	25
Side	10% width of lot - 6 min & 7.5 max
Rear	10

**PD-SF1:**

The existing Planned Development Single Family One District (PD-SF1) requires a 50-foot wide “no construction” buffer along the west property line adjacent to the railroad. The existing PD-SF1 site plan also restricts potential home construction from the 100-year flood plain along the east property line.

**Rather than change the base zoning of this existing Planned Development to Two Family (2F), staff recommends adding duplexes as an allowable use. All other SF1 “base zoning district” regulations apply.**

The existing PD site plan shows the applicant's house plus five other potential home sites. The requested Planned Development amendment would allow either single-family homes or duplexes at these potential home sites. The existing PD site plan shows a general location of anticipated homes. The exact locations and sizes of lots will be determined during the platting process when drainage requirements, easements, and lot access are reviewed.

**PUBLIC NOTICE:**

Staff mailed forty-nine notices of the Planning and Zoning Commission's public hearing. As of Wednesday, April 27, 2011 at 2 PM, one notice was returned in favor of the request and none in opposition to the request. The newspaper printed notice of the Planning and Zoning Commission public hearing on April 21, 2011 in accordance with state law and local ordinance

**STAFF RECOMMENDATION:**

Staff recommends approval of the amendment to Planned Development Ordinance No. 2010-4382, to allow construction of duplexes for Z-FY-11-26 subject to the following conditions:

1. No housing construction or disturbance of vegetation other than periodic maintenance may take place within the 50 foot wide buffer zone along the west property line adjacent to the railroad;

2. Development must be based on the property's Planned Development site plan;
3. Duplexes are a permitted use; and
4. All other development and land use must follow SF1 District regulations

**FISCAL IMPACT:** Not Applicable

**ATTACHMENTS:**

Aerial  
Land Use and Character Map  
Zoning Map  
Utility Map  
Flood Plain Map  
Thoroughfare Map  
Notice Map  
Response Letter  
Planned Development Site Plan

**EXCERPTS FROM THE  
PLANNING & ZONING COMMISSION MEETING  
MONDAY, MAY 2, 2011**

**ACTION ITEMS**

**Item 2: Z-FY-11-26** - Hold a public hearing to discuss and recommend action to amend the existing Planned Development Ordinance No. 2010-4382, to allow construction of duplexes on a 6.76 ± acre tract of land being part of the Maximo Moreno Survey, Abstract No. 14, City of Temple, Bell County Texas, located at 1000 South Knob Street.

Ms. Tammy Lyerly, Planner, stated City Council first reading would be held on May 19th and second reading and final action would be on June 2nd. ***(The City Council dates were stated incorrectly—first reading will take place on June 2nd and second reading and final action will take place on June 16th.)***

The subject property is a Planned Development (PD) district which was approved in 2010 and has a base zoning of Single Family One (SF1). All planned developments have a base zoning designation that follow required regulations but are also customized to allow things that the base district may not normally allow. This subject property is for a residential development with SF1 on the property. Currently, the land is undeveloped and the applicant is planning on building a log cabin home for her personal residence. The PD has potential houses on the site plan which was approved in 2010 and the applicant would like the potential homes to be duplexes. Since this PD already has a base zoning of SF1 district, a duplex would not be allowed since a duplex is considered a two family dwelling. The amendment the applicant is asking for is to keep it as a Planned Development district and to retain the SF1 base zoning, but also allow duplexes as an allowable use in that development.

The property is located west of the Knob Street Creek Channel which borders the property from the rest of the residential environment to the east of the property. The gate leading into the property borders the railroad right-of-way. Although there are several streets to the east of the property, the Knob Street creek channel runs along the east boundary of the subject property and the entrance is off of Knob Street.

Surrounding properties include the creek channel to the east, residential to the north, railroad property to the west, and railroad tracks to the south.

The Future Land Use and Character Map shows this area to be designated as parks and open space. When the PD was approved in 2010, the Parks & Leisure Department (PALS) stated they had no plans to develop this property into a park and agreed with the PD request at the time. Also, PALS has no plans at this time to purchase any of the applicant's property. The area along the Knob Street Creek Channel is designated as a local connector trail in the Citywide Master Trails Plan. In the future, along that creek

channel, the Plan calls for a connector trail. Whenever the property owner decides to divide the property into additional lots for additional homes, she would go through the platting process and during that time PALS would require a trail easement along that property to develop the trail along the creek channel. Chair Talley asked if the applicant was aware of this information and Ms. Lyerly stated yes, it had been discussed during the Design Review Committee (DRC) meetings.

The Thoroughfare Plan in the applicant's area does not indicate any arterials or collector streets. Knob Street is considered a local street which is suitable for single family and two family developments and traffic.

There are sufficient water and sewer lines available in the area. One sewer line runs diagonally through the applicant's property. If the applicant goes through the platting process and decides to further divide the property, she would be required to establish an easement for that existing sewer line.

Regulations for SF1 were given. Presently, the applicant's six plus acres exceeds these requirements. Should the applicant ever decide to divide the property, she would be subject to the SF1 lot dimensions. Normally duplexes are allowed in the Two Family (2F) district and require lot widths of 60 feet. If the duplexes were allowed, they would match what is required in a 2F zoning. The maximum allowed would be 12 units, one duplex with two dwellings would be considered one unit, two units per acre.

The proposed amended site plan was shown with potential residences. There is a 50 foot wide railroad buffer along the tracks and the 100 year flood plane runs through the entire subject property.

Forty-nine notices were mailed out and one notice was received in approval of this request.

Staff recommends approval of this requested amendment to Planned Development Ordinance No. 2010-4382 to allow construction of duplexes for **Z-FY-11-26** subject to the following conditions:

No housing construction or disturbance of vegetation other than periodic maintenance may take place within the 50 foot wide buffer zone along the west property line adjacent to the railroad;

Development must be based on the property's Planned Development site plan;

Duplexes are a permitted use; and

All other development and land use must follow SF1 District regulations.

Commissioner Staats asked if the access to the property was from a single street and Ms. Lyerly stated yes. Commissioner Staats asked about an Ordinance regarding additional outlets. Ms. Lyerly stated that was something that would be looked at through the platting process since it would be triggered through the number of lots on

the property. Commissioner Staats asked about the length and if a cul-de-sac at the end was needed. Ms. Lyerly said they would address that issue when the applicant came forward for additional division of her property. The subject property touches on Henderson and the applicant asked at DRC about the possibility of getting a second entry into the property from Henderson. The angle of Henderson currently does not allow a 90 degree angle into the property or a connection that may require additional property to allow some type of angle.

Commissioner Rhoads asked if it was normal to leave it as SF1 when it will possibly be SF2 and Ms. Lyerly stated it would be a combination of uses and the applicant's personal home would be SF. The applicant would have the option whether to make the other homes either SF or duplexes. The choice was made to recommend SF1 base zoning and allow duplexes.

Chair Talley asked if there were any park fees for a single family and Ms. Lyerly stated they would apply during the platting process. In the applicant's case, the park fees would depend on what type of development she requested.

Chair Talley opened the public hearing.

Ms. Hazel Mathis, 1001 S. 18th Street, Temple, Texas, stated it was a bad idea to put houses in that area. Ms. Mathis lives approximately two blocks from the subject property and stated she has had numerous problems with the railroad and thought it would be dangerous to have homes only 50 feet from the tracks, especially for children.

Ms. Mathis stated her doctor has already instructed her to move out of her house due to the trains making her house shake, rail cars constantly banging together, brakes screeching, inability to sleep at night, and things constantly falling off of the walls. The radio talk is loud and black smoke from the train fills the air making it look like something is on fire. Ms. Mathis felt having homes that close to the tracks, with children, was very dangerous and destructive.

Ms. Ratchnee France, 213 Oak Ridge, Nolanville, Texas, stated she was the owner of the property, and is fascinated by and loves trains, and the noise does not bother her. Ms. France stated one reason she wanted to develop the area was because it was quiet, besides the train, and she can enjoy nature.

Ms. France stated she thought the area would be a good place for low income housing for individuals 55 and older, and no children allowed, except for her child who is in high school and will be leaving for college. Ms. France agreed with Ms. Mathis that it would be unsafe for children.

Ms. France stated if the land were developed it would be a gated community and completely fenced. She stated she may not develop the land but would like the option to possibly expand. She is planning on building her own home and loves the trains.

There being no further speakers, Chair Talley closed the public hearing.

Commissioner Rhoads asked what the City's approach to the safety issue was and Ms. Lyerly stated safety was always a concern for Planning which was part of the reason for the stated 50 foot buffer which Staff felt would be sufficient distance from the tracks. Temple is a railroad town, the tracks go through various parts of Temple, and there are numerous homes built near or by railroad tracks. When this case went through in 2010, no one came forward and spoke about the unsafe nature of the tracks.

Commissioner Sears asked for clarification that the P&Z Board was only voting to amend the PD and potentially allow duplexes on the property and Ms. Lyerly stated that was correct.

Chair Talley reopened the public hearing since another citizen asked to speak.

Mr. Johnny Ockelberry, 1002 S. 20th Street, stated the bridge on 24th street and Avenue H was unsafe and was concerned about the buses and children using them.

Chair Talley stated he appreciated Mr. Ockelberry's concern, however, the P&Z Board was not the appropriate place to voice this issue. Ms. Lyerly stated Staff would contact the Public Works Department regarding this matter.

There being no further speakers, Chair Talley closed the public hearing.

Commissioner Staats made a motion to approve **Z-FY-11-26** and Commissioner Pilkington made a second.

*Motion passed: (7:1)*

Chair Talley voted nay; Vice-Chair Martin absent

ORDINANCE NO. \_\_\_\_\_

[PLANNING NO. Z-FY-11-26]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING PLANNED DEVELOPMENT ORDINANCE NO. 2010-4382, TO ALLOW CONSTRUCTION OF DUPLEXES ON AN APPROXIMATELY 6.76 ACRE TRACT OF LAND BEING PART OF THE MAXIMO MORENO SURVEY, ABSTRACT NO. 14, CITY OF TMEPLE, BELL COUNTY, TEXAS, LOCATED AT 1000 SOUTH KNOB STREET; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on September 2, 2010, the City Council adopted Ordinance No. 2010-4382 that rezoned property consisting of approximately 6.76 acres located at 1000 South Knob Street, from Heavy Industrial District (HI) and Mixed Use District (MU) to Planned Development District Single-Family 1 (PD-SF1);

**Whereas**, the property owner has requested an amendment to the ordinance to allow for the construction of duplexes;

**Whereas**, at its meeting on May 2, 2011, the Planning and Zoning Commission voted to approve this action and recommend its consideration by the City Council; 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 an amendment to Planned Development Ordinance No. 2010-4382, to allow construction of duplexes on a tract of land consisting of approximately 6.76 acres located at 1000 South Knob Street, in accordance with the following conditions:

- (a) No housing construction or disturbance of vegetation other than periodic maintenance may take place within the 50 foot wide buffer zone along the west property line adjacent to the railroad.
- (b) Development must be based on the property's PD site plan;
- (c) Duplexes are a permitted use; and
- (d) All other development and land use must follow SF-1 District regulations.

**Part 2:** 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 3:** This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

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

PASSED AND APPROVED on First Reading and Public Hearing on the **2<sup>nd</sup>** day of **June**, 2011.

PASSED AND APPROVED on Second Reading on the **16<sup>th</sup>** day of **June**, 2011.

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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06/16/11  
Item #4(J-1)  
Consent Agenda  
Page 1 of 2

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

Brian Mabry, AICP, Planning Director

**ITEM DESCRIPTION:** SECOND READING – A-FY-10-02: Consider adopting an Ordinance abandoning the 0.433-acre unnamed county road, located along the north edge of Coughran Subdivision, between the east right-of-way of South Pea Ridge Road and the north right-of-way of West Adams Avenue, and retaining a 15-foot wide utility easement along the north line of the abandoned road.

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

**ITEM SUMMARY:** Staff presented this right-of-way abandonment request to the City Council on May 6, 2010. The applicant, Wes Coughran, withdrew the application immediately before the City Council meeting because he objected to purchasing the right-of-way from the City. The Council heard the staff presentation and conducted the public hearing. Because of Mr. Coughran's concern, the public hearing was suspended and the item was tabled on first reading.

Mr. Coughran has subsequently worked with the City Attorney to negotiate an opportunity for him to provide additional landscaping on his property, Big Chew Chews Burgers & Shakes, in exchange for the City transferring ownership of the right-of-way to him without compensation. He wants to use the abandoned road for additional parking for his restaurant and for access to the back half of his property. The City Staff will request that the City Council authorize a Chapter 380 agreement with Mr. Coughran regarding the Chew Chew property. In the Chapter 380 agreement, the property owner (in lieu of paying the nominal value for the tract adjacent to his property that he is asking to convey to him) agrees to add new specified landscaping improvements to his property that exceed the City's minimum standards. The City potentially benefits from not having to maintain the adjacent tract and from having property fronting a prominent SIZ corridor beautified.

Mr. Coughran obtained a signed document from Kiella Land Investments LTD. (the property owner along the north edge of the unnamed county road) relinquishing any interest regarding closure, conveyance, and purchase of the road adjoining its property.


Staff contacted all utility providers, including all divisions of the Public Works Department, regarding the applicant's requested road abandonment. The City of Temple does not have any water, wastewater, or drainage utility within this right-of-way. Oncor Electric Delivery requests a 10-foot wide utility easement along the north boundary of the road abandonment to protect existing utilities. AT&T Texas requests a 15-foot wide utility easement along the north boundary of the road abandonment to protect buried and aerial facilities.

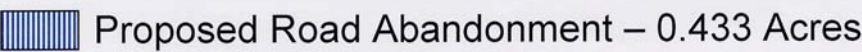
**FISCAL IMPACT:** NA


**ATTACHMENTS:**

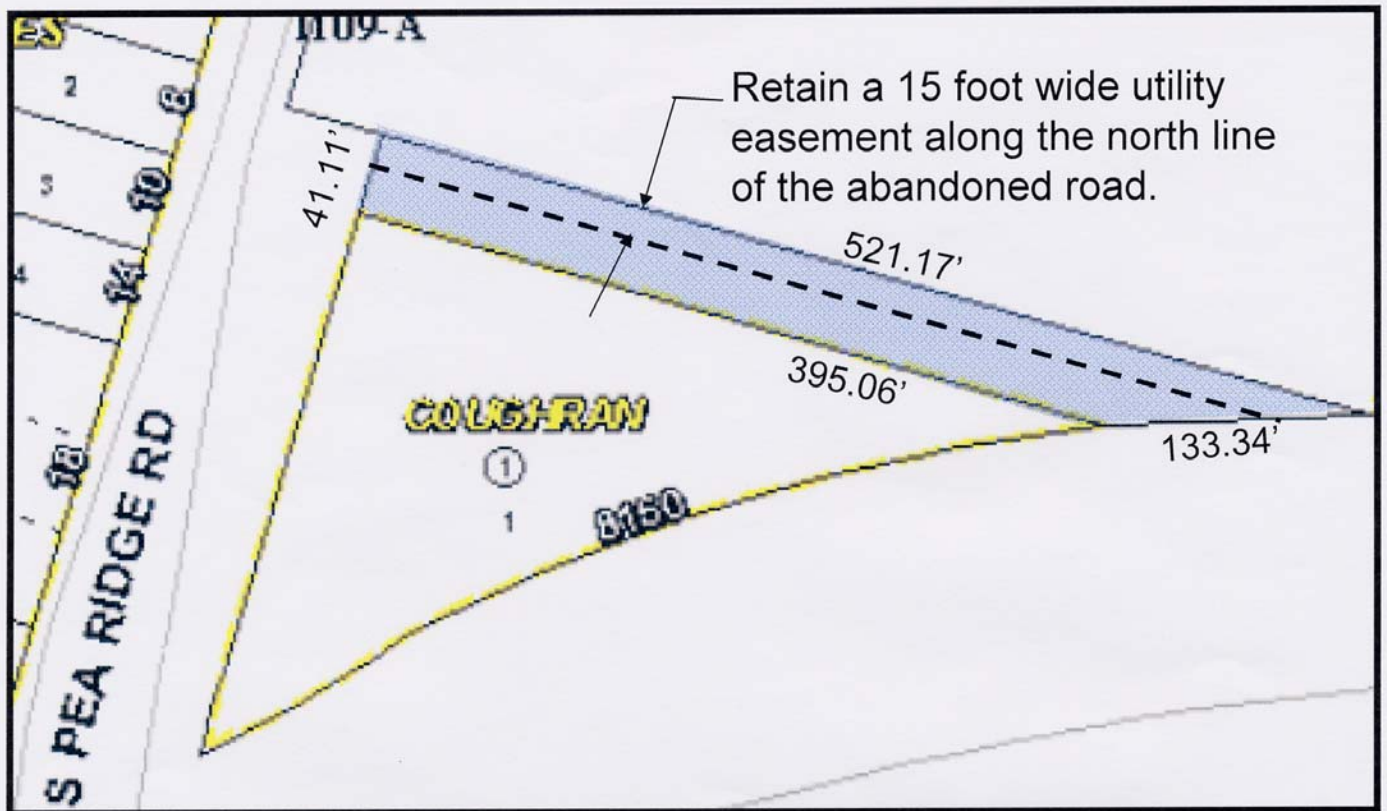
Aerial  
Abandonment Exhibit  
Easement Exhibit  
Application  
Letter of Relinquishment  
Surveys  
Landscape drawing  
Ordinance



 Proposed Road Abandonment – 0.433 Acres



 Proposed Road Abandonment – 0.433 Acres





### ABANDONMENT APPLICATION

Date: 11-10-09

Property Owner: GEORGE W COUGHRAN - 299 GREEN PARK BELTON 76513  
Name Address Phone #

Applicant: GEORGE W. COUGHRAN 299 GREEN PARK BELTON, TEX, 76513  
Name Address Phone #

Capacity of applicant: ☒ Officer ☐ Broker ☒ Prospective Buyer ☐ Other 780-4300 = 780-9385

Email: \_\_\_\_\_ Fax Number: 254-780-4301

Address of Property: \_\_\_\_\_ Lot: \_\_\_\_\_ Block: \_\_\_\_\_ Subdivision: \_\_\_\_\_

Outblock (if not platted): OLD COUNTY ROAD ON NORTH SIDE COUGHRAN SUBDIVISION

**Filing Fee:** The abandonment application requires a filing fee of \$100 plus the broker's opinion of the value of the property to be abandoned (if applicable). The fee is not refundable, except that a refund of \$25 and the value of the property will be made if an application is withdrawn in writing and received by the Planning Department prior to the notification of utility providers.

**Type of Abandonment:** ☐ Alley ☒ Street ☐ Drainage or utility easement ☐ Other \_\_\_\_\_

**Abandonment Description:** Please explain why the abandonment is needed.

0.456 ACRES OF STREET RIGHT OF WAY

**Use of Abandonment:** Please provide the proposed use of abandoned property, if granted.

FOR PARKING & ENTRANCE TO BACK HALF OF PROPERTY

**Thoroughfare Plan Streets:** Any abandonment of a street reflected on the City's Thoroughfare Plan may be presented to Planning and Zoning Commission and the City Council.

**Certification:** You as the property owner certify with your signature that all of the following statements are true:

- This application is complete and all of the information provided is accurate.
- The person signing below as applicant may act as my agent for the processing and presentation of this request. The designated agent shall be the principal contact person with the City in processing and responding to requirements or issues relevant to this request.

George W. Conghran  
Applicant's Signature

George W. Conghran  
Property Owner's Signature

**For Office Use Only**

☒ Completed Application

Fee Received By: Tammy Lyraly

Case #: A-FY-10-02 Zoning Map Page: \_\_\_\_\_ Project Manager: Tammy Lyraly

Tentative City Council Date: \_\_\_\_\_

Tammy Lyerly, Planner  
City of Temple Planning Department  
2 N Main ST  
Temple TX 76501

Re: Proposed abandonment of old county road located north of the intersection of North Pea Ridge Road and West Adams Avenue/FM 2305, abutting Coughran Subdivision and Outblocks 1109-A and 1109-B.

Dear Ms. Lyerly:

I have received notice of a request for abandonment and sale of the road described above and shown on the attached drawing, which shows Proposed Road Abandonment (Approx. 0.5 AC), Tract A (0.2 AC) abutting Coughran Subdivision, and Tract B (Approx. 0.3 AC) abutting Outblocks 1109-A and 1109-B.

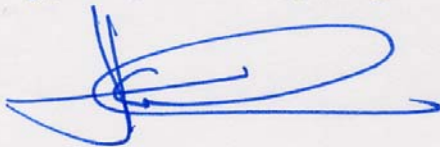
I understand that if the abandonment is approved, the road may be sold to the abutting property owners in proportion to their abutting ownership for the fair market value determined by an appraisal and approved by the City Council.

KIELLA LAND INVESTMENTS LTD.

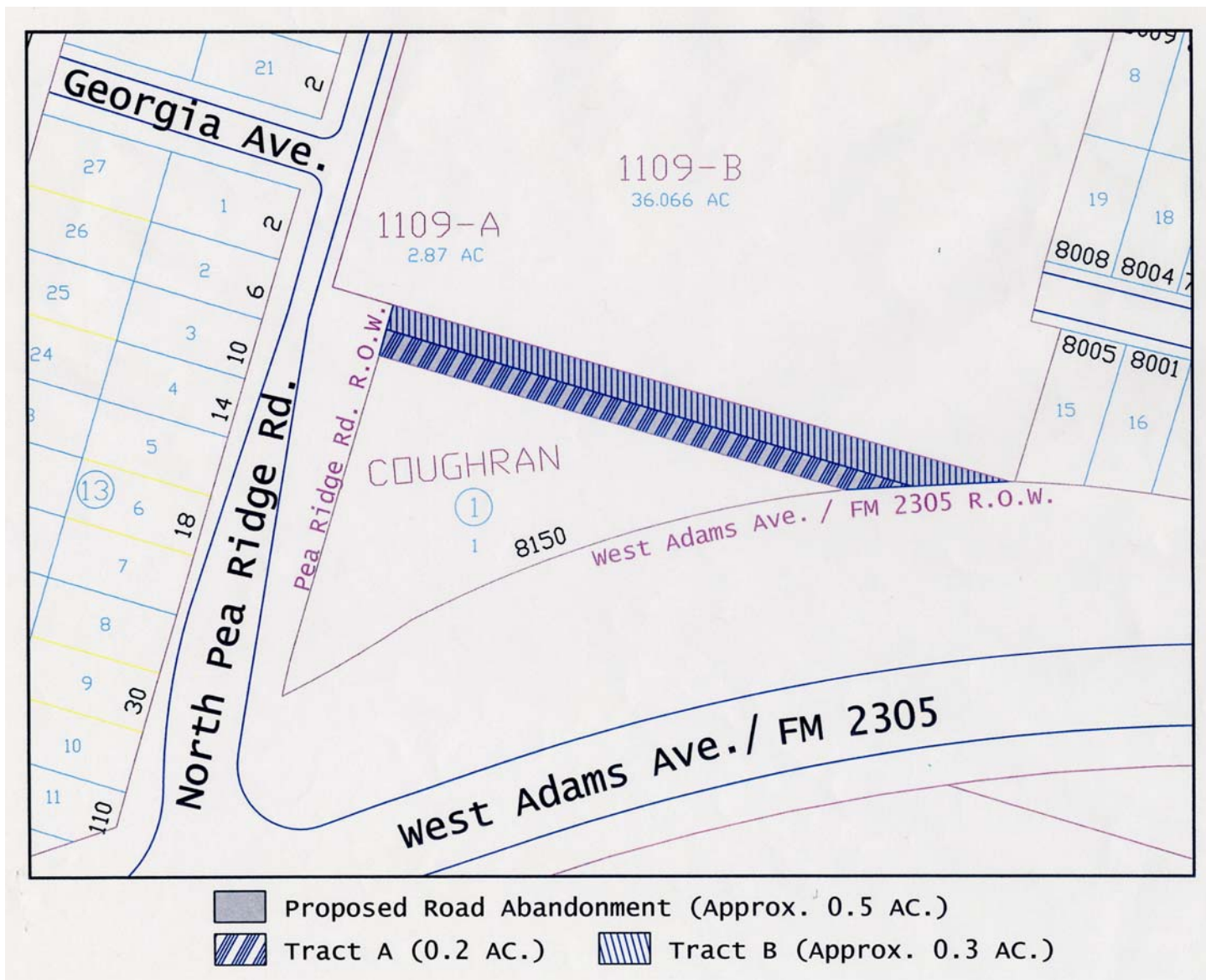
as the sole owner of Outblocks 1109-A and 1109-B, hereby relinquishes any interest it may have regarding closure and conveyance of the road, as it does not wish to purchase the proportionate portion of the road adjoining its property.

John Kiella  
President

Kiella Land Investment Ms.

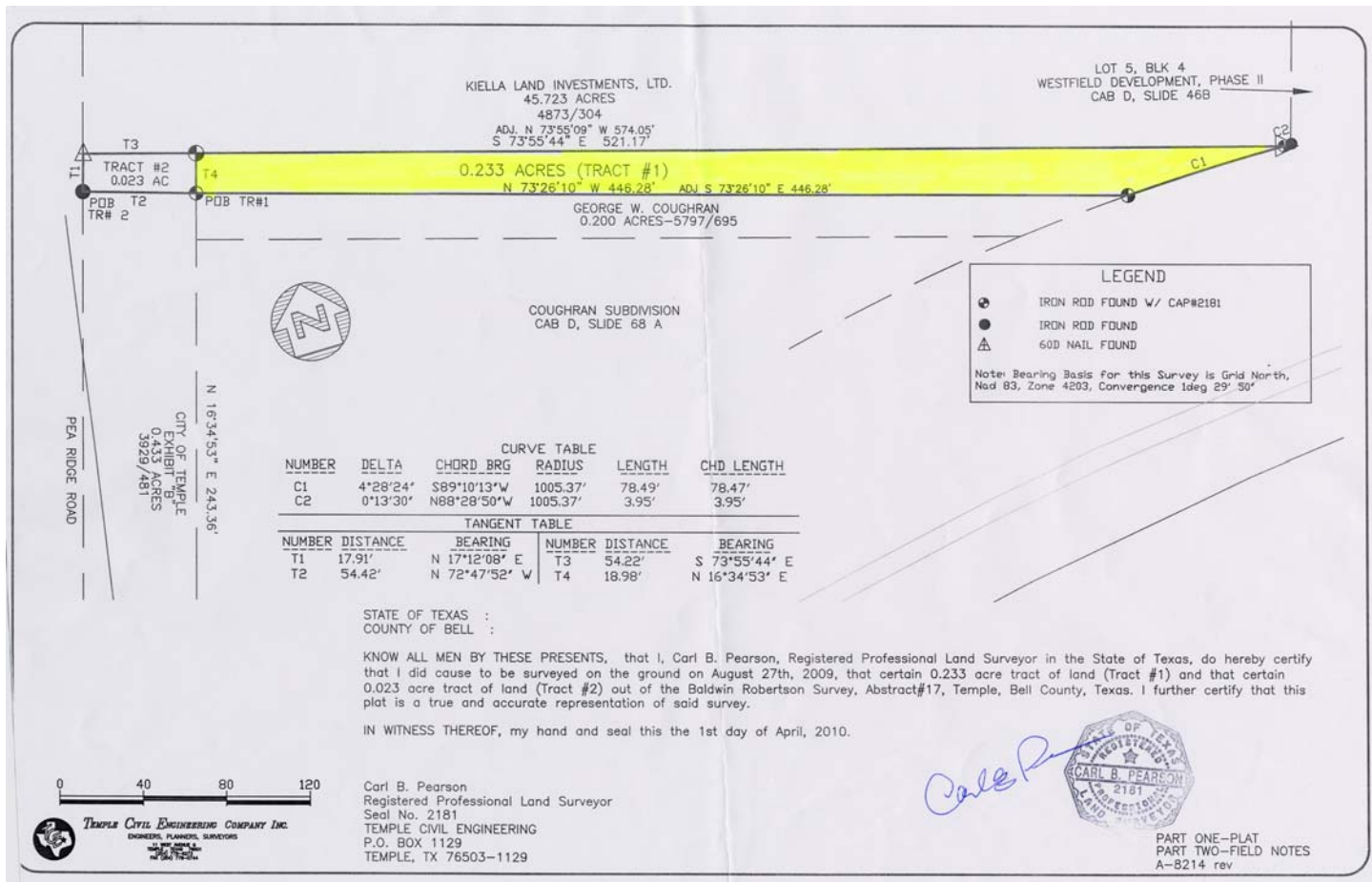






(Exhibit with Letter)

## Abandonment Surveys





Tract One

Field Notes for a 0.233 acre tract of land in Temple, Bell County, Texas, being out of and a part of the BALDWIN ROBERTSON SURVEY, ABSTRACT #17, Bell County, Texas, being a part of that certain 50 acre tract of land described in a deed to Edgar L. Von Rosenberg, et al, in Volume 1210, page 188, of the Deed Records, Bell County, Texas, and also being a part of the North one half of an abandoned City of Temple Road, said 0.233 acre tract of land being more fully described as follows:

Beginning at an iron rod found with cap#2181 for the Southwest corner of this tract of land, the Northeast corner of a 0.433 acre City of Temple tract of land described in a deed recorded in Volume 3929, page 481, of the Deed Records, Bell County, Texas, and the Northwest corner of a 0.200 acre tract of land described in a deed to George W. Coughran, recorded in Volume 5797, Page 695, of the Deed Records of Bell County, Texas.

Thence: North 16° 34' 53" East, 18.98 feet with the West line of this tract of land, to an iron set with CAP #2181 for the Northwest corner of this tract of land, said corner being in the North line of the aforementioned City of Temple Abandoned Road.

Thence: South 73° 55' 44" East, 521.17 feet with the North line of this tract of land and the North line of the aforementioned abandoned City of Temple Road to a 8D nail found at a fence corner post for the most Easterly corner of this tract of land and a corner in the North line of the aforementioned Abandoned City of Temple Road, said corner also being the most Westerly corner of a 1.251 acre State of Texas tract of land described in a deed recorded in Volume 758, page 107, of the Deed Records, Bell County, Texas, and bears North 88° 28' 50" West, 3.95 feet from the Southwest corner of Lot 5, Block 4, Westfield Development, Phase II, according to Plat of Record in Cabinet D, Slide 46, of the Plat Records of Bell County, Texas.

Thence: with the East line of this tract of land and the North line of FM 2304 being a curve to the left, a distance of 78.49 feet, to an iron rod found with CAP #2181 for the Southeast corner of this tract of land and the most Easterly corner of the aforementioned 0.200 acre tract of land, said curve having a radius of 1005.37 feet and a chord which bears S 89° 10' 13" W, 78.47 feet.

Thence: North 73° 26' 10" West, 446.28 feet, (adjoiner South 73° 26' 10" East, 446.28 feet) with the South line of this tract of land and with the North line of the aforementioned 0.200 acre tract of land, to the place of beginning, containing 0.233 acres of land.

Bearing Basis for this survey is Grid North, NAD 83, Zone 4203, Convergence = 1° 29' 50".

STATE OF TEXAS:

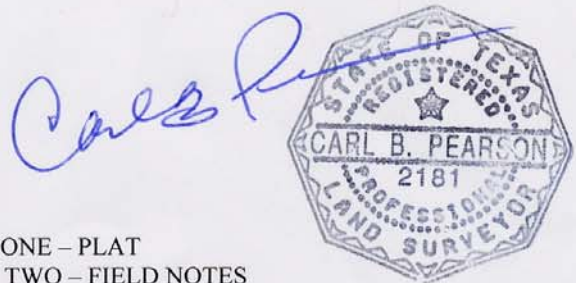
COUNTY OF BELL

KNOW ALL MEN BY THESE PRESENTS, that I, Carl B. Pearson, Registered Professional Land Surveyor, do hereby certify that I did cause to be surveyed on the ground on the 27<sup>th</sup> day of August, 2009, the above described tract of land and to the best of my knowledge and belief, said description is true and accurate.

IN WITNESS THEREOF, my hand and seal, this 1st day of April, 2010.

Carl B. Pearson  
Registered Professional Land Surveyor  
Seal No. 2181  
TEMPLE CIVIL ENGINEERING  
P.O. BOX 1129  
TEMPLE, TEXAS 76503-1129

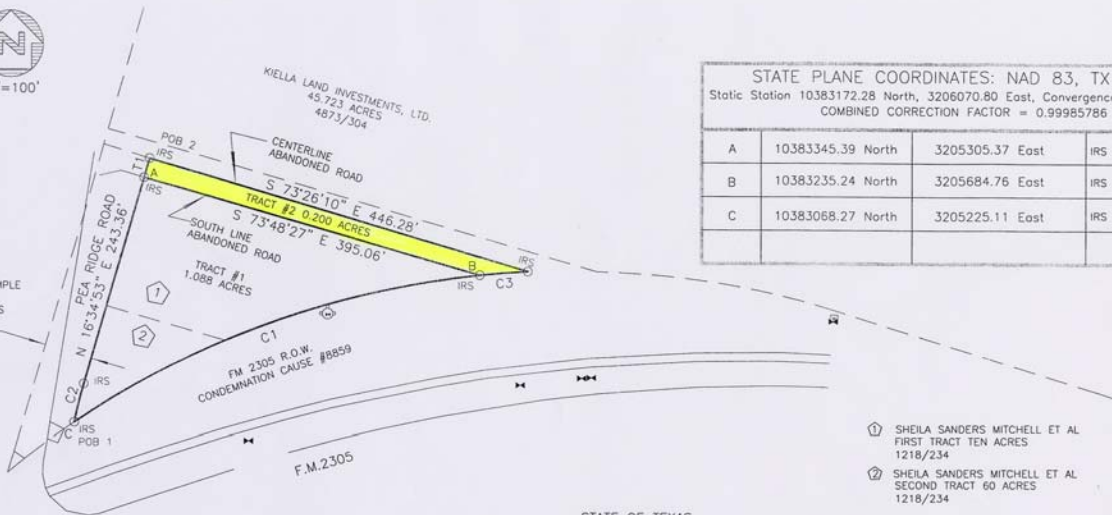
PART ONE – PLAT  
PART TWO – FIELD NOTES  
FN – 8214 Tract One







CITY OF TEMPLE  
EXHIBIT "B"  
0.433 ACRES  
3929/481



STATE PLANE COORDINATES: NAD 83, TX ZONE 4203			
Static Station 10383172.28 North, 3206070.80 East, Convergence 1deg 29' 50.1"			
COMBINED CORRECTION FACTOR = 0.99985786			
A	10383345.39 North	3205305.37 East	IRS NW COR TRACT #1
B	10383235.24 North	3205684.76 East	IRS NE COR TRACT #1
C	10383068.27 North	3205225.11 East	IRS SW COR TRACT #1

- ① SHEILA SANDERS MITCHELL ET AL  
FIRST TRACT TEN ACRES  
1218/234
- ② SHEILA SANDERS MITCHELL ET AL  
SECOND TRACT 60 ACRES  
1218/234

		CURVE TABLE			
NUMBER	CHORD BRG	RADIUS	LENGTH	CHD LENGTH	
C1	S 70°02'11" W	1005.37'	493.99'	489.04'	
C2	N 13°50'37" E	440.00'	45.21'	45.19'	
ADJ	S 13°39'31" W	440.00'	45.21'	44.87'	
C3	S 85°40'32" W	1005.37'	54.85'	54.84'	

TANGENT TABLE	
NUMBER	DISTANCE BEARING
T1	22.13' N 16°34'53" E

STATE OF TEXAS :  
COUNTY OF BELL :

KNOW ALL MEN BY THESE PRESENTS, that I, Carl B. Pearson, Registered Professional Land Surveyor in the State of Texas, do hereby certify that I did cause to be surveyed on the ground on April 22, 2005, those certain 1.088 and 0.200 acre tracts of land out of the Baldwin Robertson Survey, Abstract #17, Bell County, Texas.

I further certify that this plot is a true and accurate representation of said survey.

IN WITNESS THEREOF, my hand and seal this the 25th day of April, 2005.

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

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



ONE-PLAT  
TWO-FIELD NOTES

## Tract 2

Field Notes for a 0.200 acre tract in Temple, Bell County, Texas, out of and a part of the BALDWIN ROBERTSON SURVEY, ABSTRACT #17, and the tract herein described being out of and a part of that certain ten acre First Tract described in a deed to Sheila Sanders Mitchell, et al, of record in Volume 1218, page 234, Deed Records, Bell County, Texas, said 0.200 acre tract being more fully described as follows:

Beginning at an iron rod set in the North line of the said First Tract and in the center line of an abandoned road for the Northwest corner of this tract and the Northeast corner of a certain 0.433 acre Pea Ridge Road right-of-way described in a deed to the City of Temple, Bell County, Texas, of record in Volume 3929, page 481, Deed Records, Bell County, Texas.

Thence: South  $73^{\circ} 26' 10''$  East, 446.28 feet with the North line of this tract, the North line of the said First Tract, and with the center line of the aforementioned abandoned road to an iron rod set in the North line of FM 2305 right-of-way, for the Northeast corner of this tract, said right-of-way established by Condemnation Clause #8859.

Thence: with the East line of this tract being a curve to the left in a Southwesterly direction, a distance of 54.85 feet, to an iron rod set in the South line of the said abandoned road for the Southeast corner of this tract, said curve having a radius of 1005.37 feet and a long chord which bears South  $85^{\circ} 40' 32''$  West, 54.84 feet.

Thence: South  $73^{\circ} 48' 27''$  East, 395.06 feet, with the South line of this tract and with the South line of the said abandoned road to an iron rod set in the East line of the aforementioned 0.433 acre tract for the Southwest corner of this tract.

Thence: North 16° 34' 53" East, 22.13 feet with the West line of this tract and with the East line of the said 0.433 acre tract to the place of BEGINNING containing 0.200 acres of land.

All bearings are grid bearings based on the Texas Plane System, NAD83 and referenced to a "static" station established by Temple Civil Engineering Company, X = 3206070.80, Y = 10383172.28 Convergence Angle = 1° 29' 50.1".

STATE OF TEXAS:  
COUNTY OF BELL

KNOW ALL MEN BY THESE PRESENTS, that I Carl B. Pearson, Registered Professional Land Surveyor, do hereby certify that I did cause to be surveyed on the ground on the 22nd day of April, 2005, the above described tract of land and to the best of my knowledge and belief, said description is true and accurate.

IN WITNESS THEREOF, my hand and seal, this 26<sup>th</sup> day of April, 2005.

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

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

PART ONE – PLAT  
PART TWO – FIELD NOTES  
FN – 7336 TRACT #1







ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, ABANDONING THE 0.433 UNNAMED COUNTY ROAD, LOCATED ALONG THE NORTH EDGE OF COUGHRAN SUBDIVISION BETWEEN THE EAST RIGHT-OF-WAY OF SOUTH PEA RIDGE ROAD AND THE NORTH RIGHT-OF-WAY OF WEST ADAMS AVENUE; RETAINING A 15-FOOT WIDE UTILITY EASEMENT ALONG THE NORTH LINE OF THE ABANDONED ROAD; 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 has a request to abandon the 0.433 acre unnamed county road located along the north edge of Coughran Subdivision between the east right-of-way of South Pea Ridge Road and the north right-of-way of West Adams Avenue – the property owner along the south edge of the unnamed county road wants to use the abandoned roadway for additional parking for his restaurant and for access to the back half of his property;

**Whereas**, a 15-foot wide public utility easement needs to be retained along the north line of the abandoned road;

**Whereas**, the road is not necessary for the purpose of serving the general public or the owners of adjacent land for purposes of vehicular access; and

**Whereas**, the Staff recommends that the tract be abandoned in exchange for the applicant making additional landscaping improvements on the property; 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 0.433 acre unnamed county road, located along the north edge of Coughran Subdivision between the east right-of-way of South Pea Ridge Road and the north right-of-way of West Adams Avenue, more fully described in Exhibit A, attached hereto for all purposes, retaining a 15-foot wide public utility easement along the north line of the abandoned road.

**Part 2:** The City Council authorizes the Mayor of the City of Temple, Texas, for the consideration set out in Part 3, to execute a Deed Without Warranty conveying the rights and interests of the City of Temple, Texas, to the abutting property owner, retaining a 15-wide public utility easement along the north line of the abandoned road, which when done, shall be and become a binding act and deed of the City of Temple.

**Part 3:** As consideration for the conveyance described in Part 2 hereof, the abutting property owner shall make additional landscaping improvements on the property.

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

**Part 6:** It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading and Public Hearing on the **2<sup>nd</sup>** day of **June**, 2011.

PASSED AND APPROVED on Second Reading the **16<sup>th</sup>** day of **June**, 2011.

THE CITY OF TEMPLE, TEXAS

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

ATTEST:

ATTEST:

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

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

STATE OF TEXAS           §

COUNTY OF BELL           §

This instrument was acknowledged before me on the \_\_\_\_\_ day of June, 2011, 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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06/16/11  
Item #4(J-2)  
Consent Agenda  
Page 1 of 1

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

Jonathan Graham, City Attorney

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing conveyance of 0.433 acres of abandoned ROW along the north side of Coughran Subdivision and the execution of a Chapter 380 agreement between the City and Mr. George Coughran.

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

**ITEM SUMMARY:** Mr. Coughran wishes to purchase the abandoned ROW behind his business which the Tax Appraisal District of Bell County has valued at \$5,859. In return for the conveyance of the ROW, Mr. Coughran has agreed to the following landscaping:

- create three mulched and edged bed areas which would require each 40 feet in length,
- plant 10- 5 gallon evergreen shrubs in each bed for a total of 30 shrubs, and
- plant 3 live oak trees 2-3 inch in caliper.

The right of way being conveyed is not usable to the City and having Mr. Coughran maintain it will be a benefit to the City. See attached drawing.

**FISCAL IMPACT:** None

### **ATTACHMENTS:**

[Drawing of proposed landscaping](#)  
[Resolution](#)



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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING CONVEYANCE OF 0.433 ACRES OF ABANDONED RIGHT OF WAY ALONG THE NORTH SIDE OF COUGHRAN SUBDIVISION AND THE EXECUTION OF A CHAPTER 380 AGREEMENT BETWEEN THE CITY OF TEMPLE AND MR. GEORGE COUGHRAN; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, on June 16, 2011, the City Council authorized abandoning the 0.433 acre unnamed county road, located along the north edge of Coughran Subdivision, between the east right of way of South Pea Ridge Road and the north right of way of West Adams Avenue;

**Whereas**, the abandoned right of way is located behind the business of Mr. George Coughran who has requested to purchase the 0.433 acre tract – in return for the conveyance of the right of way, Mr. Coughran has agreed to add certain landscaping in the abandoned area;

**Whereas**, the right of way is not usable by the City of Temple and having the property maintained by Mr. Coughran will be a benefit to the City;

**Whereas**, the Staff recommends entering into a Chapter 380 agreement with Mr. Coughran for this purpose; 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 Chapter 380 agreement between the City of Temple and Mr. George Coughran, after approval as to form by the City Attorney, authorizing the conveyance of 0.433 acres of abandoned right of way along the north side of Coughran Subdivision, said right of way being more fully described in Exhibit A, attached hereto for all purposes, in exchange for the following landscaping:

- Create three mulched and edged bed areas which would require each 40 feet in length;
- Plant ten 5-gallon evergreen shrubs in each bed for a total of 30 shrubs; and
- Plant three live oak trees 2-3 inch in caliper.

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

PASSED AND APPROVED this the **16<sup>th</sup>** day of **June**, 2011.

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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06/16/11  
Item #4(K)  
Consent Agenda  
Page 1 of 1

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

Traci Barnard, Director of Finance

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing budget amendments for fiscal year 2010-2011.

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

**ITEM SUMMARY:** This item is to recommend various budget amendments, based on the adopted FY 2010-2011 budget. The amendments will involve transfers of funds between contingency accounts, department and fund levels.

**FISCAL IMPACT:** The total amount of budget amendments is \$30,438.

### **ATTACHMENTS:**

[Budget amendments](#)  
[Resolution](#)



**CITY OF TEMPLE**  
**BUDGET AMENDMENTS FOR FY 2011 BUDGET**  
**June 16, 2011**

			<b>APPROPRIATIONS</b>	
<b>ACCOUNT #</b>	<b>PROJECT #</b>	<b>DESCRIPTION</b>	<b>Debit</b>	<b>Credit</b>
<b>110-1600-512-2515</b>		Dues & Subscriptions (Legal Department)	\$ 6,610	
<b>110-0000-413-0132</b>		Electric Franchise		\$ 6,610
<p>To appropriate funds to cover the 2011 assessment for the Oncor Cities Steering Committee for the City of Temple. The fee is based on population. We are projecting that electric franchise revenues will exceed budget by approximately \$70,000 in FY 2011.</p>				
<b>110-1021-511-2112</b>		Food Items/Supplies (City Council)	\$ 1,240	
<b>110-0000-461-0830</b>		Other Revenues		\$ 1,240
<p>This budget adjustment recognizes revenue from funds received from participants of the Regional TML meeting held on 04/28/11 and appropriates the expenditure to cover the costs associated with the event.</p>				
<b>110-2100-529-2333</b>		Auto & Equip - Fleet Services (Animal Services)	\$ 2,000	
<b>110-0000-461-0841</b>		Donations/Gifts		\$ 2,000
<p>This budget adjustment will increase funding for fleet maintenance in Animal Services and recognizes some of the revenue received in donations. Fleet maintenance account is over budget due to unexpected vehicle and equipment repairs this fiscal year.</p>				
<b>110-3500-552-2516</b>		Judgments & Damages (Parks Department)	\$ 168	
<b>110-1500-515-6531</b>		<b>Contingency - Judgments &amp; Damages</b>		<b>\$ 168</b>
<p>Settlement of claim filed against the City seeking reimbursement for damage to a vehicle by a rock thrown by a mower on April 18, 2011, while parked at the Gober Party House.</p>				
<b>240-7000-551-2616</b>		Professional (Railroad Museum)	\$ 20,210	
<b>240-0000-358-1110</b>		<b>Hotel/Motel Unreserved Fund Balance</b>		<b>\$ 20,210</b>
<p>The Santa Fe Depot has developed cracks throughout the building within the last two or three months. This budget adjustment appropriates Hotel/Motel Unreserved Fund Balance to fund a contract to hire an engineer to study the building and determine what is causing the problem and how to remedy the problem. Additional funds will need to be appropriated if it is determined that additional engineering or remediation is needed.</p>				
<b>520-5300-535-2516</b>		Judgments & Damages (Metering)	\$ 210	
<b>520-5000-535-6532</b>		<b>Contingency</b>		<b>\$ 210</b>
<p>Settlement of claim filed against the City seeking reimbursement for damage to a chain-link fence at 11516 West Adams on April 28, 2011, when a vehicle driven by a City employee accidentally backed into the corner post.</p>				
<b>TOTAL AMENDMENTS</b>			<b>\$ 30,438</b>	<b>\$ 30,438</b>

**CITY OF TEMPLE**  
**BUDGET AMENDMENTS FOR FY 2011 BUDGET**  
**June 16, 2011**

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
		GENERAL FUND		
		Beginning <b>Contingency</b> Balance	\$	-
		Added to Contingency Sweep Account	\$	-
		Carry forward from Prior Year	\$	-
		Taken From Contingency	\$	-
		Net Balance of Contingency Account	\$	-
		Beginning <b>Judgments &amp; Damages</b> Contingency	\$	80,000
		Added to Contingency Judgments & Damages from Council Contingency	\$	-
		Taken From Judgments & Damages	\$	(69,569)
		Net Balance of Judgments & Damages Contingency Account	\$	10,431
		Beginning <b>Fuel</b> Contingency	\$	55,841
		Added to Fuel Contingency	\$	-
		Taken From Fuel Contingency	\$	-
		Net Balance of Fuel Contingency Account	\$	55,841
		Beginning <b>Self Insurance Start Up Cost</b> Contingency	\$	628,756
		Added to Self Insurance Start Up Cost Contingency	\$	-
		Taken From Self Insurance Start Up Cost Contingency	\$	(628,756)
		Net Balance of Self Insurance Start Up Cost Contingency Account	\$	-
		<b>Net Balance Council Contingency</b>	\$	<b>66,272</b>
		Beginning Balance <b>Budget Sweep</b> Contingency	\$	-
		Added to Budget Sweep Contingency	\$	-
		Taken From Budget Sweep	\$	-
		Net Balance of Budget Sweep Contingency Account	\$	-
		WATER & SEWER FUND		
		Beginning <b>Contingency</b> Balance	\$	50,000
		Added to Contingency Sweep Account	\$	-
		Taken From Contingency	\$	(24,000)
		Net Balance of Contingency Account	\$	26,000
		Beginning <b>Self Insurance Start Up Cost</b> Contingency	\$	100,365
		Added to Self Insurance Start Up Cost Contingency	\$	-
		Taken From Self Insurance Start Up Cost Contingency	\$	(100,365)
		Net Balance of Self Insurance Start Up Cost Contingency Account	\$	-
		<b>Net Balance Water &amp; Sewer Fund Contingency</b>	\$	<b>26,000</b>
		HOTEL/MOTEL TAX FUND		
		Beginning <b>Self Insurance Start Up Cost</b> Contingency	\$	10,968
		Added to Self Insurance Start Up Cost Contingency	\$	-
		Taken From Self Insurance Start Up Cost Contingency	\$	(10,968)
		Net Balance of Self Insurance Start Up Cost Contingency Account	\$	-
		DRAINAGE FUND		
		Beginning <b>Self Insurance Start Up Cost</b> Contingency	\$	9,911
		Added to Self Insurance Start Up Cost Contingency	\$	-
		Taken From Self Insurance Start Up Cost Contingency	\$	(9,911)
		Net Balance of Self Insurance Start Up Cost Contingency Account	\$	-
		FED/STATE GRANT FUND		
		Beginning <b>Contingency</b> Balance	\$	2,284
		Carry forward from Prior Year	\$	25,229
		Added to Contingency Sweep Account	\$	-
		Taken From Contingency	\$	(27,513)
		Net Balance of Contingency Account	\$	-

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
TEMPLE, TEXAS, APPROVING BUDGET AMENDMENTS TO THE  
2010-2011 CITY BUDGET; AND PROVIDING AN OPEN  
MEETINGS CLAUSE.

---

**Whereas**, on the 2<sup>nd</sup> day of September, 2010, the City Council approved a budget for the 2010-2011 fiscal year; and

**Whereas**, the City Council deems it in the public interest to make certain amendments to the 2010-2011 City Budget.

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

**Part 1**: The City Council approves amending the 2010-2011 City Budget by adopting the budget amendments which are more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

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

PASSED AND APPROVED this the 16<sup>th</sup> day of **June**, 2011.

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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06/16/11  
Item #5  
Regular Agenda  
Page 1 of 2

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

Brian Mabry, Planning Director

**ITEM DESCRIPTION:** P-FY-11-24: Consider adopting a resolution authorizing the Final Plat of Westwood Estates, 10.31± acre seven-lot residential subdivision located along the east side of South Pea Ridge Road as it connects to Hogan Road with developer requested exception to Sec. 8.5.1 of the Unified Development Code requiring payment of perimeter street fees.

**P&Z COMMISSION RECOMMENDATION:** At its May 16, 2011, meeting, the Planning and Zoning Commission voted 9/0 in favor of approving the Final Plat of Westwood Estates subdivision with developer requested exception to Sec. 8.5.1 of the Unified Development Code (UDC).

**STAFF RECOMMENDATION:** Adopt resolution as presented in item description, subject to the exception to the UDC that the developer has requested.

**ITEM SUMMARY:** Please refer to the Staff Report and draft minutes of case P-FY-11-24, from the Planning and Zoning Commission meeting, May 16, 2011. The City Council is the final plat authority since the developer has requested exception to the UDC subdivision standards.

The UDC requires that a developer dedicate half of the right-of-way necessary to bring a perimeter street up to the street's classification on the Thoroughfare Plan (i.e. Collector or Arterial) and: (a) build improvements for the development's half of the street; or (b) pay perimeter street fees so that the City can construct such improvements in the future. The developer is asking to dedicate more right-of-way than is required in order to bring Pea Ridge Road up to Collector street standards for right-of-way width.

Staff supports this request due to the difficulty of ever adequately widening South Pea Ridge Road, if right-of-way being offered now is not accepted.

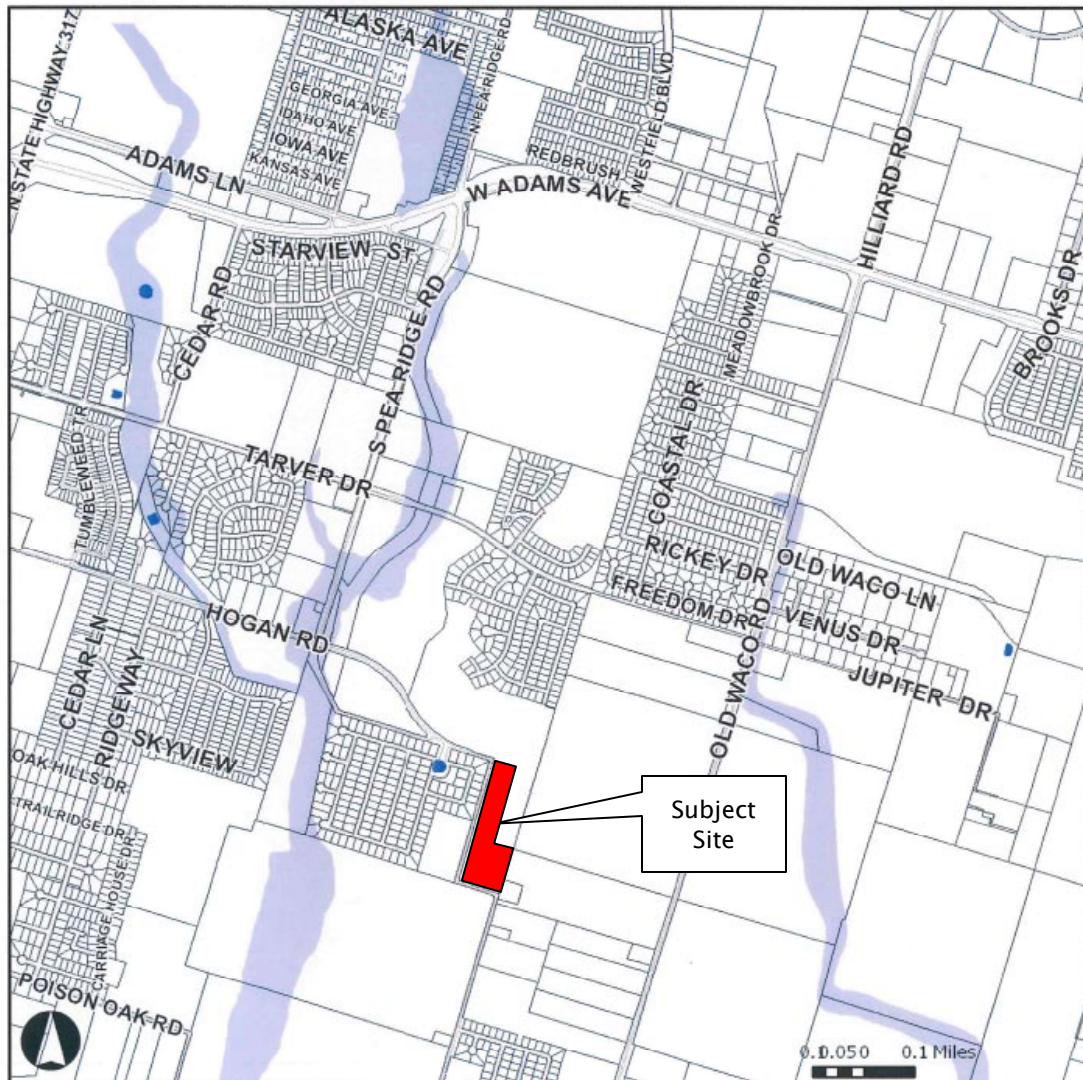
**FISCAL IMPACT:** NA

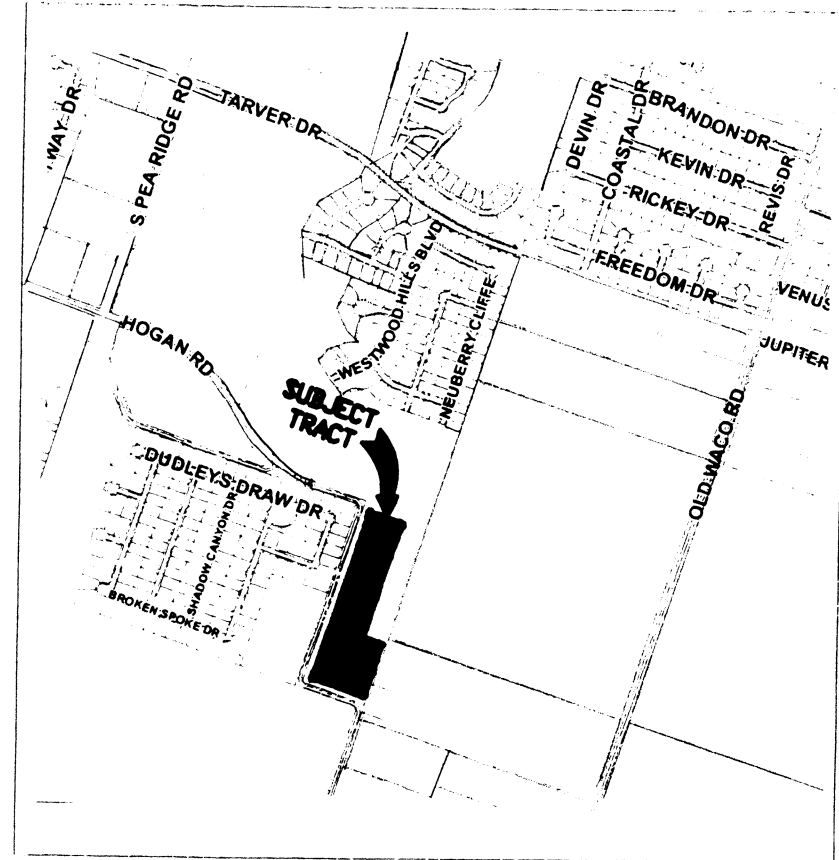
**ATTACHMENTS:**

Vicinity Map  
Plat  
Exception Request Letters  
P&Z Commission Staff Report  
P&Z Excerpts  
Resolution



# City of Temple





VICINITY MAP

WESTWOOD ESTATES IS NOT WITHIN THE 100 YR FLOODPLAIN AS PER F.E.M.A. FLOOD INSURANCE RATE MAP NO.48027C0335E, AS DATED SEPTEMBER 26, 2008.

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 COORDINATE VALUES ARE REFERENCED TO CITY MONUMENT NUMBER 504 THE THETA ANGLE AT SAID CITY MONUMENT IS 01°29'25" THE COMBINED CORRECTION FACTOR (CCF) IS 0.999856 PUBLISHED CITY COORDINATES ARE X=3,202,019.50 Y=10,378,796.21 ALL COORDINATE VALUES ARE REFERENCED TO CITY MONUMENT NUMBER 504 THE TIE FROM THE ABOVE CITY MONUMENT TO THE POINT OF BEG. IS N49°07'27"E, 4683.75 FEET

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 \_\_\_\_\_, 2011.

CHAIRPERSON

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 \_\_\_\_\_, 2011.

DIRECTOR OF PLANNING

THIS PLAT HAS BEEN SUBMITTED TO AND CONSIDERED BY THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AND IS HEREBY APPROVED BY SUCH COUNCIL.

DATED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2011.

CITY SECRETARY

STATE OF TEXAS  
COUNTY OF BELL

KIELLA DEVELOPMENT, INC., OWNER OF THE LAND SHOWN ON THIS PLAT, AND DESIGNATED HEREIN AS WESTWOOD ESTATES, A SUBDIVISION IN THE CITY OF TEMPLE, TEXAS AND WHOSE NAME IS SUBSCRIBED HERETO, HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER ALL STREETS, ALLEYS, WATERCOURSES, DRAINS, EASEMENTS AND PUBLIC PLACES AS SHOWN HEREON.

KIELLA DEVELOPMENT, INC.  
A TEXAS CORPORATION

JOHN KIELLA, PRESIDENT

STATE OF TEXAS  
COUNTY OF BELL

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED JOHN KIELLA, 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 \_\_\_\_\_, 2011

NOTARY PUBLIC

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 TO THIS PLAT:

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

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 ARE CORRECTLY SHOWN THEREON.

MICHAEL E. ALVIS, R.P.L.S.  
NO. 5402

TAX CERTIFICATE

THE BELL COUNTY TAX APPRAISAL DISTRICT, THE TAXING AUTHORITY FOR ALL TAXING ENTITIES IN BELL COUNTY, TEXAS, DOES HEREBY CERTIFY THAT THERE ARE CURRENTLY NO DELINQUENT TAXES DUE OR OWING ON THE PROPERTY DESCRIBED BY THIS PLAT.

DATED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2011.

BELL COUNTY TAX APPRAISAL DISTRICT

BELL COUNTY HEALTH DEPT. CERTIFICATE

THE BELL COUNTY HEALTH DISTRICT, THE LICENSING AUTHORITY FOR ON-SITE SEWAGE DISPOSAL IN BELL COUNTY, TEXAS, HEREBY CERTIFIES THAT THIS SUBDIVISION HAS BEEN EVALUATED FOR ON-SITE DISPOSAL. IN IT'S CURRENT CONDITION, THE PROPOSED SUBDIVISION MEETS OR EXCEEDS THE MINIMUM STANDARDS ESTABLISHED BY THE BELL COUNTY BOARD OF HEALTH.

SANITARIAN, BCH

DATE

FINAL PLAT OF:  
**WESTWOOD ESTATES**  
7 LOTS, 1 BLOCK  
9.841 ACRES

PART OF THE BALDWIN ROBERTSON LEAGUE SURVEY, ABSTRACT #17  
CITY OF TEMPLE, BELL COUNTY, TEXAS

9.841 ACRES MORE FULLY DESCRIBED BY METES AND BOUNDS BY SEPARATE FIELD NOTES PREPARED AND ATTACHED TO DEDICATION INSTRUMENT.

TRACT SURVEYED MARCH 28, 2011

FILED FOR RECORD THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2011 IN CABINET \_\_\_\_\_, SLIDE \_\_\_\_\_, PLAT RECORDS OF BELL COUNTY, TEXAS



ENGINEERING \* PLANNING \* SURVEYING \* CONSTRUCTION MANAGEMENT  
**TURLEY ASSOCIATES, INC.**  
301 N. 3rd St.  
Temple, Texas  
(254) 773-2400  
(254) 773-3998  
E-MAIL: VTURLEY@AOL.COM

FINAL PLAT OF:  
**WESTWOOD ESTATES**  
THE BALDWIN ROBERTSON LEAGUE SUR A#17  
CITY OF TEMPLE, BELL COUNTY, TEXAS  
**KIELLA DEVELOPMENT INC.**  
P.O. BOX 1344  
CITY OF TEMPLE, BELL COUNTY, TEXAS 76503

REVISIONS		
4/25/11	DRC COMMENTS	BJL
5/9/11	REVISE R.O.W.	BJL

DATE: 3/25/11  
DRN. BY: BJL  
REF.: 11950-D

FB/LB NONE  
JOB NO.: 10-325  
SHEET 1 OF 4  
COMPUTER DWG. NO. 10-325

**12370-D**  
FILE NO.

LINE TABLE		
LINE	LENGTH	BEARING
L1	56.32	N61°26'34"E

**\*\*NOTES:**

APPROPRIATE UTILITY PROVIDERS HAVE BEEN FURNISHED A PLAT FOR REVIEW.

ALL BOUNDARY CORNERS ARE 1/2" IRON ROD WITH CAP MARKED "RPLS 2475" SET UNLESS NOTED OTHERWISE.

PLAT NOTE A

LOT 7, BLOCK 1 - LOCATED ALONG THE SOUTHWEST CORNER OF LOT 7, BLOCK 1 IS A 100'X100' SIGHT LINE EASEMENT. ANY LANDSCAPING PERFORMED WITHIN THE SIGHT LINE EASEMENT AREA SHALL NOT EXCEED 2.0 FEET (24") IN HEIGHT.





## TURLEY ASSOCIATES, INC.

301 NORTH THIRD STREET • TEMPLE, TEXAS 76501 • (254) 773-2400  
F-1658 FAX • (254) 773-3998

### MEMORANDUM

DATE: May 5, 2011

TO: Leslie Matlock, AICP, Senior Planner  
City of Temple

FROM: Jennifer Ryken, P.E.  
Turley Associates, Inc.

RE: **Westwood Estates – Estimate for Perimeter Street Fees**

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The cost of constructing ½ of a collector including curb and gutter based on recent bids is as follows:

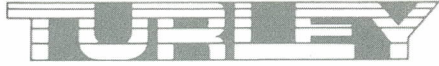
1. Excavation	1100 C.Y. @ \$3.00 =	\$ 6,660.00
2. Base material	3330 S.Y. @ \$6.00 =	\$29,970.00
3. Asphalt	2960 S.Y. @ \$7.00 =	\$30,340.00
4. Curb & Gutter	1665 L.F. @ \$9.00 =	<u>\$16,650.00</u>
	Total Improvements =	\$83,620.00

Cost per linear foot of road = \$50.22

The 1665 L.F. of improvements include 1219.42 linear foot of perimeter along the west of the property and 446.55 linear foot of perimeter street along the southern boundary (adjacent to lot 7).

The required total right-of-way dedication for this project is 0.255 acres. Mr. Kiella is dedicating 0.439 acres for right-of-way. (This includes right-of-way along the west property boundary and right-of-way along the southern boundary.) This is an excess of 0.184 acres being given to the City.

Please let me know if you have any questions or concerns or if we need to discuss this item further. We appreciate your support on this requested waiver.



## TURLEY ASSOCIATES, INC.

301 NORTH THIRD STREET • TEMPLE, TEXAS 76501 • (254) 773-2400  
F-1658 FAX • (254) 773-3998

May 9, 2011

City of Temple  
Attn: Brian Mabry  
Planning Director  
2 North Main Street  
Temple, TX 76501

**RE: Westwood Estates – Right-of-Way and Perimeter Street Fees**

Dear Brian:

This letter is intended to provide background information on the additional Right-of-Way Dedication, perimeter street fee requirements and the request for a waiver to the perimeter street fees for South Pea Ridge Road for the Westwood Estates development.

In 2006 and 2007 when the Preliminary and Final Plats for the Southern Draw Subdivision were approved by the Planning and Zoning Commission and the City Council, Hogan Road was shown on the City's Thoroughfare Plan as being a collector and with a proposed extension from South Pea Ridge to Old Waco Road. No additional right-of-way was requested from the Southern Draw Subdivision for South Pea Ridge Road even though its current right-of-way does not meet local street standards.

In 2008, the Thoroughfare Plan was updated. Hogan Road is no longer shown to extend to Old Waco Road as a collector. Instead, South Pea Ridge Road is shown to be a collector. Because of no additional right-of-way dedication on the west side of the road the only way to make this street a collector is to take all necessary land from the Westwood Estates developer. The Unified Development Code states that you are only required to dedicate  $\frac{1}{2}$  of the required width but the developer has agreed to dedicate the entire amount necessary to make this street a collector in the future. This is an excess of 0.184 acres being given to the City of Temple.

When perimeter street fees were addressed for Hogan Road on the Southern Draw Development the fees only included the cost to widen the width of  $\frac{1}{2}$  of the street. To clarify, building the remainder width with current road in place. The fee calculations that I have sent your office for the Westwood project included the cost to remove the current  $\frac{1}{2}$  of road section and build a completely new  $\frac{1}{2}$  street section. This is considerably more expensive than the method previously used.

I hope that this helps to clarify our request for a waiver to the perimeter street fees. Please feel free to contact me if you have any questions, concerns or need any additional information. On behalf of our client, we appreciate your support on this matter.

Sincerely,  
**TURLEY ASSOCIATES, INC.**

Jennifer Ryken, P.E.  
Project Manager

JR/sb



# PLANNING AND ZONING COMMISSION AGENDA ITEM

5/16/11  
Item #2  
Consent Agenda  
Page 1 of 1

**APPLICANT / DEVELOPMENT:** Turley Associates Inc., for Kiella Homes

**CASE MANAGER:** Leslie Matlock, AICP, Senior Planner

**ITEM DESCRIPTION:** P-FY-11-24 Consider a recommendation to approve the Final Plat of Westwood Estates Addition, with 7 residential lots planned for single-family uses on 9.866± acres of land located southeast of the intersection of S. Pea Ridge Drive and Hogan Road with developer requested exception to Sec. 8.5.1 of the Unified Development Code requiring payment of perimeter street fees. (Zoned SF-3)

**STAFF RECOMMENDATION:** Staff recommends approval of the Final Plat of Westwood Estates Addition.

**BACKGROUND:** The Design Review Committee reviewed the Final Plat on April 25, 2011 and deemed the Final Plat administratively complete on May 2, 2011. The plat meets the minimum requirements of the Unified Development Code (UDC) apart from for the of exception request related to the perimeter street fees in Section 8.5.1.A.2. The City Council is the final plat authority since the developer has requested such exception to the UDC.

UDC Citation	Requirement	Applicant's Justification	Staff Support?*
Sec. 8.5.1.A.2	When the developer is not building a street to its ultimate classification (collector) on the Comprehensive Plan's Thoroughfare Plan Map, he is required to pay the improvement costs of one-half (1/2) of the street, built to current design standards.	* Developer is dedicating more land than normally required for entire street width along the frontage of 4 lots.	Yes

\*See explanation below

The UDC requires that a developer dedicate half of the right-of-way necessary to bring a perimeter street up to the street's classification on the Thoroughfare Plan (i.e. Collector or Arterial) and: (a) build improvements for the development's half of the street; or (b) pay perimeter street fees so that the City can construct such improvements in the future. The



developer is asking to dedicate more right-of-way than is required in exchange for an exception to the "pay or build" requirement.

The Applicant proposes to dedicate the rest of the land necessary to bring the right-of-way width for South Pea Ridge Road up to Collector standards. This frontage was not exacted in the previously platted Southern Draw Addition, on the west side of this road, along the front of Lots 1 through 4 (approximately 650-feet) of this proposed subdivision.

Estimated perimeter street fees that the UDC would require are approximately \$16,321.50, using the engineer's estimate of cost per linear foot and dividing it in half.

Park fees in the sum of \$1,575 (\$225 per single-family dwelling lot created) are required for this proposed subdivision.

Sidewalks along a collector are required on one side. The developer has asked to waive this requirement, and it has been administratively approved by the Director of Community Services.

**ATTACHMENTS:**

Plat  
Exception Request Letters

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

**MONDAY, MAY 16, 2011**

**ACTION ITEMS**

**Item 2: P-FY-11-24** – Consider a recommendation to approve the Final Plat of Westwood Estates Addition, with 7 residential lots planned for single-family uses on 9.866± acres of land located southeast of the intersection of S. Pea Ridge Drive and Hogan Road with developer requested exception to Sec. 8.5.1 of the Unified Development Code requiring payment of perimeter street fees. (Zoned SF-3) 2

Mr. Brian Mabry, Planning Director, stated City Council was the final review authority since the applicant requested exceptions to the plat. Mr. Mabry stated for the newer Commissioners that a subdivision plat is the method for a developer to take a raw piece of land and divide it into smaller lots to be sold off, and also the way infrastructure, such as water lines, sewer lines, roads, etc., are laid out to serve the properties being subdivided.

Mr. Mabry showed the location of the subject property. Approximately half of the property is frontage on Pea Ridge across from the Southern Draw subdivision. The zoning is Single Family Three (SF3) which is the smallest lot single family zoning district, however, the lots are an acre or larger with two of the lots being two acres. Park fees for this property would be based on \$225 per lot, equaling \$1575.00.

The developer is proposing to dedicate more right-of-way than normally required to bring Pea Ridge Road to collector street standards. Mr. Mabry stated the right-of-way is the public land that a street sits on top of and dedicated to the City and is the public property for a road to either go on or be widened. The developer in this case is dedicating additional right-of-way than what is required and requesting not to have to pay the perimeter street fees to widen half of the road that abuts the subdivision.

City water is available for the property, however, City sewer is not and the lots are large enough to allow for septic systems.

Staff supports the exception request because if all of the street right-of-way for Pea Ridge is not acquired now, then it will be difficult to acquire it in the future with Southern Draw in existence. When Southern Draw was originally subdivided and platted, this portion of Pea Ridge was only a local street and no additional right-of-way was needed. With the adoption of the new Comprehensive Plan in 2008, south Pea Ridge was designated as a collector street which means it needs to be wider to handle more traffic. In order to bring the street up to collector specifications it is through this plat process. If the right-of-way way is not acquired now and reserved for future availability, it would be difficult to do the widening since there would be no public land to widen the street onto.

Staff recommendation is to approve the plat of Westwood Estates Subdivision subject to the following exception from the Unified Development Code (UDC) Section 8.5.1A(2) requiring perimeter street fees or have construction of the adjacent street.

This plat does not require a public hearing.

Commissioner Staats asked if there were any plans to smooth out the hard 90 degree corners on Pea Ridge and Mr. Mabry stated he was not aware of any plans to do so. The Thoroughfare Plan potentially could have but it was not asked for when adopted. Commissioner Staats asked that as the Thoroughfare Plan was updated in the future if this issue could be considered. Mr. Mabry stated this matter would probably involve an amendment to the Thoroughfare Plan and also need public input, but would make a note for future amendments. Mr. Mabry stated as far as he knew, there were no plans on the Capital Improvements Plan (CIP) for any roads to be widened or otherwise. Commissioner Pope asked about the advantage to the City of waiving perimeter fees and Mr. Mabry stated getting the land was worth more than receiving the fees which was a comparable tradeoff.

Chair Talley asked if anyone would like to speak on this matter.

Mr. John Kiella, 11122 White Rock Drive, Temple, Texas stated he represents the developer and showed a site plan to the Commissioners. The subject property is zoned SF3 and could get approximately 50 lots from it, however, the road is narrow and some of the lots are sitting in the middle of the street. The larger lot subdivision was designed due to the constraints of the lots, roads, intersections and corners. Mr. Kiella stated they would do a T-section and lay in all the infrastructure to where the City can come in on the two ends and hook into their completed intersection.

Commissioner Pilkington made a motion to approve P-FY-11-24 as presented with perimeter street fees exemption and Commissioner Rhoads made a second.

*Motion passed: (9:0)*

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

(PLANNING NO. P-FY-11-24)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING THE FINAL PLAT OF WESTWOOD ESTATES, AN APPROXIMATELY 10.31 ACRE SEVEN-LOT RESIDENTIAL SUBDIVISION LOCATED ALONG THE EAST SIDE OF SOUTH PEA RIDGE ROAD AS IT CONNECTS TO HOGAN ROAD, WITH DEVELOPER'S REQUESTED EXCEPTION TO SECTION 8.5.1 OF THE UNIFIED DEVELOPMENT CODE REQUIRING PAYMENT OF PERIMETER STREET FEES; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, on May 16, 2011, the Planning and Zoning Commission approved the final plat of the Westwood Estates, an approximately 10.31 acre seven-lot residential subdivision located along the east side of south Pea Ridge Road as it connects to Hogan Road, with developer's requested exception to Section 8.5.1 of the Unified Development Code requiring payment of perimeter street fees; and

**Whereas**, the City Council has considered the matter and deems it in the public interest to approve the final plat of the Westwood 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 Westwood Estates, an approximately 10.31 acre seven-lot residential subdivision located along the east side of south Pea Ridge Road as it connects to Hogan Road, more fully shown on the Plat which is on file in the City's Planning Department, incorporated herein and referred to by reference, and including the following exception to the Unified Development Code; *Section 8.5.1* to waive the requirement for payment of perimeter street 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 **16<sup>th</sup>** day of **June**, 2011.

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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06/16/11  
Item #6  
Regular Agenda  
Page 1 of 3

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

Brian Mabry, Planning Director

**ITEM DESCRIPTION:** P-FY-11-32(A): Consider adopting a resolution authorizing the appeal of Sec. 6.7.8.D.3 of the Unified Development Code related to exterior building material requirements in the I-35 Corridor Overlay Zoning District for a proposed 35,100+ square-foot building located at 6910 N. General Bruce Drive.

**P&Z COMMISSION RECOMMENDATION:** At its June 6, 2011, meeting, the Planning and Zoning Commission voted 7/0 in accordance with staff recommendation to recommend approval of the requested appeal.

Commissioners Martin and Brown were absent.

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

Staff recommends approval of P-FY-11-32A, an appeal of the I-35 Corridor Overlay, Industrial Sub-District, exterior building material requirements, to allow:

1. 20% masonry materials on each side of the office portion of the proposed building;
2. 80% flat profile metal panels on the remainder of office; and
3. 100% 26-gauge R Panel metal on the warehouse portion of the building.

Provided that building permit and site plan drawings for the project comply with the approved appeal elevations

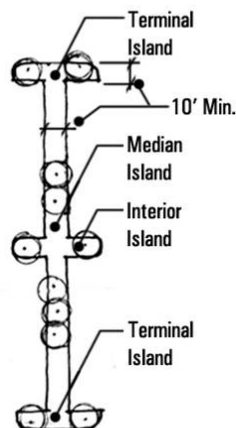
**ITEM SUMMARY:** Please refer to the Staff Report and draft minutes of case P-FY-11-32A, from the Planning and Zoning meeting, June 6, 2011. The Applicant, Mueller Inc., is appealing the I-35 Corridor exterior building requirements. The property owners want to provide the following materials on the proposed reconstruction of a warehouse and office for a metal building manufacturer.



Requirement	Attached Elevation Shows
Min. 80% of any of the following materials:  Architectural metal; Stone; Brick; Stucco; Color  integrated split face block; Painted tilt wall;  Smooth insulated wall panel	<b><u>Front Office:</u></b> 20% masonry materials on all sides of office area and 80% flat profile metal panels on remainder of office area  <b><u>Warehouse:</u></b> 100% 26-gauge R Panel

The attached Planning and Zoning Commission staff report provides illustrations of the requested materials. The applicant requests no other appeals of the I-35 Corridor Overlay standards, including landscaping standards, which are an important part of the Corridor provisions. They include:

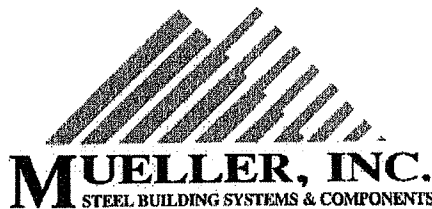
- 15 percent of the total site area must be landscaped and irrigated
- Foundation plantings along the base of the building are required along 70 percent of the length of any façade visible to the public
- Landscaped buffer of 35 feet in front and adjacent to public street; 10 feet at the rear and 10 feet on the side
- One minimum three-inch caliper canopy tree must be planted for each 30 feet of frontage along public street
- A minimum 60 percent of required trees must be evergreen with year around foliage
- A minimum 20 percent of the required landscape buffer must have native grass beds or wildflowers
- Berms are required in the landscape buffer, covering a minimum of 50 percent of the buffer area.
- Parking lot or vehicle use area must be screened by a continuous hedge or shrubs, earthen berms, or retaining walls that are two and one-half to four feet in height
- Parking terminal islands, medians islands and internal islands are required as depicted below



**FISCAL IMPACT:** Not Applicable

**ATTACHMENTS:**

Letter from Applicant  
Proposed Building Elevation  
Photos of Flat Metal Panel  
Cross Sections of Flat Metal Panel and 26-Gauge R Panel  
Preliminary Site Plan  
P&Z Staff Report (P-FY-11-32A)  
P&Z Minutes (June 6, 2011)  
Resolution



May 17, 2011

Attn: Temple City Planning Director

Re: New Mueller, Inc. Temple Branch

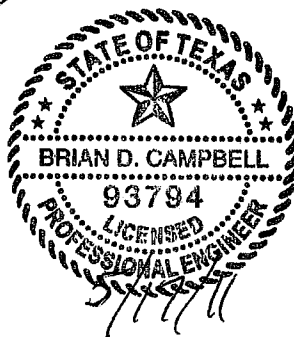
Jobsite Information: 6910 N. General  
Temple, TX 76501

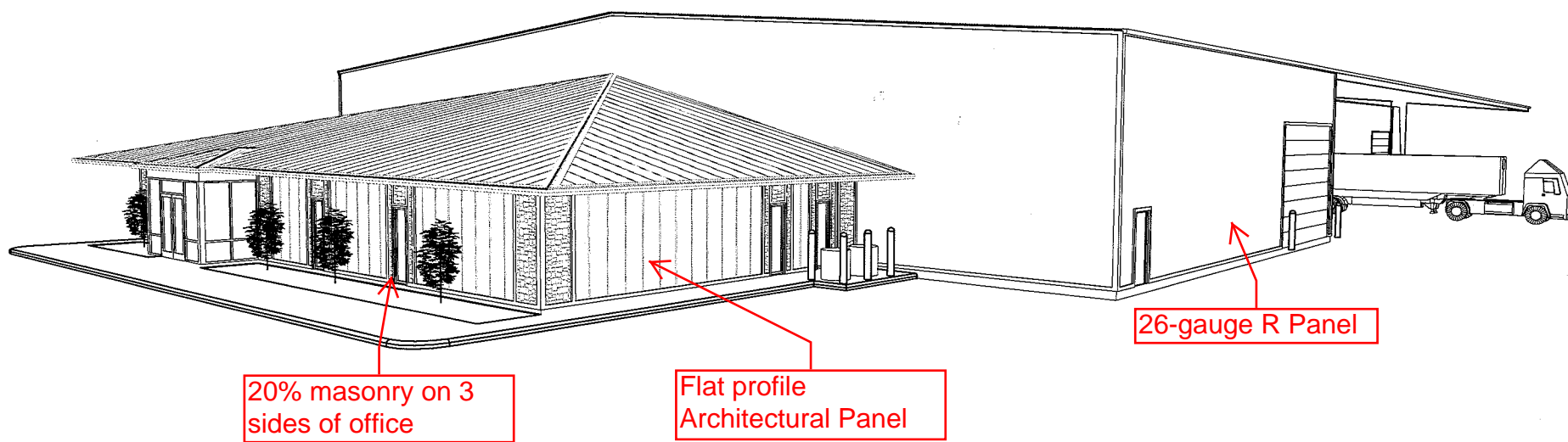
This letter is regarding the design and construction of the new Mueller, Inc. sales branch and warehouse to be erected in Temple. The design of the warehouse structure incorporates the use of Mueller 26 gauge R-panels to help in the transfer of shear loads in both the roof and outer wall design. Not being able to use these panels in construction of this building would drastically alter the design of this structure and would require a complete redesign of the steel structure as well as alter the design of the foundation supporting the structure.

If you have any questions regarding this letter, please feel free to contact me.

A handwritten signature in cursive script, appearing to read "Brian Campbell".

Brian Campbell, P.E.  
Technical Services Manager  
Mueller, Inc.  
325-365-8118 – office  
brian.campbell@muellerinc.com





20% masonry on 3  
sides of office

Flat profile  
Architectural Panel

26-gauge R Panel

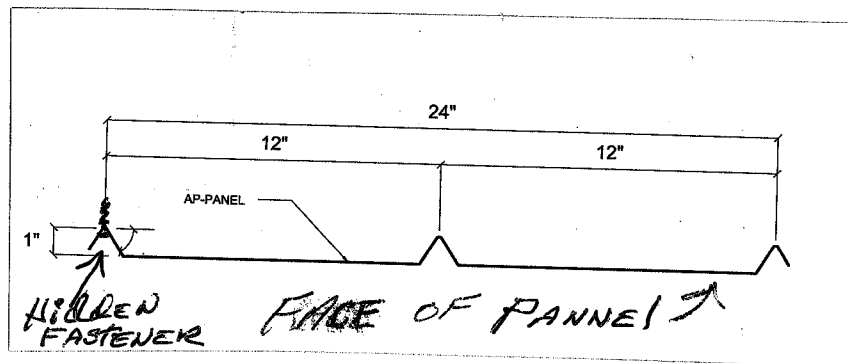




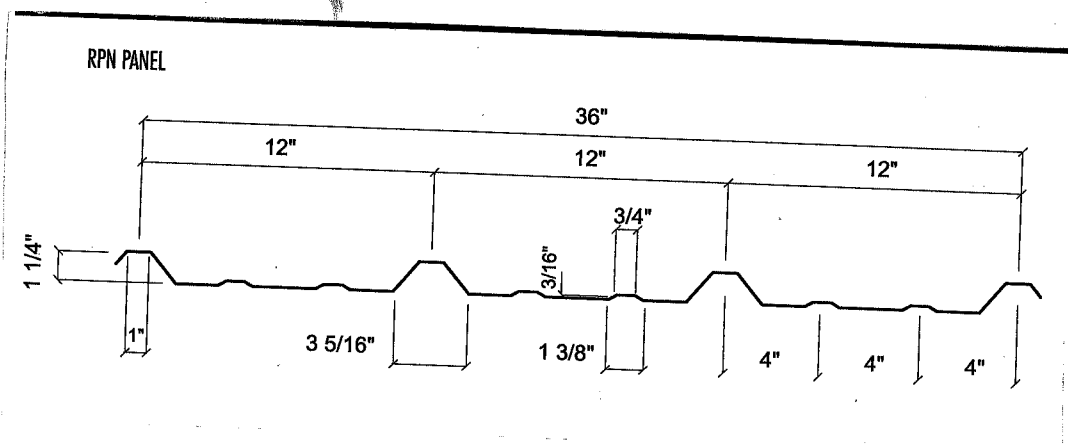
Flat Metal Panel

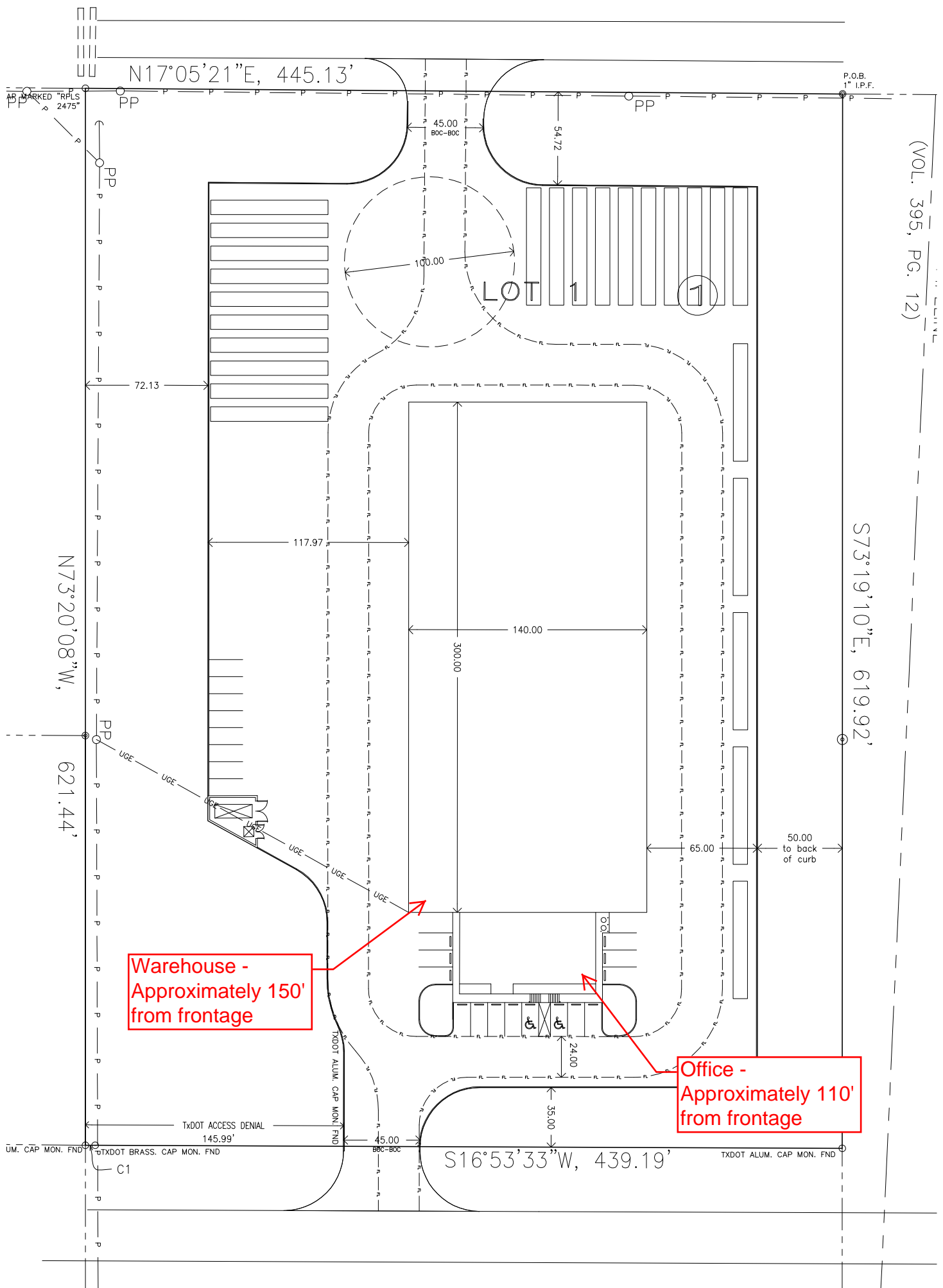


**Flat Metal Panel  
Cross Section**



**26 Gauge R Panel  
Cross Section**





(VOL. 395, PG. 12)

Warehouse -  
Approximately 150'  
from frontage

Office -  
Approximately 110'  
from frontage

**APPLICANT / DEVELOPMENT:** Chauncey Mansell of Mueller, Inc.

**CASE MANAGER:** Brian Mabry, AICP, Planning Director

**ITEM DESCRIPTION:** P-FY-11-32(A) Consider and recommend action on an appeal of Sec. 6.7.8.D.3 of the Unified Development Code related to exterior building material requirements in the I-35 Corridor Overlay Zoning District for a proposed 35,100± square-foot building located at 6910 N. General Bruce Drive. (Chauncey Mansell for Mueller, Inc.)

**BACKGROUND:** The subject property is the current location of the Mueller, Inc. office and warehouse. Due to the Texas Department of Transportation's right-of-way acquisition to widen Interstate 35, the owners will have to demolish the existing building in order to make room for the widening. Reconstruction to replace the existing building will trigger the standards of the I-35 Corridor Overlay zoning district. The owners intend to comply with all I-35 provisions except for those related to building materials. The owner is appealing such requirements, which requires the Planning and Zoning Commission's recommendation and City Council's final decision.

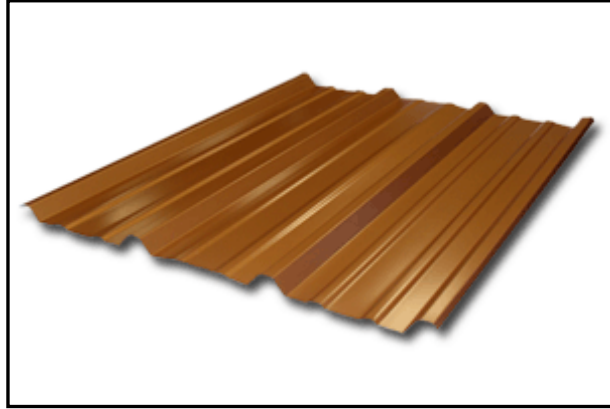
**APPEALS:** The applicant is appealing the following building materials provisions of the Industrial sub-district of the I-35 standards. Staff supports the request.

Requirement	Attached Elevation Shows
Min. 80% of any of the following materials: Architectural metal; Stone; Brick; Stucco; Color integrated split face block; Painted tilt wall; Smooth insulated wall panel	<b><u>Front Office:</u></b> 20% masonry materials on all sides of office area and 80% flat profile metal panels on remainder of office area <b><u>Warehouse:</u></b> 100% 26-gauge R Panel

"Architectural metal" is the type of material popular on more recent car dealerships. The applicant's proposed material, while labeled "flat profile metal panel," is not the same.

Architectural Metal	Flat Profile Metal Panel
	

The proposed “26-Gauge R panel,” shown below and proposed for the warehouse portion of the building, is the conventional exterior many people think of when they hear the term “metal building.”



The Unified Development Code provides the following criteria for consideration when an applicant appeals the Citywide masonry requirements.

- Visibility from the public street right-of-way and adjoining properties
- Percentage exception requested
- Existing or proposed permanent screening (topography, permanent evergreen landscaping, masonry walls, berms, other screening techniques)
- Extent to which facades have building articulation, fenestration or architectural relief, contrasting complementary colors, columns, canopies and arches
- Whether the material sought furthers an architectural theme

In relation to a few of the criteria above, on the attached preliminary site plan, the applicant proposes that the front of the office portion of the building will be over 80 feet from the I-35 frontage road. The warehouse portion, which the applicant is requesting to have a 100% metal exterior, will be approximately 120 feet from the frontage road. Enhanced I-35 landscaping provisions will help to provide screening of the proposed building. In addition, the wall offset for the warehouse, shown on the attached elevation, will break up a potential flat expanse of metal wall and bay doors. Mueller is a metal building company and so it may be expected that such a company would want to have a partially metal building as their office and warehouse.

**STAFF RECOMMENDATION:** Staff recommends approval of P-FY-11-32A, an appeal of the I-35 Corridor Overlay, Industrial Sub-District, exterior building material requirements, to allow:

1. 20% masonry materials on each side of the office portion of the proposed building;
2. 80% flat profile metal panels on the remainder of office; and
3. 100% 26-gauge R Panel metal on the warehouse portion of the building.

Provided that building permit and site plan drawings for the project comply with the approved appeal elevations

**FISCAL IMPACT:** Not Applicable

**ATTACHMENTS:**

[Letter from Applicant](#)

[Proposed Building Elevation](#)

[Photos of Flat Metal Panel](#)

[Cross Sections of Flat Metal Panel and 26-Gauge R Panel](#)

[Preliminary Site Plan](#)



**EXCERPTS FROM THE  
PLANNING & ZONING COMMISSION MEETING  
MONDAY, JUNE 6, 2011**

**ACTION ITEMS**

**Item 4: P-FY-11-32(A)** – Consider and recommend action on an appeal of Sec. 6.7.8.D.3 of the Unified Development Code related to exterior building material requirements in the I-35 Corridor Overlay Zoning District for a proposed 35,100+ square-foot building located at 6910 N. General Bruce Drive. (Chauncey Mansell for Mueller, Inc.)

Mr. Brian Mabry, Planning Director, stated this item relates to a future building on the property and the exterior materials to be used. The property owners are being required to demolish the existing building due to TxDOT right-of-way expansion along I35. The reconstruction that will result from that demolition will trigger I35 Corridor Overlay standards regarding landscaping, building materials, screening, etc.

The proposed plans and concepts will comply with all I35 Corridor Overlay provisions except those relating to building materials. The masonry appeal requires P&Z recommendation and City Council takes final action.

Mr. Mabry stated the subject property is located far north on I35 but within City limits. Property surrounding the building include undeveloped land zoned Light Industrial (LI) to the north along the interstate and a manufactured home to the south which is zoned Agricultural (AG).

In the Industrial Sub-district the requirement is a minimum of 80% of materials listed on the table. The applicant is proposing 20% masonry materials on all sides of the office area and 80% flat profile metal panels on the remainder of the office area. The warehouse would have 100% 26 Gauge R panel metal panels. Under the materials allowed (in the table) architectural metal is an allowed material in this section of the I35 Corridor. The applicant's proposed material is not interpreted as architectural metal. Mr. Mabry shows examples of the proposed buildings and materials along with measurements. The applicant brought actual examples of the materials to be used to show the Commission.

The Unified Development Code (UDC) for Citywide masonry standards provides five criteria for consideration when submitting a masonry appeal:

1. Visibility from right-of-way and adjoining properties;
2. % exception requested;
3. Existing or proposed permanent screening;
4. Building articulation, contrasting complementary colors, columns, canopies and arches; and
5. Whether the material sought furthers an architectural theme.

The applicant would do the following to mitigation the impact of the metal on the building:

1. Distance for Office: 110' from I-35; Warehouse: 150';
2. I-35 landscaping provisions to provide screening parts of proposed building, especially along warehouse;
3. Wall offset for the warehouse, to break up flat expanse of metal wall and bay doors; and
4. Articulated office entryway.

Staff recommendation is to approve this appeal to the I35 Corridor Overlay Industrial Sub-district to allow 20% masonry materials on each side of the proposed office building, 80% flat profile metal panels on the remainder of the office and 100% 26 Gauge R panel metal on the warehouse portion providing that the permit and planned drawings comply with the plans shown.

This does not require a public hearing, however, the applicant is present to answer questions.

Chair Talley asked to see the metal sample to be used for the proposed building.

Mr. Chauncey Mansell, 1915 Hutchins, Ballinger, Texas, representing Mueller, Inc., showed examples of the metal material they proposed to use on both buildings, which were colored in earth tones as required by the Ordinance. He briefly explained how they would be attached and where.

Mueller, Inc. is a metal building manufacturer and these examples are some of their own designed product.

Chair Talley asked about hail damage and Mr. Mansell stated it was very resistant. Insurance companies actually give discounts for using this type of material.

Commissioner Staats asked about stamping metal to resemble a stone façade. Mr. Mansell stated they did not do that type of thing but felt this metal was too hard and would probably tear. The proposed buildings would be covered in the material they design and sell and the balance would be in stone in order to comply with the Ordinance.

Mr. Len Becker, 629 County Road 356, Ballinger, Texas, stated the metal was actually roofing material and they are using it for an architectural purpose.

Commissioner Pope asked what the substrate was to be attached to and Mr. Mansell stated the building would have 8-inch metal studs which the panels would attach to. Commissioner Pope stated the purpose of the I35 Overlay was to get better looking facilities and businesses along the interstate. Appeals were included into the Ordinance in case certain situations arose and Commissioner Pope felt the applicant had done a good job in trying to comply with the requirements. Mr. Mansell stated they would like to

comply with the Ordinance as much as possible but also show the product they are selling.

Commissioner Pilkington stated when the Masonry Ordinance was adopted, provisions were included for buildings to portray a theme if applicable. In his opinion, it makes sense for a business that sells metal to have a metal building.

Commissioner Pilkington made a motion to approve Z-FY-11-32(A) as presented and Commissioner Sears made a second.

*Motion passed: (7:0)*

Vice-Chair Martin and Commissioner Brown absent.

[PLANNING NO. P-FY-11-32(A)]

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE APPEAL OF SEC. 6.7.8.D.3 OF THE UNIFIED DEVELOPMENT CODE RELATED TO EXTERIOR BUILDING MATERIAL REQUIREMENTS IN THE I-35 CORRIDOR OVERLAY ZONING DISTRICT FOR A PROPOSED APPROXIMATELY 35,100 SQUARE FOOT BUILDING LOCATED AT 6910 NORTH GENERAL BRUCE DRIVE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on June 6, 2011, the Planning and Zoning Commission approved an appeal of Sec. 6.7.8.D.3 of the Unified Development Code related to exterior building material requirements in the I-35 Corridor Overlay Zoning District for a proposed approximately 35,100 square foot building located at 6910 North General Bruce Drive; and

**Whereas**, the City Council has considered the matter and deems it in the public interest to approve 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 appeal of Sec. 6.7.8.D.3 of the Unified Development Code related to exterior building material requirements in the I-35 Corridor Overlay Zoning District for a proposed approximately 35,100 square foot building located at 6910 North General Bruce Drive, to allow:

- 20% masonry materials on each side of the office portion of the proposed building;
- 80% flat profile metal panels on the remainder of office; and
- 100% 26-gauge R Panel metal on the warehouse portion of the building.

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

PASSED AND APPROVED this the **16<sup>th</sup>** day of **June**, 2011.

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

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Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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06/16/11  
Item #7  
Regular Agenda  
Page 1 of 1

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

Jonathan Graham, City Attorney

**ITEM DESCRIPTION:** Consider adopting a resolution appointing members to the Citizen Advisory Committee on Redistricting and appointing one member to serve as Chair of the Committee.

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

**ITEM SUMMARY:** At its June 2<sup>nd</sup> Council meeting, the Council adopted a resolution: (1) directing the Staff to begin the process of redistricting; (2) establishing a process and calendar for redistricting, (3) and establishing criteria governing the redistricting process. The next step in this process is for the Council to create a fifteen member advisory committee to work with Staff to develop a redistricting plan to recommend to the City Council. The following names have been submitted to date for consideration by the Council:

Councilmember Dunn:	Dan Posey, Gail Peek, Scott Morrow
Councilmember Morales:	Albert Riojas
Councilmember Cloud:	Gary Garner, Steve Wolfe, John Cunningham
Mayor Pro Tem Schneider:	Mike Pilkington, John Kiella, Allan Talley
Mayor Jones:	

The Council will also need to appoint one member to serve as the Chair of the Citizen Advisory Committee on Redistricting.

**FISCAL IMPACT:** N/A

### **ATTACHMENTS:**

Resolution - to be provided





## **COUNCIL AGENDA ITEM MEMORANDUM**

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06/16/11  
Item #8  
Regular Agenda  
Page 1 of 2

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

Clydette Entzminger, City Secretary

**ITEM DESCRIPTION:** Consider adopting a resolution appointing members to the following City boards and commissions:

- (A) Airport Advisory Board – one member to fill an unexpired term of the Temple Economic Development Corporation representative through September 1, 2013
- (B) Reinvestment Zone Number One Board of Directors – one member to fill an unexpired term through September 1, 2011
- (C) Temple Economic Development Corporation – one member to fill an at-large position through September 1, 2012
- (D) Temple Public Safety Advisory Board – one member to fill an unexpired term through September 1, 2012.

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

**ITEM SUMMARY:** (A) Airport Advisory Board – Perry Cloud is currently serving in an at-large/TEDC representative position on this board.

(B) Reinvestment Zone Number One – Michael Norman has forfeited his position on this board due to non-attendance. Staff requests appointment of one individual to fill the unexpired term through September 1, 2011. To be eligible for appointment an individual must be a qualified voter of the municipality or be at least 18 years of age and own real property in the Zone, whether or not the individual resides in the municipality.

(C) Temple Economic Development Corporation – Former Councilmember Marty Janczak was serving in the City Councilmember standing position on that board. Councilmember Perry Cloud was appointed to fill that position at the June 2<sup>nd</sup> Council meeting. It is requested that an individual be appointed to fill the at-large position vacated by Mr. Cloud, to expire September 1, 2012.

(D) Temple Public Safety Advisory Board – John Mayo resigned from the Temple Public Safety Advisory Board effective May 11, 2011. Staff requests appointment of one Temple resident to fill the unexpired term through September 1, 2012.

**FISCAL IMPACT:** N/A

**ATTACHMENTS:**

[Board member lists](#)

[Board Summary & Applications](#)

Resolution

# AIRPORT ADVISORY BOARD

TERM EXPIRATION: SEPTEMBER - 3 YEAR TERMS

APPOINTED BY: MAYOR/COUNCIL

MEMBER	POSITION FILLED	DATE APPOINTED	EXPIRATION YEAR	ADDRESS	PHONE NUMBER
*William Maedgen, III <a href="mailto:maedgen@embark.com">maedgen@embark.com</a>	At large	09/08	2011	11886 Brewer Road Salado, TX 76571	773-9902 W 947-5815 F 760-6385 Cell
Brad Phillips, Sec. <a href="mailto:Bradp@homespecl.com">Bradp@homespecl.com</a>	Temple Resident	09/08	2011	4000 Hickory Rd. #9 PO Box 1369 Temple, TX 76503	770-8057 W/C 770-0429 H
*Bob Browder(RZ-1) <a href="mailto:bobbrowder@bcswlaw.com">bobbrowder@bcswlaw.com</a>	At large & RZ No. 1	09/09	2012	4101 Briar Cliff Rd Temple, TX 76502	774-8333 ext. 255 W 778-8956 H 760-6164 C
Lamar Eidson, Vice Chair <a href="mailto:lamareidson@sbcglobal.net">lamareidson@sbcglobal.net</a>	Temple Resident	10/08	2012	11010 Whiterock Dr Temple, TX 76502	780-2505 W 291-8659 C
Craig Caddell <a href="mailto:Craig4323@hotmail.com">Craig4323@hotmail.com</a>	Temple Resident	09/10	2013	621 Benchmark Trl Belton, TX 76513	760-3761 C
Vernon Starnes <a href="mailto:vstarnes@hot.rr.com">vstarnes@hot.rr.com</a>	Temple Resident	07/09	2013	121 Calvin Drive Temple, TX 76502	773-4700 H
Rayford Brown <a href="mailto:lcrkbrown@hot.rr.com">lcrkbrown@hot.rr.com</a>	Temple Resident	09/09	2013	3702 Jaguar Trail Temple, TX 76502	718-4910 W/H/C
David Jones <a href="mailto:david@belltec.net">david@belltec.net</a>	Temple Resident	09/10	2013	11704 Meredith Dr Belton, TX 76513	939-9404 W 780-1433 H 718-2221 C
Perry Cloud <a href="mailto:ptcloud@cloudconstruction.com">ptcloud@cloudconstruction.com</a>	At Large & TEDC	09/10	2013	P.O. Box 667 Temple, TX 76503	778-1363 W 778-6492 H 760-6421 C

Created August 21, 1980 by Ordinance #1287; amended by Ordinances 1755 (5-15-86) and 2132 (4-16-92) to increase membership from 6 to 9 (addition of 3 at large positions); re-established by Resolution No. 2008-5437-R (remove Belton Rep and add 1 rep from TEDC and 1 rep from RZ No. 1 Board).

**Purpose:** Serves in an advisory capacity to City Council in matters pertaining to the Airport, make recommendations as to fees, charges, facility improvements, and airport services.

**Membership:** 6 residents of the City of Temple  
3 residents at-large  
1 member from TEDC Board of Directors & 1 member from RZ No. 1 Board of Directors (either at-large or Temple resident)  
Ex-officio - Airport Manager, City Manager and Mayor

**Term:** 3 years **Meeting Time/Place:** 2<sup>nd</sup> Monday of each month, 4:00 pm, Airport Operations Bldg.

# REINVESTMENT ZONE NUMBER ONE

TERM EXPIRATION: SEPTEMBER - 2 YEAR TERMS

APPOINTED BY: C.C., TJC, BELL COUNTY, & TISD

MEMBER	DATE APPOINTED	EXPIRATION YEAR	ADDRESS	PHONE NUMBER
Scott Allen <a href="mailto:svallen@sbcglobal.net">svallen@sbcglobal.net</a> OMA	02/08	2012	818 North 11 <sup>th</sup> Street Temple, TX 76501	774-9565 W 718-3025 M 774-8579 F
John R. Bailey <a href="mailto:john@johnbaileyfinancial.com">john@johnbaileyfinancial.com</a>	09/05	2011	4106 Spanish Oak Temple, TX 76502	774-8882 W 774-8883 Fax 760-1486 M
Jacob (Jay) Bojorquez <a href="mailto:jaynberry@sbcglobal.net">jaynberry@sbcglobal.net</a>	10/08	2011	7311 Rickey Drive Temple, TX 76502	771-3299 H 931-3269 C
Jack W. Jones, Jr. (Temple College Rep.) <a href="mailto:jackj@vvm.com">jackj@vvm.com</a>	08/07 appt.by TC	2011	P O Box 3310 Temple, TX 76505	774-7167 H 771-1855 W 760-0827 M
Bob Browder, Chair <a href="mailto:bobbrowder@bcswlaw.com">bobbrowder@bcswlaw.com</a>	10/08	2011	4101 Briar Cliff Road Temple, TX 76502	774-8333 ext 255 W 778-8956 H 760-6164 C
Mark Whitaker <a href="mailto:markwhitaker@bcswlaw.com">markwhitaker@bcswlaw.com</a>	09/05	2011	3710 Wendy Oaks Temple, TX 76502	774-8333 W 742-1418 H
Hugh Shine <a href="mailto:Hugh.shine@wellsfargoadvisors.com">Hugh.shine@wellsfargoadvisors.com</a>	09/10	2012	P.O. Box 793 Temple, TX 76503	742-1885 W 774-9685 H 760-6007 C
Gail Peek <a href="mailto:peek@vvm.com">peek@vvm.com</a>	09/06	2012	3409 Whispering Oak Temple, Texas 76502	778-7892 H/W 493-2000 M
Steve Wright (TISD Rep.) <a href="mailto:steve@wrightbuilders.com">steve@wrightbuilders.com</a>	6/06 appt.by TISD	2011	Wright Builders 5640 Kegley Place Ln Temple, TX 76502	778-4495 W 541-5124 M
Michael Norman <a href="mailto:mnorman@catalystbioventures.com">mnorman@catalystbioventures.com</a> forfeit term-non attendance	09/09	2011	19 North Main Street Temple, TX 76501	624-5747 W/C 770-1714 H 512-628-6506 Fax
Commiss. Eddy Lange (Bell Co. Rep.) <a href="mailto:william.lange@co.bell.tx.us">william.lange@co.bell.tx.us</a>	01/05- appt.by Bell Co.	2011	P.O. Box 768 Belton, Texas 76513	933-5103 W 933-5179 Fax
Michael Thompson <a href="mailto:mthompson@extracobanks.com">mthompson@extracobanks.com</a>	09/06	2012	18 South Main Street Temple, TX 76501	774-5550 W
John Kiella (BISD Rep.) <a href="mailto:jkiella@kiella.com">jkiella@kiella.com</a>	09/05	2012	P O Box 1344 Temple, TX 76503	778-0085 W 774-7231 Fax 541-3360 M
Gary Schmidt (Troy ISD Rep.) <a href="mailto:gschmidt@cnb-temple.com">gschmidt@cnb-temple.com</a>	02/2000	2012	Central National Bank P O Box 4107 Temple, TX 76505	743-6965 W 938-2429 H 770-3186 Fax
Edward Coufal (Elm Crk) <a href="mailto:edwardc@cpetem.com">edwardc@cpetem.com</a>	05/05	2011	8576 FM 3117 Temple, Texas 76501	721-9696 773-9916 W

Created pursuant to Section 311.004(a)(2) of the Tax Increment Financing Act; Ordinance 1457, December 16, 1982. **Purpose:** Make recommendations to the City Council concerning the administration of the Zone. The board of directors exercise powers necessary to implement the project plan which is delegated by ordinance of the Council. **Membership:** 15 directors - 9 appointed by the Council; 1 director each of every taxing entity with levies taxes within the Zone, currently: TC, TISD, BISD, Troy ISD, Bell County and Elm Creek Water District. To be eligible for appointment to the board an individual must be a qualified voter of the municipality or be at least 18 years of age and own real property in the zone, whether or not the individual resides in the municipality. **Term:** 2 years

Revised 05/27/11

# TEMPLE ECONOMIC DEVELOPMENT CORPORATION

TERM EXPIRATION: SEPTEMBER - 3 YEAR TERMS

APPOINTED BY: CITY COUNCIL

MEMBER	DATE APPOINTED	EXPIRATION	ADDRESS	PHONE NUMBER
William A. Jones, III, Mayor <a href="mailto:bjones@ci.temple.tx.us">bjones@ci.temple.tx.us</a>	02/08	standing	2 North Main Temple, TX 76501	298-2951 W
Perry Cloud Councilmember <a href="mailto:pcloud@ci.temple.tx.us">pcloud@ci.temple.tx.us</a>	06/11	Standing	P O Box 667 Temple, TX 76503	778-1363 W 760-6421 C
David Blackburn, City Mgr <a href="mailto:6dblackburn@ci.temple.tx.us">6dblackburn@ci.temple.tx.us</a>	02/01	Standing	2 North Main Temple, TX 76501	298-5600 W 298-5637 Fax
Bob Browder (RZ Chair) <a href="mailto:bobbrowder@bcswlaw.com">bobbrowder@bcswlaw.com</a>	09/09	Standing	P.O. Box 1655 Temple, Texas 76503	774-8333/255 W 778-8956 H 760-6164 C 774-9353 Fax
Kenny Martin (Chamber) <a href="mailto:martin@vvm.com">martin@vvm.com</a>	02/08	2011	3115 Kensington Court P O Box 1404 Temple, TX 76503	771-5400 W 771-3811 H 771-4000 F
Barbara Bozon (Chamber) <a href="mailto:execdir@centexhousing.org">execdir@centexhousing.org</a>	09/09	2011	P.O. Box 1326 Temple, TX 76503	773-5628 W 773-1958 F
Gary Schmidt (RZ No. 1) <a href="mailto:gschmidt@cnbtemple.com">gschmidt@cnbtemple.com</a>	09/05	2011	Central National Bank P.O. Box 4107 Temple, TX 76505	770-1234 W 770-3186 F
Greg Rhoads (Chamber) <a href="mailto:greg@2thetopllc.com">greg@2thetopllc.com</a>	09/09	2012	2668 South 31 <sup>st</sup> St. Temple, TX 76504	778-3400 W 931-0637 C
Perry Cloud (At Large) <a href="mailto:ptcloud@cloudconstruction.com">ptcloud@cloudconstruction.com</a>	09/09	2012	P.O. Box 667 Temple, TX 76503	778-1363 W 778-6492 H 760-6421 C 778-5877 F
Pat Currie (At Large) <a href="mailto:pcurrie@swmail.sw.org">pcurrie@swmail.sw.org</a>	5/08	2012	1150 Hartrick Canyon Dr Temple, TX 76502	724-4537 W 982-4674 H 713-582-5606 C
Charles Belson (At Large) <a href="mailto:cmbelson@sbcglobal.net">cmbelson@sbcglobal.net</a>	09/09	2012	4309 Stonehill Court Temple, TX 76502	254-697-8516 W 773-1347 H 760-6636 C 254-697-8656 F
Pat Patterson (Chamber) <a href="mailto:pat.patterson@patconstructionllc.com">pat.patterson@patconstructionllc.com</a>	09/07	2013	201 Shady Oaks Ct Temple, TX 76504	771-2228 W 760-6062 M
James (Jim) Kent (At Large) <a href="mailto:Jkent88@yahoo.com">Jkent88@yahoo.com</a>	09/10	2013	13616 Dandelion Trail Belton, TX 76513	771-7905 W 780-9812 H 541-6252 C
Drayton McLane III (At Large) <a href="mailto:Drayton.mclane3@mclaneat.com">Drayton.mclane3@mclaneat.com</a>	09/10	2013	P.O. Box 549 Temple, TX 76503	770-6123 W 947-8307 H 228-3845 C
Gregg Strasburger (Bioscience Dist.) <a href="mailto:gss@strasburger.net">gss@strasburger.net</a>	09/10	2013	Fuel Distributors, Inc. 7 North 5 <sup>th</sup> Street Temple, TX 76501	778-3547 x 433 W 760-7278 M
TEDC STAFF – Lee Peterson <a href="mailto:lpeterson@choosetemple.com">lpeterson@choosetemple.com</a>			1 South 1 <sup>st</sup> Street Temple, Texas 76501	773-8856 F 773-8332 W



Created as a nonprofit corporation; articles of incorporation and bylaws of TEDC were amended in December, 1992 with the approval of an Economic Development Agreement between the City of Temple and TEDC; current agreement approved Jan. 2008.

**Purpose:** To cooperate fully to coordinate efforts in order to ensure optimal economic development within the City.

**Membership:** 15 directors- all appointed by City, with 2 from the Chamber Board, 1 from Bioscience District Board, 7 at large, 1 from RZ Board and 4 standing appointments to include 2 Councilmembers (one of whom may be the Mayor), City Manager, and RZ #1 Chair;

**Term:** 3 years   **Meeting Place/Time:** 3<sup>rd</sup> Tuesday of each month, 10:00 a.m., TEDC Conference Room

Revised 06/02/11

# TEMPLE PUBLIC SAFETY ADVISORY BOARD

TERM EXPIRATION: SEPTEMBER - 3 YEAR TERMS

APPOINTED BY: MAYOR/COUNCIL

MEMBER	DATE APPOINTED	EXPIRATION YEAR	ADDRESS	PHONE NUMBER
Bill E. Moore	06/05	2012	2005 East Avenue K, 76501	773-3589 H
John Mayo <span style="color: red;">Resigned 5-11-11</span>	04/10	2012	6918 Valley Mist, 76502 <a href="mailto:John.Mayo@hotmail.com">John.Mayo@hotmail.com</a>	773-9966 W 541-6816 C
Twila Coley	09/10	2013	714 South 13 <sup>th</sup> Street, 76504 <a href="mailto:Tcoley3@att.net">Tcoley3@att.net</a>	931-7669 W/C
John Bush	09/09	2013	1302 North 13 <sup>th</sup> , 76501 <a href="mailto:Jbush83498@sbcglobal.net">Jbush83498@sbcglobal.net</a>	774-8899 W 773-1416 H 760-9313 C
Donald W. Nelson	09/09	2012	3105 Hemlock Blvd., 76502 <a href="mailto:Dnelson8@hotmail.com">Dnelson8@hotmail.com</a>	778-1803 H/F
Sylvia Chesser	09/10	2013	802 Westpoint Dr., 76504 <a href="mailto:Kd5usi@aol.com">Kd5usi@aol.com</a>	771-1171 H
Dee Blackwell	09/10	2013	8520 Oak Crossing, 76502 <a href="mailto:dahblackwell@hotmail.com">dahblackwell@hotmail.com</a>	228-5609 H 541-8873 C
Richard Morgan	03/11	2013	214 West Houston, 76501 <a href="mailto:richardmorgan@hotmail.com">richardmorgan@hotmail.com</a>	634-4244 W 760-0331 C
Temikia Brown	09/09	2012	P O Box 1702, 76503 <a href="mailto:temikiabrown@aol.com">temikiabrown@aol.com</a>	780-2822 H 778-8036 W 217-5476 C
Margaret Goodwin	06/10	2013	3206 Keller Road, 76504 <a href="mailto:mag47goo@msn.com">mag47goo@msn.com</a>	541-0894 C
Jeff Blackwell	11/10	2011	8520 Oak Crossing, 76502 <a href="mailto:jblackwell@swmail.sw.org">jblackwell@swmail.sw.org</a>	228-5609 H 541-8874 C
Gerald Richmond	09/05	2011	3210 Glenwood Drive 76502 <a href="mailto:n5zxj@n5zxj.us">n5zxj@n5zxj.us</a>	773-6868 W 771-3006 H 913-7041 C
Bennie Trevino	11/10	2011	1003 South 13 <sup>th</sup> Street, 76504 <a href="mailto:Bnn_trevino@yahoo.com">Bnn_trevino@yahoo.com</a>	771-3859 H
Arben "Benny" Ismaili	09/07	2011	2787 S. MLK Dr. #2203 <a href="mailto:arben1976@hotmail.com">arben1976@hotmail.com</a>	771-0169 W 231-7824 C
John Barina	09/08	2011	2109 Stagecoach Trl 76502 <a href="mailto:johnbarina@hotmail.com">johnbarina@hotmail.com</a>	760-6525 W/C 773-9580 H

Created by Resolution 94-641-R February 3, 1994; previously under authority of resolution adopted September 1, 1983 as Temple Law Enforcement Advisory Board.

**Purpose:** Advise the Council on matters of law enforcement, fire, emergency medical service, communications and emergency management.

**Membership:** 15 members - all residents of the City;  
Ex-Officio members - Chief of Police, Fire Chief

**Term:** 3 years

**City Staff:** Police Chief Gary Smith/Fire Chief Lonzo Wallace

**Meeting Time/Place:** 2nd Tuesday of each month at 6:00 p.m., Temple Police Department. Revised 03/03/11



## APPLICATION SUMMARY

JUNE 16, 2011

## BOARD APPOINTMENTS

### **REINVESTMENT ZONE NO. 1 BOARD OF DIRECTORS – 2 YEAR TERMS: Meets 4<sup>TH</sup> Wednesday of each month, 7:00 am**

1 Unexpired Term through September 1, 2011: Michael Norman – forfeited term due to non-attendance; must be a qualified voter of the municipality or be at least 18 years of age and own real property in the Zone, whether or not the individual resides in the municipality.

#### Board Forms on File:

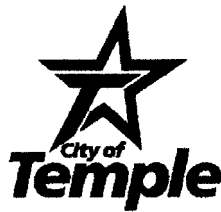
Joel Amos (flexible)  
Thomas Baird  
John Howe  
Rick Hughes  
Drayton McLane III  
Richard Morgan (serving on Public Safety Advisory Board)  
Larry Neal  
Keith Odom (serving on Zoning Board of Adjustment as alternate member)  
Raju Patel

### **TEMPLE PUBLIC SAFETY ADVISORY BOARD – 3 YEAR TERMS: Meets 2<sup>nd</sup> Tuesday of each month, 6:00 p.m.**

1 Unexpired Term through September 1, 2012: - John Mayo – resigned effective 05-11-11; must be Temple resident.

#### Board Forms on File:

Sonny Jaramillo



**CITY OF TEMPLE**  
**CITY BOARD APPLICATION FORM**

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AIRPORT ADVISORY BOARD	ANIMAL SERVICES ADVISORY BOARD
BUILDING & STANDARDS COMMISSION	BUILDING BOARD OF APPEALS
CIVIL SERVICE COMMISSION	COMMUNITY SERVICES ADVISORY BOARD
ELECTRICAL BOARD	TEMPLE PUBLIC SAFETY ADVISORY BOARD
ZONING BOARD OF ADJUSTMENT	DEVELOPMENT STANDARDS ADVISORY BOARD
LIBRARY BOARD	PARKS & LEISURE SERVICES ADVISORY BOARD
PLANNING & ZONING COMMISSION	TRANSIT ADVISORY COMMITTEE
REINVESTMENT ZONE NUMBER ONE	CENTRAL TEXAS HOUSING CONSORTIUM
TEMPLE ECONOMIC DEVELOPMENT CORP.	TREE BOARD

- If you wish to make yourself available for consideration, please complete this form and send to the City Secretary's Office, City of Temple, P.O. Box 207, Temple, TX 76503 or by fax 254-298-5637.
- If you would like further information on meeting times and/or anticipated time commitments, please contact the City Secretary at 254-298-5301 or [centz@ci.temple.tx.us](mailto:centz@ci.temple.tx.us).

\*\*\*\*\*  
Name Joel Amos Residence Address 1016 Ravenwood Ct., Temple

Mailing Address PO BOX 3766, Temple, TX 76505 Phone Number(Business)254-778-4271(Home)254-231-3480

FaxNumber 254-778-6055 CellPhoneNumber254-534-0177 E-Mail Address Joelamos@amoselectric.com  
Temple Resident: X Yes        No

Current Employer/Nature of Business: Amos Electric

What City Boards have you served on before & When? None

Name, in priority order, the Board or Boards on which you would prefer to serve: Flexible

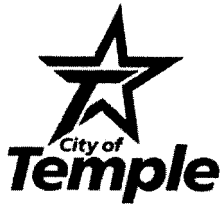
What experience and/or educational background do you have that could be applied to community service?  
Graduated from Texas A&M with a BBA in Finance. Coached football for the Brazos Valley Boys and Girls club.

Comments (Attach additional page if desired): Willing to serve my community to make it a better place.

Signed: Joel Amos Date: 3/3/2011

**PLEASE NOTE: All information supplied on this form is public information.**

Appt'd ZBA- alternate - 3/03/11



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CIVIL SERVICE COMMISSION  
ELECTRICAL BOARD  
ZONING BOARD OF ADJUSTMENT  
LIBRARY BOARD  
PLANNING & ZONING COMMISSION  
REINVESTMENT ZONE NUMBER ONE  
TEMPLE ECONOMIC DEVELOPMENT CORP.

ANIMAL SERVICES ADVISORY BOARD  
BUILDING BOARD OF APPEALS  
COMMUNITY SERVICES ADVISORY BOARD  
TEMPLE PUBLIC SAFETY ADVISORY BOARD  
DEVELOPMENT STANDARDS ADVISORY BOARD  
PARKS & LEISURE SERVICES ADVISORY BOARD  
TRANSIT ADVISORY COMMITTEE  
CENTRAL TEXAS HOUSING CONSORTIUM

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Name Thomas C. Baird Residence Address 707 W Thompson 76501  
Mailing Address 15 N Main 76501 Phone Number (Business) 7437310 (Home) 774-8249  
Fax Number 774-9353 Cell Phone Number 913-2170 E-Mail Address thomasbaird@  
bcswlaw.com  
Temple Resident: ☒ Yes ☐ No

Current Employer/Nature of Business: BAIRD, CREWS, SCHILLER & WHITAKER, PC  
law firm  
What City Boards have you served on before & When? Temple Economic Development  
Corp - 2004-2010

Name, in priority order, the Board or Boards on which you would prefer to serve: Reinvestment  
Zone

What experience and/or educational background do you have that could be applied to community service?  
Chair - Keep Temple Beautiful; Past Chair - Temple Chamber  
of Commerce, Temple Business League, TERC  
Comments (Attach additional page if desired):  
Resident of Temple since 3rd grade elementary school  
And involved in activities of City for many years.

Signed: [Signature] Date: 6/1/11

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## CITY OF TEMPLE

## CITY BOARD APPLICATION FORM

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CIVIL SERVICE COMMISSION  
ELECTRICAL BOARD  
ZONING BOARD OF ADJUSTMENT  
LIBRARY BOARD  
PLANNING & ZONING COMMISSION  
REINVESTMENT ZONE NUMBER ONE  
TEMPLE ECONOMIC DEVELOPMENT CORP.

ANIMAL SERVICES ADVISORY BOARD  
BUILDING BOARD OF APPEALS  
COMMUNITY SERVICES ADVISORY BOARD  
TEMPLE PUBLIC SAFETY ADVISORY BOARD  
DEVELOPMENT STANDARDS ADVISORY BOARD  
PARKS & LEISURE SERVICES ADVISORY BOARD  
TRANSIT ADVISORY COMMITTEE  
CENTRAL TEXAS HOUSING CONSORTIUM

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Name John C. Howe Residence Address 11104 Lake Whitney Dr.  
TEMPLE, TX 76502

Mailing Address \_\_\_\_\_ Phone Number (Business) 773-9966 (Home) 780-1101

Fax Number \_\_\_\_\_ Cell Phone Number 254 541 3090 E-Mail Address john@omegabuilders.com

Temple Resident: ☒ Yes ☐ No

Current Employer/Nature of Business: OMEGA BUILDERS (BUILDER/DEVELOPER)

What City Boards have you served on before & When? CTHC: OCT 2007 - PRESENT

BUILDING & STANDARDS COMMISSION: AROUND 2005 as ALTERNATE

Name, in priority order, the Board or Boards on which you would prefer to serve: \_\_\_\_\_

① TEMPLE ECONOMIC DEVELOPMENT CORP ② REINVESTMENT ZONE No. 1

What experience and/or educational background do you have that could be applied to community service?

Comments (Attach additional page if desired):

Signed: \_\_\_\_\_

Date: 7/14/2009

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**CITY OF TEMPLE**  
**CITY BOARD APPLICATION FORM**

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ZONING BOARD OF ADJUSTMENT  
LIBRARY BOARD  
PLANNING & ZONING COMMISSION  
REINVESTMENT ZONE NUMBER ONE  
TEMPLE ECONOMIC DEVELOPMENT CORP.

ANIMAL SERVICES ADVISORY BOARD  
BUILDING BOARD OF APPEALS  
COMMUNITY SERVICES ADVISORY BOARD  
TEMPLE PUBLIC SAFETY ADVISORY BOARD  
DEVELOPMENT STANDARDS ADVISORY BOARD  
PARKS & LEISURE SERVICES ADVISORY BOARD  
TRANSIT ADVISORY COMMITTEE  
CENTRAL TEXAS HOUSING CONSORTIUM

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Name Rick Hughes Residence Address 3507 Victorian Dr. Temple 76502  
Mailing Address PO Box 325, Temple 76503 Phone Number(Business) 773-0038 (Home) 778-8582  
Fax Number 773-9500 Cell Phone Number 913-8657 E-Mail Address rhughes@ccim.net

Temple Resident: X Yes \_\_\_\_\_ No

Current Employer/Nature of Business: Hughes Realty Group, Commercial Real Estate

What City Boards have you served on before & When? None

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Name, in priority order, the Board or Boards on which you would prefer to serve:

TEDC or Reinvestment Zone No 1.

What experience and/or educational background do you have that could be applied to community service?

35 years in the real estate industry as an investor, corporate real estate executive and commercial real estate broker.

Hold CCIM designation with the National Association of Realtors

Comments (Attach additional page if desired):

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

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## CITY OF TEMPLE

## CITY BOARD APPLICATION FORM

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ELECTRICAL BOARD  
ZONING BOARD OF ADJUSTMENT  
LIBRARY BOARD  
PLANNING & ZONING COMMISSION

ANIMAL SERVICES ADVISORY BOARD  
BUILDING BOARD OF APPEALS  
COMMUNITY SERVICES ADVISORY BOARD  
TEMPLE PUBLIC SAFETY ADVISORY BOARD  
DEVELOPMENT STANDARDS ADVISORY BOARD  
PARKS & LEISURE SERVICES ADVISORY BOARD  
TRANSIT ADVISORY COMMITTEE  
CENTRAL TEXAS HOUSING CONSORTIUM

REINVESTMENT ZONE NUMBER ONE  
TEMPLE ECONOMIC DEVELOPMENT CORP.

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Name Drayton McLane III Residence Address 8041 FM 2843 Salado, TX 76571  
Mailing Address PO Box 549 Temple, TX 76503 Phone Number (Business) 254 770-6123 (Home) 254 947-8307  
Fax Number 254 771-6290 Cell Phone Number 254 228-3845 E-Mail Address drayton.mclane3@mclaneat.com  
Temple Resident: Yes ☒ No  
Current Employer/Nature of Business: McLane Group/McLane Advanced Technologies  
What City Boards have you served on before & When? None

Name, in priority order, the Board or Boards on which you would prefer to serve: Temple Economic Development Corp, Reinvestment Zone Number One

What experience and/or educational background do you have that could be applied to community service?

I do not have a long resume of city & public work to refer you to, but I started with a Marketing degree from Baylor, worked 2 1/2 years in Marketing for MBNA Dallas, 6 years in production & sales

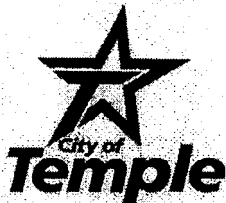
Comments (Attach additional page if desired):

for a plastics manufacturer, & finally have spent the last 3 years doing work with all of the McLane Group companies

I have served as a customer in negotiating with TETC during our building expansion in 2007.

Signed: Drayton McLane III Date: 28-July-2009

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CITY OF TEMPLE  
CITY BOARD APPLICATION FORM

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ZONING BOARD OF ADJUSTMENT  
LIBRARY BOARD  
PLANNING & ZONING COMMISSION  
REINVESTMENT ZONE NUMBER ONE  
TEMPLE ECONOMIC DEVELOPMENT CORP.

ANIMAL SERVICES ADVISORY BOARD  
BUILDING BOARD OF APPEALS  
COMMUNITY SERVICES ADVISORY BOARD  
TEMPLE PUBLIC SAFETY ADVISORY BOARD  
DEVELOPMENT STANDARDS ADVISORY BOARD  
PARKS & LEISURE SERVICES ADVISORY BOARD  
TRANSIT ADVISORY COMMITTEE  
CENTRAL TEXAS HOUSING CONSORTIUM

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Name Richard E. Morgan Residence Address 214 West Houston Ave.  
Temple, TX 76501  
Mailing Address 214 W. Houston Ave. Phone Number (Business) 254.634.4244 (Home) 254.771.0109  
Temple, TX 76501  
Fax Number 254.634.8809 Cell Phone Number 254.760.0331 E-Mail Address richard.morgan@hst.ir.com  
Temple Resident: ☒ Yes ☐ No  
Current Employer/Nature of Business: Self Employed/Sole Proprietor/Clinical Social Worker  
What City Boards have you served on before & When? \_\_\_\_\_

Name, in priority order, the Board or Boards on which you would prefer to serve: (1) Planning & Zoning Commission  
(2) Community Services Advisory Board (3) Temple Public Safety Advisory Board  
(4) Reinvestment Zone Number One (5) Transit Advisory Board

What experience and/or educational background do you have that could be applied to community service?  
Served on Numerous Committees including Bell County Resource Group  
Parents Without Partners Board of Directors - Bell County Mental Health  
Comments (Attach additional page if desired): I have a Master of Science Degree  
in Social Work from University of Texas  
over 20 years as a Clinical Social Worker

Signed: Richard E. Morgan Date: 7/26/09  
PLEASE NOTE: All information supplied on this form is public information. App'd PSAB 3/03/11



CITY OF TEMPLE

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REINVESTMENT ZONE NUMBER ONE  
TEMPLE ECONOMIC DEVELOPMENT CORP.

ANIMAL SERVICES ADVISORY BOARD  
BUILDING BOARD OF APPEALS  
COMMUNITY SERVICES ADVISORY BOARD  
TEMPLE PUBLIC SAFETY ADVISORY BOARD  
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Name LARRY NEAL Residence Address 4609 WILLOWOOD LN  
Mailing Address 4609 WILLOWOOD LN Phone Number(Business) 254 778 1466 (Home) 254 773 7564  
Fax Number 254 778 5077 Cell Phone Number 254 913 8498 E-Mail Address arcneal@hotmail.com

Temple Resident: ☒ Yes ☐ No

Current Employer/Nature of Business: LARRY NEAL/ARCHITECT - ARCHITECTURAL FIRM (OWNER)

What City Boards have you served on before & When? PLANNING COMMISSION - EARLY 90's  
HOUSING Bd Adjustment & Appeals Late 80's, 1990's current

Name, in priority order, the Board or Boards on which you would prefer to serve: Temple Economic Development Corp / Reinvestment Zone / Parks

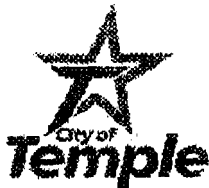
What experience and/or educational background do you have that could be applied to community service?

Practicing Architect in Temple over 30 yrs / Active in Community  
Comments (Attach additional page if desired):

Signed: [Signature] Date: 8-4-09

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 LIBRARY BOARD  
 PLANNING & ZONING COMMISSION  
 REINVESTMENT ZONE NUMBER ONE  
 TEMPLE ECONOMIC DEVELOPMENT CORP.

ANIMAL SERVICES ADVISORY BOARD  
 BUILDING BOARD OF APPEALS  
 COMMUNITY SERVICES ADVISORY BOARD  
 TEMPLE PUBLIC SAFETY ADVISORY BOARD  
 DEVELOPMENT STANDARDS ADVISORY BOARD  
 PARKS & LEISURE SERVICES ADVISORY BOARD  
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Name Keith Odum Residence Address 407 Gibraltar Lorena, Tx 76655  
 Mailing Address 407 Gibraltar Lorena, Tx 76655 Phone Number (Business) 254-770-5129 (Home) 254-493-7973  
 Fax Number 254-770-5108 Cell Phone Number 254-493-7973 E-Mail Address Keith.Odum@bbva.compass.com  
 Temple Resident: Yes ☒ No ☐

Current Employer/Nature of Business: BBVA COMPASS BANK - City President - Temple

What City Boards have you served on before & When? NONE in Temple

Name, in priority order, the Board or Boards on which you would prefer to serve: Zoning Board of Adjustments, Building Board of Appeals, Reinvestment Zone number one

What experience and/or educational background do you have that could be applied to community service?

15 years Banking and Community Involvement + Service, B.B.A. - LEADERSHIP  
 Comments (Attach additional page if desired):  
Temple Graduate. I HAVE SERVED in SEVERAL BOARD + LEADERSHIP POSITIONS  
with Rotary Club, Chamber of Commerce in both Hillsboro + Temple.

Signed [Signature] Date: 2-10-10

PLEASE NOTE: All information supplied on this form is public information.

Appt'd ZBA (att) 3/04/10



## CITY OF TEMPLE

## CITY BOARD APPLICATION FORM

The purpose of this form is to furnish information to the Mayor and City Council regarding those persons who may desire to volunteer their time and services to the City of Temple by serving on one or more of the following boards and/or committees:

AIRPORT ADVISORY BOARD  
BUILDING & STANDARDS COMMISSION  
CIVIL SERVICE COMMISSION  
ELECTRICAL BOARD  
ZONING BOARD OF ADJUSTMENT  
LIBRARY BOARD  
PLANNING & ZONING COMMISSION  
REINVESTMENT ZONE NUMBER ONE  
TEMPLE ECONOMIC DEVELOPMENT CORP.

ANIMAL SERVICES ADVISORY BOARD  
BUILDING BOARD OF APPEALS  
COMMUNITY SERVICES ADVISORY BOARD  
TEMPLE PUBLIC SAFETY ADVISORY BOARD  
DEVELOPMENT STANDARDS ADVISORY BOARD  
PARKS & LEISURE SERVICES ADVISORY BOARD  
TRANSIT ADVISORY COMMITTEE  
CENTRAL TEXAS HOUSING CONSORTIUM

- If you wish to make yourself available for consideration, please complete this form and send to the City Secretary's Office, City of Temple, P.O. Box 207, Temple, TX 76703 or by fax 254-298-5637.
- If you would like further information on meeting times and/or anticipated time commitments, please contact the City Secretary at 254-298-5301 or [centz@ci.temple.tx.us](mailto:centz@ci.temple.tx.us).

Name RAJU Patel Residence Address 1602 N. General Boulevard  
Mailing Address 1602 N. General Boulevard Phone Number (Business) \_\_\_\_\_ (Home) \_\_\_\_\_  
Fax Number (254) 770-1616 Cell Phone Number (254) 718-5883 E-Mail Address \_\_\_\_\_  
Temple Resident: ☒ Yes ☐ No STRATFORDHOUSEINN  
Current Employer/Nature of Business: SELF EMPLOYED @GMAIL.COM  
What City Boards have you served on before & When? \_\_\_\_\_

Name, in priority order, the Board or Boards on which you would prefer to serve: TEMPLE ECONOMIC DEVELOPMENT CORP, REINVESTMENT ZONE NUMBER ONE

What experience and/or educational background do you have that could be applied to community service?

13 yrs in hotel business (Develop, build and manage multiple hotels in Temple, Belton & Waco) B.E. CIVIL Engg.

Comments (Attach additional page if desired):

Signed: R. Patel Date: 9/4/09

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## CITY OF TEMPLE

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BUILDING & STANDARDS COMMISSION  
CIVIL SERVICE COMMISSION  
ELECTRICAL BOARD  
ZONING BOARD OF ADJUSTMENT  
LIBRARY BOARD  
PLANNING & ZONING COMMISSION  
REINVESTMENT ZONE NUMBER ONE  
TEMPLE ECONOMIC DEVELOPMENT CORP.

ANIMAL SERVICES ADVISORY BOARD  
BUILDING BOARD OF APPEALS  
COMMUNITY SERVICES ADVISORY BOARD  
✓ TEMPLE PUBLIC SAFETY ADVISORY BOARD  
DEVELOPMENT STANDARDS ADVISORY BOARD  
PARKS & LEISURE SERVICES ADVISORY BOARD  
TRANSIT ADVISORY COMMITTEE  
CENTRAL TEXAS HOUSING CONSORTIUM  
TREE BOARD

• If you wish to make yourself available for consideration, please complete this form and send to the City Secretary's Office, City of Temple, P.O. Box 207, Temple, TX 76503 or by fax 254-298-5637.

• If you would like further information on meeting times and/or anticipated time commitments, please contact the City Secretary at 254-298-5301 or [centz@ci.temple.tx.us](mailto:centz@ci.temple.tx.us).

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Name Richard Sonnt Jaram. 110 Residence Address 512 W. OAKLAND AVE TEMPLE TX 76501  
254 254  
Mailing Address SAME Phone Number(Business) 933.4206 (Home) 771.0139  
Fax Number 254.524.0938 Cell Phone Number 254.760.7502 E-Mail Address sjvj@SLOBELL.NET  
Temple Resident: ☒ Yes ☐ No

Current Employer/Nature of Business: FINANCIAL ADVISOR, BEVACOMPASS BANK

What City Boards have you served on before & When? CHARTER REVIEW COMMITTEE; Sammons  
GOLF LINKS ADVISORY BOARD (CURRENT)

Name, in priority order, the Board or Boards on which you would prefer to serve: Temple Public  
SAFETY ADVISORY BOARD

What experience and/or educational background do you have that could be applied to community service?  
25 YEARS LAW ENFORCEMENT EXPERIENCE, US ARMY MILITARY POLICE, 15 YEARS  
SERVICE WITH THE TEMPLE POLICE DEPT AS A POLICE OFFICER. BS DEGREE.

Comments (Attach additional page if desired):

SERVED ON NUMEROUS BOARD OF DIRECTORS IN THE TEMPLE AND BELL  
COUNTY COMMUNITIES SINCE 1975.

Signed: [Signature] Date: 04/26/11

PLEASE NOTE: All information supplied on this form is public information.

(COMPLETE LIST OF BOB SERVED UPON REQUEST)