

# **TEMPLE CITY COUNCIL**

# **MUNICIPAL BUILDING**

# **2 NORTH MAIN STREET**

# 3<sup>rd</sup> FLOOR – CONFERENCE ROOM

# THURSDAY, MARCH 1, 2012

# 3:30 P.M.

# WORKSHOP AGENDA

- 1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, March 1, 2012.
- 2. Discuss the Temple Belton Wastewater Treatment Plant's operating agreement with Brazos River Authority.
- 3. Discuss the Temple/ Belton Agreement.
- 4. Discuss the City's FY 2012-2013 budget process and calendar, and various strategic and budget related policy issues.

# 5:00 P.M.

# **MUNICIPAL BUILDING**

# 2 NORTH MAIN STREET CITY COUNCIL CHAMBERS – $2^{ND}$ FLOOR TEMPLE, TX

# TEMPLE CITY COUNCIL

# **REGULAR MEETING AGENDA**

# I. CALL TO ORDER

- 1. Invocation
- 2. Pledge of Allegiance

# II. PUBLIC COMMENTS

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

# **III. PROCLAMATIONS & SPECIAL RECOGNITIONS**

- 3. (A) National Association of Women in Construction March 4 10, 2012
  - (B) Professional Social Work Month March, 2012

# IV. REPORTS

- 4. (A) Receive the Planning and Zoning Commission Annual Report.
  - (B) Receive a report from the Police Department as required by the Racial Profiling Statute contained in the Texas Code of Criminal Procedure.

# V. CONSENT AGENDA

All items listed under this section, Consent Agenda, are considered to be routine by the City Council and may be enacted by one motion. If discussion is desired by the Council, any item may be removed from the Consent Agenda at the request of any Councilmember and will be considered separately. 5. Consider adopting a resolution approving the Consent Agenda items and the appropriate resolutions for each of the following:

### <u>Minutes</u>

(A) 1. February 9, 2012, Special Called Meeting
2. February 16, 2012 Special Called and Regular Meeting

### Contracts, Leases & Bid

- (B) 2012-6556-R: Consider adopting a resolution authorizing a one-year renewal to an annual services agreement with Heart of Texas Landscape & Irrigation Co., Inc. of Belton for mowing and maintenance services in the estimated annual amount of \$62,090.
- (C) 2012-6557-R: Consider adopting a resolution authorizing a contract with Scott and White Hospital for the designation of a Medical Director for the City's Emergency Medical System.
- (D) 2012-6558-R: Consider adopting a resolution authorizing a contract with Progressive Commercial Aquatics, Inc. of Houston, for the purchase and installation of a Hanovia Ultra Violet (UV) Light System at the Lions Junction Water Park in the amount of \$41,646.
- (E) 2012-6559-R: Consider adopting a resolution authorizing the purchase of the third year of a Microsoft Software Enterprise Agreement with Dell Corporation of Round Rock utilizing DIR Contract in the amount of \$103,766.08.
- (F) 2012-6560-R: Consider adopting a resolution authorizing the City Manager to execute a Memorandum of Agreement between the City of Temple and the Department of Transportation Federal Aviation Administration for a no cost land lease for FAA owned navigation, communication and weather aids for the support of air traffic operations at the Draughon-Miller Central Texas Regional Airport.
- (G) 2012-6561-R: Consider adopting a resolution authorizing a developer participation agreement with Omega Community Builders to reimburse the developer for the cost of constructing sidewalks on South 5<sup>th</sup> Street for the Wyndham Hill, Phase II subdivision in the amount of \$30,095.
- (H) 2012-6562-R: Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick & Associates, LP of Temple for engineering services including preliminary design of the Leon River Interceptor, Lift Station and Force Main Project, in an amount not to exceed \$ 151,880.
- (I) 2012-6563-R: Consider authorizing a resolution to enter into a discretionary services agreement with Oncor Transmission for the relocation of transmission lines for the Loop 363 Pass Thru project and declaring an official intent to reimburse associated expenditures made prior to the issuance of tax-exempt obligations for this project.

(J) 2012-6564-R: Consider adopting a resolution authorizing a credit sales agreement to purchase necessary credits for off-site stream mitigation related to the Northwest Loop 363 Project in an amount of \$48,888 and declaring an official intent to reimburse associated expenditures made prior to the issuance of tax-exempt obligations for this project.

## Ordinances – Second & Final Reading

- (K) 2012-4515: SECOND READING A-FY-12-05: Consider an ordinance abandoning 0.25 acres of unimproved North 7<sup>th</sup> Street right of way in Parklawn Addition, located between Lot 3, Block 8 and Lot 1, Block 9 of Parklawn Addition, between properties more commonly known as 2007 North 7<sup>th</sup> Street and 402 Mayborn Drive; and reserving a public drainage and utility easement in the entire abandoned right-of-way.
- (L) 2012-4516: SECOND READING Z-FY-12-19: Consider adopting an Ordinance authorizing amendments to Ordinance 2010-4413, Temple Unified Development Code, Articles 5, 7, 8 and 11 of the Unified Development Code to: add "Kiosk" as permitted uses in the use table of certain zoning districts with specifications; remove "home occupation" as an allowable residential accessory use in the LI and HI zoning districts; Clarify all parking areas must be paved with either asphalt or concrete; Clarify that vehicular backing motions are prohibited into a public street from a parking area on all non-residential sites; Clarify utility poles or other obstructions are not permitted in sidewalks; and to establish or amend definitions related to such uses and standards.
- (M) 2012-4517: SECOND READING Z-FY-12-21: Consider adopting an ordinance authorizing a rezoning from Agricultural District (A) to Commercial District (C) on Tract 1, being a ±7.684 acre tract of land and Tract 2, being a ±5.779 acre tract of land both out of the George Givens Survey, Abstract No. 345 and the Nancy Chance Survey, Abstract No. 5, Bell County, Texas located on the east side of South Kegley Road, north of the Caddy Shack Golf Range.

# <u>Misc.</u>

- (N) 2012-6565-R: Consider adopting a resolution authorizing acceptance of additional grant funding in the estimated amount of \$442,534 from the Texas Department of Transportation, Aviation Division, Airport Project Participation Grant Fund, for reconstruction of Runway 02/20 at the Draughon-Miller Central Texas Regional Airport, with an estimated City match of 10% or \$44,253.40.
- (O) 2012-6566-R: Consider adopting a resolution authorizing budget amendments for fiscal Year 2011-2012.

# VI. REGULAR AGENDA

### ORDINANCES

6. 2012-4518: FIRST READING – PUBLIC HEARING - Z-FY-12-22: Consider adopting an ordinance authorizing a rezoning from Two Family District (2F), General Retail (GR), and General Retail with a Conditional Use Permit (GR-CUP) to Commercial District (C) on Lots 9 –

12, Block 17, Temple Heights Addition, located at 1208 and 1210 South 53<sup>rd</sup> Street and 2702 and 2706 West Avenue M.

- 2012-4519: FIRST READING PUBLIC HEARING Z-FY-12-23: Consider adopting an ordinance authorizing an amendment to Ordinance No. 2001-2748, originally approved March 1, 2001, Planned Development Neighborhood Service) District, to allow additional units and covered RV parking on Lot 1, Block 1, Johnson Lone Star Properties Addition, located at 7950 North State Highway 317.
- 8. 2012-4520: FIRST READING PUBLIC HEARING Z-FY-12-24: Consider adopting an ordinance authorizing a rezoning from General Retail District to Planned Development-Multiple Family One (PD-MF1) on Lot 10, Block 1, Elmwood Addition, located at 4011 Brooklawn Drive.
- 2012-4521: FIRST READING PUBLIC HEARING Z-FY-12-25: Consider adopting an ordinance authorizing a rezoning from Two Family District (2F) to General Retail District (GR) on a 0.939 ± acre tract of land out of the Redding Roberts Survey, Abstract No. 692, Bell County, Texas located at 2102 Scott Boulevard.

# **RESOLUTIONS**

10. 2012-6567-R: Z-FY-12-31: Consider adopting a resolution to take action on an Appeal of Standards in Sec. 6.7 of the Unified Development Code related to the I-35 Corridor Overlay Zoning District standards for landscaping and parking for Starbucks Coffee, located at 111 North General Bruce Drive.

### **BOARD APPOINTMENTS**

- 11. 2012-6568-R: Consider adopting a resolution appointing members to the following City boards and commissions:
  - (A) Building and Standards Commission three members to fill expiring terms through March 1, 2014; one alternate member to fill an expiring term through March 1, 2014
  - (B) Building Board of Appeals two members to fill expiring terms through March 1, 2016
  - (C)Community Services Advisory Board one member to fill an unexpired term through September 1, 2014.
  - (D) Development Standards Advisory Board three members to fill expiring terms through March 1, 2015
  - (E) Electrical Board one member to fill an expiring term through March 1, 2015
  - (F) Parks and Leisure Services Advisory Board four members to fill expiring terms through March 1, 2015
  - (G)Temple Economic Development Corporation one member to fill an unexpired term through September 1, 2012
  - (H) Temple Public Safety Advisory Board one member to fill an unexpired term through September 1, 2012
  - (I) Transit Advisory Committee two members to fill unexpired terms through September 1, 2013
  - (J) Tree Board two members to fill expiring terms through March 1, 2015
  - (K) Zoning Board of Adjustment three members to fill expiring terms through March 1, 2014; two alternate members to fill expiring terms through March 1, 2014

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

I hereby certify that a true and correct copy of this Notice of Meeting was posted in a public place at 2:45 PM, on February 24, 2012.

Sacy Borgson Lacy Borgeson **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 \_\_\_\_\_\_2012. \_\_\_\_\_



# COUNCIL AGENDA ITEM MEMORANDUM

03/01/12 Item #3(A) Regular Agenda Page 1 of 1

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

William A. Jones, III, Mayor

**ITEM DESCRIPTION:** Presentation of Proclamation:

National Association of Women in Construction March 4-10, 2012

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

**ITEM SUMMARY:** This proclamation was requested by Rhonda Nebgen representing the National Association of Women in Construction, Chapter 14 - Waco Chapter, supporting the Central Texas Area to include Waco, Temple, Belton, and Killeen.

FISCAL IMPACT: None

ATTACHMENTS: None



# COUNCIL AGENDA ITEM MEMORANDUM

03/01/12 Item #3(B) Regular Agenda Page 1 of 1

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

William A. Jones, III, Mayor

**ITEM DESCRIPTION:** Presentation of Proclamation:

Professional Social Work Month March, 2012

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

**ITEM SUMMARY:** This proclamation was requested by Dian Rudd, Ph.D. LCSW, representing the National Association of Social Workers (NASW) Central Texas Branch.

FISCAL IMPACT: None

ATTACHMENTS: None



03/01/12 Item #4(A) Regular Agenda Page 1 of 1

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

Brian Mabry, Planning Director

**ITEM DESCRIPTION:** Receive the Planning and Zoning Commission Annual Report.

**STAFF RECOMMENDATION:** Receive report as presented in item description.

**ITEM SUMMARY:** Ordinance 2008-4222 governs the Planning and Zoning Commission and requires that the Commission provide an Annual Report to the City Council. The attached report shows some basic demographic information for Temple and activity in Fiscal Years 2010 and 2011 for the following development-related items: Annexation, Amendments to the Future Land Use and Character Map, Amendments to the Thoroughfare Plan, Code Amendments, Basic Rezonings, Planned Developments, Conditional Use Permits and various Permits and Licenses.

It is recommended that the Council receive this report. No other action is required.

FISCAL IMPACT: NA

# ATTACHMENTS:

Report

# Annual Report: 2010 & 2011



City of Temple Planning Department March 1, 2012

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# Introduction

This Annual Report is a summary of development activity within the City of Temple and its Extraterritorial Jurisdiction for Fiscal Year 2010 and 2011 (Oct. 1 – September 30). The Report also describes the functions, responsibilities, and accomplishments of the following programs:

### Administration

Program to professionally staff the Planning & Zoning Commission with Staff reports, exhibits and presentations in public hearings and workshops.

### Long Range Planning

Program to assist interagency efforts for the Temple Medical Education District (TMED), SIZ Corridors, and Transportation Planning.

### **Development Planning**

Program to manage the Development Review Committee which includes City Staff review of Plats, Planned Developments, Conditional Use Permits, Street Use Licenses, .

### Staff

The Planning Department consists of five administrative positions. The Planning Director, Brian Mabry, manages the department and reports to Community Services Director Autumn Speer. The City's Planning team is pictured below.



City of Temple Planning Staff (I to r) Brian Mabry, Planning Director; Leslie Evans, Administrative Assistant; Leslie Matlock, Senior Planner; Tammy Lyerly, Planner; Mary Maxfield, Planning Technician; Autumn Speer, Community Services Director; Jacob Calhoun, Planning Intern

# Letter from Chairperson of P&Z

The past two years has seen exceptional developments in the City of Temple. Many major commercial and public projects that will change the face of our City have been either recently approved or completed, including two new fire stations, additions to the existing Westfield office complex along West Adams Avenue, significant exterior beautification of the Market Place shopping center, renovations, expansions and new construction for Scott and White Hospital, as well as the beginnings of new development and redevelopment in the Temple Medical and Educational District (TMED).

In terms of industrial development, some major contributors to employment and productivity that have recently expanded or have been built from the ground up include the Temple HEB distribution center, Fikes Wholesale corporate facility, Lock Joint Tube, and Northland Products, a manufacturer of petroleum lubricants and coolants.

Residential development has held steady with 438 new residential building permits for homes being issued in Fiscal Year 2010 and 387 in 2011.

These are only some of the projects underway or completed in our City. They will change the character of Temple by providing a depth to both the services available to our citizens and the economic base of the community. In addition to diversifying the tax base, these developments will result in numerous "spin off" developments. The City, the local development community and other important stakeholders such as the Temple Economic Development Corporation, Chamber of Commerce and the Downtown Temple Development Alliance continue to work together to make Temple a better place to live, work and play. The Planning & Zoning Commission looks forward to planning for the many changes in the years ahead.

Sincerely,

Servel 74. Marci

Derek Martin Chairperson, Planning & Zoning Commission

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# **Planning Department Mission Statement**

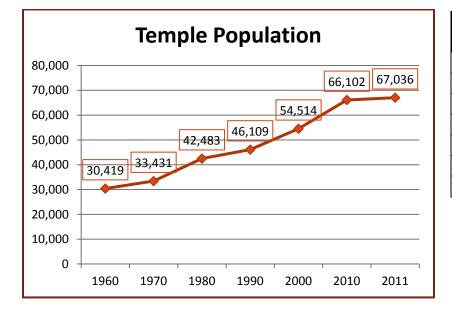
The Planning Department provides professional planning services related to urban growth and development issues to promote quality of place. The Department maintains an updated Comprehensive Plan and Unified Development Code to provide policy recommendations and regulations related to land development. The staff works cooperatively with design professionals, property owners and developers from the concept stage to completion of the project.



Country Lane Apartments from Martin Luther King Drive and State Highway 36

# **2010 Census and Current Population Estimate**

The 2010 U.S. Census showed Temple's population as 66,102. The City's population estimate for 2011, based on water accounts, was 67,063. The following chart and table shows Temple's historic growth from 1960 to 2011.



Year	Temple Population	Percent Change
1960	30,419	
1970	33,431	9.90%
1980	42,483	27.08%
1990	46,109	8.54%
2000	54,514	18.23%
2010	66,102	21.26%
2011	67,036 (est.)	1.41%

A 21 percent growth rate from 2000 to 2010 is admirable and in line with what the state has experienced overall. Growth rates for the state and for nearby and comparable cities listed in the Choices '08 Comprehensive Plan are as follows.

City	Percent Population Change, 2000-2010
State of Texas	20.6%
Baytown	8.1%
Belton	24.6%
Bryan	16.1%
Georgetown	67.3%
Killeen	47.2%
N. Richland Hills	13.9%
Victoria	3.3%

Additional planning-related data for Temple from the 2010 Census, which compares the City to the state of Texas as a whole, is shown in the table below.

	Temple	Texas
Mean Travel Time to Work	16.1 minutes	24.8 minutes
Homeownership Rate	60.5%	64.8%
Housing Units in multi-unit	31.5%	24.1%
structures*		
Median Value of Owner-	\$107,100	\$123,500
Occupied Units		
Persons Per Household	2.67	2.78

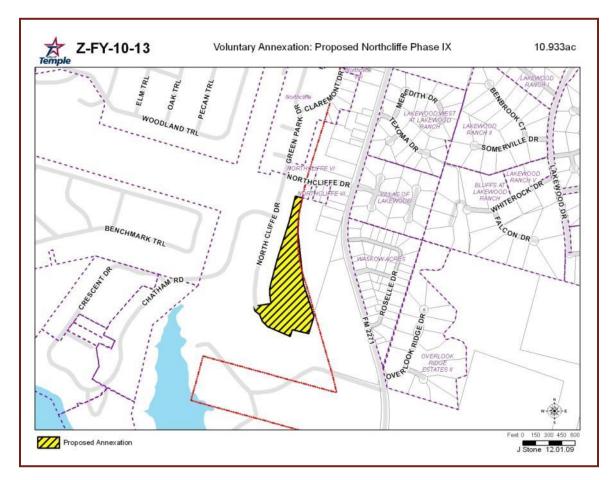
\*Duplexes, triplexes and apartments

This data shows that Temple has a vigorous growth rate. Commuters have a shorter drive to work and a lower homeownership rate than the state-wide average. Temple has more of its housing stock in the form of apartments and duplexes and lower values of owner-occupied homes than the state average. In addition, Temple has a slightly smaller household size than the state average.

# 2010 Year in Review

#### Annexations

The City Council approved the City's only annexation for this Fiscal Year in February 2010. The subject property consisted of 10.83 acres of land located west of FM 2271, south of FM 2305, on the south side of Northcliffe Drive. The property was later platted as Northcliffe Phase IX. As a result of this annexation, at the end of Fiscal Year 2010, the City had 44,353.3 acres of land and water within its boundaries.



10.83-acre annexation along Northcliffe Drive approved in February 2010

### Future Land Use and Character Map

The City Council approved a set of 20 amendments to the Future Land Use and Character Map (FLUCM) in Fiscal Year 2010. The purpose of these amendments was to coordinate the FLUCM with approved rezonings from the previous year. Some of the more significant amendments involved applying the future land use categories below to the following areas of town:

- Suburban Commercial along SH 317 and along Old Waco Road;
- TMED south of SE H.K. Dodgen Loop and north of Blackland Boulevard;
- Auto-Urban Mixed Use along W. Ave. M; and
- Suburban Commercial along far west FM 2305.

### **Ordinance Text Amendments**

The City Council approved two text amendments to the Zoning Ordinance in Fiscal Year 2010. The first amendment, adopted in October, was in response to a Citywide referendum in which the citizens of Temple approved package stores within the City limits. The Council amended the Zoning Ordinance to allow package stores with a Conditional Use Permit in the following zoning districts: General Retail, Commercial, Central Area, Light Industrial and Heavy Industrial. A package store must adhere to specific use standards which include, but are not limited to: pickup windows must be visible from the public right-of-way, and may not be placed in alleys; a drive-through lane, if utilized, must provide a minimum of 60 feet of car stacking space; a bypass lane must be provided parallel to the drive-through lane; and parking must be provided on-site in all permitted zoning districts. At the time of this report, six package stores are open for business in Temple.

The second text amendment, also approved in October 2010, provided a minor amendment to the applicability provisions in the I-35 Corridor Overlay zoning district.

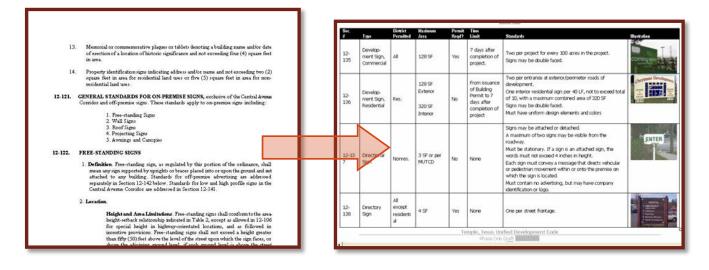


I-35 Corridor Overlay Map with Associated Pending Projects

### **Unified Development Code Phase 1 Adoption**

In December 2010 the City Council adopted a Unified Development Code (UDC). The purpose of the UDC is to serve as a single document that provides development review procedures for rezonings, subdivision plats, and other applications, as well as development standards related to

landscaping, signs, building exterior and street widths. The UDC replaced much of the "legalese" found in the old Zoning Ordinance and Subdivision Regulations with plain English, tables and graphics. The UDC has a more attractive, readable layout than the old ordinances as well as an index and, in its digital version, clickable cross-references and tables of contents. City Staff continues to refine the UDC with intermittent sets of clean-up amendments to the Code.



Old Sign Standards

**UDC Sign Standards** 

### Rezonings

The Planning Department processed 14 Rezoning applications for Fiscal Year 2010, and the City Council approved 13. After receiving a Staff recommendation, the Planning and Zoning Commission makes a recommendation on the proposed rezoning and the City Council takes final action. The following table shows the location, purpose, request and outcome for each rezoning application received in Fiscal Year 2010.

			Zoned				City
Case Number	Location	Purpose	From	То	Staff Rec.	P&Z Rec.	Council Action
case Number	Location	ruipose	PD-No		Nec.	Nec.	Action
Z-FY-10-05	51 Bright Lane	New restaurant	Base	GR	Approval	Approval	Approval
	SW corner of SH	Quarry expansion					
Z-FY-10-06-A	36 & SH 317	(concurrent CUP)	А	LI	Denial	Denial	NA
	SW corner of						
	Central Pointe	Additions to					
	Pkwy & NW H.K.	McLane					
Z-FY-10-11	Dodgen loop	Headquarters	А	LI	Approval	Approval	Approval
	NE corner of FM						
	2305 & Woodland	Reopen					
Z-FY-10-15-A	Pt. Rd.	convenience store	А	NS	Approval	Approval	Approval
Z-FY-10-16	10592 W. SH 36	New water	Α	GR	Approval	Approval	Approval

March 1, 2012

		Zoned					City
Case Number	Location	Purpose	From	То	Staff Rec.	P&Z Rec.	Council Action
		dispenser					
Z-FY-10-22	216 N. 36 <sup>th</sup> St.	New single-family dwelling	A	SF-1	Approval	Approval	Approval
Z-FY-10-24-A	8800 Airport Rd.	New package store (concurrent CUP)	A	GR	Approval	Approval	Approval
Z-FY-10-30-A	10775 W SH 36	Expansion of convenience store	A	GR	Approval	Approval	Approval
Z-FY-10-32	990 Marlandwood Dr.	New apartment complex	GR	MF-2	Approval	Approval	Approval
Z-FY-10-34	10686 W SH 36	New shopping center	A	NS	Approval	Approval	Approval
Z-FY-10-35	11720 W FM 2305	New office and shopping center	UE	GR	Approval	Approval	Approval
	E side of S. 5 <sup>th</sup> St. across from Wyndham Hill	New single-family					
Z-FY-10-45	Pkwy.	subdivision	A	SF-2	Approval	Approval	Approval
Z-FY-10-47	8566 Little Mexico Rd.	New single-family dwelling	A	SF-1	Denial	Approval	Approval
Z-FY-10-49	N side of FM 93, adjacent to and W of Ridgewood Estates	New single-family subdivision	А	SF-1	Approval	Approval	Approval

# **Conditional Use Permits**

The Planning Department processed 16 Conditional Use Permit (CUP) applications for Fiscal Year 2010, and the City Council approved 13. A CUP allows the development of a specific use on a piece of property in a manner in which the use will be compatible with adjacent property and consistent with the desired character of the area according to the Comprehensive Plan. A site plan is required along with the CUP application. The Planning and Zoning Commission and City Council review the site plan and may impose additional conditions. The following table shows the location, purpose, base zoning and outcome for each CUP application received in Fiscal Year 2010.

Case Number	Location	Purpose	Zoning	Staff Rec.	P&Z Rec.	City Council Action
		Quarry expansion				
	SW corner of	(concurrent	A with LI			
Z-FY-10-06-B	SH 36 & SH 317	Rezoning)	requested	Denial	Denial	NA

Case Number	location	Durnoco	Zoning	Staff	P&Z	City Council Action
Case Number	Location Bird Creek	Purpose	Zoning	Rec.	Rec.	Action
7 57 10 10		Dackaga stara	PD-C	Approval	Approval	Approval
Z-FY-10-10	Crossing 2810 S. Gen.	Package store	PD-C	Approval	Approval	Approval
Z-FY-10-12	Bruce Dr.	Dackaga stora	LI	Approval	Approval	Approval
2-F1-10-12	BIUCE DI.	Package store Beer & wine, off-	LI	Approval	Approval	Approval
	Corner of W	premise				
	FM 2305 &	consumption	A with			
	Woodland	(concurrent	requested			
Z-FY-10-15-B	Point Rd.	rezoning)	NS	Approval	Approval	Approval
Z-11-10-13-D	1521		113	Арргова	Арргова	Арргова
	Marlandwood					
Z-FY-10-18	Rd.	Package store	GR	Approval	Approval	Approval
211 10 10	NG.	Package Store	AG with	Αρριοναί	Αρριοναί	Аррготаг
	8800 Airport	(concurrent	requested			
Z-FY-10-24-B	Rd.	rezoning)	GR	Approval	Approval	Approval
211 10 21 0	5615 SW H.K.	Outdoor display	Git	7.0010101	7.0010101	Approval
Z-FY-10-26	Dodgen Lp.	of sheds	с	Approval	Approval	Approval
	2008611201	Beer, wine and		, approval	7.0010101	rippiorai
		mixed drinks, on-				
	411 N. Gen.	premise				
Z-FY-10-27	Bruce Dr.	consumption	GR	Approval	Approval	Approval
Z-FY-10-28	1 N. 6 <sup>th</sup> St.	Package store	CA	Approval	Denial	Denial
211 10 20	111.0 50.	Beer & wine, off-	C/ (	7.0010101	Dema	Dema
		premise				
		consumption	A with			
		(concurrent	requested			
Z-FY-10-30-B	10775 W SH 36	rezoning)	NS	Approval	Approval	Approval
Z-FY-10-31	1808 S. 1 <sup>st</sup> St.	Package store	GR	NA	Approval	Denial
		Package store				2 0
		(resubmittal of Z-				
Z-FY-10-33	1 N. 6 <sup>th</sup> St.	FY-10-28)	GR	NA	Denial	Approval
	2001 W. Adams				2 011101	
Z-FY-10-36	Ave.	Package store	С	NA	Approval	Approval
		Beer, wine and				
		mixed drinks, on-				
	2001 W. Adams	premise				
Z-FY-10-37	Ave.	consumption	С	Approval	Approval	Approval
		Beer, wine and				
		mixed drinks, on-				
		premise				
Z-FY-10-39	4303 S. 31 <sup>st</sup> St.	consumption	GR	Approval	Approval	Approval
		Amend existing		11. 2.4.1	1 1 2 2 2 2 2	11
		CUP site plan for				
	4875 Wendland	petroleum				
Z-FY-10-40	Rd.	processing plant	LI	Approval	Approval	Approval



Cork's Wine and Spirits – The first of six package store CUPs approved in 2010

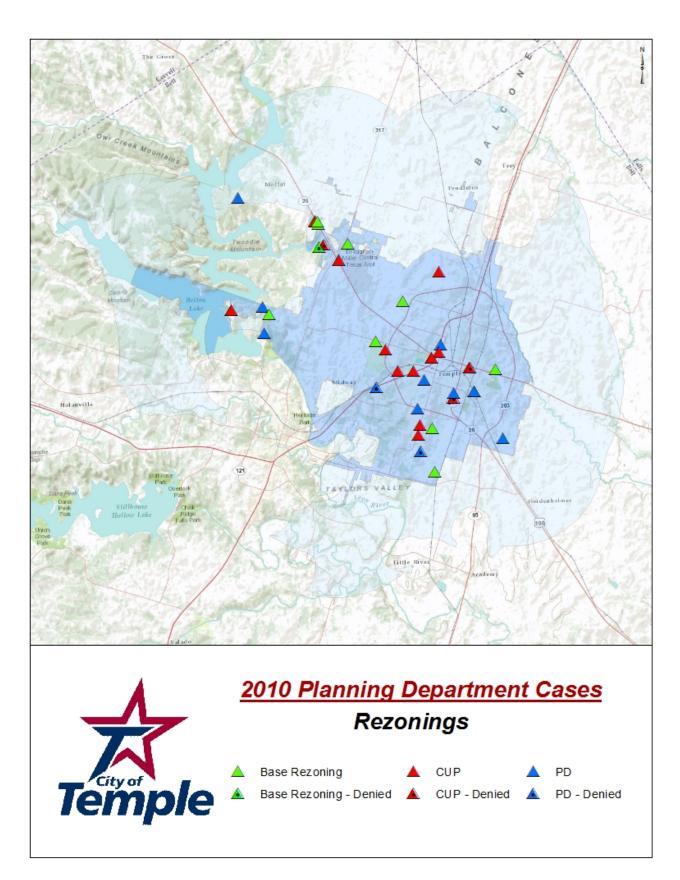
### **Planned Developments**

The Planning Department processed 11 Planned Development (PD) applications for Fiscal Year 2010, and the City Council approved nine. A Planned Development allows for flexibility in City standards related to development of a property in exchange for enhanced private and public amenities. A site plan is required along with the PD application. The Planning and Zoning Commission and City Council review the site plan and may impose additional conditions. The following table shows the location, purpose, base zoning and outcome for each PD application received in Fiscal Year 2010.

Case				Staff	P&Z	City Council
Number	Location	Purpose	Zoning	Rec.	Rec.	Action
	8020 N. SH	New boat and RV				
Z-FY-10-03	317	storage	NS	Approval	Approval	Approval
	803 N. Gen.					
Z-FY-10-08	Bruce Dr.	Billboard	GR	Approval	Approval	Approval
		Single-family				
		residential				
	W side of FM	subdivision with				
	2271 & S of	min. lot size of				
Z-FY-10-14	FM 2305	6,800 sq ft	SF-2	Approval	Approval	Approval
Z-FY-10-20	1 Market Loop	Billboard	GR	Denial	Denial	Approval
		Retail & office				
		development with				
	W side of FM	tree preservation				
	2271 & S of	and monument				
Z-FY-10-21	Northcliffe Dr.	signs	GR	Approval	Approval	Approval
	S of Lorrain Dr.					
	& N of US Hwy					
Z-FY-10-23	190	Panda power plant	LI	Approval	Approval	Approval

0				C+-{{	D0 7	City
Case				Staff	P&Z	Council
Number	Location	Purpose	Zoning	Rec.	Rec.	Action
		Minor vehicle repair				
	1305 & 1307	and moving truck				
Z-FY-10-29	W Ave. M	rental	C & GR	Approval	Approval	Approval*
		Single-family				
		residential				
		development with				
		max. 6 dwelling				
	1000 Knob	units and with 50'				
Z-FY-10-34	Street	railroad buffer	SF1	Approval	Approval	Approval
		Rezone 4 lots in				Withdrawn
	Lots 20-24, Blk	existing PD from SF-				by
Z-FY-10-52	1, Stonegate III	2 to 2F for duplexes	PD-SF-1	Approval	Approval	applicant
		Rezone 2 lots from				
		2F & GR to PD-GR				
		for retail store with				
		elements of TMED				
Z-FY-10-54	1510 S. 1 <sup>st</sup> St.	standards	GR	Approval	Approval	Approval
		Amend existing PD				
	4515 S. Gen.	to allow moving				
Z-FY-10-56	Bruce Dr.	truck rental	GR	Denial	Denial	Denial

\* The applicant later requested a repeal, which was not granted



### Plats

The Planning Department processed 30 subdivision plats for Fiscal Year 2010. Among those, five were Preliminary Plats, 14 were Final Plats, and 11 were Minor or Amending Plats. After receiving a Staff recommendation, a Minor or Amending Plat may be administratively approved under certain criteria. For larger subdivisions, the Planning and Zoning Commission is the final approval authority. Plats that require exceptions to the subdivision design standards in the UDC must receive City Council approval. The following table shows the name, location, type of plat, acreage, lot count, and land use for each plat application received in Fiscal Year 2010.

Case			Type of		# of
Number	Subdivision Name	Location	Plat	Acres	Lots
P-FY-10-02	Hamby Addition	N end of N 36 <sup>th</sup>	Minor	.68	1
		N side of Kimmi Rd, E of			
P-FY-10-03	Stoffel Estates <sup>†</sup>	Cliff Estates Rd	Final	6.49	1
		E side of SH 95 on Acres		0.00	
P-FY-10-05	Dorsey Subd.	Rd <sup>◊</sup>	Final	8.30	3
	Wildflower	W side of S Kegley Rd, S			
P-FY-10-11	Meadows	of Wildflower Ln	Prelim	2.58	79
P-FY-10-13	Jeter Subd.	1212 N. 1 <sup>st</sup> St	Minor	.42	1
		W of Morgan's Point Rd,			
P-FY-10-14	Lago Terra	S of Bonnie Ln	Prelim	59.38	90
	D'Antoni's	E side of S. 31 <sup>st</sup> St, S of			
P-FY-10-15	Crossing Ph. III	Deerfield Estates	Prelim	7.06	4
		S of SH 93, W of Hartrick			
P-FY-10-16	Hartrick Addition	Bluff Rd, N of Morgan Dr <sup>◊</sup>	Final	3.31	1
	Village of Sage	Between Tarver Dr and			
P-FY-10-17	Meadows Ph. IV	Hogan Rd, E of SH 317	Final	8.41	48
		N side of Saulsbury Dr,			
	Saulsbury Subd.	between Lexington Dr &			
P-FY-10-22	Phase V	Draper Dr	Minor	.37	2
	Echo Vista III Phase	E side of S. 5 <sup>th</sup> St, across			
P-FY-10-27	1	from Wyndham Hill Dr	Prelim	37.22	170
	Gianotti Court	S side of Waters dairy			
P-FY-10-29	Subd.	Rd, E of Jeanne Dr	Minor	.49	2
	Marlandwood				
	Multifamily	N side of Marlandwood			
P-FY-10-30	Addition	Rd, E of Deyoe Addition	Final	11.28	1
		S side of H.K. Allen Pkwy			
		along W side of			
	Sandstone at	Sandstone Lp (formerly			
P-FY-10-33	Stonegate III	Stonegate III, Sec. 1)	Final	3.06	8
	Ledgestone at	NE corner of H.K. Allen			
P-FY-10-34	Stonegate III	Pkwy & Ledgestone Trl	Minor	.97	4

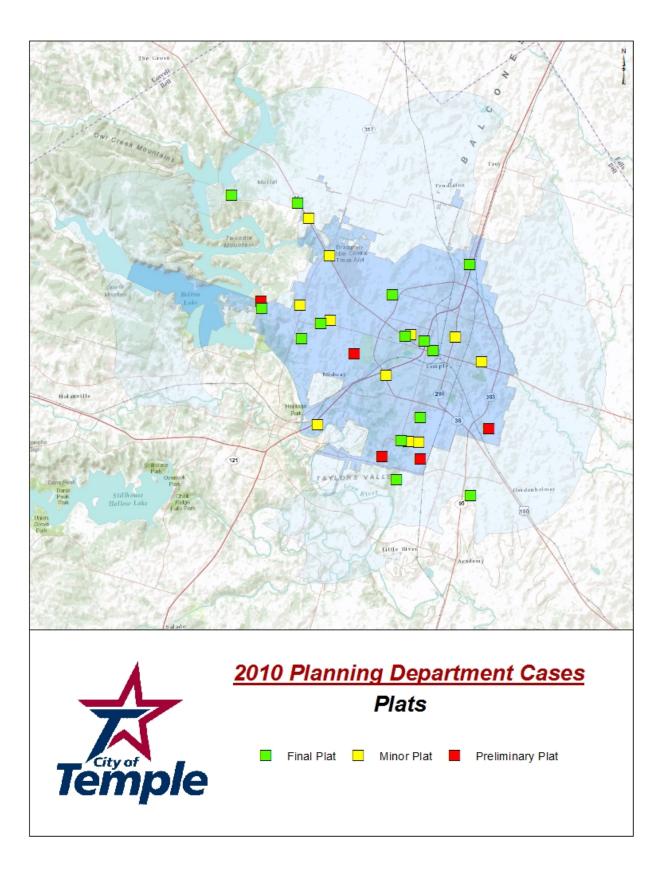
#### **Residential Plats**

Case			Type of		# of
Number	Subdivision Name	Location	Plat	Acres	Lots
	MWH	SW corner of Saulsbury &			
P-FY-10-01	Development*	N/ Gen. Bruce Dr.	Final	9.15	3
		SW corner of			
	McLane Group LP,	Centerpointe Pkwy &			
P-FY-10-04	Ph. 2	H.K. Dodgen Loop	Final	165.77	1
		E side of Pegasus Dr,			
		across from Moore's Mill			
P-FY-10-06	Troy Subd.	Rd	Final	6.87	4
		W side of SH 317,			
		adjacent to Lone Star			
P-FY-10-07	Hansen Subd.	Mini Warehouses	Minor	10.01	2
	Panda Temple	E side of SE H.K. Dodgen			
P-FY-10-08	Power Project	& N of US Hwy 190	Prelim	250.00	1
		NE corner of SH 36 & SH			
P-FY-10-09	Lewis Subd.	317	Minor	.91	1
	Temple DTP II, LLC	NE corner of Airport Rd			
P-FY-10-10	Addition	and Saulsbury Dr	Final	1.34	2
		NW corner of S 23 <sup>rd</sup> St			
P-FY-10-12	HEB Temple Subd.	and Adams Ave	Final	1.14	1
	D'Antoni's	E side of S. 31 <sup>st</sup> St, S of			
P-FY-10-15	Crossing Ph. III	Deerfield Estates	Prelim	3.00	1
	Cedar Ridge				
P-FY-10-18	Crossing	N side of SH 36	Minor	11.54	2
	Westfield Phase	NE corner of Westfield			
P-FY-10-21	VII	Blvd & Honeysuckle Dr	Minor	6.32	4
		E side of Gen. Bruce Dr, N			
P-FY-10-25	River Cities	of Don Ringler Dealership	Minor	15.83	1
	Farwell / Huff	N side of SW H.K. Dodgen			
P-FY-10-26	State Farm Plaza	Lp, E of I-35 intersection	Minor	.39	1
	First Baptist				
	Church – Temple	SE corner of W Adams &			
P-FY-10-28	West Campus*	S Pea Ridge Rd	Final	138.45	2
	Temple Dollar	S side of SH 36, W of			
P-FY-10-31	General Subd.	Cedar Ridge Park Rd <sup>◊</sup>	Final	11.86	2
		N side of W Adams Ave, E			
		of FM 2271, across from			
P-FY-10-32	Lake Belton Plaza	Lakewood Square Subd.	Final	.52	2

The following table shows the number of residential and nonresidential lots and acreages that were submitted for Final or Minor Plat review in Fiscal year 2010 and eventually approved.

Type of Plat	Number of Lots and Acres
Residential Lots Final or Minor Platted	72 lots
Nonresidential Lots Final or Minor Platted	28 lots
<b>Total Lots Final or Minor Platted</b>	100 lots

Residential Acres Final Platted	43.78 acres
Nonresidential Acres Final Platted	380.10 acres
Total Acres Final or Minor Platted	423.88 acres



### **Building Permits**

The Planning Department reviewed the following Building Permits, not counting resubmittals with requested revisions, in Fiscal Year 2010. Residential building permits are required for new homes, additions to existing homes, accessory buildings such as sheds, fences and pools. Nonresidential permits are required for new retail, commercial, institutional or industrial construction as well as building or parking lot additions.

Permit Type	Number Received	Average Review Time (Days)		
Residential	699	2.5		
Nonresidential	97	3.9		
Signs	83	2.7		

### **Miscellaneous Approvals**

In addition to the applications described above, the Planning Department reviewed seven Rightof-Way Abandonments, two Street Name Changes, one Street Use License and two Variances.



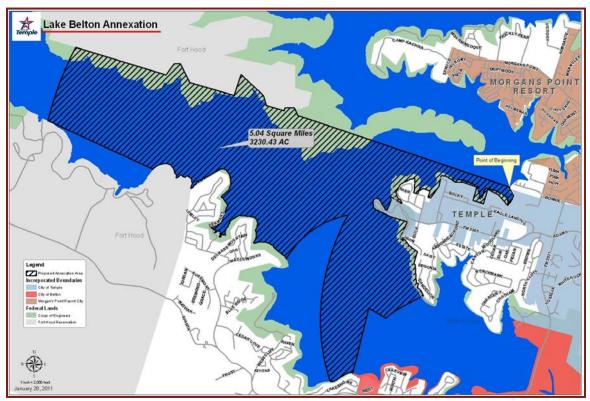


HEB Gas Station and homes in Village of Sage Meadows, platted and built in 2010

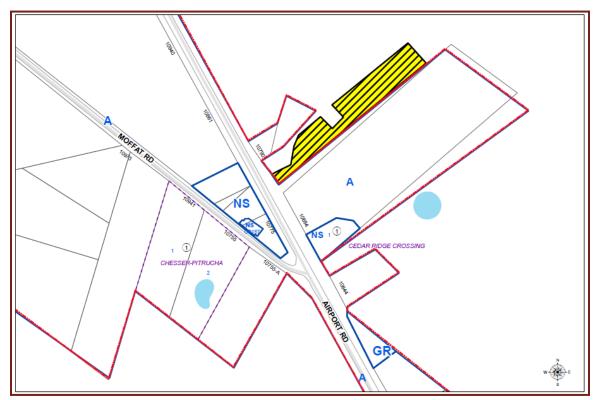
# 2011 Year in Review

### Annexations

The City Council approved two annexations for this Fiscal Year in February and August 2011. The first annexation was involuntary and added 3,230.4 acres water and land to the City limits. The annexation applied to the eastern part of Lake Belton and surrounding land not owned by the Federal government. The second annexation was for 3.00 acres on the east side of SH 36, north of Moffat Road. This was a voluntary annexation, proposed by a property owner who wanted to add units to his boat storage business. At the publication of this Annual Report, 47,597.5 acres of land and water were within the City's boundaries.



3,230.4-acre annexation approved in February 2011



3.0-acre annexation approved in August 2011

### **Thoroughfare Plan**

The Planning Department processed one Thoroughfare Plan amendment in Fiscal Year 2011 (Z-FY-11-29-A). The purpose of the request was to shift a proposed s-curve along North Pear Ridge Road, south of Prairie View Road, to the north side of Prairie View Road. City staff recommended denial of the request. After several tablings, requested by the applicant, the applicant withdrew the request.

### **UDC Text Amendments**

The City Council approved six text amendments to the Unified Development Code (UDC) in Fiscal Year 2011. The following table shows the purpose of each approved UDC text amendment.

Case Number	Purpose
	Changes final decision-making authority for Sidewalk Waivers from
Z-FY-11-06	the Director of Public Works to the Director of Community Services.
	Establishes definitions for a sidewalk and a trail.
	Establishes the standards for the TMED zoning district including
Z-FY-11-13	standards related to: Applicability, Use, Circulation, Parking and
2-11-11-13	Loading, Bicycle Facilities, Private Property Landscaping, Screening
	Public Frontage, Architecture, Signs, Lighting and Utilities
	Minor amendments to TMED: Adding nursing home/assisted living
Z-FY-11-20	uses to TMED use table, Address 1st floor requirements for parking
	structures in special districts, Define residential applicability, and

Case Number	Purpose
	define specific species approved for street trees .
Z-FY-11-22	Requires a basic review from City staff of a sign structure if an applicant wants to re-face a sign, to make sure that it is free from rust, chipped paint and other maintenance deficiencies. Allows
2-FY-11-22	Staff to better keep track of nonconforming signs and to ensure that new, additional sign faces are not being proposed to be added to already nonconforming signs.
Z-FY-11-30	Establishes standards for donation boxes.
Z-FY-11-31	Establishes vesting of land development "projects" and applies standards to the project that were in effect when the project was initiated. Changes the Preliminary Plat expiration date to five years rather the previous two years. Allows the Planning Director to grant an extension of two yeasr to a Preliminary Plat that is about to expire.
Z-FY-11-42	Allows electric fences subject to certain standards in nonresidential outdoor storage areas in the C, LI and HI zoning districts.

# Rezonings

The Planning Department processed 22 Rezoning applications for Fiscal Year 2011, and the City Council approved 19. Three applications were withdrawn. The following table shows the location, purpose, request and outcome for each rezoning application received in Fiscal Year 2011.

			Zon	ed	City		
Case			From	То		P&Z	Council
Number	Location	Purpose			Staff Rec.	Rec.	Action
Z-FY-11-02	1119 S 25 <sup>th</sup> St	New office	2F	01	Approval	Approval	Approval
	11922 W FM	New retail					
Z-FY-11-03	2305	center	A	GR	Approval	Approval	Approval
		Allow					
		construction of					
		additional					
		commercial					
	12345 W FM	building in					
Z-FY-11-04	2305	complex	A	С	Approval	Approval	Approval
	Lts 7 & 8, Blk 7,						
	Eugenia Terrace						
Z-FY-11-07	Addn	Proposed 4-plex	2F	MF1		Withdrawn	
		Establish TMED					
Z-FY-11-08	TMED Area	on zoning map	Various	TMED	Approval	Approval	Approval
		Transfer site for					
Z-FY-11-11	720 N 14 <sup>th</sup> St	tire recycling	С	LI	Withdrawn		
	Morgan's Point	New single-					
	Rd S of Bonnie	family					
Z-FY-11-14	Ln	subdivision	А	SF1	Approval	Approval	Approval

		Zoned					City
Case			From	То		P&Z	Council
Number	Location	Purpose			Staff Rec.	Rec.	Action
		New retail					
Z-FY-11-16	1603 W Ave C	center	2F	GR	Approval	Approval	Approval
Z-FY-11-17	1303 S. 2 <sup>nd</sup> St	New duplex	SF1	2F	Approval	Approval	Approval
	W side of S 5 <sup>th</sup>						
	St, S of Canyon	New office and					
Z-FY-11-19	Creek Dr	retail	AG	GR	Approval	Approval	Approval
		Allow existing					
		apartment to					
		remain in					
	th	compliance w/					
Z-FY-11-21	2114 S 5 <sup>th</sup> St	permitted uses	T4	Т5-с	Approval	Approval	Approval
	Between Lowe's						
	Dr & S 5 <sup>th</sup> St, S						
	of Canyon Creek						
	Dr & N of Silver	New two-family					
Z-FY-11-23	Stone Dr	subdivision	SF2	2F	Approval	Approval	Approval
Z-FY-11-25	201 S Main St	New lounge	LI	CA	Approval	Approval	Withdrawn
		Allow expansion					
		of boat storage					
Z-FY-11-28	10740 W SH 36	site	A	C	Approval	Approval	Approval
	8857 Prairie						
	View Rd; SE	New single-					
	corner of FM	family,		SF2			
	317 & Prairie	multifamily and		MF2			
Z-FY-11-29-B	View Rd	retail subdivision	A	GR	Approval	Approval	Approval
	NE corner of N						
	Pea Ridge Rd	New single-					
7 57 44 22	and W Adams	family and retail		SF2			
Z-FY-11-32	Ave	subdivision	A	GR	Approval	Approval	Approval
	NW corner of W	N					
7 57 11 20	Adams Ave &	New apartment	CD	N452	Ammanual	Ammanal	Ammanal
Z-FY-11-36	Hilliard Rd	complex	GR	MF2	Approval	Approval	Approval
	NIM corpor of M	Various commercial uses					
	NW corner of W Adams and 205	and bowling					
Z-FY-11-40		-	GR	C	Approval	Approval	Approval
2-11-11-40	Loop SW corner of S	alley		C	Approval	Approval	Appiovai
	Kegley Rd and	Various					
Z-FY-11-41	W Adams Ave	commercial uses	AG	с	Approval	Approval	Approval
<u> ~ 1   - 1 1 - 4 1</u>	NE corner of		70		Αμμισκαι		Αμριοναι
	MLK Jr. Dr & SH	Various					
Z-FY-11-45	36	commercial uses	AG	с	Approval	Approval	Approval
2 1 1 1 43	510 Old Waco	Office uses and			, ppi ovai	, ppi ovai	, ppi ovai
Z-FY-11-50	Rd	two-family	AG	02	Approval	Approval	Approval
	110			02	, ppi ovai	, ppi oval	, ppi ovai

Zoned						City	
Case Number	Location	Purpose	From	То	Staff Rec.	P&Z Rec.	Council Action
Namber	N side of W	rupose			Stan Rec.	Nec.	Action
	Adams Ave, west of Holy						
Z-FY-11-51	Trinity driveway	Medical clinic	MF1	GR	Approval	Approval	Approval

### **Conditional Use Permits**

The Planning Department processed seven CUP applications for Fiscal Year 2011, and the City Council approved five. One was withdrawn. The following table shows the location, purpose, base zoning and outcome for each CUP application received in Fiscal Year 2011.

Case Number	Location	Durnoso	Zoning	Staff Rec.	P&Z Rec.	City Council Action
Number	3450 S Gen	Purpose New tire store	Zoning C	Stall Rec.	Rec.	ACTION
Z-FY-11-09	Bruce Dr	(Firestone)	I-35	Approval	Approval	Approval
	W 75' of Lt 2, Blk 3, Bentley					
Z-FY-11-12	Add.	Package store	C	\	Nithdrawn	
Z-FY-11-18	313 E Central Ave	Package store	CA	NA	Approval	Denial
		Pool hall with beer and wine				
	102 S Gen	on-premise				
Z-FY-11-38	Bruce Dr	consumption	С	Approval	Approval	Approval
	313 E Central					
Z-FY-11-48	Ave	Package store	CA	NA	Approval	Approval
	4158 Shallow	Concrete batch				
Z-FY-11-49	Ford West	plant	LI	Denial	Approval	Approval
		Beer, wine and				
		mixed drinks, on-				
	11 E Central	premise				
Z-FY-11-52	Ave	consumption	CA	Approval	Approval	Approval

### **Planned Developments**

The Planning Department processed nine PD applications for Fiscal Year 2011, and the City Council approved eight. One was withdrawn. The following table shows the location, purpose, base zoning and outcome for each PD application received in Fiscal Year 2011.

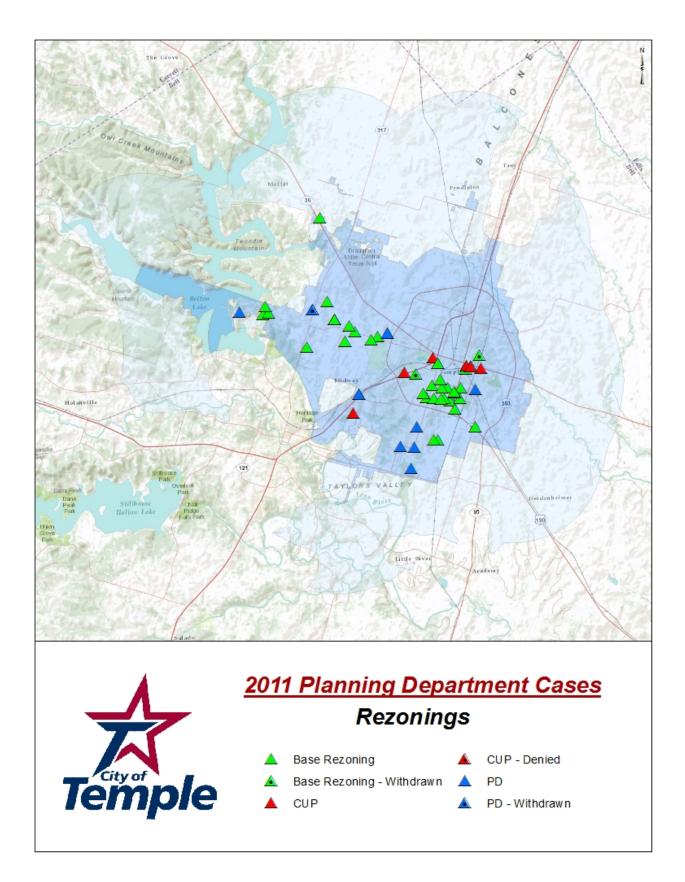
						City
Case				Staff	P&Z	Council
Number	Location	Purpose	Zoning	Rec.	Rec.	Action
	Lt 8, Blk 2,	Extend existing				
Z-FY-11-10	Stonegate III	PD(GR) designation	PD-GR	Approval	Approval	Approval
		Retail with off-				
	1710 Canyon	premise beer and				
Z-FY-11-24	Creek Dr.	wine consumption	PD-NS	Approval	Denial	Approval
		Duplexes in existing				
Z-FY-11-26	1000 S Knob St	PD	PD-SF1	Approval	Approval	Approval
		Allow certain retail				
		uses, require				
		screening at rear,				
		allow outdoor				
		cooking only for				
	5293 & 5297 S	duration of existing				
Z-FY-11-27	31 <sup>st</sup> St	restaurant	PD-O1	Approval	Approval	Approval
	13721 FM	Expansion of boat				
Z-FY-11-34	2305	storage site	PD-NS	Approval	Approval	Approval
	N side of W	Single-family				
	FM 93, W of	subdivision with				
	Lakeview Ln &	limitation on				
Z-FY-11-39	Timberline Rd	minimum lot size	PD-SF1	Denial	Approval	Approval
		Retail and				
	Lot 1, Blk 1,	wholesale				
Z-FY-11-43	Hansen Subd	landscaping	PD-NS		Withdraw	า
	Lot 1, Blk 1,	Two-family				
	West Ridge	subdivision with				
	Commercial	screening and entry				
Z-FY-11-44	Phase 1	feature	PD-2F	Approval	Approval	Approval
		Allow larger sign				
	5508 S Gen	than permitted in I-				
Z-Fy-11-47	Bruce Dr	35 overlay	PD-C	Approval	Approval	Approval



Greens at 205 Loop and office at Westfield, platted and built in 2011



March 1, 2012



#### Plats

The Planning Department processed 40 subdivision plats for Fiscal Year 2011. Among those, five were Preliminary Plats, 21 were Final Plats, and 14 were Minor or Amending Plats. The following table shows the name, location, type of plat, acreage, lot count, and land use for each plat application received in Fiscal Year 2011.

Case Number	Subdivision Name	Location	Type of Plat	Acres	# of Lots
		S side of Arrowhead			
P-FY-11-04	Scott Estates	Pt Rd, S of FM 2305	Minor	1.31	2
		NE corner of Bunker			
P-FY-11-05	Saulsbury Subd VI	Hill Dr & Saulsbury Dr	Final	1.15	4
	Hicks-Milligan	W side of Bendle Rd,			
P-FY-11-06	Estates	N of Luther Curtis Rd	Final	2.97	3
		S of Northcliffe Dr, W			
P-FY-11-09	Northcliffe IX	of FM 2271	Final	10.31	76
		E side of Airport Trl at			
		Intersection w/ Little			
P-FY-11-10	Villa Andrea Subd.	Mexico Rd	Minor	2.99	3
	Woodbridge-	3819 & 3829 Fall			
P-FY-11-11	Carrothers III	Creek Ln	Minor	1.50	2
		S side of W Ave N. , E			
P-FY-11-12	Avenue N Estate	of S 57 <sup>th</sup> St	Minor	.17	1
	Village of Sage	N side of Hogan Rd, W			
P-FY-11-13	Meadows V	of Tumbleweed Dr	Final	6.68	34
		N side of 205 Loop, E			
P-FY-11-15	205 Loop III	of Duke Dr	Final	14.08	42
		E side of S Pea Ridge			
		Rd at intersection			
		with Hogan Rd and S			
P-FY-11-24	Westwood Estates	Pea Ridge Rd	Final	10.31	7
	Wildflower	W side of Kegley Rd, S			
P-FY-11-25	Meadows I	of Wildflower Ln	Final	11.50	36
		N side of W FM 93, W			
	Highland Park	of Lakeview Ln &			
P-FY-11-27	Estates	Timberline Rd	Prelim	10.00	30
		E side of S 5 <sup>th</sup> St, S of			
		Echo Village, across			
P-FY-11-31	Alta Vista I	from Wyndham Hill	Final	32.22	171
		E side of S 5 <sup>th</sup> St, S of			
		Echo Village, across			
		from Wyndham Hill, E			
P-FY-11-34	Alta Vista II	of Alta Vista I	Prelim	46.80	245
P-FY-11-35	Alta Vista II	Same as above	Final	46.80	245

<u>Residential</u>

Case			Type of		# of
Number	Subdivision Name	Location	Plat	Acres	Lots
		SE corner of SH 317 &			
P-FY-11-36	Lake Pointe	Prairie View Rd	Prelim	210.26	733
	Canyon Ridge II &	SW corner of Canyon			
P-FY-11-37	111	Creek Dr & S 5 <sup>th</sup> St	Prelim	61.78	232
		Side of Morgan's Point			
P-FY-11-39	Lago Terra	Rd, S of Bonnie Ln	Final	47.37	78
		NW corner of W			
		Adams Ave & Hilliard			
P-FY-11-41	Hilliard Crossing	Rd	Final	24.00	1
		SE corner of SH 317 &			
P-FY-11-42	Lake Pointe Ph I	Prairie View Rd	Final	9.58	48
	Hills of Westwood	E of Iron Gate Dr, N of			
P-FY-11-43	Ph VI	Amber Meadow Lp	Final	8.25	36
		E side of S 5 <sup>th</sup> St, S of			
P-FY-11-44	Wyndham Hill II	Wyndham Hill Pkwy	Final	13.89	66
		SW corner of Hogan			
P-FY-11-45	Saddle Brook Subd	Rd & S Pea Ridge Rd	Final	10.91	32
		SE of Canyon Creek Dr			
P-FY-11-48	Canyon Ridge II	at Hartick Bluff Rd	Final	32.15	106

#### **Nonresidential**

Case			Type of		# of
Number	Subdivision Name	Location	Plat	Acres	Lots
		NW corner of			
		Industrial Blvd & Range			
P-FY-11-01	Derek Commercial	Rd	Minor	6.5	2
	Temple Industrial	Btwn Lucius McCelvey			
P-FY-11-02	Park Sec 25	Dr & Range Rd	Final	22.15	6
		SW corner of W Elm			
P-FY-11-03	Vandiver Subd	Ave & N 11 St	Minor	.71	1
	Friars Creek				
	Crossing at Canyon	W side of S 5 <sup>th</sup> St, S of			
P-FY-11-16	Ridge	Canyon Creek Dr	Minor	4.46	4
		W side of S Gen Bruce			
P-FY-11-17	CJC Properties	Dr, N of Midway Dr	Final	2.39	5
		NW corner of W Ave P			
P-FY-11-18	Family Dollar Addt.	& S 1 <sup>st</sup> St	Minor	.84	1
	Fairways at	NW corner of W			
P-FY-11-19	Sammons Park	Adams Ave & S 43 <sup>rd</sup> St	Minor	10.69	1
	Surplus	SE corner of S 1 <sup>st</sup> St &			
P-FY-11-21	Warehouse Subd	W Ave N	Minor	2.37	2
		N of Whitehall Rd, W			
P-FY-11-26	Biggs Subd	of SH 317	Final	2.32	3
	Cornerstone				
P-FY-11-29	Gardens Center	763 Marlandwood Rd	Final	5.90	1

March 1, 2012

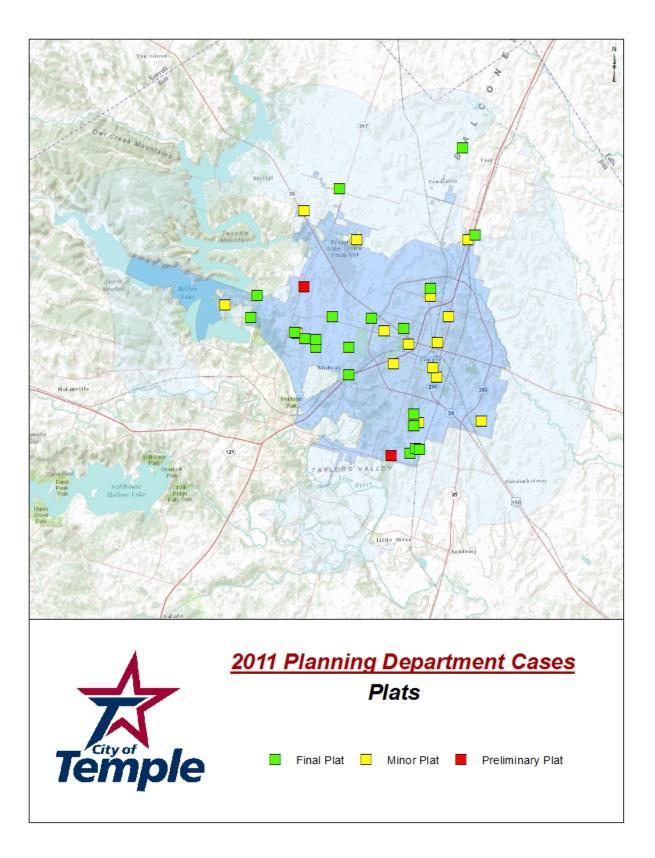
Case			Type of		# of
Number	Subdivision Name	Location	Plat	Acres	Lots
		N side of SH 36, W of			
		intersection with			
P-FY-11-30	FJL Subd	Moffat Rd	Minor	3.00	1
		Between Pegasus Rd &			
		N Gen Bruce Dr, N of			
P-FY-11-32	Mueller Inc Addn II	Hard Rd	Minor	6.34	3
	Carroll Estes	E side of N Gen Bruce			
P-FY-11-33	Industrial Dev	Dr at N city limits line	Final	61.52	3
		SE corner of SH 317 &			
P-FY-11-36	Lake Pointe	Prairie View Rd	Prelim	210.26	1
		NW corner of W			
		Adams Ave & Hilliard			
P-FY-11-38	Hilliard Crossing	Rd	Prelim	24.00	7
		E side of SE H.K.			
	Panda Temple	Dodgen Lp, N of US			
P-FY-11-40	Power Project	Hwy 190	Minor	250.00	1
		NW corner of W			
		Adams Ave & Hilliard			
P-FY-11-41	Hilliard Crossing	Rd	Final	24.00	6
		NE corner of W Ave K			
P-FY-11-47	St. Mary's Subd	& S 9 <sup>th</sup> St	Minor	5.34	1

The following table shows the number of residential and nonresidential lots and acrages that were submitted for Final or Minor Plat review in Fiscal year 2010 and eventually approved.

Type of Plat	Number of Lots and Acres
Residential Lots Final or Minor Platted	993
Nonresidential Lots Final or Minor Platted	41
Total Lots Final or Minor Platted	1,034
Residential Acres Final Platted	288.14
Nonresidential Acres Final Platted	408.53

696.67

**Total Acres Final or Minor Platted** 



#### **Building Permits**

The Planning Department reviewed the following Building Permits, not counting resubmittals with requested revisions, in Fiscal Year 2011.

Permit Type	Number Received	Average Review Time (Days)
Residential	657	3.7
Nonresidential	204	4.7
Signs	94	4.2

#### I-35 Appeals

In Fiscal Year 2011, the Planning and Zoning Commission heard three appeals of the requirements of the I-35 Corridor Overlay zoning district. They listed are as follows.

Applicant	Appeal	Mitigation Offered
Firestone – New	Decrease in front landscaped	Space limitations; provided additional plantings
Construction	buffer width	space initiations, provided additional plantings
	Building materials and	
Mueller Metal	articulation requirements for	
Buildings – New	warehouse; some material and	Theme design with additional landscaping
Construction	articulation requirements for	
	front office	
Tranum Auto		Provided additional showroom building exterior
Group -	All landscaping requirements	improvements & above ground planters along
Expansion		building and frontage road

#### **Miscellaneous Approvals**

In addition to the applications described above, the Planning Department reviewed four Rightof-Way Abandonments, and 11 Street Use License and four Variances.



## COUNCIL AGENDA ITEM MEMORANDUM

03/01/12 Item #4(B) Regular Agenda Page 1 of 1

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

Gary O. Smith, Chief of Police

**ITEM DESCRIPTION:** Receive a report from the Police Department as required by the Racial Profiling Statute contained in the Texas Code of Criminal Procedure.

**STAFF RECOMMENDATION:** Receive report as presented in item description.

**ITEM SUMMARY:** The Code of Criminal Procedure requires a report to the governing body of the municipality that details the department's activities related to traffic stops that result in citations, arrests, and searches of persons and/or vehicles. The statute requires the head of the agency to use comparative data to make a determination as to the possible presence of racial profiling within the agency.

The report includes the totals from calendar year 2011 for each category mentioned above. Census data is used for comparisons where appropriate.

It is recommended that the Council receive this report. No other action is required.

FISCAL IMPACT: None

ATTACHMENTS: Report

#### March 1, 2012

## Temple Police Department 2011 Bias-Based Policing Report

The Temple Police Department, in accordance with the Texas Code of Criminal Procedure (CCP) Articles 2.131 through 2.138, has collected police contact data from motor vehicle stops for the purpose of analysis. As part of the review of this data, the department is required to determine if racial profiling exists and to respond appropriately if such a determination is made. I believe the findings in this report serve as evidence that the Temple Police Department continues to strive toward the goals of maintaining strong relations with the community and providing open channels of communication between citizens and the Department.

CCP 2.131 through 2.138 identifies three types of agencies that must file reports to the Texas Commission on Law Enforcement Standards and Education. The Temple Police Department is a tier one agency, which means the department has a partial exemption from the reporting requirements found in the CCP. This status is due to the video and audio equipment that is installed in all marked Temple Police vehicles. Tier one data includes information on traffic citations, arrests arising from motor vehicle stops, and searches conducted during motor vehicle stops. This information is then categorized by the racial groups specified in the CCP.

This report provides statistical data relevant to public contacts made by police officers while conducting motor vehicle stops during Calendar Year 2011. Two different data sets have been employed to evaluate the agency's operations. The United States Census Bureau's 2010 Census for Bell County and the City of Temple are used separately to compare the Department's enforcement activities related to motor vehicle stops with racial and ethnic distributions in the county and the city.

The reasons for using Bell County data are rather straight forward. Bell County census data is appropriate because over half of the citations written in 2011 were issued to persons that do not reside in the City of Temple. Temple has long been recognized as a hub of activity in Bell County that draws many people for employment, shopping, and entertainment. Further, a significant number of people travel to Temple to utilize the superior medical facilities that are located here. Finally, Temple has several major highways which run through and around the city. These factors show the traffic situation confronting the Temple Police Department is influenced by regional as well as local factors.

Temple census data is included in the report for similar reasons. Almost half of the citations issued were given to residents of Temple. Additionally, during the early years of the Racial Profiling Law, the department did not include Temple data. After meeting with various citizen groups, the decision was made to include this data in the spirit of cooperation and openness.

Overall, this document provides a certain degree of analysis, identifies recommendations for continuing the department's operations not only within the law, but to a level of excellence, and offers my conclusions as to the state of operations by police personnel in Temple. In the final portions of this report, the reader will encounter sections designed to provide information relevant to the institutional policies adopted by the Temple Police Department that prohibit the use of bias by officers, and other supporting information. See appendix A - C for more details.

#### **Distribution of Race:**

The law requires the Department to report racial and ethnic data for arrests and citations from motor vehicle stops. The six races listed in the law are Hispanic, Caucasian, African, Asian, Native American, and Middle Eastern. As you read this report, you will notice comparisons between motor vehicle stop data and these six races.

Census data, though arguably the best measure available, is not without some areas of confusion. The 2010 U.S. Census provides information for five of the six required races of descent. There is one racial category the department is required to track that is not directly identified in the census data. This category is Middle Eastern descent. The U.S. Census counts these individuals in the White (Caucasian) category. Therefore, there is no population estimate for this group. Additionally, there are other categories in the census data, such as "Other" and "two or more races", that are included in the census. The Department uses this information to greatest degree possible when completing this report. However, Police Officers are required to identify an individual within a single racial category. Individuals that can be identified in more than one racial group present obstacles for precise data tracking. Please keep this in mind as you view this report.

#### Motor Vehicle Stops Resulting in a Citation:

Calendar 2011 Traffic Stops: 28,122 Citations resulting from Motor Vehicle Stops: 15,624 Average number of citations written per day: 43 **Non-Residents: 8,375 citations Temple Residents: 7,249 citations** NOTE: Over half (53.6%) of the citations were issued to NON-Temple Residents.

RACE/ETHNICITY	# of Citations	% OF Total	2010 CITY OF TEMPLE CENSUS	Comparison
HISPANIC**	3,032	19.4%	23.7%	- 4.3%
CAUCASIAN (Non-Hispanic)	9,451	60.5%	55.5%	+ 5.0%
AFRICAN	2,852	18.3%	17.4%	+ 0.9%
ASIAN	260	1.7%	2.5%	- 0.8%
NATIVE AMERICAN	17	0.1%	0.7%	- 0.6%
MIDDLE EASTERN	12	0.1%	Unknown	Unknown
TOTAL	15,624		*Source: 2010 U.S. Census Bureau Census does NOT equal 100%	

(Chart 1)

(Chart 2)

RACE/ETHNICITY	# of Citations	% OF Total	2010 BELL COUNTY CENSUS	Comparison
HISPANIC**	3,032	19.4%	21.6%	- 2.2%
CAUCASIAN (Non-Hispanic)	9,451	60.5%	50.7%	+ 9.8%
AFRICAN	2,852	18.3%	21.8%	- 3.5%
ASIAN	260	1.7%	4.1%	- 2.4%
NATIVE AMERICAN	17	0.1%	1.0%	- 0.9%
MIDDLE EASTERN	12	0.1%	Unknown	Unknown
TOTAL	15,624		*Source: 2010 U.S. Census Bureau Census does NOT equal 100%	

\*\*Hispanic is considered a race according to the Texas Racial Profiling Act. However, the U.S. Census does not use this same distinction. The U.S. Census recognizes Hispanic as an ethnicity that can be related to any race.

The TPD Records Management System captures race and ethnicity. Race can be listed as white, black, Asian/Pacific Islander or Indian/Alaskan Native, and Middle Eastern. Also, the records management system captures ethnicity. Ethnicity can be (N) for Non-Hispanic or (H) for Hispanic. Thus, a white person can be listed as (W) in the race block and (H) in the ethnicity block. The total above for Hispanics can include white, black, Asian/Pacific Islander or Indian/Alaskan Native. Any person (regardless of race), listed as Hispanic, is automatically added to the Hispanic total.

As one might expect, there are slight deviations between the census population estimates and the citations issued for each race/ethnicity/descent. The column labeled Comparison in the charts above show the difference between police activity and population distribution.

#### **Race Known Prior to Motor Vehicle Stop**

Texas law requires the department to report whether an officer knew the race of an individual prior to conducting a stop. It is unreasonable to assume that a police officer, especially in an urban setting, would never know the race of the person being stopped prior to making a decision to stop a vehicle. In fact, officers may even know the actual identity of a person being stopped prior to or simultaneous with a decision to make a motor vehicle stop.

	(C	nart 3)	
Yes	No	Total	% Known
448	15,117	15,565	2.8 %
273	1,070	1,343	20.3 %
10	49	59	16.9 %
731	16,236	16,967	4.3 %
	448 273 10	Yes         No           448         15,117           273         1,070           10         49	448         15,117         15,565           273         1,070         1,343           10         49         59

 $(Cl_{1} \rightarrow 2)$ 

#### Motor vehicle Stop with Citation Leading To a Search

The chart below represents searches conducted during motor vehicle stops when a citation was issued, without an arrest. A total of 15,565 citations were issued in this category, with only 77 (0.5%) of these stops resulting in a search. In 74% of these situations, a motorist agreed to the search.

# of searches	% of Total
20	26.0%
27	35.1%
30	39.0%
0	0.0%
0	0.0%
0	0.0%
77	
	searches           20           27           30           0           0           0           0           0

Of the 77 searches, 57 individuals gave consent to the searches.

Citation with a search by consent						
Total Searches	# by consent	% By Consent				
20	14	70.0%				
27	22	81.5%				
30	21	70.0%				
0	0	0.0%				
0	0	0.0%				
0	0	0.0%				
77	57	74.0%				
	Searches           20           27           30           0           0           0           0	Searches         consent           20         14           27         22           30         21           0         0           0         0           0         0           0         0				

(Chart 5)

The percentages in charts four and five do not directly follow the census data. This may be due to the small number of searches and consents. Further, searches resulting from motor vehicle stops are strongly influenced by citizen reports of illegal activities and police operations in areas that have higher incidences of crime and disorder. Finally, officers do not determine the socio-economics of crime or other urban issues. They merely respond to situations using the best practices available.

#### Motor vehicle Stop Leading to an Arrest

In 2011, Temple police officers made 5,712 arrests, of which 1,402 were the result of a motor vehicle stop. Charts six, seven, and eight reflect the number of arrests resulting from motor vehicle stops, the number of searches conducted during stops that led to an arrest, and the number of persons that consented to being searched during a stop.

	(Chart 6)			
Traffic stop leading to arrest				
DESCENT	# of arrests	% of Total		
HISPANIC	343	24.5%		
CAUCASIAN (Non-Hispanic)	556	39.7%		
AFRICAN	498	35.5%		
ASIAN	4	0.3%		
NATIVE AMERICAN	1	0.1%		
MIDDLE EASTERN	0	0.0%		
TOTAL	1,402			

(Chart 6)

(Chart 7)

Traffic stop leading to arrest $- w/$ search				
DESCENT	# of searches	% of Total		
HISPANIC	62	20.9%		
CAUCASIAN (Non-Hispanic)	113	38.1%		
AFRICAN	122	41.1%		
ASIAN	0	0.0%		
NATIVE AMERICAN	0	0.0%		
MIDDLE EASTERN	0	0.0%		
TOTAL	297			

Of the 297 searches, 176 individuals gave consent to the searches.

(Chart 8)

Traffic stop leading to arrest $- w/consent$ to search				
DESCENT	Total Searches	# by consents	% of Total	
HISPANIC	62	37	59.7%	
CAUCASIAN (Non-Hispanic)	113	67	59.3%	
AFRICAN	122	72	59.0%	
ASIAN	0	0	0.0%	
NATIVE AMERICAN	0	0	0.0%	
MIDDLE EASTERN	0	0	0.0%	
TOTAL	297	176	59.3%	

If you compare the percentages in charts six through eight with the census information, you will notice they do not follow the census distributions. The reasons for this are the same as those identified in the section concerning searches of individuals that received a citation, such as the small number of searches, using appropriate methods of investigation, and responding to citizen complaints of crime and disorder. When concentrating on identified crime problems, like high levels of drug activity, individuals may be searched and arrested in numbers that are not representative of the census data.

#### **Employee Training and Public Education**

Police officers receive extensive training about racial profiling, cultural diversity, and other social issues of concern. Officers are initially trained in these topics during the basic police academy. Following that training, every police officer must receive continuing education on these topics during regularly scheduled intervals established by the Texas Commission on Law Enforcement Officer Standards and Education.

State law also requires the department to establish a method for citizens to file complaints against police officers that a citizen believes is engaging in racial profiling. Additionally, the department must educate the public on this process. The department has developed a form for citizens to make complaints or commendations regarding police conduct. The department also accepts any written complaint if a citizen prefers to send a letter in lieu of using the form.

The public is educated about the complaint process in two ways. First, the city's public television channel displays a continuous slide show. The department has developed an educational slide that is presented on this public access channel. The department also addresses this issue in various press releases and community events.

#### Addressing Bias-based Policing:

The Temple Police Department remains committed to providing fair and unbiased policing services to the community. To ensure this we will continue to do the following:

- Provide sensitivity training to police personnel and comply with regulations established by the Texas Commission on Law Enforcement Officer Standards and Education.
- Disseminate information to all officers regarding the guidelines of behavior acceptable under the Texas Racial Profiling Law.
- Keep the City Council, City Manager, and other appropriate officials posted on measures being implemented by the Department.
- Provide an atmosphere in which officers are constantly aware of the inappropriateness of using bias in policing, and that the Department prohibits any practice that is based on improper or illegal foundations.
- Monitor data entry to ensure the accuracy of information in police records.

#### **Conclusion**:

The information drawn from the motor vehicle stop data shows the Department operates in a fair and consistent manner with the diversity within the population. **There is no evidence that racial profiling is used by officers to make enforcement decisions.** This is further supported by the fact that during 2011 there were no citizen complaints of racial profiling by officers.

Though the department experienced arrests and searches that were not in direct correlation to the census data, we feel there are many factors that are out of the Department's control that contributed to this outcome.

The Department will continue to collect police contact data in its on-going evaluation of the practices of our officers. The intent of this continued vigilance is not only to work within the law, but to provide the citizens of Temple, and others, with highly professional and courteous service while the department strives to operate using the best practices and ethical behaviors that are expected of American law enforcement.

## APPENDIX A – Temple Police Department Commendation/Complaint Form

Temple Police Department Citizen Commendation / Complaint Form			
I,		, wish to make a	
commendation / complain strike one	nt on (employee)	Employee's Name	
My commendation / com	plaint is based on the foll	llowing facts:	
Date Occurred:	Day of Week:	Time Occurred:	AM / PM
(Please print the following information) Name:			
Date of Birth:			
Address:		City:	
State: Zip:			
investigation proves these allegati	at this complaint will be investi ions to be false, I may be liable t d to submit to a polygraph exar	igated diligently. I further understand that if the to both criminal and civil prosecution. I also unimination as part of the investigation.	
Signature		Date	
Subscribed and sworn to me on this the	Day of	,	
		Notary's	Signature

My Notary Public Commission expires:

#### APPENDIX B – Temple Police Department Policy 538

#### 538 VIDEO AND AUDIO RECORDING

The Temple Police Department has adopted the use of video and audio recording systems in order to accomplish several important objectives. These objectives include, but are not limited to:

- They are vital in defending officer against false accusations that include demeanor complaints, excessive force complaints, and criminal charges.
- They can be vital in the prosecution of certain cases.
- State law and our rules require them.
- They are considered to be a measure to safeguard the public from official misconduct.

It is the policy of this department to utilize video and audio recording equipment in such a manner as to enhance the effective and efficient delivery of police services.

#### .01 Terms and Definitions

- MVR In this Order, "MVR" shall mean all elements of the mobile video/audio recording equipment that is issued to an officer and mounted in a police vehicle. Wherever the operation of the MVR is referenced, such operation includes <u>both</u> the audio and video capabilities of this equipment (wireless body microphone and vehicular equipment).
- B. **DVR** Digital Voice Recorder. This is a small pocket sized device that records sound in a digital format. The digital files can then be down loaded to a computer where it is stored according to the requirements of this policy. Also referred to as a pocket recorder.
- C. **Other Recording Device** This refers to any other device used by employees to record events. After the MVR and pocket recorder, other recording devices could also include camcorders, digital cameras, and cellular telephones.

#### .02 Requirements

#### A. When is a recording required?

The primary method for recording shall be on the vehicle mounted MVR. The DVR or pocket recorder shall be the backup system to the MVR. Situations in which officers are required to make a recording are listed below.

- 1. Traffic stops;
- 2. Pedestrian stops;
- 3. Vehicular pursuits;
- 4. Emergency response driving;
- 5. Arrest transports;
- 6. Traffic crash investigations;
- 7. Anytime an officer has contact with the suspect of a crime during a field interview or an investigation. Be aware that this could happen inadvertently during the course of an investigation.

- 8. Any on-going serious incident such as burglaries in-progress, armed subjects, large fights, hostage situations, etc.
- B. All other recording activities are permissive. In other words, anytime the officer believes it would be wise to record a situation, he should do so but it is not required that he do so.
- C. All on-duty patrol officers at a scene shall record when required.
- D. Secondary responders to a scene are not required to record. Secondary responders include, but are not limited to Detectives, Narcotics Agents, SWAT Officers, Administrative Officers, etc.

#### E. Supervisor Recording Requirements

In addition to the requirements listed above, supervisors shall record all contacts with individuals who make a complaint against an employee of the Temple Police Department.

#### .03 Equipment

- A. The MVR has the primary function of recording traffic stops as per the requirements of state law and those events required by this general order. MVR equipment, including the wireless microphone, will be activated when required.
  - 1. MVR equipment will automatically activate when the vehicle's emergency lights are activated.
  - 2. MVR equipment may be manually activated at any time.
  - 3. If the vehicle driven by an officer has an MVR, that MVR is considered issued to that officer for however long he drives the vehicle.
  - 4. It is understood that the MVR system has range and obstacle limitations and may not record an entire stop if the system limits have been met.
- B. The DVR or pocket recorder is issued as a backup to the MVR system. Pocket recorders do not have the range and obstacle limitations of the MVR and can be used when outside of the system limitations of the MVR.
- C. Officers shall only use equipment, DVDs, and tapes issued or authorized by the department.
- D. DVR downloading and evidence procedures are located in the Patrol SOP.

#### .04 Video and Audio Recording Procedures

A. Every employee shall carry their pocket recorder on duty and have it available as a backup for the MVR.

- B. It is incumbent upon the officer to begin recording as soon as practical allowing for the safety of everyone involved. Generally, the recording should begin just prior to any contact with a citizen. It is, however, understood that on rare occasions a recording may not be started until after the officer has had to take an action. For example, if the officer arrives on a scene where the suspect is crouched over and assaulting the victim, the officer's primary responsibility is the safety of the victim. In this example, once the suspect has been subdued, the officer should then, as soon as possible, activate his recording equipment.
- C. The officer is responsible for insuring that his recording equipment is activated when required. Officers may deactivate their recording equipment during non-enforcement activity at a scene when recording is no longer required.
- D. Only a supervisor can require an employee to terminate a required recording. There must be a justifiable reason why the supervisor orders the termination of a required recording.

#### .05 Officer Responsibilities

- A. MVR equipment installed in vehicles is the responsibility of the officer assigned to the vehicle and will be maintained according to manufacturer's recommendations. Officers are responsible for the key control and the proper installation and removal of videotapes or DVDs from their MVR units.
- B. Officers must inspect and functionally check MVR equipment in their assigned vehicles prior to the beginning of each shift to ensure that MVR equipment is operating properly.
  - 1. This functional check shall include audio and video testing and setting up the system for recording.
  - 2. The check shall also ensure the proper alignment, focusing, and positioning of MVR equipment to provide quality documentation.
  - 3. Officers will document any malfunction of their recording equipment in an email to their supervisor as soon as practical upon discovery of the malfunction.
  - 4. If an officer's MVR is not functioning and there is not an immediate replacement, the officer shall use his DVR to record required events until a vehicle with a functioning MVR is available.

#### C. Spare DVDs and VHS Tapes

1. Officers shall have a spare VHS tape or DVD in their vehicle for use when needed, however, due to damage caused by heat no more than two extra tapes or disks should be carried.

- 2. Officers should change tapes when the tape in the MVR reaches approximately 30 minutes or less remaining on the tape. Non-evidentiary tapes should be turned in to the immediate supervisor for storage in the designated area.
- 3. When the hard drive memory is full, officers shall burn their recordings to a DVD and turn the disk in as required by policy.
- D. Officers shall not erase, reuse, delete, or in any manner alter or destroy any video or audio recordings except as allowed by department policy; doing so shall result in disciplinary action.
- E. Officers will be responsible for the security of the recordings in their possession.

#### .06 Supervisor Responsibilities

- A. Supervisors shall ensure:
  - 1. The officers who are assigned MVR equipment will be trained in its proper use.
  - 2. All personnel who are required to record have been issued a pocket recorder as a backup to the MVR.
  - 3. That officers follow established procedures for the use and maintenance of recording equipment, digital files, and tapes.
  - 4. All repairs and replacements of damaged or nonfunctional recording equipment are completed.
  - 5. Their officers have a sufficient number of videotapes and DVDs at the beginning of each shift.
  - 6. Recording equipment is inspected in conjunction with the monthly vehicle inspections.
- B. If an officer's MVR is not functioning and there is not an immediate replacement, the supervisor shall insure the officer has a functioning DVR to record required events until a vehicle with a functioning MVR is available.
- C. At least once per calendar quarter, Supervisors shall be responsible for conducting a review of random samplings of the recordings turned in by one quarter of their subordinates. When determining the number of subordinates to be reviewed, fractions shall be rounded up to the next whole number. This review should encompass non-evidentiary recordings.
  - 1. At the end of the calendar year the Supervisor will have reviewed 100% of their subordinates, at least once, using either video or audio records.

2. The supervisor shall resolve any discrepancies that result from the periodic review process.

#### D. The Use of Recordings in Supervisory Investigations

Upon being informed of a complaint from a citizen or employee, the officer's supervisor will review any available recordings of the incident. This review is to determine if any violations of departmental policies or procedures have occurred.

- 1. If the complaint is a demeanor complaint, the supervisor shall complete the investigation.
- 2. If the violation discovered is serious as defined by General Order 401, the information shall be forwarded to the Chief through the appropriate Deputy Chief. Serious complaints shall be investigated by Internal Affairs.
- 3. Any recordings shall become part of the investigation file and will be retained as per the requirements of state law and department policy.

#### .07 Legal Considerations

State and Federal law is clear in the allowance of recording conversations as long one party (the law enforcement official) is aware that a recording is being made. In addition, there is no expectation of privacy inside of a police car. However, there are legal considerations when using recording devices beyond the scope of this general order. Recording equipment shall not be utilized as a "bug" or an illegal listening device. For example, an officer cannot place his MVR microphone on a window sill to covertly listen to a conversation inside a residence.

#### .08 Documentation

- A. When an officer makes a recording of an incident, he shall note this fact in any report he makes of the incident. The officer shall do this regardless of whether the recording was required. If a recording is made, the note in the report shall have a brief description of what the recording contains. For example, "Recording of conversation with the suspect John Smith submitted as evidence."
- B. Officers are advised to review video and audio recordings prior to entering them into evidence to insure that the event is adequately documented.

#### .09 Duplication of Recordings

A. Video and audio recordings are considered departmental documents intended only for law enforcement and management functions of the Department. The Records Supervisor is the Records Custodian for the Department and the specific designee to handle open records requests.

#### **B.** Internal Requests

All internal requests for either access to or copies of video and audio recordings that are not for specific law enforcement purposes, will be forwarded to the Deputy Chief of Operations as an open records request. After review, the request shall be sent to the Records Supervisor for response in accordance with Department policy and the rules set forth in the Public Information Act.

1. Video and audio recordings shall only be used for approved police business. Police personnel may not take recordings home to review, nor may they obtain copies of a recording except through formal channels as specified in the paragraph above.

#### C. External Requests

External requests from non-law enforcement entities or individuals shall normally be received by the Records Supervisor. The Records Supervisor shall begin the review and response process. Part of that process is to notify the Deputy Chief of Operations of all open records requests received.

- 1. Open records requests received from other law enforcement agencies and governmental entities, will be processed by the Records Supervisor.
- 2. No video or audio recording shall be copied or otherwise viewed, distributed, disseminated or released for use outside the Department, unless authorized by the Office of the Chief of Police.
- 3. The open records request procedures in this section may apply to copies made for training purposes if the class is taught to external entities or individuals.
- C. All video and audio recording duplicates shall be made by the Evidence Unit.
- D. The open records procedures specified in the above sections do not apply to video and audio recordings used for law enforcement purposes. Law enforcement purposes include but are not limited to the following.
  - 1. Case files sent to the Prosecuting Attorney's Office.
  - 2. Original recordings or copies taken to court as evidence by employees.
  - 3. Copies made for another law enforcement agency for a criminal investigation.
  - 4. Copies made for internal training purposes.
  - 5. Copies made for supervisor investigations.

#### .10 Video and Audio Evidence

- A. Video and audio recordings that are evidence in, or show probable cause for, Class B and above charges shall be entered into evidence in those cases.
  - 1. Generally, officers will not record more than one Class B or above charge on a single videotape or DVD.

- 2. Original evidentiary recordings will remain in evidence until the case is disposed.
- 3. Recordings of disposed cases will be erased and recycled, deleted, or destroyed as per Department policy.

#### .11 Retention of Recordings

- A. Non-evidentiary video and audio recordings shall be retained for a minimum of 120 days. Video and audio tapes shall be stored in a designated area inside of the police facility. Digital recordings shall be stored on the designated computer hard drive and shall be stored by date (see Patrol SOP).
  - 1. At the end of the 120 days, non-evidentiary recordings shall be either erased and recycled or deleted.
  - 2. If a complaint is filed against an officer, the recordings of the alleged incident shall be maintained until the final disposition of the complaint.

#### APPENDIX C – Temple Police Department Policy 519

#### 519 BIAS-BASED POLICING

Good policing, of necessity, involves the lawful exercise of discretion. Law enforcement officers must make decisions that balance the need for public order and safety with the legal protection guaranteed to all citizens. Law enforcement officers' decisions and behavior must therefore be lawful and sensitive to individual rights and liberties. The Temple Police Department does not condone the use of any practices that diminish the constitutionality of law enforcement practices, and undermine community confidence in the police, including Bias-based Policing.

This policy is intended to reaffirm the Temple Police Department's commitment to unbiased policing, to clarify the circumstances in which officers can consider race/ethnicity, gender, sexual orientation or religion when making law enforcement decisions, and to reinforce procedures that serve to assure the public that we are providing service and enforcing laws in an equitable way.

#### .01 Bias-based Policing Defined

Bias-based Policing is the selection of individuals for a law enforcement - initiated action based solely on **race**, ethnic background, gender, sexual orientation, and/or religion; rather than on the individual's behavior, or on information identifying the individual as having engaged in some form of criminal activity.

#### .02 Prohibition Against Bias-based Policing

Members of the Temple Police Department shall not engage in any form of Bias-based Policing with regard to citizen contacts of any type, or the seizure of assets or property.

- A. Investigative detentions, traffic stops, arrests, searches, and property seizures by officers will be based on a standard of reasonable suspicion or probable cause in accordance with the Fourth Amendment of the U.S. Constitution. Officers must be able to articulate specific facts and circumstances that support reasonable suspicion or probable cause for investigative detentions, traffic stops, arrests, nonconsensual searches, and property seizures.
- B. Except as provided in paragraph C below, officers shall not consider race/ethnicity, gender, sexual orientation or religion in establishing either reasonable suspicion or probable cause. Similarly, except as provided below, officers shall not consider race/ethnicity, gender, sexual orientation or religion in deciding to initiate even those nonconsensual encounters that do not amount to legal detentions or to request consent to search.
- C. Officers may take into account the reported race/ethnicity, gender, sexual orientation or religion of a specific suspect or suspects based on trustworthy, locally relevant information that links a person or persons of a specific race/ethnicity, gender, sexual orientation or religion to a particular unlawful

incident(s).

D. Race/ethnicity, gender, sexual orientation or religion can never be used as the sole basis for probable cause or reasonable suspicion.

#### .03 Complaint Process

Any person who believes that he has been stopped, arrested, searched or otherwise detained by an officer based solely on his race, ethnic background, gender, sexual orientation, or religion may file a complaint against that officer by:

- A. Making a complaint to the employees' supervisor or
- B. Filling out a complaint / commendation form which can be obtained in the front lobby of the Police Department.
- C. Complaints received by the Department shall be handled in accordance with General Order 401.

#### .04 Disciplinary Action to be Taken for Bias-based Policing

Officers found to have engaged in Bias-based Policing shall be subject to disciplinary action, up to and including termination.

#### .05 Training and Education

#### A. Employee Training

All members of the Temple Police Department shall receive training on this policy, and on the various types of Bias-based Policing, as soon as possible after the effective date of this policy. Recruit officers hired after **December 1, 2001** shall receive this training during their orientation period.

#### B. **In-service Training**

The Training Coordinator shall provide annual updates and refresher training on the topic of Bias-based Policing during regularly scheduled in-service sessions.

#### C. **Public Education**

The Department PIO will periodically provide public education information relating to the Department's stance against Bias-based Policing and the agency's complaint process.

#### .06 Data Collection Required

The Department will maintain a database of information relating to all traffic stops resulting in citations and/or arrests. This information will include:

- A. The ethnicity / race of the individual detained,
- B. Whether a search was conducted, and if so
- C. Whether the person detained consented to the search

#### .07 Analysis and Reporting

#### A. Quarterly Evaluation

The Crime Analyst shall prepare a quarterly comparative analysis report based on the data collection above and shall submit it to the Chief of Police. The purpose of this analysis shall be:

- 1. To determine the existence of Bias-based Policing by police officers in Temple; and
- 2. Examine the disposition of traffic stops identified in .06, above; and
- 3. To gather information relating to each complaint filed with the agency alleging that an officer has engaged in Bias-based Policing

#### B. Annual Report

By March 1<sup>st</sup> of each calendar year, the Chief of Police will submit an annual report to the City Manager based upon the information gathered in the quarterly analyses. This report will not contain information specific to the officer involved or to the individual who was stopped

**C.** Copies of all administrative reports required under this General Order shall be forwarded to the Support Services Lieutenant.

#### .08 Review of Video and Audio Documentation

#### A. Video Tapes

Video tapes shall be reviewed by supervisory personnel as set out in General Order 538.04.C & D.

#### **B.** Audio Tapes

Audio tapes shall be reviewed by supervisory personnel as set out in General Order 515.04.

#### .09 Retention of Video and Audio material

#### A. Video Tapes

Video tapes shall be retained by the Department in compliance with General Order 538.09A10 and 538.09C3.

#### B. Audio Tapes

Audio tapes shall be retained by the Department in compliance with General Order 515.01.

#### C. Minimum Retention

In all cases, video and audio recordings will be maintained by the Department for a period not less than 90 days. If a complaint is filed alleging that an officer engaged in Bias-based Policing as defined and prohibited by this General Order, the video and/or audio recording shall be maintained until the final disposition of the complaint.

#### .10 Supervisory Accountability

Supervisors shall ensure that all personnel in their command are familiar with the content of this policy and are operating in compliance with it.



## **COUNCIL AGENDA ITEM MEMORANDUM**

03/01/12 Item #5(A) Consent Agenda Page 1 of 1

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

Lacy Borgeson, City Secretary

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

- (1) February 9, 2012, Special Called Meeting
- (2) February 16, 2012, 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:

February 9, 2012, Special Called Meeting February 16, 2012 Special Called and Regular Meeting

## SPECIAL MEETING OF THE TEMPLE CITY COUNCIL

## **FEBRUARY 9, 2012**

The City Council of the City of Temple, Texas conducted a Special Meeting on Thursday, February 9, 2012, at 8:00 AM at the Bend O' the River, 7915 South General Bruce Dr., Temple, TX 76504

#### Present:

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

# 1. Discuss the City's strategic plan, to include the FY 2012-2013 budget process and calendar, and various strategic and budget related policy issues.

Mayor Jones stated the face of Temple has changed and this worksession is a great opportunity for the City to plan for the future. Councilmember Morales agreed with Mayor Jones' comments.

Councilmember Cloud recognized the staff for the hardwork and dedication.

Mayor Pro Tem Schneider noted this is a healthy and very important process for the City and those we represent. This is the 'map' we use for everyday processes. Councilmember Dunn added he too is glad to be a part of the process.

David Blackburn, City Manager, began the worksession discussion with a discussion of the Strategic Focus Areas and how to expand the tax base and grow the Health and Bioscience District. Bob Browder, Chair and John Keilla of the Tax Increment Finance Reinvestment Zone No. 1 gave a presentation to the Council of project within the Zone that have developed. Mr. Keilla identified the 7 parks in the 2022 Master Plan.

Next, Lee Peterson, President of the Temple Economic Development Corporation, presented Council with an overview of the Market Plan for the City. Mr. Peterson noted that the City of Temple was ranked 3rd in the Nations job growth and #5 for affordable living in Milken Institutes "Best Performing Cities".

Mayor Pro Tem Schneider stated we don't want to overbuild the infrastructure in any of the parks within the Reinvestment Zone. We need

to use what we're building and retain the existing businesses. Councilmember Cloud agreed and noted that the economy has slowed some of the economic development.

Mr. Peterson stated that some developers are looking for empty buildings or serviced sites that are ready for building.

Mayor Jones noted he would like to see the expansion of the parks with big sites developed.

Councilmember Morales stated she is excited to see the development within District 2 as well as the entire city. Would like to have an assessment for east Temple to determine the needs for that area.

Ms. Torralva, Director of Public Works stated that they are moving forward with many of the projects throughout the City; however there are operation maintenance cost associated.

Mayor Pro Tem Schneider added that we need to be realistic with what we require our developers to do. Councilmember Dunn noted that the City and the Boards we appoint are working together to create the infrastructure that we currently have. We are moving on in the right direction.

Mayor Jones stated developers are amazed at how easy it is to build in the City of Temple. Ms. Speer, Director of Community Services stated that we need to have grow our self esteem as a City and maintain and improve our standards.

Mr. Blackburn noted our standards for development are a driving force for our area.

Next presentation was from Wendell Williams, Chair of Temple Health & Bioscience District. Mr. Williams reviewed the District's mission, history as well as the Temple Bioscience Accelerator and what it can bring to Temple in the future.

Councilmember Morales requested more information on how the TISD & Math Center will impact the community. Mr. Williams noted that by starting our youth at an early age we are helping to guide and provide the opportunities for success. Mr. Williams added, this is a long term process.

Next presentation was from Bourdon Wooten, President of Temple Chamber of Commerce. Mr. Wooten provided information to the Council as it related to possible developments and sustainability in West Temple.

Councilmember Cloud stated that retain is a big part of our budgeting process; as we need both property and sales tax in order to grow. How much sales tax is retail?

Traci Barnard, Finance Director noted about 40% is non-retail and 50%-60% is retail, this is regional sales tax base.

Next topic of discussion was Serving our Community and Solid Waste Services. Ms. Torralva, Director of Public Work discussed the recycling program as well as the curbside pilot program in place for (Phase I) Canyon Creek and (Phase II) East Temple neighborhoods. We have partnered with Temple Iron and Metal for this program. We will continue to assess and conduct monthly meetings. Ms. Torralva added that our goal is to bring this to the Council for direction.

Mr. Blackburn asked Council if this was one of their strategic goals? The next budget and what you determine for this program will have long term implications. This is a significant effort underway and we have the opportunity to make some decisions for our community.

Councilmember Dunn stated this is the #1 quality of place question that is asked by those looking to come to Temple. This is one that thing that we can do to enhance the livability of Temple.

Mayor Pro Tem Schneider asked other than canisters, if there was any additional cost to provide this service? Ms. Torralva noted there should not be an significant costs.

Mayor Pro Tem Schneider noted that Temple Iron and Metal is benefiting from this program. Mr. Torralva replied yes, but we may want to define our relationship with Temple Iron and Metal should we go city wide.

Next Ms. Torralva discussed Improving our Infrastructure and the Streets Capital Improvement 2012 Incentive. She gave a brief overview of the findings from the 2010 Pavement Condition Assessment, the 2012 Mobility Report and reviewed the Draft Project Street Listing. Ms. Torralva noted that we focus on maintaining our streets. Mr. Blackburn added that our current funding is to maintain our streets, not to improve.

Mayor Jones asked if this was a good strategy or not?

Ms. Torralva noted that there are a few streets that need to be improved and provided the Council a list of recommended streets. Mayor Pro Tem Schneider asked if there was a point at which the City will determine a street will cost too much to improve. Mr. Torralva replied yes, and there are ways to address that. Ms. Torralva added that there are also three intersections that warrant studies have indicated need signals. The City would pay the cost for those signals.

Mr. Blackburn asked Council if this is the right time for a Street Initiative package?

Mayor Jones stated the current state of our streets can not handle the development we will see in the future. Mayor Pro Tem agreed that we need to have a plan, the study shows we need to begin the process by prioritizing the list and the needs of each.

Mr. Blackburn noted that the needs and budget will drive the list of street improvements. Mr. Blackburn stated this will cost approximately \$60 million. Council was asked if this is the direction we need to move? What process did we want to use, General Obligation, Certificates of Obligation or a combination of methods? Ms. Barnard, Director of Finance noted that by using a Certificate of Obligation approach, there would be a 1 cent tax rate increase.

Mayor Jones stated yes, we need need to move forward as this is the right time. Mayor Pro Tem Schneider agreed with the recommended list of projects, and stated we need to use the method of Certificates of Obligation and move forward. Other Councilmembers agreed.

Next, Mr. Blackburn gave a brief presentation of the activity on I-35. There are on going meetings with property owners and TxDOT regarding the acquisition of their property as I-35 expands. Mr. Blackburn reviewed the I-35 standards: to improve aesthetics and characteristics of development; higher development standards to enhance the City's image; reduce visual clutter; and to optimize redevelopment on I-35. This is a reality and we need to make sure these objectives are valid for us as we move forward. Mayor Jones noted that the funding for the I-35 has been identified and confirmed within the last 6-9 months. This is the opportunity of a lifetime. Councilmember Morales added we are the heart of the state; and we need to step up and increase our standards as this is a critical part of the process.

Autumn Speer, Director of Community Services presented Council with some findings from the SWOT exercise as it related to 1st & 3rd Street Overlay. Ms. Speer conducted a visual preference exercise with Council and asked that they choose the picture of choice for each slide shown. This will help staff to know what Council wishes to have in the area.

Next Ms. Torralva presented the Council with presentation on Utilities. In 2008 the City adopted the Water Master Plan as it relates to distribution - towers, storage facilities, pressure and quantity. The project list currently being worked on comes from this document. About a year ago an assessment of the Water Plants was conducted to see what condition the infrastructure was in and put in place some planning.

Mayor Pro Tem Schneider asked if the Masterplan for Utilities provides us with enough water? Ms. Torralva added the plan reviews the water rights you have and when you need to purchase more. We have enough rights to move into the future. Mr. Blackburn added that this is based on a population planning number of 135,000. We will purchase more rights as they become available. Ms. Torralva added that the population number of 135,000 is used for the planning of both the distribution and treatment side.

Ms. Torralva reviewed the wastewater collection side of the plan as it relates to collection and treatment. We have two treatment plants, the Doisher Plant 7.5 mgd, and the Temple Belton Plant which is a 10 mgd plant. The Temple Belton Plant plant is currently being expanded to an 18 mgd plant. Ms. Torralva discussed the utilities project list and funding package #1 of \$36,000,000. This is continually assessed and projects are re-prioritized depending on circumstances.

Next Ms. Torralva reviewed the South Temple Water Line. This is in preliminary design and is anticipated to have another year of design. Once the design phase is complete we hope to see it complete within 18-24 months. This line serves the bulk of the city. With the construction nearing on I-35 we need to have an alternate route for the water. We have two transmission lines that parallel each to the Avenue H storage tanks.

Ms. Torralva discussed the Interstate 35 Sewer and the Leon River Trunk Station. This will extend the sewer service to properties south of Midway, to the south City limits. The City wants to offer as many opportunities for development and redevelopment along the interstate. This project is currently not in the package, but is deemed a strategic priority and recommend re-prioritizing as needed to move forward with the project. Phase I could potentially cost \$3.5 million. Mr. Blackburn added that these are very significant projects and would like to move forward.

Ms. Torralva briefly discussed the landfill with Council. This is an important asset that we provide to the residents our City. We need to consider the steps that need to be taken to keep our landfill viable. With the current pilot curbside recycling program we have seen a 20% diversion of waste taken to the landfill.

Mr. Blackburn reviewed Growth Management and the five components: Water, Comprehensive Plan, Utility Infrastructure, Transportation Infrastructure and Annexation. Mr. Graham added this process is not getting any easier as we continue to grow and take in land.

Mayor Jones inquired on whether we want to continue to grow our Industrial Park, and annexing the Northern areas and extending our Reinvestment Zone Boundaries. Mayor Pro Tem Schneider added that we need to discuss and determine the north and northwest lines, as this is the only place left to grow. Councilmember Dunn also agreed that we need to look at the future of our city and determine the boundaries.

Mayor Jones stated the City Council would enter into executive session at this time approximately 3:37 pm for items 2 and 3 as posted.

Mayor Jones reconvenned the regular session at approximately 4:32 pm for action by the City Council on items 2 and 3 as posted.

2. 2012-6541-R: Consider a resolution authorizing the acquisition of one or more tracts for expansion of the City's 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.

Mr. Graham stated this purchase will be in the amount of \$159,158.76

Motion by Mayor Pro Tem Russell Schneider to adopt resolution. seconded by Councilmember Danny Dunn.

3. 2012-6542-R: Consider adopting a resolution authorizing a chapter 380 agreement with Temple Economic Development Corporation conveying a tract of land in Enterprise Park.

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.

Mr. Graham stated this resolution is for the conveyance of a 13.5 acre parcel of City-owned land described in Lot 3 and Lot 6, Block 1, Enterprise Business Park Phase III.

Motion by Councilmember Perry Cloud to adopt resolution seconded by Councilmember Judy Morales.

Mayor Jones stated the City Council would enter into executive session at this time approximately 4:35 pm.

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

Mayor Jones reconvenned the regular session at approximately 5:00 pm, with no action being taken by the City Council.

http://temple.granicus.com/MinutesViewer.php?print=1&clip\_id=429&doc\_id=0df2b278-... 2/24/2012

William A. Jones, III, Mayor

ATTEST:

Lacy Borgeson City Secretary

## TEMPLE CITY COUNCIL

## **FEBRUARY 16, 2012**

The City Council of the City of Temple, Texas conducted a Regular Meeting on Thursday, February 16, 2012 at 5:00 PM in the Council Chambers, Municipal Building, 2nd Floor, 2 North Main Street.

#### Present:

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

#### I. CALL TO ORDER

#### 1. Invocation

Father Tom Chamberlain, Our Lady of Guadalupe voiced the invocation.

#### 2. Pledge of Allegiance

Mr. Steve Neimeier, Brockway, Gershbach, McKinnon & Neimeier led the Pledge of Allegiance.

#### II. PUBLIC COMMENTS

Arlelia Norwell, 1638 Case Road, Apt. 2701, Temple, TX addressed her concerns for the apartment complexes in the City. She would like to see the City get more involved with the apartment complexes and repairs that are needed.

Dr. Lee Crossley, 5102 Sturbridge Drive, Temple, TX addressed the Council regarding concerns for the Tax Credit Projects proposed on Martin Luther King. Dr. Crossley added that he was representing Citizens for Progress and they would like to see an assessment done prior to allowing another project; at this time they are opposed to supporting any housing tax credit projects at this time.

Councilmember Morales recognized Mayor Jones for recieving the Road Hand Award from TxDOT. This award recognizes the outstanding efforts made by individuals with regards to transportaion issues across the state.

#### III. PROCLAMATIONS & SPECIAL RECOGNITIONS

#### 3. (A) National School Counselors Week February 6 - 10, 2012

Mayor Jones presented the proclamation.

## (B) Receive presentation from the Texas Council on Cardiovascular Disease and Stroke

Maria Benadict and Lewis West, representative with Texas Council on Cardiovascular Disease and Stroke presented the award to the city. Mr. West stated the City has recieved the Silver Recognition Medal for the 2011. Ms. Lewis commented that the Mayor's Fitness Council is outstanding. Ms. Benadict added, that to meet the Gold Medal Recognition the City needs to become smoke free. Ms. Benadict followed up with stating the City of Temple Parks and Leisure Staff is exceptional to work with. Members of the Parks and Leisure Serivces Department were also recognized for their efforts in this program.

#### IV. REPORTS

## 4. Receive the City of Temple Comprehensive Annual Financial Report for fiscal year ended September 30, 2011.

Traci Barnard, Director of Finance introduced Browkway, Gershbach, McKinnon and Neimeier to present the year end report.

Mr. Neimeire gave a brief overview of the report, and provided the summary to Council.

#### V. CONSENT AGENDA

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

(A) February 2, 2012 Special Called and Regular Meeting

(B) 2012-6543-R: Consider adopting a resolution authorizing a renewal agreement with Central Texas 4C, Inc., for lease of space in the Robert M. Blackmon, Jr., Neighborhood Center for preschool programs.

(C) 2012-6544-R: Consider adopting a resolution authorizing a facility user's agreement through December 31, 2014, with Justice Enterprises of Belton for the operation of the Lions Park Softball Complex concession stand with a monthly usage fee paid to the City in the amount of \$100 per month.

(D) 2012-6545-R: Consider adopting a resolution authorizing a Discretionary Service Agreement with Oncor Electric Deliver Company for the relocation of a portion of their system along Loop 363 in association with the Loop 363 Pass Through project.

(E) 2012-6546-R: Consider adopting a resolution authorizing the purchase of eighteen (18) wireless ticket writers and printers with associated software from Advanced Public Safety in the amount of \$91,451.

(F) 2012-4509: SECOND READING - Z-FY-12-09: Consider adopting an ordinance authorizing a Conditional Use Permit to allow two recreational vehicle (RV) spaces at the Rocky Oaks Mobile Home Park, located at the northeast corner of FM 2305 and Cen-Tex Sportsman Club Road.

(G) 2012-4510: SECOND READING - Z-FY-12-10: Consider adopting an ordinance authorizing a Conditional Use Permit to allow two recreational vehicle (RV) spaces at the Midway Mobile Home Park, located at 4505 Midway Drive.

(H) 2012-4511: SECOND READING - Z-FY-12-11: Consider adopting an ordinance authorizing a Conditional Use Permit to allow four recreational vehicle (RV) spaces at the Robbins Mobile Home Park, located at 4707 Midway Drive.

(I) 2012-4512: SECOND READING - Z-FY-12-12: Consider adopting an ordinance authorizing a Conditional Use Permit to allow fourteen (14) recreational vehicle (RV) spaces at the Santa Fe Trails Mobile Home Park, located at 1618 West Avenue H.

(J) 2012-4514: SECOND READING - Z-FY-12-20: Consider adopting an ordinance authorizing an amendment to Article 3 of the Unified Development Code to change approval authority for the I-35 Corridor Overlay zoning district from the Planning and Zoning Commission to the City Council.

(K) 2012-6547-R: Consider adopting a resolution suspending the March 6, 2012 effective date of Atmos Energy Corp's requested rate change to permit the City time to study the request and to establish reasonable rates.

(L) 2012-6548-R: Consider adopting a resolution authorizing the acceptance of grant funds from Oncor's City Matching Grant Program, to complete lighting upgrades at seven City facilities in

the amount of \$126,144.32, with \$63,072 cost-shared by the City.

(M) 2012-6549-R: Consider adopting resolution authorizing joint election agreements with the Temple Independent School District and Temple College for the May 12, 2012 election.

(N) 2012-6550-R: Consider adopting a resolution approving first quarter financial results for Fiscal Year 2012.

## (O) 2012-6551-R: Consider adopting a resolution authorizing budget amendments for fiscal Year 2011-2012.

Motion by Councilmember Perry Cloud adopt resolution approving the Concent Agenda seconded by Councilmember Danny Dunn.

## (N) 2012-6550-R: Consider adopting a resolution approving first quarter financial results for Fiscal Year 2012.

Traci Barnard, Director of Finance reviewed the numbers as related to the General Revenue and Wastewater Funds. Ms. Barnard noted that we are at 25% of the year is complete with total Revenues are at \$19.1 million or 34% of budget. Sales tax as of 1/31/2012 was greater than budget by 2.88%. Ms. Barnard stated the General Fund expenditures are \$14,264 of 24% of budget. Fuel usage for the City was reviewed by Ms. Barnard, and will need to be closely monitored throughout the year. Ms. Barnard that the Water Wastewater revenues are at 26% of budget; and noted the operating expenses are at 25% of budget.

Mayor Jones also added that the Council had been provided with the Quarterly Council Expenditure reports for quarter ending December 31, 2011.

Motion by Councilmember Judy Morales adopt resolution seconded by Mayor Pro Tem Russell Schneider.

#### V. REGULAR AGENDA

#### ORDINANCES

6. 2012-4508: SECOND READING - Z-FY-11-49: Consider adopting an ordinance authorizing a Conditional Use Permit to allow a permanent concrete batch plant on 3.787 ± acres of land situated in the City of Temple, Bell County, Texas, being a part of the Nancy Chance Survey, Abstract #5 and the T.M. Boggus Survey, Abstract #84, located at 4158 Shallow Ford West Road. Brian Mabry, Director of Planning presented this case to the Council. Mr. Mabry stated the primary purpose of the batch plant is to provide concrete for the surrounding properties for future development. The temporary batch plant is allowed by right for 6 months without special approval. After 6 months a Conditional Use Permit is required. There were concerns at the first reading as to the future plans of development in the area as well as timing and phasing of construction and also the landscaping requirements. Mr. Mabry reviewed the property layout and landscaping requirements with Council and provided visuals. Mr. Mabry noted that 5 notices were mailed with 1 disapproval returned. At the first reading it was recommended denial due to not complying the the Future Land Use Map, the road condition of Shallowford and the lack of public facilities serving the property. On January 3, 2012, Planning and Zoning heard this case and recommended approval with conditions. Mr. Mabry reviewed the conditions with Council.

Mayor Pro Tem Schneider stated he has concerns with a temporary batch plant being in this area and no specific construction project identified for the use. His concerns are that this is not a temporary batch plant and it's purpose is to serve the community. This is not the best site for the use.

C W Ward, 4785 Mackey Ranch Road, Eddy, Texas stated the purpose for the plant is to develop the property. This is a large investment and requested to be able to use for this purpose.

Mayor Jones asked Mr. Mackey if he was able to work with the conditions mentioned by Mr. Mabry.

Mr. Mackey replied yes.

Mayor Pro Tem asked we the City was requiring a development plan or plan for construction?

Mr. Mabry added for the purposes of the CUP, Staff has requested the developer provide a phased plan for the area showing a time line for construction and what the general ties of uses are for the area.

Mayor Jones inquired on the air quality control permits.

Mr. Mackey stated that is part of the requirements by the State.

Councilmember Morales and Councilmember Perry also noted their concerns with the location of the plant.

Motion by Councilmember Danny Dunn adopt ordinance on second and final reading with the recommended conditions by staff. seconded by Councilmember Judy Morales.

Mayor Pro Tem Schneider voted no, All others voted aye.

7. 2012-4513: SECOND READING - Z-FY-12-17: Consider adopting an ordinance authorizing a Conditional Use Permit to allow two recreational vehicle (RV) spaces at the Livingston Farms Mobile Home Park, located at the northwest corner of Prairie View Road and North Pea Ridge Road.

Autumn Speer, Director of Community Services presented this case to the Council on February 16th at the first reading and noted she was available for questions.

Jonathan Graham, City Attorney reminded Council that this voted required Super Majority.

Councilmember Dunn stated he had issues with allowing there to be no time limit and recommended there be a 5 year CUP for the 2 RV space.

Mayor Jones stated Mr. Bethune was in agreement with that at the last meeting.

Motion by Councilmember Danny Dunn adopt ordinance on second and final reading to approve the origial Ordinance recommended by Planning and Zoning Commission and the Staff authorizing a CUP that allows two RV spaces in the Livingston Farms Mobile Home Park for a period of five years. seconded by Mayor Pro Tem Russell Schneider.

#### **ORDINANCES - FIRST READING- PUBLIC HEARING:**

8. 2012-4515: FIRST READING - PUBLIC HEARING - A-FY-12-05: Consider an ordinance abandoning 0.25 acres of unimproved North 7th Street right of way in Parklawn Addition, located between Lot 3, Block 8 and Lot 1, Block 9 of Parklawn Addition, between properties more commonly known as 2007 North 7th Street and 402 Mayborn Drive; and reserving a public drainage and utility easement in the entire abandoned right-of-way.

Brian Mabry, Director of Planning presented this case to the Council. Mr. Mabry provided visuals of the property and

surrounding area. This portion of ROW is unimproved and there have been objections by the utility providers, or public safety to the abandonment of this ROW. Mr. Mabry added the City will retain an utility drainage easement for the ROW until the plat is submitted. Mr. Mabry noted the appraisal value of this portion is \$7,440; upon approval the applicant will pay this portion to the City. Staff recommends approval.

Councilmember Dunn inquired on the time line for zoning change.

Mr. Mabry stated in March.

Councilmember Cloud inquired on access to development from North 7th.

Mr. Mabry stated no, there would not be access.

Councilmember Cloud asked if there is no access from North 7th Street, then what is required of the applicant to close the road?

Mr. Mabry stated no discuss of barricades has been had.

Mayor Jones declared the public hearing open with regard to agedna item 8 and asked if anyone wished to address this item. There being none, Mayor Jones declared the public hearing closed.

Motion by Councilmember Danny Dunn adopt ordinance, with second and final reading set for March 1, 2012. seconded by Councilmember Perry Cloud.

At this time Mayor Jones presented Mr. Thomas Jones, TISD - Safe Schools/ Healthy Students Coordinator of Guidance and Counceling the proclamation for National School Counselors Week.

9. 2012-4516: FIRST READING - PUBLIC HEARING - Z-FY-12adopting an Ordinance authorizing 19: Consider amendments to Ordinance 2010-4413, Temple Unified Development Code, Articles 5, 7, 8 and 11 of the Unified Development Code to: add "Kiosk" as permitted uses in the use table of certain zoning districts with specifications; remove "home occupation" as an allowable residential accessory use in the LI and HI zoning districts; Clarify all parking areas must be paved with either asphalt or concrete; Clarify that vehicular backing motions are prohibited into a public street from a parking area on all non-residential sites; Clarify utility poles or other obstructions are not permitted in sidewalks; and to establish or amend definitions related to such uses and standards.

Autumn Speer, Director of Community Services presented this case to the Council. Ms. Speer reviewed the amendments for each Article of the UDC.

Mayor Pro Tem Schneider noted that the city had been challenged in the past on parking material (Article 3) and there needs to clarification as to which areas need to be paved.

Ms. Speer stated the standard clarifies this issue.

Mayor Jones declared the public hearing open with regard to agenda item 9 and asked if anyone wished to address this item. There being none, Mayor Jones declared the public hearing closed.

Motion by Mayor Pro Tem Russell Schneider adopt ordinance, with second and final reading set for March 1, 2012. seconded by Councilmember Judy Morales.

 2012-4517: FIRST READING - PUBLIC HEARING - Z-FY-12-21: Consider adopting an ordinance authorizing a rezoning from Agricultural District (A) to Commercial District (C) on Tract 1, being a ±7.684 acre tract of land and Tract 2, being a ±5.779 acre tract of land both out of the George Givens Survey, Abstract No. 345 and the Nancy Chance Survey, Abstract No. 5, Bell County, Texas located on the east side of South Kegley Road, north of the Caddy Shack Golf Range.

Brian Mabry, Director of Planning presented this item to the Council. Mr. Mabry stated the proposed use is to relocate Smith Supply Company due to the I-35 expansion and TxDOT Right of Way. Mr. Mabry also provided Council with visuals of the surrounding area. The Future Land Use and Character map support is commercial rezoning. Mr. Mabry also provided Council with a list of potential uses for this property. Seven notices were mailed out with no returns. At it's January 17, 2012 meeting, the Planning and Zoning Commission heard this case and recommended approval 5/0.

Mayor Pro Tem Schneider inquired as to whether we had the proper right of way in front of that property for future expansion of Kegley Road. Mr. Mabry stated it was difficult to tell from the drawing; but probably will not be an issue for expansion.

Mayor Pro Tem Schneider wanted to make sure the applicant was aware of this for future expansions.

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

Applicant & owner, Mr. Edgar A. Smith 2822 South General Bruce Dr, stated this request is to relocate his current business. Mr. Tranum had already donated the ROW needed.

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

Motion by Councilmember Judy Morales adopt ordinance, with second and final reading set for March 1, 2012. seconded by Councilmember Perry Cloud.

#### RESOLUTIONS

# 11. 2012-6552-R: Consider adopting a resolution authorizing the purchase of eight (8) unmarked police vehicles from Caldwell Country of Caldwell in the amount of \$130,448.

Belinda Mattke, Director of Purchasing presented this item to the Council. Ms. Mattke provided Council with background for each bid received. Bids opened on January 24, 2012 and structured as a best value bid to allow for consideration of factors other than price. There were 10 bids received by the Purchasing Department. Ms. Mattke reviewed the vehicle specifications and preference. A committee was formed to evaluate the bids. Staff's recommendation is to award the purchase of 4 Chevy vehicles to Caldwell Country of Caldwell Texas for a total cost of \$65,100; as this was the low bid and met specifications. Also to purchase 4 Ford vehicles to Caldwell Country of Caldwell Texas for a total cost of \$65,368; this being the 2nd lowest bid.

Ms. Mattke stated that Johnson Bros Ford of Temple, declared the right for City's Local Preference Policy. Ms. Mattke stated that Staff is recommending that local preference policy only include the purchase of 4 Ford vehicles. The unit price from Johnson Bros Ford is \$16,564. This price is within the 5% threshold.

Ms. Mattke reviewed the different price options with Council. The total cost if the local preference policy is applied, will be \$131,356; funding is available.

Councilmember Dunn recommended Option 3; purchase of 4 Chevy vehicles from Caldwell and exercise local preference of 4 Ford vehicles from Johnson Bros Ford for a total of \$131,356.

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

12. 2012-6553-R: Consider adopting a resolution authorizing support for the submittal of an application for 2012 Housing Tax Credits and Home Investment Partnership (HOME) Program funds to the Department of Housing and Community Affairs by Bill Encinas dba EGFW Del Mar LP for senior rental housing to be located at/near the 2700 block of Martin Luther King Drive.

Kim Foutz, Assistant City Manager presented this item to the Council. Ms. Foutz stated the City received notice on 3 projects; 2 have been withdrawn. This project is proposed for 2700 MLK. The project was submitted at 180 units and has been revised to 120 units with a lower capital investment of approximately \$9-million. Ms. Foutz stated this is a seniors 4plex project. Ms. Foutz reviewed the timeline and site information with Council. Ms. Foutz stated this request if for a resolution of support for the project.

Councilmember Morales stated she had been approached by many in the community concerns in supporting another housing tax credit project at this time.

Mr. Encinas, the applicant address the Council. He stated this is credible project and will be good for Temple and request support.

Mayor Jones stated more time needed to be spent on the current project of Mr. Encinas, Village of Meadow Bend. Mayor Jones noted that he had visited the property and would like to see further commitment and maintenance to the exterior of this property first.

Mr. Encinas stated that budget will only allow so much. He plans on painting this summer. Mr. Encinas again stated, this will be a great project for East Temple.

No motion made on item 12.

13. 2012-6554-R: Consider adopting a resolution authorizing a one year lease contract with the Bell County HELP Center for 4,917 square feet in the Public Services Annex (old Sears Building).

Jonathan Graham, City Attorney stated this item requires a separate vote.

Councilmember Morales abstained, all others voted aye

Motion by Councilmember Perry Cloud adopt resolution seconded by Mayor Pro Tem Russell Schneider.

#### **BOARD APPOINTMENTS**

14. 2012-6555-R: Consider adopting a resolution appointing a member to fill unexpired term through September 1, 2012 to the Planning and Zoning Commission.

Councilmember Dunn recommened to reappoint Bert Pope to the Planning and Zoning Commission.

Motion by Councilmember Danny Dunn adopt resolution as recommended seconded by Councilmember Perry Cloud.

William A. Jones, III, Mayor

ATTEST:

Lacy Borgeson City Secretary



## COUNCIL AGENDA ITEM MEMORANDUM

03/01/12 Item #5(B) Consent Agenda Page 1 of 1

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

Ken Cicora, Director of Parks and Leisure Services

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a contract with Heart of Texas Landscape, Inc. of Belton for mowing and maintenance services in the amount of \$62,090.

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

**ITEM SUMMARY:** We are requesting authorization to enter into an agreement with Heart of Texas Landscape, Inc. of Belton for \$62,090 for mowing and maintenance services. In 2010, the City entered into an agreement with Heart of Texas for mowing services. That contract allows for four one year extensions – agreeable by both parties. The areas to be mowed include Airport Park, Old Howard Road (Outer Loop phases I and II), Pepper Creek trail and Conner Park. The contract period will be from April 1, 2012 to March 31, 2013.

Heart of Texas Landscape, Inc. has agreed to keep their pricing the same for the current contract period of April 1, 2012 through March 31, 2013. The Parks and Leisure Services Department was very pleased with price and quality of work that was performed that was performed last year by Heart of Texas in this contract.

We are requesting to renew the agreement with Heart of Texas Landscape & Irrigation Co, Inc. of Belton for mowing and maintenance services for April 1, 2012 to 2013 in the estimated annual amount of \$62,090.

The Reinvestment Zone No. 1 has provided the City funding for Airport Park, Outer Loop (Phase I and II), Bioscience Park and Pepper Creek Trail.

**FISCAL IMPACT:** The FY 2011 operating budget includes \$132,340 for contracted mowing in account 110-3500-552-2623. This includes reimbursement from the Reinvestment Zone No. 1 to cover the cost of contracted mowing within the Reinvestment Zone No. 1 boundaries. The budget for mowing also includes smaller mowing contracts and mowing performed by VA contracted workers that are outside of this contract.

#### ATTACHMENTS:

Resolution

#### RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE–YEAR RENEWAL TO AN ANNUAL SERVICES AGREEMENT WITH HEART OF TEXAS LANDSCAPE & IRRIGATION, CO., INC., OF BELTON, TEXAS, FOR MOWING AND MAINTENANCE SERVICES, IN THE ESTIMATED ANNUAL AMOUNT OF \$62,090; AND PROVIDING AN OPEN MEETINGS CLAUSE.

**Whereas**, in April, 2010, the City entered into an agreement with Heart of Texas Landscape & Irrigation Co., Inc., of Belton, Texas, for mowing and maintenance services;

**Whereas**, the contract allowed for four 1-year extensions if agreeable by both parties -Staff recommends renewing the agreement with Heart of Texas Landscape & Irrigation Co., Inc., of Belton, Texas, for mowing and maintenance services from April 1, 2012 through March 31, 2013, in the estimated annual amount of \$62,090;

Whereas, funds are available for this service in Account No. 110-3500-552-2623; and

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

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

<u>Part 1:</u> The City Council authorizes the City Manager, or his designee, to execute a services agreement, for an estimated annual amount of \$62,090, between the City of Temple and Heart of Texas Landscape & Irrigation Co., Inc., of Belton, Texas, after approval as to form by the City Attorney, for mowing and maintenance services from April 1, 2012 through March 31, 2013.

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

PASSED AND APPROVED this the  $1^{st}$  day of March, 2012.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson City Secretary Jonathan Graham City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

03/01/12 Item #5(C) Consent Agenda Page 1 of 1

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

Jonathan Graham, City Attorney's Office Lonzo Wallace, Fire Chief

**ITEM DESCRIPTION:** Consider approving a resolution authorizing a contract with Scott and White Hospital for the designation of a Medical Director for the City's Emergency Medical System.

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

**ITEM SUMMARY:** This contract provides the City with a Board Certified Emergency Physician to serve as Medical Director for the City of Temple Emergency Medical System. The City will pay an annual fee of \$9,000 to Scott and White for these services.

**FISCAL IMPACT:** Funds in the amount \$9,000 are budgeted in the FY 2012 Operating budget in account # 110-2234-522-2616.

ATTACHMENTS: Resolution

#### RESOLUTION NO.

#### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONTRACT WITH SCOTT AND WHITE HOSPITAL FOR THE DESIGNATION OF A MEDICAL DIRECTOR FOR THE CITY'S EMERGENCY MEDICAL SERVICE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

**Whereas,** State law requires that medical directors for Emergency Medical Directors be board certified Emergency Physicians;

Whereas, this contract will provide the City with a board certified Emergency Physician to serve as the Medical Director for the City of Temple Emergency Medical Service;

**Whereas,** funds are budgeted for this annual expenditure in the amount of \$9,000 in Account Number 110-2234-522-2616; and

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

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

<u>**Part 1:**</u> The City Council authorizes the City Manager, or his designee, to execute a contract, after approval as to form by the City Attorney, for the designation of a Medical Director for the City's Emergency Medical Service.

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

PASSED AND APPROVED this the  $1^{st}$  day of March, 2012.

#### THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

APPROVED AS TO FORM:

Lacy Borgeson City Secretary Jonathan Graham City Attorney

ATTEST:



## **COUNCIL AGENDA ITEM MEMORANDUM**

03/01/12 Item #5(D) 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 contract with Progressive Commercial Aquatics, Inc. of Houston for the purchase and installation of a Hanovia Ultra Violet (UV) Light System at the Lions Junction Water Park in the amount of \$41,646.

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

**ITEM SUMMARY:** This past summer, we had to close Lions Junction Water Park on several occasions when someone(s) brought the *Cryptosporidium* (Crypto) parasite to the park and contaminated the pool water. In order to provide our residents with maximum protection, the Parks and Leisure Services Department is requesting authorization to purchase a Hanovia Ultra Violet Light System for the Lions Junction Water Park.

The UV light system is highly effective because the water is continually being treated by the UV light. As water passes by the UV light, any Crypto parasite is essentially sterilized. Though the sterilized Crypto may make it to a new host, it will not be able to reproduce thus keeping an individual from becoming sick.

By purchasing the UV light system, we will supplement the current state required treatment of super chlorinating (raising chlorine levels to at least 20 parts per million for an extended period of time) the water that we now utilize when the type of fecal incidences occur that did this past summer. Installing the light will exceed the State of Texas Department of Health requirements for safe water.

Though the UV light system cannot guarantee we will never incur another case of Crypto, it is a highly effective line of defense. We will continue to make the public aware not to bring sick children to the water park as it is a crucial thing that can be done to eliminate the problem.

The ultra violet light system is also an excellent defense against other pathogens that may exist in the water as well.

Bids were opened on January 24, 2012, with four (4) bidders participating. The low bid was Progressive Commercial Aquatics, Inc. of Houston, Texas in the amount of \$41,646. We are recommending that they be awarded the bid. Progressive Commercial Aquatics has assured the light system will be installed by the opening of the water park this year. In addition, \$1,062 is requested for our electrical contractor, T-Morales, to do the necessary electrical wiring.

**FISCAL IMPACT:** A budget adjustment is presented for Council's approval appropriating \$42,708 from General Fund Balance-Designated for Capital Projects-Unallocated to account 351-3500-552-6364, project #100849 to fund the purchase of the UV Light System and all necessary installation costs related to the project.

#### **ATTACHMENTS:**

Bid Tabulation Budget Adjustment Resolution

#### Tabulation of Bids Received on January 24, 2012 at 2:30 p.m. Hanovia UV Light System & Installation for Lions Junction Family Water Park Bid# 35-01-12

	Bidders						
	Texas Aquatic Supply Dallas, Texas 972-732-0306	Progressive Commercial Aquatics, Inc. Houston, Texas 281-982-0212	Commercial Swim Hutto, Texas 512-244-7946	Smith Supply Co. LLC Temple, Texas 254-773-3592			
Description							
Total Bid Price	\$43,750.00	\$41,646.00	\$51,326.42	\$47,442.99			
Exceptions	Yes	No	No	No			
Local Preference	No	No	No	Yes			
Insurance Requirement Affidavit	Yes	Yes	No	Yes			
Bond Requirement Affidavit	Yes	Yes	No	Yes			

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

Note: Highlighted bid is recommended for Council approval.

**24 - Jan - 12** Date Belinda Mattke

Belinda Mattke, Director of Purchasing

FY 2012

#### BUDGET ADJUSTMENT FORM

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

			+	-
ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE	DECREASE
351-3500-552-63-64	100849	Buildings & Grounds-Swimming Pool Upgrades	\$ 42,708	
351-0000-490-25-82		Transfer In	42,708	
110-9100-591-81-51		Transfer Out-Capital Projects	42,708	
110-0000-352-13-45		Designated for Cap. Proj/Unallocated		\$ 42,708
		Do Not Post		
TOTAL			\$ 128,124	\$ 42,708
EXPLANATION OF ADJ available.	JUSTMENT	<b>REQUEST-</b> Include justification for increases AND reas	on why funds in de	creased account are
This budget adjustment appro		from General Fund-Designated Capital Projects- Unallocat		
		System at Lions Junction Water Park from Progressive Com appropriated to fund electrical work that will be performed b		nc. in the amount of
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			,	
DOES THIS REQUEST REQU			Yes	lo
DATE OF COUNCIL MEETIN	G	March 1, 2012		
WITH AGENDA ITEM?		x	Yes N	lo
			<b></b> .	
Department Head/Division Director		Date		Approved Disapproved
Dopartment rioda/ Division	. 5. 6000	Sate		
				pproved
Finance		Date		Disapproved
			A	pproved
City Manager		Date		Disapproved

Revised form - 10/27/06

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONTRACT WITH PROGRESSIVE COMMERCIAL AQUATICS, INC., OF HOUSTON, TEXAS, FOR THE PURCHASE AND INSTALLATION OF A HANOVIA ULTRA VIOLET (UV) LIGHT SYSTEM AT LIONS JUNCTION WATER PARK, IN THE AMOUNT OF \$41,646.00; AND PROVIDING AN OPEN MEETINGS CLAUSE.

**Whereas**, on January 24, 2012, the City received four (4) bids for the purchase and installation of a Hanovia Ultra Violet (UV) Light System at Lions Junction Water Park;

**Whereas**, this past summer, Lions Junction Water Park had to close on several occasions when the pool water was contaminated with a parasite – the UV lighting system is a highly effective way of sterilizing any parasite, thus providing maximum protection to our citizens who frequent the facility;

Whereas, though the UV light system cannot guarantee there will never be another parasite, it is a highly effective line of defense – the system is also an excellent defense against other pathogens that may exist in the water;

**Whereas,** it is Staff's recommendation to accept the low bid which meets the City's specifications from Progressive Commercial Aquatics, Inc., of Houston, Texas in the amount of \$41,646 - in addition, T Morales & Company will be utilized for the necessary electrical wiring in the amount of \$1,062;

**Whereas**, funds are available in Account No. 351-3500-552-6364, Project No. 100849 for this purchase, however a budget adjustment to the FY2011-12 budget needs to be approved to transfer the funds to the appropriate expenditure account; and

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

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

**Part 1:** The City Council authorizes the purchase and installation of a Hanovia Ultra Violet (UV) Light System from Progressive Commercial Aquatics, Inc., of Houston, Texas, in the amount of \$41,646.00.

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

**<u>Part 3:</u>** The City Council approves an amendment to the FY2011-12 budget, substantially in the form of the copy attached as Exhibit A, for this purchase.

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

PASSED AND APPROVED this the 1<sup>st</sup> day of March, 2012.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson City Secretary Jonathan Graham City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

03/01/12 Item #5(E) Consent Agenda Page 1 of 2

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

Alan DeLoera, Information Technology Director

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the purchase of the third year of a Microsoft Software Enterprise Agreement with Dell Corporation of Round Rock utilizing DIR Contract in the amount of \$103,766.08.

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

**ITEM SUMMARY:** The City of Temple currently uses Microsoft for all of our office applications as well as database servers throughout the City. The software we currently use include Microsoft Word, Powerpoint, Excel, Sharepoint, Outlook, and Publisher as well as Enterprise solutions for SQL Server, Exchange Server, Operating systems and enterprise server software.

After reviewing some of the Volume Licensing programs that were presented, in 2010 staff decided to request a Microsoft Enterprise Agreement that covers Microsoft Office Professional and the Microsoft Core Client Access License (CAL) Suite—including the Windows Server® 2008 operating system, Microsoft Exchange Server, Microsoft Systems Management Server, and Microsoft Office SharePoint® Portal Server—for all of the City computers. The agreement also covers a wide variety of additional technologies including Windows Server, Exchange Server, Internet Security and Acceleration Server, SQL Server™, and Microsoft Operations Manager licenses for 25 servers.

This is the third year of the City's Enterprise Agreement and through the Enterprise Agreement, we are able to more effectively standardize software across all desktops and take advantage of many of the included Software Assurance benefits, including New Version Rights, Desktop Deployment Planning Services, Training Vouchers, Microsoft eLearning, Home Use Program, 24x7 Problem Resolution Support, a TechNet Plus subscription, and Extended Hotfix's.

Prior to 2010, it was the Information Technology Department's practice of purchasing new licenses every 4 years through a select agreement program because we felt the Enterprise Agreement was more expensive over the 4 year period, but the pricing now has reversed in the sense that it is less costly to go through a yearly Enterprise Agreement. We also felt that the cycle for software upgrades by Microsoft was about every 3 to 4 years but that has changed in the past 3 years in that software upgrades are on a more frequent basis. This also helps solve a problem in that we would be on the same Enterprise Agreement with many other State and local agencies that currently upgrade their software on a more frequent basis.

If we were to purchase based on the select agreement today we would have to spend about \$350,000 for all of our licensing needs on servers and the desktops and in another 3 years we would spend another \$350,000 to upgrade again. With the Enterprise Agreement we spent \$100,905.92 per year in 2010 and 2011, we are proposing to spend \$103,766.08 in 2012, and we expect to spend \$61,000 per year for 2013 thru 2015 for a six year cost of approximately \$489,000 versus \$700,000 for the same six year period if we purchased the software outright.

**FISCAL IMPACT:** A budget amendment is presented for Council's approval to appropriate \$103,767 of General Fund Technology funds in account 351-1900-519-6221 for the purchase of software with Dell Corporation. This is the second year of a six year Enterprise Agreement.

#### ATTACHMENTS:

Budget Amendment Resolution

FY 2012
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#### **BUDGET ADJUSTMENT FORM**

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

			+		-
ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE		DECREASE
351-1900-519-62-21		Computer Software	103,767		
351-0000-490-25-82		Transfer In - Desg Capital Proj Fund	103,767		
110-0000-351-09-43		Designated Capital - Technology Funds			
110-9100-591-81-51		Transfer Out - Desg Capital Proj Fund	103,767		
OTAL			\$ 311,301	ç	\$ 103,767

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

This is to pay for yearly Microsoft Enterprise Agreement for the City. a Microsoft Enterprise Agreement covers Microsoft Office Professional and the Microsoft Core Client Access License (CAL) Suite—including the Windows Server® 2008 operating system, Microsoft Exchange Server, Microsoft Systems Management Server, and Microsoft Office SharePoint® Portal Server—for over 650 computers. The agreement also covers a wide variety of additional technologies including Windows Server, Exchange Server, Internet Security and Acceleration Server, SQL Server™, and Microsoft Operations Manager licenses for 25 servers.

DOES THIS REQUEST REQUIRE COUNCIL DATE OF COUNCIL MEETING	APPROVAL? 3/1/2012	<b>x</b> Yes	No
WITH AGENDA ITEM? Un Outgon Department Head/Division Director		x Yes 3/1/2012 Date	No           X         Approved           Disapproved
Finance		Date	Approved Disapproved
City Manager		Date	Approved Disapproved

Revised form - 10/27/06

#### RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF THE THIRD YEAR OF A MICROSOFT SOFTWARE ENTERPRISE AGREEMENT WITH DELL CORPORATION OF ROUND ROCK, TEXAS, UTILIZING DIR CONTRACT DIR-SDD-1014, IN THE AMOUNT OF \$103,766.08; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City currently uses Microsoft for all office applications as well as database servers throughout the City;

**Whereas,** on March 18, 2010, the City Council approved a Microsoft Software Enterprise Agreement with Dell Corporation – through the enterprise agreement, it was found that the City could more effectively standardize software across all desktops and take advantage of many of the Software Assistance benefits at a much lower price;

**Whereas**, the Staff recommends that the City purchase the third year of a Microsoft Software Enterprise Agreement with Dell Corporation utilizing DIR Contract DIR-SDD-1014, in the amount of \$103,766.08;

Whereas, funds are available for this purchase in Account No. 351-1900-519-6221, but an amendment to the FY2011-12 budget needs to be approved to transfer the funds to the appropriate expenditure account; and

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

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

<u>Part 1:</u> The City Council authorizes the City Manager, or his designee, to purchase the third year of a Microsoft Software Enterprise Agreement with Dell Corporation of Round Rock, Texas, utilizing DIR Contract DIR-SDD-1014, in the amount of \$103,766.08.

<u>**Part 2:**</u> The City Council approves an amendment to the FY2011-12 budget, substantially in the form of the copy attached as Exhibit A, for this purchase.

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

PASSED AND APPROVED this the  $1^{st}$  day of March, 2012.

#### THE CITY OF TEMPLE, TEXAS

ATTEST:

Lacy Borgeson City Secretary Jonathan Graham City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

03/01/12 Item #5(F) Consent Agenda Page 1 of 1

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

Sharon Rostovich, Airport Director

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the City Manager to execute a Memorandum of Agreement between the City of Temple and the Department of Transportation Federal Aviation Administration for a no cost land lease for FAA owned navigation, communication and weather aids for the support of air traffic operations at the Draughon-Miller Central Texas Regional Airport.

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

**ITEM SUMMARY:** The FAA has maintained the Airport's navigation aids since 1969. No fees have been charged for this land and total maintenance is paid for by the FAA. This is a standard procedure in return for navaid services provided by the FAA. The current lease with FAA expires in 2019; however, to improve administrative efficiency the FAA has made a national policy determination to use the new format of a MOA to cover required land sites and easements for existing navigational aid facilities. The MOA contains similar terms and conditions provided under the current no cost land leases for the MALSR, Localizer, Glide Slope, PAPI and AWOS facilities.

The FAA has requested a 20 year term effective January 1, 2012 through September 30, 2032.

**FISCAL IMPACT:** There is no land rental revenue collected. The Airport benefits from FAA personnel on site supporting and maintaining our critical navigational aids for the safety of our flying customers.

ATTACHMENTS:

Resolution

#### RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A MEMORANDUM OF AGREEMENT WITH THE DEPARTMENT OF TRANSPORTATION FEDERAL AVIATION ADMINISTRATION (FAA) FOR A NO-COST LAND LEASE FOR FAA OWNED NAVIGATION, COMMUNICATION AND WEATHER AIDS FOR THE SUPORT OF AIR TRAFFIC OPERATIONS AT THE DRAUGHON-MILLER CENTRAL TEXAS REGIONAL AIRPORT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

**Whereas,** the Department of Transportation Federal Aviation Administration (FAA) has maintained the airport's aids since 1969;

Whereas, this is a standard procedure in return for navaid services provided by the FAA - the City's current lease with the FAA expires in 2019 and in order to improve administrative efficiency, the FAA has made a national policy determination to use the new format of a Memorandum of Agreement to cover required land sites and easements for existing navigational aid facilities;

**Whereas,** the Department of Transportation Federal Aviation Administration (FAA) has requested a 20-year term effective January 1, 2012 through September 20, 2032;

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

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

**<u>PART 1:</u>** The City Council authorizes a Memorandum of Agreement with Department of Transportation Federal Aviation Administration (FAA), after approval as to form by the City Attorney, for a 20-year term lease effective January 1, 2012 through September 20, 2032.

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

PASSED AND APPROVED this the 1<sup>st</sup> day of March, 2012.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

APPROVED AS TO FORM:

ATTEST:

Jonathan Graham City Attorney

Lacy Borgeson City Secretary



## COUNCIL AGENDA ITEM MEMORANDUM

03/01/12 Item #5(G) Consent Agenda Page 1 of 1

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

Jonathan Graham, City Attorney's Office Autumn Speer, Director of Community Services

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a developer participation agreement with Omega Community Builders to reimburse the developer for the cost of constructing sidewalks on South 5<sup>th</sup> Street for the Wyndham Hill, Phase II subdivision in the amount of \$30,095.

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

**ITEM SUMMARY:** In phase II of the Wyndham Hill Development, the developer constructed 6,900 square feet of public sidewalk on South 5<sup>th</sup> Street. The City's subdivision ordinance requires the developer to put in a sidewalk and that the City will reimburse the developer since the sidewalks were installed along a major arterial as identified in the future land use/thoroughfare plan and is a residential development.

The developer has submitted documentation of 6,900 sq ft of sidewalk along South 5<sup>th</sup> at the cost of \$3.46 per sqft. The staff from the engineering office has reviewed these costs and concurs that they are reasonable. The total reimbursement to the developer under the developer participation agreement would be \$30,095, if approved by the City Council.

**FISCAL IMPACT:** A budget adjustment is presented for Council's approval appropriating \$30,095 of General Fund Designated Capital Projects-Unallocated funds to account 351-3400-531-6315, project #100850 to fund the reimbursement of the sidewalks on South 5<sup>th</sup> Street for Wyndam Hill, Phase II subdivision as outlined in the developer participation agreement with Omega Community Builders.

ATTACHMENTS: Budget Adjustment Resolution

FY 2012

#### **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		DE	CREASE	
351-3400-531-63-15	100850	Buildings & Grounds-Sidewalk\Curb\Gutter	\$ 30,095	;			T
351-0000-490-25-82		Transfer In	30,095	;			
110-9100-591-81-51		Transfer Out-Capital Projects	30,095	;			
110-0000-352-13-45		Designated for Cap. Proj/Unallocated			\$	30,095	
		Do Not Post					
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				╞	_		L
TOTAL			\$ 90,285	,	\$	30,095	
EXPLANATION OF ADJ available.	USTMENT	REQUEST- Include justification for increases AND reas	son why funds in	dec	rease	d account a	are
This budget adjustment appro	nunity Builder	from General Fund-Designated Capital Projects- Unalloca is to reimburse the developer for the cost of constructing si amount of \$30,095.					n
DOES THIS REQUEST REQU DATE OF COUNCIL MEETIN		CIL APPROVAL? x March 1, 2012	Yes	N	2		
WITH AGENDA ITEM?		x	Yes				
Department Head/Division Director		Date		Di	oprove isappro	oved	
Finance		Date	— <u> </u>	Di	oprove isappro	oved	
City Manager		Date			oprove isappro		

Revised form - 10/27/06

#### RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A DEVELOPER PARTICIPATION AGREEMENT WITH OMEGA COMMUNITY BUILDERS TO REIMBURSE THE DEVELOPER FOR THE COST OF CONSTRUCTING SIDEWALKS ON SOUTH 5<sup>TH</sup> STREET FOR THE WYNDHAM HILL, PHASE II SUBDIVISION, IN THE AMOUNT OF \$30,095; AND PROVIDING AN OPEN MEETINGS CLAUSE.

**Whereas,** in Phase II of the Wyndham Hill Development, the developer constructed 6,900 square feet of public sidewalk on South  $5^{\text{th}}$  Street – the City's subdivision ordinance requires the developer to put in a sidewalk and that the City will reimburse the developer since the sidewalks were installed along a major arterial as identified in the future land use/thoroughfare plan and is a residential development;

Whereas, the developer has submitted documentation of the 6,900 square feet of sidewalk along  $5^{\text{th}}$  Street at the cost of \$3.46 per square foot – Staff has confirmed these costs and concurs with the reimbursement to the developer under the developer participation agreement in the amount of \$30,095;

**Whereas,** funds are available for this reimbursement in Account No. 351-3400-531-6315, Project No. 100850, but an amendment to the FY2011-12 budget needs to be approved to transfer the funds to the appropriate expenditure account; and

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

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

<u>Part 1:</u> The City Council authorizes the City Manager, or his designee, to execute a developer participation agreement with Omega Community Builders, after approval as to form by the City Attorney, to reimburse the developer for the cost of constructing sidewalks on South  $5^{\text{th}}$  Street for the Wyndham Hill, Phase II subdivision, in the amount of \$30,095.

<u>**Part 2:**</u> The City Council approves an amendment to the FY2011-12 budget, substantially in the form of the copy attached as Exhibit A, for this purpose.

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

PASSED AND APPROVED this the 1<sup>st</sup> day of March, 2012.

#### THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

Lacy Borgeson City Secretary APPROVED AS TO FORM:

Jonathan Graham City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

03/01/12 Item #5(H) Consent Agenda Page 1 of 2

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

Nicole Torralva, P.E., Director of Public Works Michael C. Newman, P.E., Assistant Director of Public Works

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick & Associates, LP of Temple for engineering services including preliminary design of the Leon River Interceptor, Lift Station and Force Main Project, in an amount not to exceed \$ 151,880.

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

**ITEM SUMMARY:** The IH-35 corridor near the Leon River is an area of growing interest for new development. In order to provide gravity sewer services for this area KPA will provide a preliminary design for a trunk sewer serving areas both east and west of IH-35. In addition, due to existing topographic constraints, a lift station and force main are required to pump raw sewage to the Temple-Belton Wastewater Treatment Plant located on FM 93.

Preliminary engineering services will include data collection, sewerage overflow projections, citizen participation/public meetings, coordination of right of way agent to obtain rights of entry, phase one environmental assessment, archeological assessment, preliminary design, opinions of probable costs and project schedules. The proposed timeline to complete the work is 200 calendar days once right-of-entries are obtained from appropriate property owners along the proposed trunk sewer alignment. The trunk sewer is included in the 2008 Wastewater Master Plan and will ultimately serve northwest Temple. Future phases will also allow abandonment of the Pea Ridge Lift Station.

Project tasks are as follows:

Data collection & sewerage projections		\$	14,360
Citizen participation & ROW coordination		\$	9,780
Environmental and archeological assessments		\$	60,740
Preliminary Design, OPCs, final report		<u>\$</u>	67,000
	Total	\$	151,880

**FISCAL IMPACT:** The Leon River Interceptor project was identified in the FY 2012 CIP process as a project to be completed in FY 2023. Due to the growing interest for new development in the area, staff recommends proceeding with this project. Total project costs are currently estimated at \$5,000,000. We are working on identifying funding for this project and will be coming back to Council at a future date to reallocate funds for the project.

A budget adjustment is presented for Council's approval appropriating project savings to account #561-5400-535-6941, project #100851 to fund preliminary engineering.

#### ATTACHMENTS:

Engineer's Proposal Project Map Budget Adjustment Resolution



**KASBERG, PATRICK & ASSOCIATES, LP** 

CONSULTING ENGINEERS Texas Firm F-510 RICK N. KASBERG, P.E.

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

THOMAS D. VALLE, P.E.

<u>Temple</u> One South Main Street Temple, Texas 76501 (254) 773-3731 <u>Georgetown</u> 3613 Williams Drive, Suite 406 Georgetown, Texas 78628 (512) 819-9478

February 7, 2012

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

Re: Preliminary Design of the Leon River Trunk Sewer, Lift Station and Force Main

Dear Mrs. Torralva:

Kasberg, Patrick & Associates, LP (KPA) appreciates the opportunity to submit this proposal for preliminary design of the Leon River Trunk Sewer, Lift Station and Force Main. This Trunk Sewer is outlined in the City's 2008 Wastewater Master Plan Update and will ultimately serve the northwest portion of the City. The initial phase of the Leon River Trunk will serve developing areas along the I-35 Corridor on Temple's side of the Leon River. Future phases will allow abandonment of the existing Pea Ridge Lift Station (currently under expansion) in some 10 to 15 years. The general alignment of the Proposed Leon River Trunk Sewer, Lift Station and Force Main are shown on the attached Exhibit A.

Generally, the scope of our work will include the development of interim flow projections and alignment (Trunk Sewer and Force Main) and site (Lift Station) constraints to prepare a basis of design for phased construction alternatives.

Mrs. Nicole Torralva, P.E. February 7, 2012 Page Two

Opinions of probable construction costs and schedules for the selected alternatives will also be prepared. The specific tasks are detailed in Attachment A – Scope of Services, and are generalized with their respective cost as follows:

Task 1 – Data Collection	\$ 6,880
Task 2 – Sewerage Flow Projections	7,480
Task 3 – Citizen Participation/Public Meeting	5,340
Task 4 – Coordination with Right of Way Agent to obtain Rights of Entry	4,440
Task 5 – Phase I Environmental Assessment	
a. Trunk Sewer, Lift Station and Force Main	13,760
b. Collection System along I-35 Corridor	1,500
Task 6 – Archeological Assessment	
a. Trunk Sewer, Lift Station and Force Main	30,960
b. Collection System along I-35 Corridor	14,520
Task 7 – Preliminary Design	
a. Trunk Sewer, Lift Station and Force Main	39,980
b. Collection Systems along I-35 Corridor	7,100
Task 8 – Prepare Preliminary Opinions of Probable Cost/Project Schedules	
a. Trunk Sewer, Lift Station and Force Main	2,040
b. Collection Systems along I-35 Corridor	1,000
Task 9 – Attend and Coordinate Meeting with City Staff	5,840
Task 10 – Prepare Preliminary Engineering Report	 11,040
Total Preliminary Design	\$ 151,880

The charges for our services will be a lump sum amount of \$151,880. Attachment B outlines Rates which would be used to charge for special or additional series authorized beyond the scope as described in this proposal.

KPA will begin work once a written notice to proceed is issued by the City. We will complete the Preliminary Design Report within 200 calendar days once right-of-entry is obtained from impacted property owners by the City's Right-of-Way Agent. We are available to address any questions or comments that you may have about this proposal. As always, we look forward to working with you on this project.

Sincerely

Rick N. Kasberg, P.E.

RNK/crc

#### ATTACHMENT A – SCOPE OF SERVICES

#### CITY OF TEMPLE, TEXAS

#### PRELIMINARY DESIGN

#### of

#### LEON RIVER TRUNK SEWER, LIFT STATION AND FORCE MAIN

#### Task 1 – Data Collection

- 1.1 Obtain As-built information for existing utilities (water/sewer/force main/dry utilities).
- 1.2 Identify Existing ROW Limits for TxDOT roadways and railroads.
- 1.3 Coordination with Brazos Electric to determine easement considerations.
- 1.4 Obtain flow and/or pump run-time data from Pea Ridge Lift Station.
- 1.5 Identify property owners along proposed route.
- 1.6 Obtain and compile previous environmental and archeological findings along proposed route.
- 1.7 Obtain water usage data for commercial properties along IH-35 corridor.
- 1.8 Obtain CIP waste volume and quality data from membrane water treatment plant.

#### **Task 2 – Sewerage Flow Projections**

- 2.1 Confirm ultimate flow projections from 2008 Master Plan.
- 2.2 Develop 5 year incremental flow projections to 'build out'.
- 2.3 Prepare initial flow projections for initial phase(s) of construction.

#### Task 3 – Citizen Participation/Public Meeting

- 4.1 Prepare presentation materials for public meeting (exhibits and power point).
- 4.2 Assist City in preparing public notification.
- 4.3 Attend and participate in public meeting.

#### Task 4 – Coordination with Right-of-Way Agent to obtain Rights-of-Entry

- 4.1 Provide project information to Right-of-Way Agent.
- 4.2 Maintain ROE records and property owner map.
- 4.3 Attend meetings with ROW Agent and City Staff.

#### Task 5 – Phase I Environmental Assessment

- 5.1 Conduct Phase I Site Assessment for the proposed project route, including Lift Station site and collection systems along the west and east sides of the I-35 Corridor within the Leon River Drainage Basin.
- 5.2 Review findings of previous environmental assessments conducted for properties impacted by Rockwool Industry.
- 5.3 Determine allowable construction methods and disposal requirements for properties impacted by Rockwool Industry.

#### Task 6 – Archeological Assessment

- 8.1 Conduct archeological assessment for the proposed project route and along the west and east sides of the I-35 Corridor within the Leon River Drainage Basin.
- 8.2 Obtain antiquities permit from Texas Historical Commission.

#### Task 7 – Preliminary Design

#### Trunk Sewer and Force Main (Pipelines)

- 7.1 Develop constraint maps.
- 7.2 Develop alignment alternatives.
- 7.3 Determine Floodplain Boundaries.
- 7.4 Determine Right of Way requirements.
- 7.5 Determine initial and future Force Main capacities.
- 7.6 Size initial and future Force Mains.
- 7.7 Develop preliminary plan and profile for Trunk Sewer.
- 7.8 Evaluate trenchless construction methods for IH-35 and RR Crossings.
- 7.9 Evaluate and recommend pipe materials.
- 7.10 Summarize permitting requirements.

#### Lift Station

- 7.11 Identify Lift Station site alternatives.
- 7.12 Determine access road alignment.
- 7.13 Prepare conceptual layout of Lift Station for initial and future flow requirements.
- 7.14 Evaluate Lift Station options (wet/dry pit/submersible/self-priming).
- 7.15 Evaluate odor control requirements.
- 7.16 Evaluate electrical supply requirements and standby generator.
- 7.17 Security of facility.
- 7.18 Evaluate electrical and I&C options for facility.
- 7.19 Potable water availability.

#### Collection Systems along the I-35 Corridor

- 7.20 Define service areas on along west and east sides of I-35.
- 7.21 Develop alignment alternatives for gravity sewer lines.
- 7.22 Identify Package Lift Station Site alternatives (if required) near Pepper Creek along the east side of I-35.
- 7.23 Calculate ground slopes and size gravity sewer lines.
- 7.24 Size Package Lift Station and Force Main (if required).
- 7.25 Develop exhibits depicting collection system horizontal alignments and vicinity of Package Lift Station (if required). Preliminary Plan and Profile of Gravity Sewer lines are not included in this scope.
- 7.26 Determine boundaries of floodplain boundaries in vicinity of potential Package Lift Station near Pepper Creek.
- 7.27 Evaluate and recommend pipe materials and Package Lift Station.
- 7.28 Determine right-of-way requirements.
- 7.29 Summarize permitting requirements.

#### Task 8 – Prepare Preliminary Opinions of Probable Cost/Project Schedules

- 8.1 Prepare opinions of probable cost.
- 8.2 Prepare project schedule.

#### Task 9 - Attend and Coordinate Meeting with City Staff

- 9.1 Kickoff and project progress meetings (4 total).
- 9.2 Review sewerage flows.
- 9.3 Review and select preferred design alternatives.
- 9.4 Review preliminary engineering report.

#### Task 10 – Prepare Preliminary Engineering Report

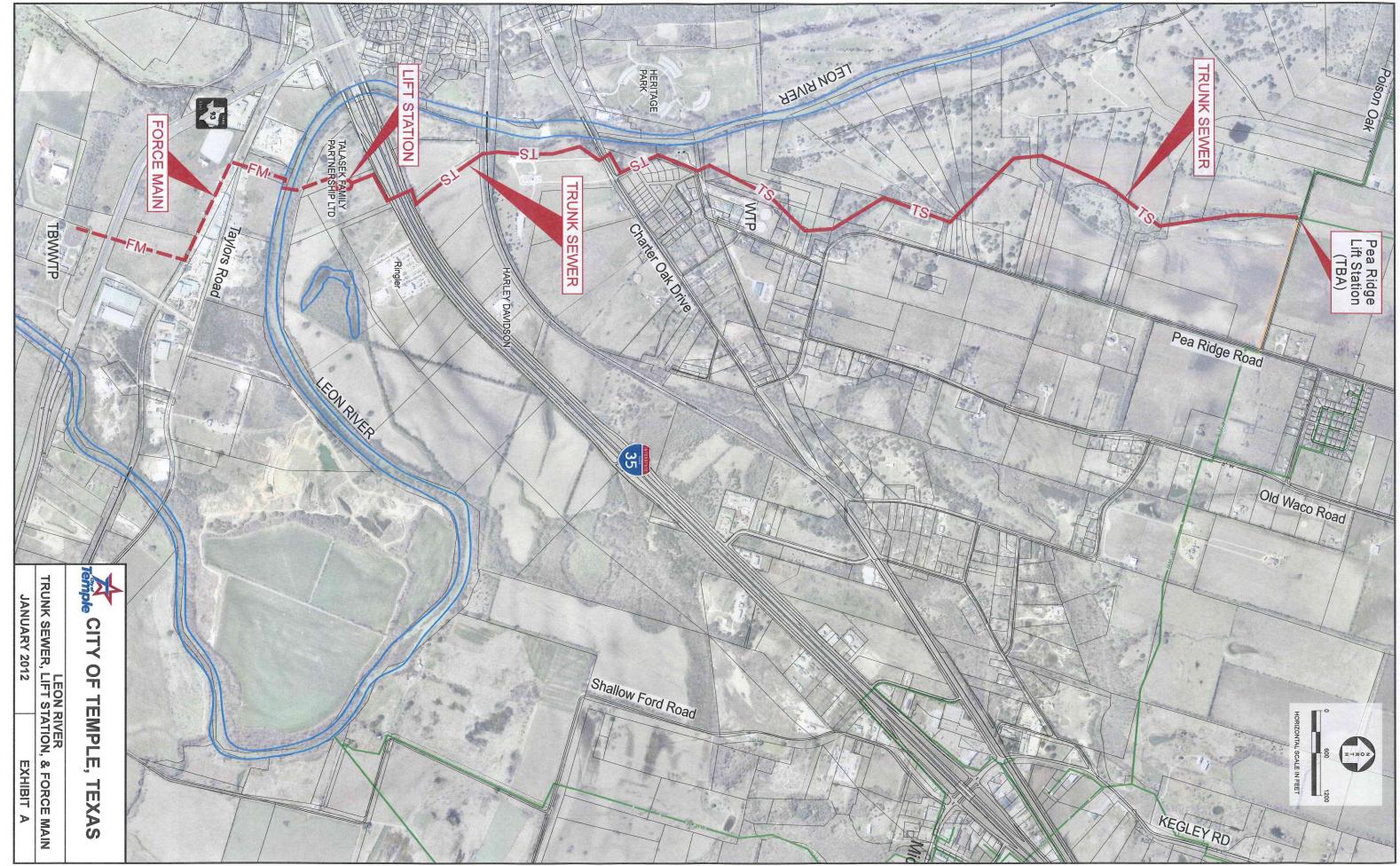
- 10.1 Prepare exhibits and tables for report.
- 10.2 Prepare draft report for review.
- 10.3 Incorporate City comments.
- 10.4 Provide ten (10) copies of final preliminary design report to the City.

#### ATTACHMENT B

#### **Charges for Additional Services**

## City of Temple Preliminary Design of the Leon River Trunk Sewer, Lift Station and Force Main

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



FY 2012

## **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	INCREA	ASE	DECREASE			
561-5400-535-69-41	100851	Leon River Interceptor	\$ 151,	,880				
561-5400-535-69-05	100667	Rehab Of Pea Ridge Lift Station			151,880			
TOTAL								
EXPLANATION OF AD, account are available.	JUSTMENT	<b>REQUEST-</b> Include justification for incr	reases AND reas	son why	funds in decreased			
<mark>account are available.</mark> Appropriate project savings to	o fund a profe	<b>REQUEST-</b> Include justification for incressional services agreement with Kasberg, E Leon River Interceptor, Lift Station and F	Patrick & Assoc	ciates, LF	P for engineering			
account are available. Appropriate project savings to services including preliminary	o fund a profe design of the	ssional services agreement with Kasberg, E Leon River Interceptor, Lift Station and F	Patrick & Assoc	ciates, LF	P for engineering amount not to			
account are available. Appropriate project savings to services including preliminary exceed \$151,880. DOES THIS REQUEST REQ	o fund a profe design of the	ssional services agreement with Kasberg, e Leon River Interceptor, Lift Station and F	Patrick & Assoc	ciates, LF ct, in an	P for engineering amount not to			
account are available. Appropriate project savings to services including preliminary exceed \$151,880. DOES THIS REQUEST REQ DATE OF COUNCIL MEETIN	UIRE COUNC	ssional services agreement with Kasberg, a Leon River Interceptor, Lift Station and F CIL APPROVAL? March 1, 2012	Patrick & Assoc orce Main Projec	Ciates, LF ct, in an	P for engineering amount not to			
account are available. Appropriate project savings to services including preliminary exceed \$151,880. DOES THIS REQUEST REQ DATE OF COUNCIL MEETIN WITH AGENDA ITEM?	UIRE COUNC	ssional services agreement with Kasberg, a Leon River Interceptor, Lift Station and F CIL APPROVAL? March 1, 2012	Patrick & Assoc Force Main Project	Ciates, LF ct, in an	P for engineering amount not to o o pproved			

Revised form - 10/27/06

#### RESOLUTION NO. 2012-6562-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF TEMPLE, TEXAS, AND KASBERG, PATRICK & ASSOCIATES, L.P., FOR ENGINEERING SERVICES INCLUDING PRELIMINARY DESIGN OF THE LEON RIVER INTERCEPTOR, LIFT STATION AND FORCE MAIN PROJECT, IN AN AMOUNT NOT TO EXCEED \$151,880; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the IH35 corridor near the Leon River is an area of growing interest for new development – in order to provide gravity sewer services for this area, a preliminary design for a trunk sewer servicing areas both east and west of IH35 will be provided;

Whereas, the preliminary design will include data collection, sewerage overflow projections, citizen participation/public meetings, coordination of right of way agent to obtain rights of entry, phase one environmental assessment, archeological assessment, preliminary design, opinions of probable costs and projected schedules;

**Whereas**, due to existing topographic constraints, a lift station and force main are required to pump raw sewage to the Temple–Belton Wastewater Treatment Plant located on FM93 – the trunk sewer is included in the 2008 Wastewater Master Plan and will ultimately serve northwest Temple;

**Whereas**, this project was identified in the FY2012 CIP process and due to growing interest for new development in the area, Staff recommends proceeding with this project;

**Whereas,** funds are available for this project in Account No. 561-5400-535-6941, Project No. 100851, in an amount not to exceed \$151,880, but an adjustment to the FY2011-12 budget needs to be approved appropriating project savings into the appropriate account; and

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

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

<u>**Part 1:**</u> The City Council authorizes the City Manager, or his designee, to execute a professional services agreement between the City of Temple, Texas, and Kasberg, Patrick & Associates, L.P., after approval as to form by the City Attorney, for engineering services including preliminary design of the Leon River Interceptor, Lift Station and Force Main Project, in an amount not to exceed \$151,880.

<u>**Part 2:**</u> The City Council approves an adjustment to the FY2011-12 budget, substantially in the form of the copy attached as Exhibit A, for this purchase.

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

PASSED AND APPROVED this the 1<sup>st</sup> day of March, 2012.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson City Secretary Jonathan Graham City Attorney



## **COUNCIL AGENDA ITEM MEMORANDUM**

03/01/12 Item #5(I) Consent Agenda Page 1 of 1

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

Nicole Torralva, P.E., Director of Public Works Jonathan Graham, City Attorney

**ITEM DESCRIPTION**: Consider authorizing a resolution to enter into a discretionary services agreement with Oncor Transmission for the relocation of transmission lines for the Loop 363 Pass Thru project and declaring an official intent to reimburse associated expenditures made prior to the issuance of tax-exempt obligations for this project.

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

**ITEM SUMMARY:** Design efforts related to the expansion of Northwest Loop 363, upgrading approximately 4 miles of existing roadway by creating a four lane divided, continuous roadway from the northern Loop 363 interchange with I-35 to the southern Loop 363 interchange with I-35 through the western side of the City, are nearing completion. Existing Oncor transmission lines must be moved to accommodate the widening of the Loop.

In an effort to facilitate discussions, City staff is seeking authorization to negotiate and enter into an agreement with an Oncor Transmission to reimburse Oncor for the cost of relocating the lines.

**FISCAL IMPACT**: Pass-Through Financing Bonds will be issued to fund the city's share of costs related to the Northwest Loop 363 Pass-Through project and will be appropriated to account 261-3400-531-2588, project 100681. Initial funding for this expenditure will be allocated from General Fund Balance Designated for Capital Project-Unallocated.

#### ATTACHMENTS:

Resolution

#### RESOLUTION NO. 2012-6563-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A DISCRETIONARY SERVICE AGREEMENT WITH ONCOR TRANSMISSION, FOR THE RELOCATION OF TRANSMISSION LINES FOR THE LOOP 363 PASS THRU PROJECT; DECLARING AN OFFICIAL INTENT TO REIMBURSE ASSOCIATED EXPENDITURES MADE PRIOR TO THE ISSUANCE OF TAX-EXEMPT OBLIGATIONS FOR THIS PROJECT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, design efforts related to the expansion of Northwest Loop 363, upgrading approximately 4 miles of existing roadway by creating a four lane divided, continuous roadway from the northern Loop 363 interchange with I-35 to the southern Loop 363 interchange with I-35 through the western side of the City, are nearing completion;

Whereas, existing Oncor transmission lines must be moved to accommodate the widening of the Loop and in an effort to facility discussions, Staff is seeking authorization to negotiate and enter into an agreement with Oncor Transmission to reimburse Oncor for the costs associated with the relocation of the lines;

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

Whereas, certain expenditures relating to this project will be paid prior to the issuance of the Obligations;

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

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

Whereas, Section 1.150-2 of the Treasury Regulations provides that an expenditure on the project may not be reimbursed from Obligation proceeds unless, along with other requirements, the City declares official intent to reimburse the expenditure prior to the date that the expenditure to be reimbursed was paid;

Whereas, Pass-Through Financing Bonds will be issued to fund the City's share of costs related to the Northwest Loop 363 Pass-Through project and will be appropriated to Account No. 261-3400-531-2588, Project No. 100681 - initial funding for this

expenditure will be allocated from General Fund Balance Designated for Capital Project-Unallocated; 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 Discretionary Service Agreement with Oncor Transmission, after approval as to form by the City Attorney, to reimburse Oncor for the costs associated with the relocation of the transmission lines for the Loop 363 Pass-Thru project, that may be necessary for this action, in an amount of \$\_\_\_\_\_.

<u>**Part 2:**</u> The findings, determinations and certifications contained in the preamble hereof are incorporated herein for all purposes.

**Part 3:** This Resolution is a declaration of official intent under Section 1.150.2 of the Treasury Regulations by the City that it reasonably expects to reimburse these expenditures with proceeds of debt to be incurred by the City, such debt to be issued on or before eighteen (18) months after the date of (i) the date the first expenditure is paid; or (ii) the date on which the property is placed in service, but in no event three years after the first expenditure is paid.

<u>**Part 4:**</u> The expenditures described are capital expenditures under general Federal income tax principles or a cost of issuance.

<u>**Part 5:**</u> Except for the proceeds of the Obligations, no funds are, or are reasonably expected to be reserved, allocated on a long-term basis, or otherwise set aside by the City or by any member of the same controlled group to pay for these expenditures.

**Part 6:** Pass-Through Financing Bonds will be issued to fund the City's share of costs related to the Northwest Loop 363 Pass-Through project and will be appropriated to Account No. 261-3400-531-2588, Project No. 100681, in an amount of \$\_\_\_\_\_\_\_\_ - initial funding for this expenditure will be allocated from General Fund Balance Designated for Capital Project-Unallocated.

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

PASSED AND APPROVED this the 1<sup>st</sup> day of March, 2012.

THE CITY OF TEMPLE, TEXAS

## WILLIAM A. JONES, III, Mayor

ATTEST:

Lacy Borgeson City Secretary APPROVED AS TO FORM:

Jonathan Graham City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

03/01/12 Item #5(J) Consent Agenda Page 1 of 1

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

Nicole Torralva, P.E., Director of Public Works Jonathan Graham, City Attorney

**ITEM DESCRIPTION**: Consider adopting a resolution authorizing a credit sales agreement to purchase necessary credits for off-site stream mitigation related to the Northwest Loop 363 Project in an amount of \$48,888 and declaring an official intent to reimburse associated expenditures made prior to the issuance of tax-exempt obligations for this project.

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

**ITEM SUMMARY:** Design efforts related to the expansion of Northwest Loop 363, upgrading approximately 4 miles of existing roadway by creating a four lane divided, continuous roadway from the northern Loop 363 interchange with I-35 to the southern Loop 363 interchange with I-35 through the western side of the City, are nearing completion. In the vicinity of Wendland Road, existing wetland and stream impacts will be sustained, thereby resulting in the necessary acquisition of an environmental permit through the Army Corps of Engineers.

City staff is seeking authorization to purchase 1.7 credits related to off-site stream mitigation.

**FISCAL IMPACT**: Pass-Through Financing Bonds will be issued to fund the city's share of costs related to the Northwest Loop 363 Pass-Through project and will be appropriated to account 261-3400-531-2588, project 100681. Initial funding for this expenditure will be allocated from General Fund Balance Designated for Capital Project-Unallocated.

#### ATTACHMENTS:

Resolution

#### RESOLUTION NO. <u>2012-6564-R</u>

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CREDIT SALES AGREEMENT TO PURCHASE NECESSARY CREDITS FOR OFF-SITE STREAM MITIGATION RELATED TO THE NORTHWEST LOOP 363 PROJECT; DECLARING AN OFFICIAL INTENT TO REIMBURSE ASSOCIATED EXPENDITURES MADE PRIOR TO THE ISSUANCE OF TAX-EXEMPT OBLIGATIONS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, design efforts related to the expansion of Northwest Loop 363, upgrading approximately 4 miles of existing roadway by creating a four lane divided, continuous roadway from the northern Loop 363 interchange with I-35 to the southern Loop 363 interchange with I-35 through the western side of the City, are nearing completion;

Whereas, in the vicinity of Wendland Road, existing wetland and stream impacts will be sustained, thereby resulting in the necessary acquisition of an environmental permit through the Army Corps of Engineers;

Whereas, Staff seeks authorization to purchase 1.7 credits related to off-site stream mitigation and enter into an agreement with an eligible mitigation bank for the purchase of necessary credits related to off-site stream mitigation;

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

Whereas, certain expenditures relating to this project will be paid prior to the issuance of the Obligations;

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

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

Whereas, Section 1.150-2 of the Treasury Regulations provides that an expenditure on the project may not be reimbursed from Obligation proceeds unless, along with other requirements, the City declares official intent to reimburse the expenditure prior to the date that the expenditure to be reimbursed was paid;

Whereas, Pass-Through Financing Bonds will be issued to fund the City's share of costs related to the Northwest Loop 363 Pass-Through project and will be appropriated to Account No. 261-3400-531-2588, Project No. 100681, in an amount of \$48,888 -

initial funding for this expenditure will be allocated from General Fund Balance Designated for Capital Project-Unallocated; and

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

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

**Part 1:** The City Council authorizes a City Manager, or his designee, to execute any documents, after approval as to form by the City Attorney, that may be necessary to purchase 1.7 credits related to off-site stream mitigation and enter into an agreement with an eligible mitigation bank for the purchase of necessary credits related to off-site stream mitigation for the Northwest Loop 363 Project, in an amount of \$48,888.

<u>**Part 2:**</u> The findings, determinations and certifications contained in the preamble hereof are incorporated herein for all purposes.

**Part 3:** This Resolution is a declaration of official intent under Section 1.150.2 of the Treasury Regulations by the City that it reasonably expects to reimburse these expenditures with proceeds of debt to be incurred by the City, such debt to be issued on or before eighteen (18) months after the date of (i) the date the first expenditure is paid; or (ii) the date on which the property is placed in service, but in no event three years after the first expenditure is paid.

<u>**Part 4:**</u> The expenditures described are capital expenditures under general Federal income tax principles or a cost of issuance.

<u>**Part 5:**</u> Except for the proceeds of the Obligations, no funds are, or are reasonably expected to be reserved, allocated on a long-term basis, or otherwise set aside by the City or by any member of the same controlled group to pay for these expenditures.

**Part 6:** Pass-Through Financing Bonds will be issued to fund the City's share of costs related to the Northwest Loop 363 Pass-Through project and will be appropriated to Account No. 261-3400-531-2588, Project No. 100681, in an amount of \$48,888 - initial funding for this expenditure will be allocated from General Fund Balance Designated for Capital Project-Unallocated.

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

PASSED AND APPROVED this the 1<sup>st</sup> day of March, 2012.

THE CITY OF TEMPLE, TEXAS

ATTEST:

Lacy Borgeson City Secretary

Jonathan Graham City Attorney



## **COUNCIL AGENDA ITEM MEMORANDUM**

03/01/12 Item #5(K) Consent Agenda Page 1 of 1

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

Brian Mabry, Planning Director

**ITEM DESCRIPTION:** SECOND READING – A-FY-12-05: Consider an ordinance abandoning 0.25 acres of unimproved North 7<sup>th</sup> Street right of way in Parklawn Addition, located between Lot 3, Block 8 and Lot 1, Block 9 of Parklawn Addition, between properties more commonly known as 2007 North 7<sup>th</sup> Street and 402 Mayborn Drive; and reserving a public drainage and utility easement in the entire abandoned right-of-way.

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

**ITEM SUMMARY:** The applicant, RBA Investments, LLC, for property owner Crispin Landeros, requests this street right-of-way abandonment for development of a Dollar General Store between North 3<sup>rd</sup> Street and North 7<sup>th</sup> Street. The applicant's property includes 2006 North 3<sup>rd</sup> Street and 2007 North 7<sup>th</sup> Street. Both properties are adjacent to each other and abut the North 7<sup>th</sup> Street right of way, which is unimproved.

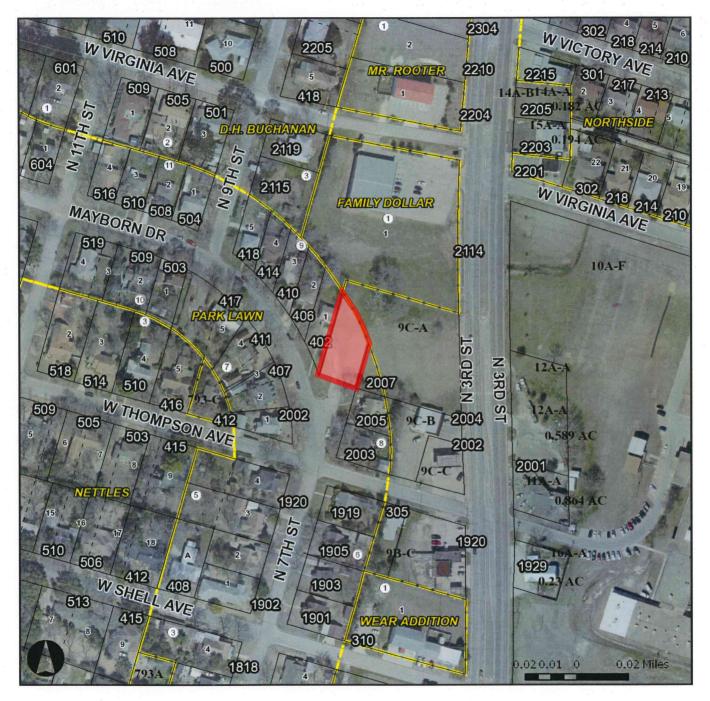
Planning staff contacted all utility providers, including all divisions of the Public Works Department, the Fire Department, and Police Department regarding the proposed street abandonment. There are no objections to the abandonment request. Staff requests a public drainage and utility easement in the entire abandoned right-of-way to protect existing water and wastewater lines.

**FISCAL IMPACT:** If approved, the applicant will be allowed to purchase the abandoned right-of-way, which has a total fair market value of \$7,440.00. The abutting property owner at 402 Mayborn Drive has no interest in purchasing his half of the abandoned right-of-way.

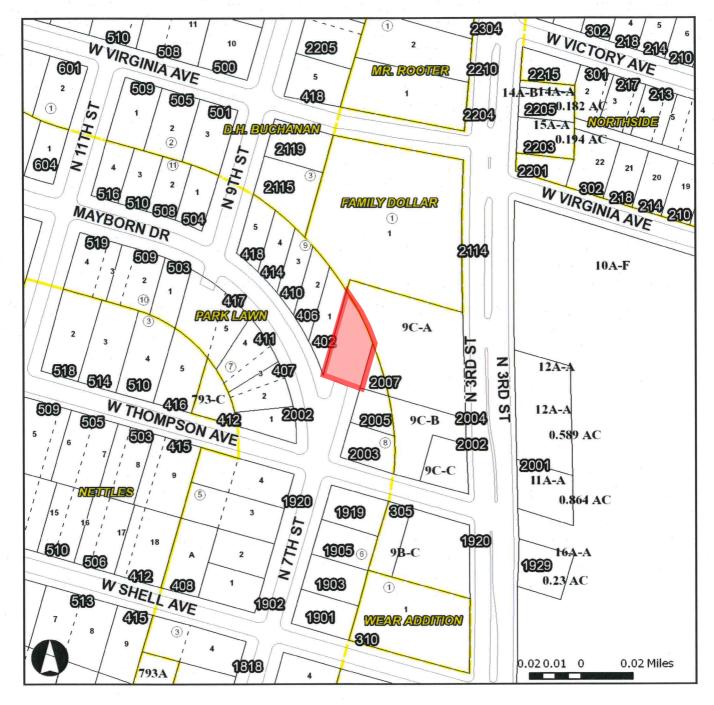
#### ATTACHMENTS:

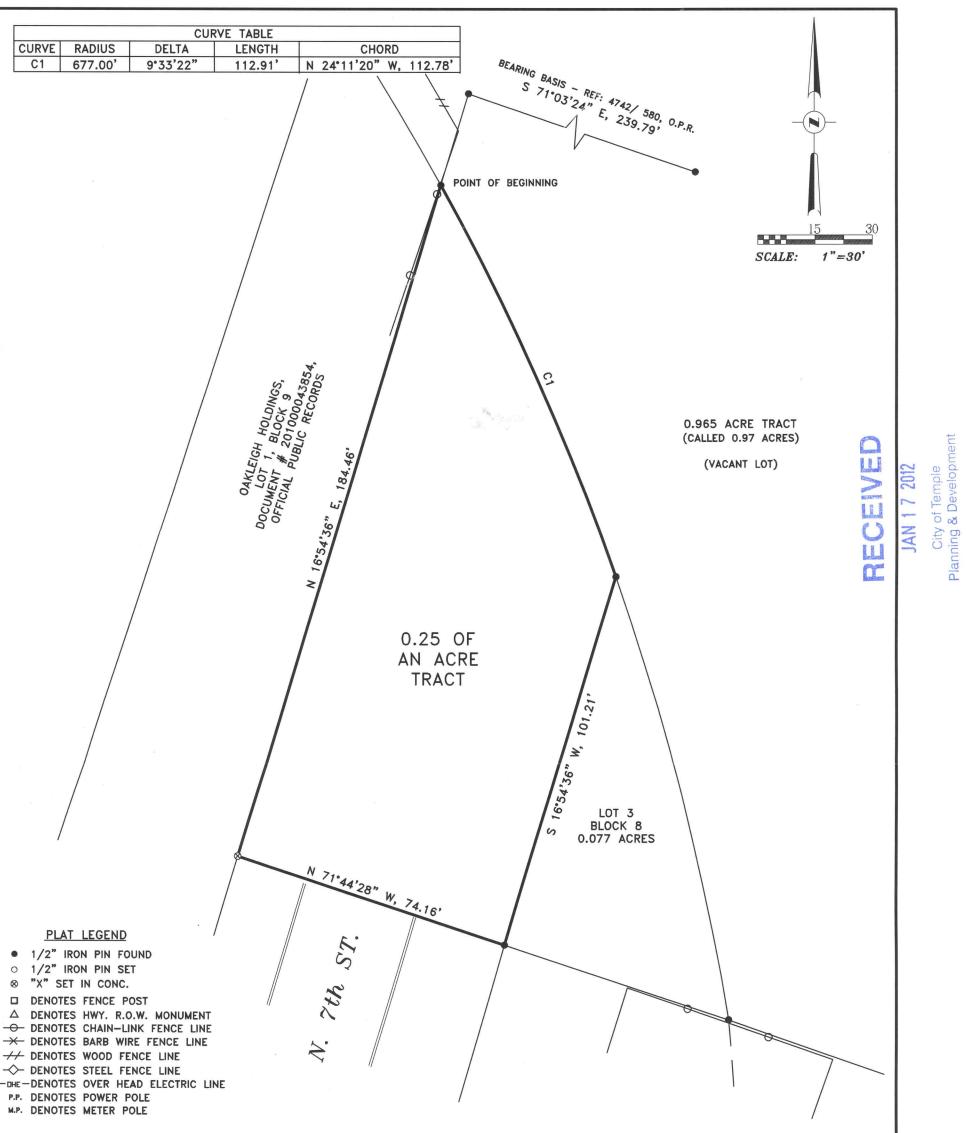
Aerial Vicinity Map Survey Ordinance

# **City of Temple**



# **City of Temple**





## MARTINEZ

SURVEYING AND MAPPING CO. 8546 BROADWAY SUITE 225 SAN ANTONIO, TX, 78217 (210) 829-4244

# STATE OF TEXAS COUNTY OF BELL

I hereby certify that the above plat is true and correct according to an actual survey made on the ground under my supervision and that there are no visible easements or encroachments of buildings on adjoining property, and that all buildings are wholly located on this property except as shown above and that all pins have been located as indicated above on the date on this plat.

# SURVEY PLAT OF

0.25 OF AN ACRE IN THE CITY OF TEMPLE, BELL COUNTY, TEXAS, OUT OF THE MAXIMO MORENO SURVEY, ABSTRACT 14, BEING A PORTION OF A STREET KNOWN AS N. 7TH STREET, SHOWN ON PLAT OF PARKLAWN ADDITION, SITUATED BETWEEN LOT 3, BLOCK 8 AND LOT 1, BLOCK 9, ACCORDING TO MAP OR PLAT THEREOF RECORDED IN VOLUME 384, PAGE 292, DEED RECORDS OF BELL COUNTY, TEXAS.

(SEE ATTACHED FIELD NOTES)

16th day of This JANUARY 20 12 A.D. EZ JR. NO MARTIN  $C_{i}$ REGISTERED PROFESSIONAL LAND SURVEYOR No. 5482 11-10-20D JOB No.

ORDINANCE NO.

#### [A-FY-12-05]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, ABANDONING THE 0.25 ACRES OF UNIMPROVED NORTH 7<sup>TH</sup> STREET RIGHT-OF-WAY IN PARKLAWN ADDITION, LOCATED BETWEEN LOT 3, BLOCK 8 AND LOT 1, BLOCK 9, OF PARKLAWN ADDITION, BETWEEN PROPERTIES MORE COMMONLY KNOWN AS 2007 NORTH 7<sup>TH</sup> STREET AND 402 MAYBORN DRIVE, AND RESERVING A PUBLIC DRAINAGE AND UTILITY EASEMENT IN THE ENTIRE ABANDONED RIGHT-OF-WAY; DECLARING FINDINGS OF FACT; AUTHORIZING CONVEYANCE OF SUCH PROPERTY BY A DEED WITHOUT WARRANTY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

**Whereas**, the City has a request to abandon the 0.25 acres of unimproved N. 7<sup>th</sup> Street right-of-way in Parklawn Addition, located between Lot 3, Block 8 and Lot 1, Block 9 of Parklawn Addition, between properties more commonly known as 2007 N. 7<sup>th</sup> Street and 402 Mayborn Drive;

**Whereas**, the applicant, RBA Investments, LLC, for property owner Crispin Landeros, requests the street right-of-way abandonment for development of a Dollar General Store between N. 3<sup>rd</sup> Street and N. 7<sup>th</sup> Street – both properties are adjacent to each other and abut the N. 7<sup>th</sup> Street right-of-way, which is unimproved;

**Whereas**, the Staff has no objections to the abandonment request but does request a public drainage and utility easement in the entire abandoned right-of-way to protect existing water and wastewater lines; 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 0.25 acres of unimproved N. 7<sup>th</sup> Street rightof-way in Parklawn Addition, located between Lot 3, Block 8 and Lot 1, Block 9 of Parklawn Addition, between properties more commonly known as 2007 N. 7<sup>th</sup> Street and 402 Mayborn Drive, more fully described in Exhibit A, attached hereto for all purposes, but retains the public drainage and utility easement in the entire abandoned right-of-way to protect existing water and wastewater lines.

<u>**Part 2**</u>: 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 property owner, retaining the public drainage

and utility easement in the entire abandoned right-of-way to protect existing water and wastewater lines, 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 property owner shall pay the appraised fair market value of \$7,440 for the property.

<u>**Part 4**</u>: If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

<u>**Part 5**</u>: This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

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

PASSED AND APPROVED on First Reading and Public Hearing on the **16<sup>th</sup>** day of **February**, 2012.

PASSED AND APPROVED on Second Reading the 1<sup>st</sup> day of March, 2012.

THE CITY OF TEMPLE, TEXAS

#### WILLIAM A. JONES, III, Mayor

ATTEST:

ATTEST:

Lacy Borgeson City Secretary Jonathan Graham City Attorney

STATE OF TEXAS §

COUNTY OF BELL §

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 2012, by WILLIAM A. JONES, III, Mayor of the City of Temple, Texas.

Notary Public, State of Texas



## **COUNCIL AGENDA ITEM MEMORANDUM**

03/01/12 Item #5(L) Consent Agenda Page 1 of 2

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

Autumn Speer, Director of Community Services

**ITEM DESCRIPTION:** SECOND READING - Z-FY-12-19: Consider adopting an Ordinance authorizing amendments to Ordinance 2010-4413, Temple Unified Development Code, Articles 5, 7, 8 and 11 of the Unified Development Code to: add "Kiosk" as permitted uses in the use table of certain zoning districts with specifications; remove "home occupation" as an allowable residential accessory use in the LI and HI zoning districts; Clarify all parking areas must be paved with either asphalt or concrete; Clarify that vehicular backing motions are prohibited into a public street from a parking area on all non-residential sites; Clarify utility poles or other obstructions are not permitted in sidewalks; and to establish or amend definitions related to such uses and standards.

**<u>P&Z COMMISSION RECOMMENDATION:</u>** At its January 17, 2012, the Planning and Zoning Commission voted 6/0 in accordance with staff recommendation to recommend approval of the amendment to the Unified Development Code set forth in the item description above.

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

**ITEM SUMMARY:** Please refer to the Staff Report and draft minutes of case Z-FY-12-19, from the Planning and Zoning meeting, January 17, 2012.

Staff considers this package of proposed amendments house-keeping items to address issues and questions that have come up in Planning and Code Enforcement cases over the past year.

The purpose of this package of amendments to the text of the Unified Development Code (UDC) is to:

- 1. Add the use "Kiosk" to the use table in specific zoning districts.
- 2. Remove "Home Occupation" uses in the Light industrial (LI) and Heavy Industrial (HI) zoning districts.
- 3. Clarify all parking areas must be paved with either asphalt or concrete.
- 4. Clarify vehicular backing motions are prohibited into a public street from a parking area on all newly developed non-residential sites.
- 5. Clarify utility poles or other obstructions are not permitted in sidewalks.
- 6. Add definitions related to the above additions.

**KIOSK USE (ATTACHMENT 1):** This proposed amendment modifies Article 5 of the UDC. The proposed amendment adds the use "Kiosk". Kiosks are defined as free-standing, non-manned, primary or accessory structures, within a pedestrian circulation or parking area, from which commercial activities are conducted. Examples include, but are not limited to, ice machines, automatic teller machines, and water vending machines. This definition does not include kiosk food sales. Kiosks are permitted in all non-residential zoning districts except Central Area with specific limitations.

HOME OCCUPATION IN LI AND HI ZONING DISTRICTS (ATTACHMENT 2): This proposed amendment modifies Article 5 of the UDC. The proposed amendment removes the ability for home occupation uses to be located in the Light Industrial (LI) and Heavy Industrial (HI) zoning districts. Residential uses were removed from these zoning districts several years ago and this change coincides with that previous amendment.

**PARKING AREA MATERIALS REQUIRED (ATTACHMENT 3):** This proposed amendment modifies Article 7 of the UDC. The proposed amendment clarifies all parking areas whether required or optional, must be paved with either asphalt or concrete.

**BACKING MOTIONS IN PUBLIC ROW (ATTACHMENT 4):** This proposed amendment modifies Article 7 of the UDC. The proposed amendment clarifies that vehicular backing motions are prohibited into public right-of-way from a parking area. All parking maneuvering must be provided for on site. This is a safety and traffic issue.

**OBSTRUCTIONS IN SIDEWALKS (ATTACHMENT 5):** This proposed amendment modifies Article 8 of the UDC. The proposed amendment clarifies utility poles or other obstructions are not permitted in sidewalks. ADA requirements must be met for these types of facilities.

**DEFINITIONS (ATTACHMENT 6):** This proposed amendment modifies Article 11 of the UDC. A definition for Kiosk has been included.

**<u>PUBLIC NOTICE</u>**: The newspaper printed notice of the Planning and Zoning Commission public hearing on January 5, 2012, in accordance with state law and local ordinance.

#### FISCAL IMPACT: NA

#### ATTACHMENTS:

P&Z Staff Report (Z-FY-12-19) Proposed Amendment to UDC Articles 5, 7, 8 and 11 P&Z Minutes (1/17/12) Ordinance



# PLANNING & ZONING COMMISSION ITEM MEMORANDUM

01/17/12 Item #3 Regular Agenda Page 1 of 2

APPLICANT: City of Temple

**DEPT. /DIVISION SUBMISSION & REVIEW:** Autumn Speer, Director of Community Services

**ITEM DESCRIPTION:** Z-FY-12-19 Hold a public hearing to discuss and recommend action on an amendment to Ordinance 2010-4413, Temple Unified Development Code, Articles 5, 7, 8 and 11 of the Unified Development Code to: add "Kiosk" as permitted uses in the use table of certain zoning districts with specifications; remove "home occupation" as an allowable residential accessory use in the LI and HI zoning districts; Clarify all parking areas must be paved with either asphalt or concrete; Clarify that vehicular backing motions are prohibited into a public street from a parking area on all non-residential sites; Clarify utility poles or other obstructions are not permitted in sidewalks; and to establish or amend definitions related to such uses and standards.

**BACKGROUND:** Staff considers this package of proposed amendments house-keeping items to address issues and questions that have come up in Planning and Code Enforcement cases over the past year.

The purpose of this package of amendments to the text of the Unified Development Code (UDC) is to:

- 1. Add the use "Kiosk" to the use table in specific zoning districts.
- 2. Remove "Home Occupation" uses in the Light industrial (LI) and Heavy Industrial (HI) zoning districts.
- 3. Clarify all parking areas must be paved with either asphalt or concrete.
- 4. Clarify vehicular backing motions are prohibited into a public street from a parking area on all newly developed non-residential sites.
- 5. Clarify utility poles or other obstructions are not permitted in sidewalks.
- 6. Add definitions related to the above additions.

**KIOSK USE (ATTACHMENT 1):** This proposed amendment modifies Article 5 of the UDC. The proposed amendment adds the use "Kiosk". Kiosks are defined as free-standing, non-manned, primary or accessory structures, within a pedestrian circulation or parking area, from which commercial activities are conducted. Examples include, but are not limited to, ice machines, automatic teller machines, and water vending machines. This definition does not include kiosk food sales. Kiosks are permitted in all non-residential zoning districts except Central Area with specific limitations.

HOME OCCUPATION IN LI AND HI ZONING DISTRICTS (ATTACHMENT 2): This proposed amendment modifies Article 5 of the UDC. The proposed amendment removes the ability for home occupation uses to be located in the Light Industrial (LI) and Heavy Industrial (HI) zoning districts. Residential uses were removed from these zoning districts several years ago and this change coincides with that previous amendment.

**PARKING AREA MATERIALS REQUIRED (ATTACHMENT 3):** This proposed amendment modifies Article 7 of the UDC. The proposed amendment clarifies all parking areas whether required or optional, must be paved with either asphalt or concrete.

**BACKING MOTIONS IN PUBLIC ROW (ATTACHMENT 4):** This proposed amendment modifies Article 7 of the UDC. The proposed amendment clarifies that vehicular backing motions are prohibited into public right-of-way from a parking area. All parking maneuvering must be provided for on site. This is a safety and traffic issue.

**OBSTRUCTIONS IN SIDEWALKS (ATTACHMENT 5):** This proposed amendment modifies Article 8 of the UDC. The proposed amendment clarifies utility poles or other obstructions are not permitted in sidewalks. ADA requirements must be met for these types of facilities.

**DEFINITIONS (ATTACHMENT 6):** This proposed amendment modifies Article 11 of the UDC. A definition for Kiosk has been included.

**<u>PUBLIC NOTICE</u>**: The newspaper printed notice of the Planning and Zoning Commission public hearing on January 5, 2012, in accordance with state law and local ordinance.

**STAFF RECOMMENDATION:** Staff recommends approval of the proposed amendments.

FISCAL IMPACT: NA

ATTACHMENTS: <u>Attachment 1: Article 5 Use Standards</u> <u>Attachment 2: Article 5 Residential Accessory Uses</u> <u>Attachment 3: Article 7 Parking Materials and Vehicular Backing Motions</u> <u>Attachment 4: Article 8 Sidewalk Obstructions</u> <u>Attachment 5: Article 11 Definitions</u>

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Attachment 1 Use Standards

Effective 12/16/10 • Last Amended 10/06/11 5-9

**Temple, Texas Unified Development Code** 

#### Article 5: Use Standards

Sec. 5.3. Specific Use Standards

#### 5.3.24 Kiosk

<u>A kiosk is permitted in accordance with the use table in Sec. 5.1 subject to</u> the following standards:

- A. <u>All of the Dimensional and General Development Standards in Article 4</u> <u>and Article 7 of this UDC apply to a kiosk as if it were the principal use</u> <u>of the property.</u>
- B. <u>Drive-through kiosks must provide 3, 8-ft by 22-ft. queuing spaces per</u> kiosk service window.
- C. <u>Wall signs on the wall of a kiosk itself are the only sign type allowed for</u> <u>advertising the services of the kiosk. Wall signs on a kiosk are limited to</u> <u>a maximum of 25 percent of the surface area of each wall. Wall signs are</u> <u>permitted only on the sides of a kiosk that are visible from the public</u> <u>right-of-way.</u>
- D. <u>Pedestrian access to the kiosk use must be included from all pedestrian</u> <u>facilities, including but not limited to sidewalks.</u>

Parking that serves as required parking for another use must not be used for either placement of the kiosk or for parking or vehicle maneuvering required by the kiosk unless additional parking exists for the adjacent use and a shared parking agreement is agreed upon by both property owners and submitted with the building permit application. Article 5: Use Standards

Sec. 5.4. Accessory Uses and Structures

# A. Residential Accessory Uses

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	Specific Use	Accessory building (residential)	Accessory building (agricultural)	Accessory dwelling unit	Backyard compost operation	Home occupation	Stable, residential or noncommercial	Swimming pool, private

P= Permitted by Right L = Permitted by Right Subject to Limitations

Temple, Texas Unified Development CodeEffective 12/16/10• Last Amended 10/06/115-36

Article 7: General Development Standards

Sec. 7.4. Off-Street Parking and Loading

#### 7.4.5 Off-Street Parking Design Standards

. . . . .

#### A. Dimensional and Access Standards

- 1. A typical 90 degree parking space must be striped and measure nine feet by 18 feet. Such space must not be located on a public street or in an alley. Parking areas must be paved with either asphalt or concrete. A parking space or areas must include an asphalt or concrete driveway connecting the parking space or area with a street or alley permitting free ingress and egress to the street or alley.
- Off-street parking spaces and areas must be designed so that a driver can exit the space or area without backing a vehicle into a public street, right of way or alley. This provision does not apply to residential uses in the following zoning districts: AG, UE, SF-1, SF-2, SF-3, SFA, SFA-2, SFA-3, 2-F, TH and MH.

#### **B.** Head-In Parking

- 1. No off-street parking space or area may be designed to require or allow parking maneuvers to take place on the public street.
- 2. The above provision does not apply to residential uses in the following zoning districts: AG, UE, SF-1, SF-2, SF-3, SFA, SFA-2, SFA-3, 2-F, TH and MH.

#### B. <u>Material Standards</u>

All parking areas (required and optional) must be paved with either asphalt or concrete. A parking space or area must include an asphalt or concrete driveway connecting the parking space or area with a street or alley permitting free ingress and egress to the street or alley. Article 8: Subdivision Design and Improvements

Sec. 8.2. Design Standards

#### 8.2.3 Sidewalks

#### C. Dimensional and Construction Standards

- 1. Sidewalks along local and collector streets must be a minimum of four feet wide.
- 2. Sidewalks along arterial streets must be a minimum of six feet wide.
- 3. Sidewalks must be built in line with existing sidewalks. In the absence of an adjoining sidewalk, the edge of the sidewalk closest to the street must be a minimum of two feet from the curb. This section should not be construed to prohibit paving the area between the sidewalk and the street.
- 4. Sidewalks must be built in accordance with the Design and Development Standards Manual.
- 5. Construction plans must be submitted with the Building Permit application. Required sidewalks must be constructed before the Director of Construction Safety issues a Certificate of Occupancy.
- 6. <u>Obstructions including, but not limited to utility poles and signs are</u> not permitted in sidewalks.

#### Article 11: Definitions

#### Sec. 11.2. Defined Terms

...

- Kiosk. A free-standing, non-manned, primary or accessory structure, within a pedestrian circulation or parking area, from which commercial activities are conducted. Examples include, but are not limited to, ice machines, automatic teller machines, and water vending machines. This definition does not include kiosk food sales.
- Laundry and Cleaning (Self-Service). To be of the customer self-service type and not a commercial laundry or cleaning plant.
- Layer: A range of depth of a lot within which certain elements are permitted. (Ord. 2010-4415)
- Livestock Auction. Barns, pens and sheds for the temporary holding and sale of livestock.
- Live/Work Unit: A mixed use unit consisting of both commercial and residential functions. The commercial function may be anywhere in the unit. It is intended to be occupied by a business operator who lives in the same structure that contains the commercial activity or industry. (Ord. 2010-4415)
- Living Unit. The room or rooms occupied by a family and must include cooking facilities.
- Loading Space. An off-street space or berth used for the loading or unloading of commercial or industrial vehicles.
- Logo. Any registered trademark of an organization, individual, company or product that is commonly used in advertising to identify that organization, individual company or product.
- Lot. An undivided parcel of land, identified by a number and designated as a distinct and separate property on a fully approved subdivision plat properly filed of record.
- Lot, Corner. A lot or parcel of land abutting upon two or more streets at their intersection, or upon two parts of the same street forming an interior angle of less than 135 degrees.
- Lot Line. A line of record bounding a lot that divides one lot from another lot or from a public or private street or any other public space.
- Lot of Record. A lot that is part of a subdivision, the plat of which has been recorded in

#### EXCERPTS FROM THE

#### PLANNING & ZONING COMMISSION MEETING

#### TUESDAY, JANUARY 17, 2012

#### **ACTION ITEMS**

Item 3: Z-FY-12-19 - Hold a public hearing to discuss and recommend action on an amendment to Ordinance 2010-4413, Temple Unified Development Code, Articles 5, 7, 8 and 11 of the Unified Development Code to: add "Kiosk" as a permitted use in the use table for certain zoning districts with specifications; remove "home occupation" as an allowable residential accessory use in the LI and HI zoning districts; Clarify all parking areas must be paved with either asphalt or concrete; Clarify that vehicular backing motions are prohibited into a public street from a parking area on all non-residential sites; Clarify utility poles or other obstructions are not permitted in sidewalks; and establish or amend definitions related to such uses and standards. (Applicant: City of Temple)

Ms. Autumn Speer, Director of Community Services, stated this was the second in the UDC cleanups and more would be coming forward as the year progresses.

Kiosks would essentially clarify what type of requirements is needed for free-standing kiosks and they are to be treated as a primary use. Sidewalks are required, signage is required specifically for kiosks, parking spaces, and design standards would be required.

Queuing spaces have also been included for drive-through kiosks. Temple does not currently have any queuing spaces required in drive-through uses and this would be the first of that kind.

Removing home occupation from the use table as an allowed use in LI and HI.

Clarification that all required or optional parking areas be paved with asphalt or concrete.

Parking design language needs clarification that any off-street parking does not use the street, alley, or any other public right-of-way to make maneuvers; it must all be made on-site.

Sidewalks obstructions are not permitted. If there is an obstruction that cannot be removed, go around it.

Staff recommends approval of these UDC modifications.

Chair Martin opened the public hearing. There being no speakers, the public hearing was closed.

Commissioner Talley made a motion to approve Item 3, Z-FY-12-19, and Commissioner Pilkington made a second.

Motion passed: 6:0

#### ORDINANCE NO.

#### [PLANNING NO. Z-FY-12-19]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING ORDINANCE NO. 2010-4413, THE "UNIFIED DEVELOPMENT CODE," ARTICLE 5, "USE OF STANDARDS", ARTICLE 7, "PARKING MATERIALS AND VEHICULAR BACKING MOTIONS", ARTICLE 8, "SIDEWALK OBSTRUCTIONS" AND ARTICLE 11, "DEFINITIONS"; PROVIDING A REPEALER; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

**Whereas**, on December 16, 2010, the City of Temple adopted Ordinance No. 2010-4413, the "Unified Development Code," which is a consolidated set of land development regulations related to zoning, platting and site design;

Whereas, at its January 17, 2012 meeting, the Planning and Zoning Commission voted to amend the UDC to add "Kiosk" as permitted uses in the use table; remove "home occupation" as an allowable residential accessory use in the LI and HI zoning districts; clarify all parking areas must be paved with either asphalt or concrete; clarify that vehicular backing motions are prohibited into a public street from a parking area on all non-residential sites; clarify utility poles or other obstructions are not permitted in sidewalks; and to establish or amend definitions related to such uses and standards, and Staff recommends this action; and

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

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

<u>**Part 1:**</u> The City Council approves an amendment to Ordinance No. 2010-4413, the "Unified Development Code," by amending Article 5, "Use of Standards," Article 7, "Parking Materials and Vehicular Backing Motions," Article 8 "Sidewalk Obstructions," and Article 11, "Definitions".

<u>**Part 2:**</u> All ordinances or parts of ordinances in conflict with the provisions of this ordinance are to the extent of such conflict hereby repealed.

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

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

<u>**Part 5**</u>: It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading and Public Hearing on the **16<sup>th</sup>** day of **February**, 2012.

PASSED AND APPROVED on Second Reading on the 1<sup>st</sup> day of March, 2012.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, MAYOR

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson City Secretary Jonathan Graham City Attorney



03/01/12 Item #5(M) Consent Agenda Page 1 of 4

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

Brian Mabry, Planning Director

**ITEM DESCRIPTION**: SECOND READING - Z-FY-12-21: Consider adopting an ordinance authorizing a rezoning from Agricultural District (A) to Commercial District (C) on Tract 1, being a  $\pm$ 7.684 acre tract of land and Tract 2, being a  $\pm$ 5.779 acre tract of land both out of the George Givens Survey, Abstract No. 345 and the Nancy Chance Survey, Abstract No. 5, Bell County, Texas located on the east side of South Kegley Road, north of the Caddy Shack Golf Range.

**<u>P&Z COMMISSION RECOMMENDATION</u>**: At its January 17, 2012, meeting, the Planning and Zoning Commission voted 5/0 to recommend approval of a rezoning from AG to C.

Vice-Chair Staats abstained, Commissioner Rhoads was absent and two places on the Commission were vacant at the time of the meeting.

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

Staff recommends approval of Z-FY-12-21, the requested zone change to Commercial District for the following reasons:

- 1. The request basically complies with the Future Land Use and Character Map;
- 2. The request complies with the Thoroughfare Plan Map; and
- 3. Public facilities are available to serve the property.

**ITEM SUMMARY:** Please refer to the Staff Report and draft minutes of case Z-FY-12-21, from the Planning and Zoning meeting, January 17, 2012. The applicant, Edgar Smith for Jim Tranum, requests a rezoning from AG, Agricultural District to C, Commercial District for the subject property on the east side of South Kegley Road, north of the Caddy Shack Golf Range to allow commercial uses on this property. The applicant operates Smith Supply Company at 2822 S. General Bruce Drive. Right-of-way acquisition by TxDOT is forcing Mr. Smith to relocate his business. A rezoning from the AG to the C zoning district would allow many uses that would not have been allowed before. Those uses include the proposed janitorial supply sales and warehousing, but also include the following:

#### 03/01/12 Item #5(M) Consent Agenda Page 2 of 4

- -Alcoholic beverage sales, on- or off-premise consumption, beer and wine only
- -Building material sales
- -Cabinet shop
- -Contractor storage
- -Family or group home
- -Heavy machinery sales, storage and repair
- -Mini-storage warehouse

- -Trailer, recreational vehicle, portable building or manufactured home sales or rental
- -Truck stop
- -Two-family dwelling
- -Welding or machine shop
- -Wholesale storage and sales
- -Institution for alcoholic or narcotic patients

Document	Policy, Goal, Objective or Map	Site Conditions	Compliance?
СР	Map 3.1 - Future Land Use and Character	Auto-Urban Commercial. North and west boundary is Suburban Residential	Yes, partially**
CP	Map 5.2 - Thoroughfare Plan	S. Kegley Road is a Minor Arterial.	Yes
СР	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities.	12-inch water line and 30-inch sewer line west right-of-way of S. Kegley Road	Yes
СР	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.	Land use pattern to south and east is compatible to C- Commercial zoning. Vacant and agricultural land to north and west.	Yes
STP	Page F3- A community-wide connector trail is shown along the east side of S. Kegley Road	Not on this property	n/a

**<u>COMPREHENSIVE PLAN COMPLIANCE</u>**: The proposed Planned Development amendment relates to the following goals, objectives or maps of the Comprehensive Plan and Sidewalk and Trails Plan:

CP = Comprehensive Plan STP = Sidewalk and Trails Plan \*\*See Analysis below

**DEVELOPMENT REGULATIONS:** The Commercial zoning district permits all retail and most commercial land uses, including auto dealerships with complete servicing facilities, building material sales, light manufacturing and heavy machinery sales and storage. Residential uses are allowed, except apartments. This district is intended to serve citywide or regional service areas.

According to the district's purpose statement in the Unified Development Code, the Commercial zoning district should be located at the intersection of major thoroughfares or highways. This district should be located away from low and medium density residential development and may be used as a buffer between retail and industrial uses. Adjoining zoning districts should be carefully selected to reduce environmental conflicts.

Commercial Zoning District	Minimum Standards
Front Setback	30-ft from Center of Street
Side Setback	O-ft *
Back Setback	0-ft **
Height	Any Legal Height
If building exceeds 40-ft,	esidential District, then 10-ft. 1 foot for each 3-ft over 40-ft
in height ** Unless adjacent to Re (0-ft if boundary is alley)	esidential District, then 10-ft.

**STAFF ANALYSIS:** Across the street, to the west of the subject property, is an agricultural use with a single house on multiple acres. Vacant undeveloped land lies to the north. The low density agricultural land and the properties to the north of the subject property are both identified as Suburban Residential, as shown on the attached Future Land Use and Character map (FLUMC).

The Comprehensive Plan projects that the ultimate zoning of a Suburban Residential area should be to a medium residential density district, which includes SF2, Single-Family Two; SF3, Single-Family Three; 2F, Two-Family (duplex); or TH, Townhouse. In support of this analysis, the subject property could be zoned to a lower intensity nonresidential district to be more compatible with the projected residential area, such as NS, Neighborhood Services or O1, or O2, Office districts. The part of the property closer to the already developed nonresidential areas, east and south, could be GR, General Retail or C, Commercial. However, these options do not allow the use that the applicant requests on his application.

All uses to the south and east are basically commercial uses; therefore this zoning is partially appropriate. The subject property fronts on a designated Minor Arterial, which is a major thoroughfare (as recommended in the district's purpose statement). The property backs to the railroad and other retail and heavier commercial uses that are adjacent to I-35, many of which are contractor and warehouses uses. These uses are consistent with what the applicant is proposing. The change to C, Commercial is basically consistent with the current adjacent development.

<u>PUBLIC NOTICE</u>: Staff mailed notices of the Planning and Zoning Commission's public hearing to the six property owners within the 200-foot radius surrounding the zone change site. As of Wednesday, January 11, 2012 at 12:00 PM, no notices were returned in favor of the request and none were returned in opposition to the request. The newspaper printed notice of the Planning and Zoning Commission public hearing on January 5, 2012 in accordance with state law and local ordinance.

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#### FISCAL IMPACT: NA

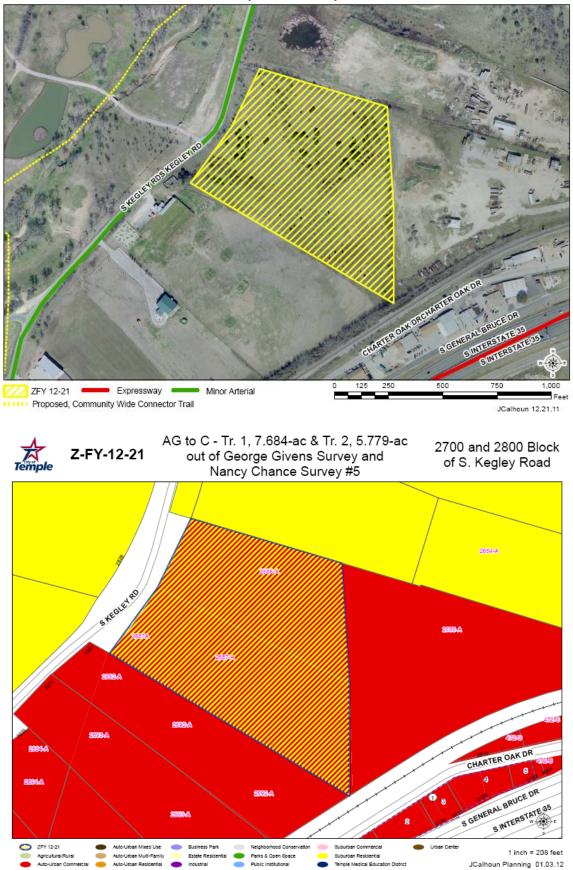
#### ATTACHMENTS:

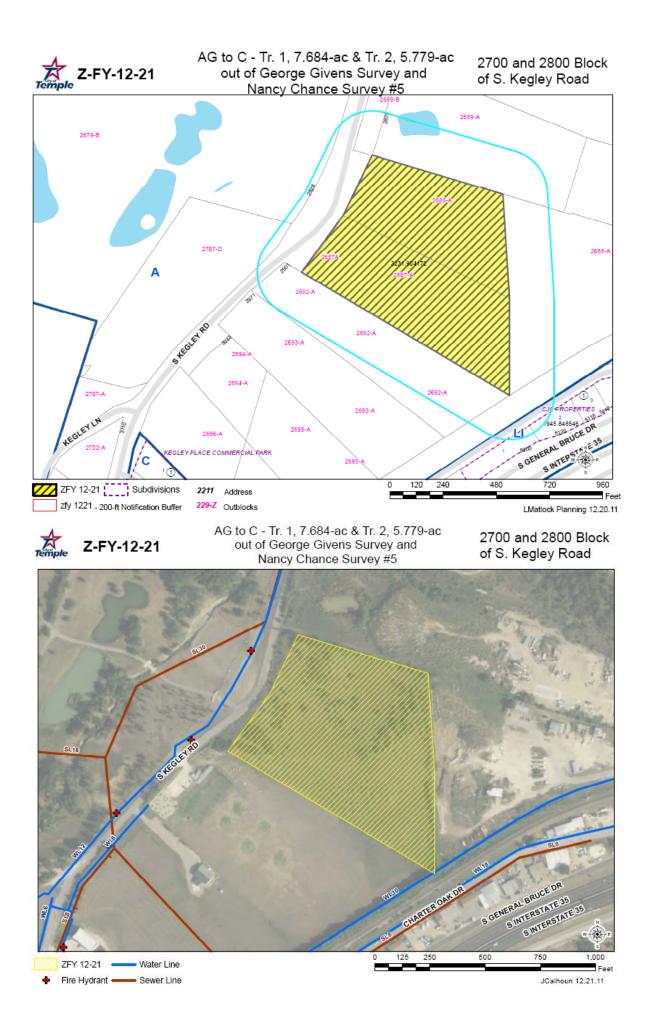
Aerial, Thoroughfare and Sidewalk and Trails Plan Map Land Use and Character Map Zoning and Notice Map Utility Map P&Z Staff Report (Z-FY-12-21) P&Z Minutes (January 17, 2012) Ordinance



AG to C - Tr. 1, 7.684-ac & Tr. 2, 5.779-ac out of George Givens Survey and Nancy Chance Survey #5

2700 and 2800 Block of S. Kegley Road





PLANNING AND ZONING COMMISSION AGENDA ITEM

01/17/12 Item 2 Regular Agenda Page 1 of 5

#### APPLICANT / DEVELOPMENT: Edgar Smith for Jim Tranum

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

**ITEM DESCRIPTION: Z-FY-12-21** Hold a public hearing to discuss and recommend action on a rezoning from Agricultural District to Commercial District on Tract 1, being a 7.684 acre ± tract of land and Tract 2, being a 5.779 acre ± tract of land both out of the George Givens Survey, Abstract No. 345 and the Nancy Chance Survey, Abstract No. 5, Bell County, Texas, located on the east side of South Kegley Road, north of the Caddy Shack Golf Range.

**BACKGROUND:** The applicant requests a zone change from AG, Agricultural District to C, Commercial District to allow commercial uses on this property. A rezoning from the AG to the C zoning district would allow many uses that would not have been allowed before. Those uses include, but are not limited to, the following:

- -Alcoholic beverage sales, on- or off-premise consumption, beer and wine only
- -Building material sales
- -Cabinet shop
- -Contractor storage
- -Family or group home
- -Heavy machinery sales, storage and repair
- -Institution for alcoholic or narcotic patients

-Mini-storage warehouse

- -Trailer, recreational vehicle, portable building or manufactured home sales or rental -Truck stop
- -Two-family dwelling
- -Welding or machine shop
- -Wholesale storage and sales

According to the application, the applicant is proposing a janitorial retail sales use and warehouse.

#### 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	AG	Undeveloped Land	

Direction	Zoning	Current Land Use	Photo
North	AG	Undeveloped Land	
South	AG	View of Driving Range property at ground level (above the subject property)	
East	AG	Storage Yard	Aerial View of uses to East 268 A 268 A 268 A 268 A 268 A 268 A
			Ground View to East (uses above are not visible at this level because of brush and trees)

Direction	Zoning	Current Land Use	Photo
West	AG	Home with multiple acres and Agricultural Land	

#### **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	Site Conditions	Compliance?
СР	Map 3.1 - Future Land Use and Character	Auto-Urban Commercial. North and west boundary is Suburban Residential	Yes Marginally**
СР	Map 5.2 - Thoroughfare Plan	S. Kegley Road is a Minor Arterial.	Yes
СР	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities.	12-inch water line and 30-inch sewer line west right-of-way of S. Kegley Road	Yes
СР	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.	Land use pattern to south and east is compatible to C-Commercial zoning. Vacant and agricultural land to north and west.	Yes
STP	Page F3- A community-wide connector trail is shown along the east side of S. Kegley Road	Not on this property	n/a

CP = Comprehensive Plan STP = Sidewalk and Trails Plan \*\*See Analysis below

#### **DEVELOPMENT REGULATIONS:**

The Commercial zoning district permits all retail and most commercial land uses, including auto dealerships with complete servicing facilities, building material sales, light manufacturing and heavy machinery sales and storage. Residential uses are allowed, except apartments. This district is intended to serve citywide or regional service areas.

According to the district's purpose statement in the Unified Development Code, the Commercial zoning district should be located at the intersection of major thoroughfares or highways. This district should be located away from low and medium density residential development and may be used as a buffer between retail and industrial uses. Adjoining zoning districts should be carefully selected to reduce environmental conflicts.

Commercial Zoning District	Minimum Standards			
Front Setback	30-ft from Center of			
	Street			
Side Setback	0-ft *			
Back Setback	0-ft **			
Height	Any Legal Height			
<ul> <li>Unless adjacent to Residential District, then ID-ft. If building exceeds 4D-ft, increase setback I foot for each 3-ft over 4D-ft in height</li> <li>** Unless adjacent to Residential District, then ID-ft. (D-ft if boundary is alley)</li> </ul>				

#### STAFF ANALYSIS

Across the street, to the west of the subject property, is an agricultural use with a single house on multiple acres. Vacant undeveloped land lies to the north. The low density agricultural land and the properties to the north of the subject property are both identified as Suburban Residential, as shown on the attached Future Land Use and Character map (FLUMC).

The Comprehensive Plan projects that the ultimate zoning of a Suburban Residential area should be to a medium residential density district, which includes SF2, Single-Family Two; SF3, Single-Family Three; 2F, Two-Family (duplex); or TH, Townhouse. In support of this analysis, the subject property could be zoned to a lower intensity nonresidential district to buffer the projected residential area, such as NS, Neighborhood Services or O1, or O2, Office districts. The part of the property closer to the already developed nonresidential areas, east and south, could be GR, General Retail or C, Commercial. However, these options do not allow the use that the applicant requests on his application.

All uses to the south and east are basically commercial uses; therefore this zoning is marginally appropriate. The subject property fronts on a designated Minor Arterial, which is a major thoroughfare (as recommended in the district's purpose statement). The property backs to the railroad and other retail and heavier commercial uses that are adjacent to I-35, many of which are contractor and warehouses uses. These uses are consistent with what the applicant is proposing. The change to C, Commercial is basically consistent with the current adjacent development.

#### PUBLIC NOTICE:

Staff mailed notices of the Planning and Zoning Commission's public hearing to the six property owners within the 200-foot radius surrounding the zone change site. As of Wednesday, January 11, 2012 at 12:00 PM, no notices were returned in favor of the request and none were returned in opposition to the request. The newspaper printed notice of the Planning and Zoning Commission public hearing on January 5, 2012 in accordance with state law and local ordinance.

#### **STAFF RECOMMENDATION:**

Staff recommends approval of the requested zone change to Commercial District for the following reasons:

- 1. The request basically complies with the Future Land Use and Character Map;
- 2. The request complies with the Thoroughfare Plan Map; and
- 3. Public facilities are available to serve the property.

#### FISCAL IMPACT:

Not Applicable

Attachments: Aerial, Thoroughfare and Sidewalk and Trails Plan Map Land Use and Character Map Zoning and Notice Map Utility Map

#### EXCERPTS FROM THE

#### PLANNING & ZONING COMMISSION MEETING

#### TUESDAY, JANUARY 17, 2012

#### **ACTION ITEMS**

**Item 2: Z-FY-12-21** - Hold a public hearing to discuss and recommend action on a rezoning from Agricultural District to Commercial District on Tract 1, being a 7.684 acre ± tract of land and Tract 2, being a 5.779 acre ± tract of land both out of the George Givens Survey, Abstract No. 345 and the Nance Chance Survey, Abstract No. 5, Bell County, Texas, located on the east side of South Kegley Road, north of the Caddy Shack Golf Range. (Applicant: Edgar A. S Smith for James Tranum)

Ms. Leslie Matlock, Senior Planner, stated if this case were approved it would go to City Council on February 16, 2012 for first reading and March 1, 2012 (incorrectly stated on the record as March 8th) for second reading and final action.

The surrounding land includes undeveloped land to the north, working ranch with a house on multiple acres to the west, golf range to the south, and vacant undeveloped land to the east. Current land uses include retail, commercial, and agricultural. This property is not affected by the Master Trails Plan.

The Future Land Use and Character Map designate this area as Auto-Urban Commercial to the south and east and Suburban-Residential to the west and north.

Seven notices were mailed out; zero notices were received.

The Thoroughfare Plan designates south Kegley as a minor arterial and public facilities are available to the site.

Staff recommends approval of this request since it complies with the Future Land Use and Character Map, the Thoroughfare Plan, and utilities are available for the site.

Chair Martin opened the public hearing.

Mr. Edgar Smith, Smith Supply Company, 2822 S. General Bruce Drive, Temple, Texas, stated they would like to find a place to have a new building due to TxDOT expansion. They have a warehouse located on Avenue K but would like another building with warehouse area and store front.

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

Commissioner Talley made a motion to approve Item 2, Z-FY-12-21 and Commissioner Jones made a second.

Motion passed: (5:0:1)

Vice-Chair Staats abstained; Commissioner Rhoads absent

#### [PLANNING NO. Z-FY-12-21]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A ZONING CHANGE FROM AGRICULTURAL DISTRICT TO COMMERCIAL DISTRICT ON TRACT 1, BEING APPROXIMATELY 7.684 ACRES OF LAND AND TRACT 2, BEING APPROXIMATELY 5.779 ACRES OF LAND, BOTH OUT OF THE GEORGE GIVENS SURVEY, ABSTRACT NO. 345 AND THE NANCY CHANCE SURVEY, ABSTRACT NO. 5, LOCATED ON THE EAST SIDE OF SOUTH KEGLEY ROAD, NORTH OF THE CADDY SHACK GOLF RANGE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

<u>**Part 1**</u>: The City Council approves a zoning change from Agricultural District (AG) to Commercial District (C) on Tract 1, being approximately 7.684 acres of land, and Tract 2, being approximately 5.779 acres of land, both out of the George Givens Survey, Abstract No. 345 and the Nancy Chance Survey, Abstract No. 5, located on the east side of South Kegley Road, north of the Caddy Shack Golf Range, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

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

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

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

<u>**Part 5**</u>: It is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading and Public Hearing on the **16<sup>th</sup>** day of **February**, 2012.

PASSED AND APPROVED on Second Reading on the 1<sup>st</sup> day of March, 2012.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson City Secretary Jonathan Graham City Attorney



# COUNCIL AGENDA ITEM MEMORANDUM

03/01/12 Item #5(N) Consent Agenda Page 1 of 2

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

Sharon Rostovich, Airport Director

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing acceptance of additional grant funding in the estimated amount of \$442,534 from the Texas Department of Transportation, Aviation Division, Airport Project Participation Grant Fund, for reconstruction of Runway 02/20 at the Draughon-Miller Central Texas Regional Airport, with an estimated City match of 10% or \$44,253.40.

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

**ITEM SUMMARY:** City Council approved grant funding for engineering and phase I reconstruction of Runway 02/20 based on TxDOT Aviation's budgeted amount of \$3,549,000 with City's 10% estimated match of \$354,900 October 7, 2010. This included design costs for both Phase I and Phase II estimated at \$645,000 and construction of Phase I estimated at \$2,904,000. Design did come in lower than estimated at \$411,534 but construction estimate is now at \$3,580,000. Based on the Engineer's preliminary design, the project is now estimated at \$3,991,534 which is \$442,534 more than the original estimate. The grant match amount that is short is 10% of the overage or \$44,253.40.

TxDOT's original grant project estimate of \$7,713,450 million included Design, Phase I Runway Reconstruction and Phase II Taxiway/Ramp Rehabilitation. Only design for Phase I & II and Phase I reconstruction was approved for City match October 7, 2010.

The increase in project amount shifted additional construction and cost items from Phase II to Phase I in order to complete all work that would impact Runway 02/20 within the first phase.

Due to the size of the project and funding level required from the City, the project will be completed under two separate grants; however, the City only committed to the engineering and runway reconstruction grant. The next phase of taxiway and ramp construction is estimated at \$3,809,040 which is \$290,960 less than the original estimate with the City's 10% share being \$380,904; however the City will have the opportunity to decide if funding is available to proceed under a separate grant from TxDOT Aviation.

03/01/12 Item #5(N) Consent Agenda Page 2 of 2

**FISCAL IMPACT:** The City's share of the additional grant funding is 10% or an estimated \$44,253.40. A budget adjustment is presented for Council's approval designating the funds from the General Fund's designated for Capital Projects-Unallocated for the runway reconstruction phase of the project in the amount of \$44,253.40 which represents the City's 10% match requirement. Future year's funding requirements will be addressed during the 2013 budget cycle.

#### ATTACHMENTS:

Budget Adjustment Resolution

FY	2	01	2
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#### **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	IN	CREASE	DE	CREASE
<b>110-0000-352-13-45</b>		Desg. Cap Proj-Airport Runway Reha	ab \$	44,254		
110-0000-352-13-45		Desg. Capital Proj-Unallocated				44,254
		Do not post				
					<u> </u>	
TOTAL			\$	44,254	\$	44,254
<b>EXPLANATION OF ADJ</b> account are available. To designate additional funds Runway 02/20, Taxiways A, B Improvements and runway co	for the City's 5, C, D and E nstruction. To st estimate fo	<b>REQUEST-</b> Include justification for increase 10% match for the construction portion of Pha and the Aircraft Parking Apron, upgrade of Ta otal match originally designated for Phase I w or construction of Phase I. Future year's fundir 2013 budget cycle.	es ANE ase I of xiways as \$354	D reason why the Rehabili A & D lightin I,900. An ac	r funds i tation ar g, and i Iditional	n decreased nd Overlay of related Airport \$44,254 is
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#### **RESOLUTION NO.**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING ACCEPTANCE OF ADDITIONAL GRANT FUNDING FROM THE TEXAS DEPARTMENT OF TRANSPORTATION, AVIATION DIVISION, AIRPORT PROJECT PARTICIPATION GRANT FUND, IN THE ESTIMATED AMOUNT OF \$442,534 (CITY'S ESTIMATED MATCH OF 10% OF THE PROJECT COSTS IS \$44,253.40), FOR ENGINEERING AND PHASE 1 RECONSTRUCTION OF RUNWAY 02/20, AT THE DRAUGHON-MILLER CENTRAL TEXAS REGIONAL AIRPORT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

**Whereas**, the City Council approved grant funding for engineering and Phase I reconstruction of runway 02/20 based on the Texas Department of Transportation Aviation's budgeted amount of \$3,549,000 and with the City's 10% estimated match of \$345,900 on October 7, 2010 – this included design costs for both Phase I and Phase II;

**Whereas,** based on the Engineer's preliminary design, the project is now estimated at \$3,991.534, which is \$442,534 more than the original estimate – the grant match amount that is short, is the 10% overage or \$44,253.40;

**Whereas**, TxDOT's original grant project estimate included design, Phase I runway reconstruction and Phase II taxiway/ramp rehabilitation – only design for Phase I and II and Phase I reconstruction was approved for City match on October 7, 2010;

**Whereas,** the increase in project shifted additional construction and cost items from Phase II to Phase I in order to complete all work that would impact Runway 02/20 within the first phase;

**Whereas,** due to the size of the project and funding level required from the City, the project will be completed under two separate grants - the City only committed to the engineering and runway reconstruction grant and will have the opportunity to decide if funding is available to proceed under a separate grant from TxDOT Aviation;

Whereas, the City's share of the additional grant funding is 10% or an estimated \$44,253.40 - a budget adjustment has been submitted to transfer funds to the appropriate accounts; 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 acceptance of additional grant funding in the estimated amount of \$442,534 from the Texas Department of Transportation, Aviation Division, Airport Project Participation Grant Fund, as well as the estimated City match of 10% or \$44,253.40.

<u>**Part 2:**</u> 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 receipt of these grant funds.

<u>**Part 2:**</u> The City Council approves an amendment to the FY2011-12 budget, substantially in the form of the copy attached as Exhibit A, for this purpose.

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

PASSED AND APPROVED this the 1<sup>st</sup> day of March, 2012.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson City Secretary Jonathan Graham City Attorney



# **COUNCIL AGENDA ITEM MEMORANDUM**

03/01/12 Item #5(O) 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 2011-2012.

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

**ITEM SUMMARY:** This item is to recommend various budget amendments, based on the adopted FY 2011-2012 budget. The amendments will involve transfers of funds between contingency accounts, department and fund levels.

**FISCAL IMPACT:** The total amount of budget amendments is \$12,642.

ATTACHMENTS: Budget Amendments Resolution

BUDGET AMENDMENTS FOR FY 2012 BUDGET March 1, 2012           Account #         PROJECT #         DESCRIPTION         PAPROPEIATURES Dable         Concell Contingenty - Undgments & Damages (Dice Depl.)         S         6.42 6         6.42 7         7         6.42 7         7         6.42 7         7         6.42 7         7<		CITY OF TEMPLE				
March 1, 2012           Acccount #         PROJECT #         DESCRIPTION         Desk         Concidence           110-211-521-2516         Audgments & Damages (Polico Dept.)         \$         642         \$         642           110-2220-2522-2136         Public Safety Expenditures (Piro Dept.)         \$         3         .000           110-2220-2522-2136         Public Safety Expenditures (Piro Dept.)         \$         3         .000           110-2220-2522-2136         Public Safety Expenditures (Piro Dept.)         \$         3         .000           110-2220-2522-2136         Public Safety Advisory Board funds and donated funds for an arrow for Public Safety Advisory Board funds and donated funds for an arrow for and rolated equipment/supplies for the Fire Department.         \$         .000           110-2220-252-51-2128         Postage (Riscreation)         \$         1.000         \$         .000           110-2220-252-51-2128         Postage (Riscreation)         \$         1.000         \$         \$         .500           110-2220-252-51-2128         Postage (Riscreation)         \$         1.000         \$         \$         .500           110-2020-45-1290         Special Events/Classes with the new Turkey Tric Additional feveneue was created in Special Events/Classes with the new Turkey Tric Additional feveneue was created in Special Events/Classes						
ACCOUNT         PROJECT #         DESCRIPTION         Debit         Creatil           110-02011-0211-0211         Judgments & Damages (Police Dept)         \$         642         \$         642           110-1500-615-6531         Contingency - Judgments & Damages to 2003 Dodge Ram Pickup         \$         3,000           110-2222-2222136         Public Safety Expenditures (Fire Dept.)         \$         3,000           110-2222-22222136         Public Safety Expenditures (Fire Dept.)         \$         3,000           110-2222-22222136         Public Safety Expenditures (Fire Dept.)         \$         3,000           110-2222-22222136         Public Safety Expenditures (Fire Dept.)         \$         1,000           110-2222-522-2124         Appropriate Public Safety Advisory Board funds and donated funds for an arson K-9 and related equipment/supplies for the Fire Department.         \$         1,000           110-2328-551-2128         Postage (Recreation)         \$         2,200         \$         3,500           110-2328-551-2120         Eduatation/Recreation         \$         2,200         \$         3,500           110-2328-551-2128         Postage (Recreation)         \$         2,200         \$         3,500           110-2329-551-551         Contingency Audgments & Damages (Construction Safety)         \$         4						
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110-2222-522-2136       Public Safety Expenditures (Fire Dept.)       \$ 3,000         110-0000-442-623       Fire Donations(Gits       \$ 1,000         110-0000-412-623       Fire Donation(Gits       \$ 3,000         Appropriate Public Safety Advisory Board funds and donated funds for an arson K-3 and related equipment/supplies for the Fire Department.       \$ 1,000         110-3293-551-2128       Postage (Recreation)       \$ 1,000         110-3293-551-2128       Postage (Recreation)       \$ 1,000         110-3293-551-2128       Education/Recreation       \$ 2,500         Special Events/Classes       \$ 3,500         Additional funds are needed in Education/Recreation and Postage to cover postage and reas brit expenses for the Turkey Trot 5K event.         110-3700-524-2516       Judgments & Damages (Construction Safety)       \$ 4,500         Contingency - Judgments & Damages       \$ 4,500         Settlement of claim against Code Enforcement       \$ 2,560         GENERAL FUND         Beginning Contingency Sweep Account       \$ - 0,000         Carry forward from Prior Year       \$ - 0,000         Taken From Contingency Judgments & Damages Contingency       \$ - 0,000         Added to Contingency Judgments & Damages Contingency       \$ - 0,000         Added to Contingency Judgments & Damages Contingency       \$ - 0,000      <	110-1500-515-6531	Contingency - Judgments & Damages			\$	642
110-222-522-22114       Animal Food & Supplies       \$ 1,000         110-0000-431-623       Fire Donations/Gitts       \$ 3,000         110-0000-431-6331       Reserve for Public Safety       \$ 3,000         Appropriate Public Safety Advisory Board funds and donated funds for an arson K-9 and related equipment/supplies for the Fire Department.       \$ 1,000         110-3293-551-2128       Postage (Recreation)       \$ 1,000         110-3293-551-2120       Education/Recreation       \$ 2,500         110-0000-445-1590       Special Events/Classes       \$ 3,500         Additional funds are needed in Education/Recreation and Postage to cover postage and race shirt expenses for the Turkey Trot. Additional revenue was created in Special Events/Classes with the new Turkey Trot SK event.       \$ 4,500         110-1500-515-6531       Contingency - Judgments & Damages       \$ 4,500         CENERAL FUND         Beginning Contingency Balance         Added to Contingency Suep Account       \$ 2,500         Carry forward from Prior Year       \$ 3,500         Taken From Contingency       \$ 2,500         Net Balance of Contingency Account       \$ 2,500         Beginning Contingency Account       \$ 2,500         Beginning Contingency       \$ 2,500         Added to Contingency Account       \$ 2,500         Beginning		Settlement of claim against PD for damage to 2003 Dodge Ram Pickup				
110-222-522-22114       Animal Food & Supplies       \$ 1,000         110-0000-431-623       Fire Donations/Gitts       \$ 3,000         110-0000-431-6331       Reserve for Public Safety       \$ 3,000         Appropriate Public Safety Advisory Board funds and donated funds for an arson K-9 and related equipment/supplies for the Fire Department.       \$ 1,000         110-3293-551-2128       Postage (Recreation)       \$ 1,000         110-3293-551-2120       Education/Recreation       \$ 2,500         110-0000-445-1590       Special Events/Classes       \$ 3,500         Additional funds are needed in Education/Recreation and Postage to cover postage and race shirt expenses for the Turkey Trot. Additional revenue was created in Special Events/Classes with the new Turkey Trot SK event.       \$ 4,500         110-1500-515-6531       Contingency - Judgments & Damages       \$ 4,500         CENERAL FUND         Beginning Contingency Balance         Added to Contingency Suep Account       \$ 2,500         Carry forward from Prior Year       \$ 3,500         Taken From Contingency       \$ 2,500         Net Balance of Contingency Account       \$ 2,500         Beginning Contingency Account       \$ 2,500         Beginning Contingency       \$ 2,500         Added to Contingency Account       \$ 2,500         Beginning	110-2222-522-2136	Public Safety Expenditures (Fire Dept.)	\$	3.000		
110-0000-442-1629       Fire Donations/Grifs       \$ 1,000         110-0000-313-0331       Reserve for Public Safety       \$ 3,000         Appropriate Public Safety Advisory Board funds and donated funds for an arson K-9 and related equipment'supplies for the Fire Department.       \$ 1,000         110-3293-551-2128       Postage (Recreation)       \$ 1,000         110-3293-551-2129       Postage (Recreation)       \$ 2,500         110-3293-551-2120       Education/Recreation       \$ 2,500         Additional funds are needed in Education/Recreation and Postage to cover postage and race shirt expenses for the Turkey Trot K event.       \$ 4,500         110-300-514-2516       Judgments & Damages (Construction Safety)       \$ 4,500         110-1500-515-6531       Contingency - Judgments & Damages       \$ 4,500         GENERAL FUND         S ettlement of claim against Code Enforcement         CENERAL FUND         S ettlement of Contingency Salence         Added to Contingency Salence       \$ 12,642       \$ 12,642         Centragency Judgments & Damages from Council Contingency         Net Balance of Contingency Account       \$ 54151         S ettement of Contingency         Added to Contingency Judgments & Damages Contingency       \$ 64251         Added to Contingency Judgments & Da						
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110-3293-551-2120       Education/Recreation       \$ 2,500         110-0000-445-1590       Special Events/Classes       \$ 3,500         Additional funds are needed in Education/Recreation and Postage to cover postage and race shirt expenses for the Turkey Trot. Additional revenue was created in Special Events/Classes with the new Turkey Trot. Additional revenue was created in Special Events/Classes with the new Turkey Trot. SK event.         110-3700-524-2516       Judgments & Damages (Construction Safety)       \$ 4,500         Settlement of claim against Code Enforcement       \$ 12,642						
110-3293-551-2120       Education/Recreation       \$ 2,500         110-0000-445-1590       Special Events/Classes       \$ 3,500         Additional funds are needed in Education/Recreation and Postage to cover postage and race shirt expenses for the Turkey Trot. Additional revenue was created in Special Events/Classes with the new Turkey Trot. Additional revenue was created in Special Events/Classes with the new Turkey Trot. SK event.         110-3700-524-2516       Judgments & Damages (Construction Safety)       \$ 4,500         Settlement of claim against Code Enforcement       \$ 12,642	110-3293-551-2128	Postage (Recreation)	\$	1,000		
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110-1500-515-6531       Contingency - Judgments & Damages       \$ 4,500         Settlement of claim against Code Enforcement         TOTAL AMENDMENTS       \$ 12,642       \$ 12,642       \$ 12,642         GENERAL FUND         Beginning Contingency Balance         Added to Contingency Sweep Account       \$ -         Carry forward from Prior Year       \$ -         Taken From Contingency Account       \$ -         Beginning Judgments & Damages Contingency       \$ 80,000         Added to Contingency Judgments & Damages Contingency       \$ 80,000         Added to Contingency Judgments & Damages Contingency       \$ 80,000         Added to Contingency Judgments & Damages Contingency       \$ 80,000         Added to Contingency Judgments & Damages Contingency       \$ 80,000         Added to Contingency Judgments & Damages Contingency       \$ 80,000         Added to Compensation Contingency       \$ 863,000         Added to Compensation Contingency       \$ 863,000         Added to Compensation Contingency       \$ 80,1060		postage and race shirt expenses for the Turkey Trot. Additional revenue w	as			
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	BUDGET AMENDMENTS FOR FY 201	
	March 1, 2012	
		APPROPRIATIONS
ACCOUNT #	PROJECT # DESCRIPTION	Debit Credit
	WATER & SEWER FUN	ND IIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIII
	Beginning Contingency Balance	<mark>\$ 50,00</mark>
	Added to Contingency Sweep Account	\$
	Taken From Contingency	<mark>\$ (4,27</mark>
	Net Balance of Contingency Account	\$ 45,72
	Beginning Compensation Contingency	\$ 97,00
	Added to Compensation Contingency	\$
	Taken From Compensation Contingency	\$ (84,68
	Net Balance of Compensation Contingency Acco	
	Net Balance Water & Sewer Fund Contingency	y <u>\$ 58,04</u>
	HOTEL/MOTEL TAX FU	
	Beginning Contingency Balance	\$ 79,30
	Added to Contingency Sweep Account	\$
	Carry forward from Prior Year	\$
	Taken From Contingency	\$
	Net Balance of Contingency Account	\$ 79,30
	Pagipping <b>Comparation</b> Contingency	¢ 44.20
	Beginning <b>Compensation</b> Contingency Added to Compensation Contingency	\$ 11,30 \$
	Taken From Compensation Contingency	ې (9,85 يا
	Net Balance of Compensation Contingency Acco	
		<b>•</b> • • • • • • • • • • • • • • • • • •
	Net Balance Hotel/Motel Tax Fund Contingend	cy\$ 80,74
	DRAINAGE FUND	¢ 40.00
	Beginning <b>Compensation</b> Contingency	\$ 13,20
	Added to Compensation Contingency Taken From Compensation Contingency	\$ \$ (12,38
	Net Balance of Compensation Contingency	
	Not Balance of Compendation Contingency Acco	
	FED/STATE GRANT FU	ND
	Beginning <b>Contingency</b> Balance	<mark>\$ 24,38</mark>
	Carry forward from Prior Year	<mark>\$ 12,10</mark>
	Added to Contingency Sweep Account	\$ 22,32
	Taken From Contingency	\$ (29,13 \$ 20,00
	Net Balance of Contingency Account	\$ 29,68

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

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING BUDGET AMENDMENTS TO THE 2011-2012 CITY BUDGET; AND PROVIDING AN OPEN MEETINGS CLAUSE.

**Whereas,** on the 1<sup>st</sup> day of September, 2011, the City Council approved a budget for the 2011-2012 fiscal year; and

Whereas, the City Council deems it in the public interest to make certain amendments to the 2011-2012 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 2011-2012 City Budget by adopting the budget amendments which are more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

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

PASSED AND APPROVED this the 1<sup>st</sup> day of March, 2012.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson City Secretary Jonathan Graham City Attorney



### COUNCIL AGENDA ITEM MEMORANDUM

03/01/12 Item #6 Regular Agenda Page 1 of 3

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

Brian Mabry, Planning Director

**ITEM DESCRIPTION:** FIRST READING – PUBLIC HEARING - Z-FY-12-22: Consider adopting an ordinance authorizing a rezoning from Two Family District (2F), General Retail (GR), and General Retail with a Conditional Use Permit (GR-CUP) to Commercial District (C) on Lots 9 – 12, Block 17, Temple Heights Addition, located at 1208 and 1210 South 53<sup>rd</sup> Street and 2702 and 2706 West Avenue M.

**<u>P&Z COMMISSION RECOMMENDATION</u>**: At its February 6, 2012 meeting, the Planning and Zoning Commission voted 7/0 in accordance with staff recommendation approval of the requested rezoning.

**<u>STAFF RECOMMENDATION</u>**: Conduct public hearing and adopt ordinance as presented in item description, on first reading, and schedule second reading and final adoption for March 15, 2012.

Staff recommends approval of a rezoning for the following reasons:

- 1. The request is partially compatible with the Future Land Use and Character Map;
- 2. The request complies with the Thoroughfare Plan Map; and
- 3. Public facilities are available to serve the property.

**ITEM SUMMARY:** Please refer to the Staff Report and draft minutes of case Z-FY-12-22, from the Planning and Zoning Commission meeting, February 6, 2012. The applicant, Karl Miller, requests the rezoning to expand the applicant's body shop business across South 53<sup>rd</sup> Street from the subject property. Staff has informed the applicant of the screening, parking, landscaping and other standards that will apply if the rezoning is approved.

**<u>COMPREHENSIVE PLAN COMPLIANCE</u>**: The proposed Planned Development amendment relates to the following goals, objectives or maps of the Comprehensive Plan:

Document	Policy, Goal, Objective or Map	Site Conditions	Compliance?
СР	Map 3.1 - Future Land Use and Character	Auto-Urban Commercial.	Yes
СР	Map 5.2 - Thoroughfare Plan	Ave. M is a Minor Arterial.	Yes
СР	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities.	2-inch water line along east of property. 8-inch and 6-inch sewer line south and west of property	Yes
СР	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.	Land use pattern to north and west is compatible to C- Commercial zoning.	Yes

**DEVELOPMENT REGULATIONS:** The Commercial zoning district permits all retail and most commercial land uses, including auto dealerships with complete servicing facilities, building material sales, light manufacturing and heavy machinery sales and storage. Residential uses are allowed, except apartments. This district is intended to serve citywide or regional service areas.

According to the district's purpose statement in the Unified Development Code, the Commercial zoning district should be located at the intersection of major thoroughfares or highways. This district should be located away from low and medium density residential development and may be used as a buffer between retail and industrial uses. Adjoining zoning districts should be carefully selected to reduce environmental conflicts.

The applicant is aware that use of the property will have to abide by certain regulations regarding landscaping, parking, screening/buffering, any signage that is built or masonry for any new structures. There are currently 6 trees that will contribute to landscaping requirements with either 3 more trees or 9 more shrubs to meet requirements. All used parking will be paved. Automobiles under service will have to be screened with a fence.

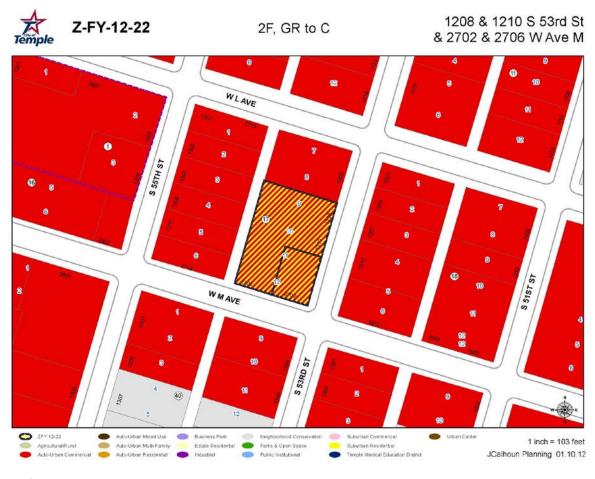
**PUBLIC NOTICE:** Staff mailed notices of the Planning and Zoning Commission's public hearing to the sixteen property owners within the 200-foot radius surrounding the rezoning site. As of Wednesday, January 25, 2012 at 12:00 PM, one notice was returned in favor of the request and one was returned in opposition to the request. The newspaper printed notice of the Planning and Zoning Commission public hearing on February 6, 2012 in accordance with state law and local ordinance.

03/01/12 Item #6 Regular Agenda Page 3 of 3

#### FISCAL IMPACT: NA

#### ATTACHMENTS:

Future Land Use and Character Map Aerial and Thoroughfare Plan Map Zoning Map and Notice Map Utility Map P&Z Staff Report (Z-FY-12-22) P&Z Minutes (02/06/12) Ordinance





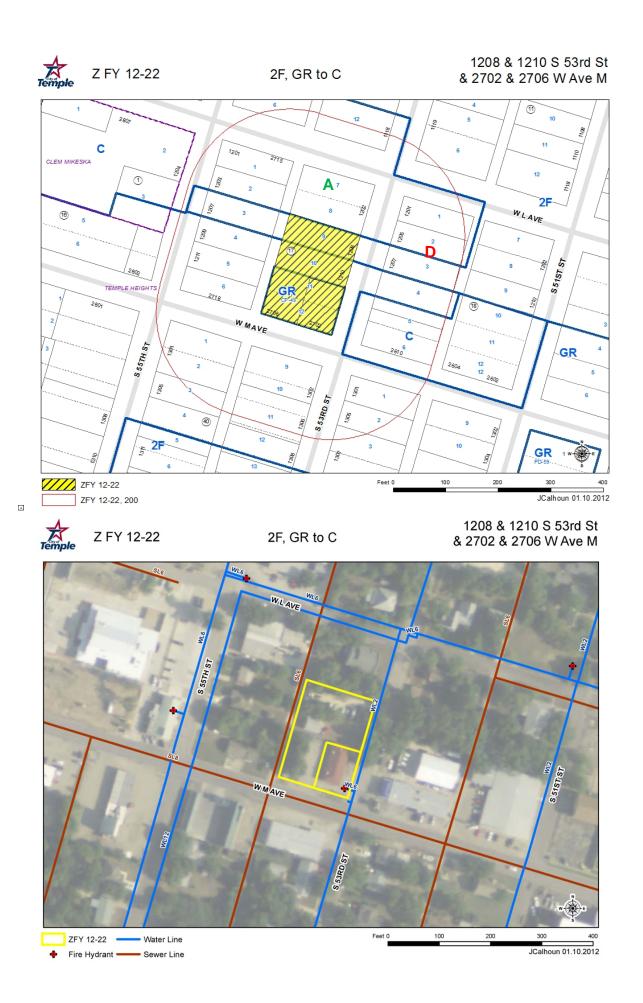
2F, GR to C

#### 1208 & 1210 S 53rd St & 2702 & 2706 W Ave M



ZFY 12-22
 Proposed, Local Connector
 Minor Arterial

JCalhoun 01.10.2012



PLANNING AND ZONING COMMISSION AGENDA ITEM

02/06/12 Item 2 Regular Agenda Page 1 of 7

#### APPLICANT / DEVELOPMENT: Karl Miller

CASE MANAGER: Jacob Calhoun, Planning Intern

**ITEM DESCRIPTION:** Z-FY-12-22 Hold a public hearing to discuss and recommend action on a rezoning from Two Family District (2F), General Retail (GR), and General Retail with a Conditional Use Permit (GR-CUP) to Commercial District (C) on Lots 9 – 12, Block 17, Temple Heights Addition, located at 1208 and 1210 South 53<sup>rd</sup> Street and 2702 and 2706 West Avenue M.

**BACKGROUND:** The applicant requests a rezoning from Two Family District (2F), General Retail (GR), and General Retail with a Conditional Use Permit (GR-CUP) to Commercial District (C) to use the property to expand the applicant's body shop business across S. 53<sup>rd</sup> St. from the subject property. Staff has informed the applicant of the screening, parking, landscaping & other standards that will apply if the rezoning is approved. The CUP on the property was for the serving of alcoholic beverages from when the building on the property was a restaurant.

#### 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	2F, GR, GR-CUP	Vacant former laundromat, single-family dwellings	

Direction	Zoning	Current Land Use	Photo
North	С	Vacant structure	<image/>
South	GR	Vacant former contracting supply store	
East	C, 2F, GR	Major auto repair (applicant's business)	

Direction	Zoning	Current Land Use	Photo
West	C, GR	Residential Buildings	

#### **COMPREHENSIVE PLAN COMPLIANCE:**

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

Document	Policy, Goal, Objective or Map	Site Conditions	Compliance?
CP	Map 3.1 - Future Land Use and Character	Auto-Urban Commercial.	Yes
СР	Map 5.2 - Thoroughfare Plan	Ave. M is a Minor Arterial.	Yes
СР	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities.	2-inch water line along east of property. 8-inch and 6-inch sewer line south and west of property	Yes
СР	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.	Land use pattern to north and west is compatible to C-Commercial zoning.	Yes

#### **DEVELOPMENT REGULATIONS:**

The Commercial zoning district permits all retail and most commercial land uses, including auto dealerships with complete servicing facilities, building material sales, light manufacturing and heavy machinery sales and storage. Residential uses are allowed, except apartments. This district is intended to serve citywide or regional service areas.

According to the district's purpose statement in the Unified Development Code, the Commercial zoning district should be located at the intersection of major thoroughfares or highways. This district should be located away from low and medium density residential development and may be used as a buffer between retail and industrial uses. Adjoining zoning districts should be carefully selected to reduce environmental conflicts.

Commercial Zoning District	Minimum Standards			
Front Setback	30-ft from Center of Street			
Side Setback	0-ft *			
Back Setback	0-ft **			
Height	Any Legal Height			
<ul> <li>Unless adjacent to Residential District, then ID-ft. If building exceeds 4D-ft, increase setback I foot for each 3-ft over 4D-ft in height</li> <li>** Unless adjacent to Residential District, then ID-ft. (D-ft if boundary is alley)</li> </ul>				

#### STAFF ANALYSIS

The land to the west of the property is zoned Commercial and has both residential and commercial uses. Directly west of the 200' buffer is Clem Mikeska's BBQ which is also zoned Commercial. The land to the south of the property is being used as a car wash and is permitted in the General Retail zoning district. The land to the east of the property is a combination of Commercial and General Retail uses along Ave M and residential along 53<sup>rd</sup> Street. The land to the north of the property is zoned Commercial properties and some residential properties as well.

The property itself neighbors a Commercial district to the north and would thereby be a reasonable extension of that district. The other surrounding properties are General Retail or denser residential and thereby provide an adequate transition from Commercial to adjacent properties. The proposed use of the property as an extension for the Temple Collision Center fits with the surrounding area. Temple Collision Center is currently within a Commercial zoning which allows for major vehicle servicing and fits the applicant's business.

The new Commercial zoning will have to abide by certain regulations regarding landscaping, parking, screening/buffering, any signage that is built or masonry for any new structures. There are currently 6 trees that will contribute to landscaping requirements with either 3 more trees or 9 more shrubs to meet requirements. All used parking will be paved. Automobiles under service will be screened with a fence. An existing pole sign will be used for signage.

#### **PUBLIC NOTICE:**

Staff mailed notices of the Planning and Zoning Commission's public hearing to the sixteen property owners within the 200-foot radius surrounding the rezoning site. As of Wednesday, January 25th, 2012 at 12:00 PM, one notice was returned in favor of the request and one was returned in opposition to the request. The newspaper printed notice of the Planning and Zoning Commission public hearing on February 6, 2012 in accordance with state law and local ordinance.

#### **STAFF RECOMMENDATION:**

Staff recommends approval of the requested zone change to Commercial District for the following reasons:

- 1. The request complies with the Future Land Use and Character Map;
- 2. The request complies with the Thoroughfare Plan Map; and
- 3. Public facilities are available to serve the property.

#### FISCAL IMPACT:

Not Applicable

#### ATTACHMENTS:

Future Land Use and Character Map Aerial, Thoroughfare Plan Map and Trails Plan Map Zoning and Notice Map Utility Map

#### EXCERPTS FROM THE

#### PLANNING & ZONING COMMISSION MEETING

#### MONDAY, FEBRUARY 6, 2012

#### **ACTION ITEMS**

**Item 2: Z-FY-12-22:** Hold a public hearing to discuss and recommend action on a rezoning from Two Family District (2F), General Retail District (GR), and General Retail with a Conditional Use Permit to Commercial District on Lots 9 – 12, Block 17, Temple Heights Addition, located at 1208 and 1210 South 53rd Street and 2702 and 2706 West M Avenue. (Applicant: Karl Miller)

Chair Martin stated since there were three action items on the agenda requiring public hearings, due to the amount of citizens in attendance, speakers should limit their comments to three minutes.

Mr. Jacob Calhoun, Planning Intern, stated the applicant is requesting a rezoning from General Retail (GR), GR with a Conditional Use Permit (CUP) and Two Family (2F) to Commercial (C) to expand his auto collision business. The applicant will be using the building stock with no addition planned at this time. The current plan is to use the land behind the Laundromat as a parking area for customers' vehicles. The CUP on the property was originally for the Catfish House back in the '80s. The applicant has agreed to new commercial development standards since this is a new commercial development.

The subject property (old Pizza Hut) is currently zoned GR. The properties to the south include GR, to the east is C (Temple Collision) and 2F and GR, to the north include C and the west is partially C and some GR.

The Trails and Thoroughfare Plan show Avenue M as a minor arterial with a proposed local connector trail on the east side of 51st Street. The Future Land Use and Character Map designates this area as Auto-Urban Commercial with a small neighborhood conservation area to the south. The utilities include proper water and sewer on site and a fire hydrant.

Sixteen notices were mailed out to surrounding property owners. Two were returned in favor of the request and one was in opposition.

Commercial zoning district permits all retail and most commercial land uses, including major and minor vehicle repair. For major vehicle repair all buildings must be set back a minimum of 20 feet from either residentially zoned or public property, such as school or park, and vehicle repair must be conducted within a building.

Staff recommends approval for the rezoning request from GR 2F, and GR CUP, to C since it complies with the Future Land Use and Character Map, Thoroughfare Plan and there are adequate public facilities to serve the site.

Commissioner Rhoads asked if there were plans for the building to come down. Mr. Calhoun stated the applicant would be using the existing building and surrounding the parking lot area with a fence.

Chair Martin opened the public hearing.

Ms. Barbara Carpenter, 536 Chatham Road, Temple, Texas, stated she owns property across the street and there is a lot of traffic up and down that street. Mr. Miller has a very nice fence around the house next door to Mr. Carpenter, however, there is a tremendous amount of traffic from employees and loud music. It was a residential area at one time and is becoming more commercial. Ms. Carpenter did not feel 51st Street could handle any more traffic since it is already congested. Avenue M handles more traffic but there are three residential houses on the other side of the street.

Ms. Carpenter stated she receives complaints all the time from her rental tenants (at 1207 S. 53rd Street) regarding loud music, noise, and the amount of traffic. Ms. Carpenter feels the traffic would become even worse with more commercial in the area.

Ms. Carpenter gave a description of the local homes/businesses on the map and stated the Collision Center has a nice privacy fence around it.

Vice-Chair Staats asked about the loud music and if it was coming from the current business. Ms. Carpenter stated a lot of employees park up and down the street now and maybe that was it but could not state for certain where it came from. Ms. Carpenter has picked up trash, heard loud music and has seen employees park up and down the street.

Commissioner Talley asked if anyone has gone to the employer to talk about the parking or to the City to have No Parking signs installed. Ms. Carpenter stated no.

Chair Martin asked what Avenue M was classified as and Mr. Calhoun stated it was a minor arterial which does not hold as much traffic such as Adams Avenue, but higher than most residential roads.

Chair Martin asked what the procedure would be to have No Parking signs installed on the streets and Mr. Calhoun stated they would most likely have to talk with Public Works/Streets Department.

Mr. Karl Miller, 1358 Eagle Bluff Drive, Troy, Texas, is the applicant and stated the loud music always came from the Laundromat and what he claimed as drug dealers living across the street behind Sterling's sign business. The Police did come out several times regarding the music but none of his employees were ever caught playing loud music, and Mr. Miller would fire them if they did. Mr. Miller stated there is less traffic on the street since getting rid of the Laundromat because no traffic is coming in. The property will only be used for parking, nothing else. Mr. Miller plans on putting a new roof on the building along with white rock stone and make it look nicer. Mr. Miller claims he has cleaned up the neighborhood by tearing down the large house at 51st Street and two other houses he claimed were being used as drug houses.

Mr. Miller does not feel traffic will be an issue since the Laundromat no longer exists.

Commissioner Jones asked what type of fence would be installed and Mr. Miller responded a six foot wood fence around the entire area.

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

Vice-Chair Staats made a motion to approve Item 2, Z-FY-12-22 and Commissioner Talley made a second.

Motion passed: (7:0)

#### ORDINANCE NO. 2012-4518

#### [PLANNING NO. Z-FY-12-22]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A ZONING CHANGE FROM TWO FAMILY DISTRICT (2F), GENERAL RETAIL (GR), AND GENERAL RETAIL WITH A CONDITIONAL USE PERMIT (GR-CUP) TO COMMERCIAL DISTRICT (C), ON LOTS 9–12, BLOCK 17, TEMPLE HEIGHTS ADDITION, LOCATED AT 1208 AND 1210 SOUTH 53<sup>RD</sup> STREET AND 2702 AND 2706 WEST AVENUE M; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

<u>**Part 1**</u>: The City Council approves a zoning change from Two Family District (2F), General Retail (GR), and General Retail with a Conditional Use Permit (GR-CUP) to Commercial District (C) on Lots 9 - 12, Block 17, Temple Heights Addition, located at 1208 and 1210 South  $53^{rd}$  Street and 2702 and 2706 West Avenue M, and more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

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

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

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

<u>**Part 5**</u>: It is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading and Public Hearing on the  $1^{st}$  day of March, 2012.

PASSED AND APPROVED on Second Reading on the **15<sup>th</sup>** day of **March**, 2012.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

#### APPROVED AS TO FORM:

Lacy Borgeson City Secretary

Jonathan Graham City Attorney



## **COUNCIL AGENDA ITEM MEMORANDUM**

03/01/12 Item #7 Regular Agenda Page 1 of 4

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

Brian Mabry, AICP, Planning Director

**ITEM DESCRIPTION**: FIRST READING – PUBLIC HEARING - Z-FY-12-23: Consider adopting an ordinance authorizing a an amendment to Ordinance No. 2001-2748, originally approved March 1, 2001, Planned Development Neighborhood Service) District, to allow additional units and covered RV parking on Lot 1, Block 1, Johnson Lone Star Properties Addition, located at 7950 North State Highway 317.

**<u>P&Z COMMISSION RECOMMENDATION</u>**: At its February 6, 2012, meeting, the Planning and Zoning Commission voted 7/0 to recommend approval of the PD amendment subject to the staff recommended conditions listed below.

Two Commission posts were vacant at the time of the vote.

**<u>STAFF RECOMMENDATION</u>**: Conduct public hearing and adopt ordinance as presented in the item description, on first reading, and schedule second reading and final adoption for March 15, 2012.

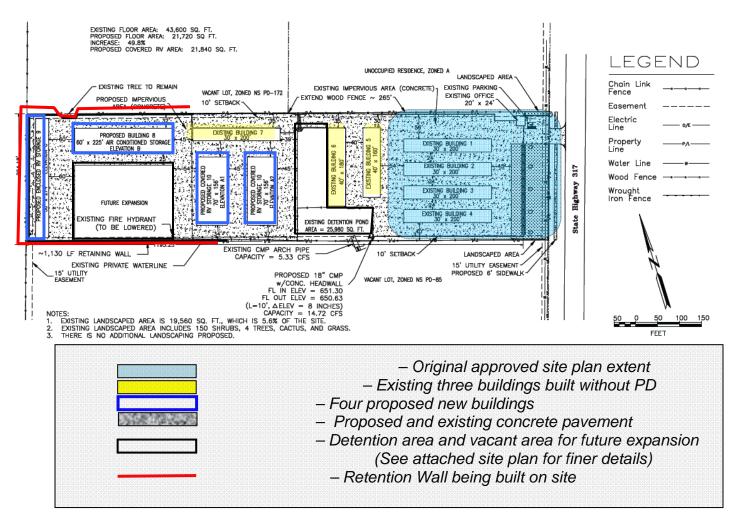
Staff recommends approval of the PD amendment request subject to the following:

- 1. Development must comply with the revised PD site plan.
- 2. The installation of two additional 2"-3" caliper, 65 gallon oak species trees along the SH 317 street frontage in order to conform to the previously approved Planned Development.
- 3. The installation of the 6-ft. sidewalk on the originally approved PD site plan.

**ITEM SUMMARY:** Please refer to the Staff Report and draft minutes of case Z-FY-12-23, from the Planning and Zoning meeting, February 21, 2012. The applicant is Doyle Spigener for RAS Investments. In March 2001, the City Council approved a rezoning request for the subject property from AG, Agricultural to PD-NS, Neighborhood Services zoning district which included a site plan for mini-warehouses. As with all PDs, the City Council required that future development of the property require re-approval of an amended PD site plan. The applicant proposes to expand the layout on the originally approved PD site plan to fill the entire lot.

The original site plan below shows 116 units and an office. Landscaping, while not shown on this plan, was also required along the SH 317 frontage in the form of 1 tree per 60 feet of street frontage for a total of 5 trees. Currently, 3 trees exist along the street frontage so an additional two trees were originally required in the wording of the PD ordinance. All surfaces shown between buildings and to the road were paved with concrete. There is a 6-ft. wooden stockade fence shown and placed along the north side of the property as a screen between the adjacent residential property, an ornamental iron fence along the frontage, and a chain link fence around the west and south property lines, as approved with the PD in 2001.

In 2005, there were three buildings and concrete flatwork added to the storage warehouse without an amendment to the PD site plan. These buildings are being shown as existing units on the Proposed Expansion Site Plan and highlighted above in yellow. This amendment, if approved, will add these existing units to the approved site plan and ordinance, along with the new proposed units outlined in blue and the detention area in white.

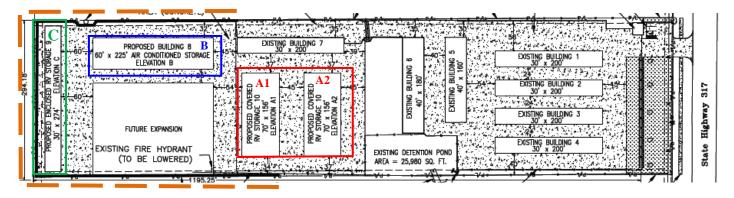


Additionally shown on the plan to the west, another white area is labeled as vacant, remaining unpaved, for future expansion. Around the western portion of the lot, a retention wall is shown outlined in red. It is currently being built for proper drainage for the entire lot

**PD SITE PLAN REVIEW:** If the City Council approves this PD request, it must be built according to the approved PD site plan.

The four unbuilt storage building units are proposed to the rear of the lot and would not be visible from the public ROW or, for the most part, from adjacent non-storage-related uses. The plans and elevations for each are attached at the end of this report.

- Buildings A1 and A2, near the center of the site in red, are proposed for covered storage for recreational vehicles and boats. They are entered and remain open from both long sides and have a wall in the center of the building, being much like a large carport. All inner and outer facades are proposed to be metal. Each building has 12 bays, all totaling 24, 26-ft wide openings between each support column.
- Building B, at the northern property line in blue, is fully enclosed and air conditioned storage unit building, is entered from all sides and has 55 storage units.
- Building C, at the far west in green, is only entered from one side and has 26 enclosed garages for recreational vehicles.



For the reasons below, Staff does not consider it necessary to require masonry as part of this PD on the proposed buildings.

<b>Building Number</b>	Factors
	Front of the building is over 600 feet from 317 ROW
	Building is obscured by Existing Buildings 5, 6 and 7
42	Front and back side of building consists of open storage
<u>A2</u>	units without doors or trim
	Property to south is part of the subject PD, which has been
	approved for additional storage units
A1	Same reasons for building A2 except that Building A1 is
<u>//1</u>	over 730 feet from SH 317 ROW
	Front of the building is 850 feet from 317 ROW
	Building is obscured by Existing Buildings 6 and 7
B	Property to the north is an approved PD for a similar use
	(boat storage)
	Property to south is part of the subject PD, which has been
	approved for additional storage units
	Front of building is 1,150 feet from SH 317 ROW
	Building is obscured by all other existing and proposed
<u>C</u>	buildings on property
	Existing residential fence and change in grade due to
	retaining wall will hide rear wall from adjacent properties

The plans show a variable height retaining wall (2-3 ft.) that is currently being built around the rear portion of the lot to redirect rainwater to the proposed detention pond. It is indicated in orange above. The chain link security fence is proposed to be reestablished around the new portion of the building site. There will be no change to the ornamental iron fence with a security gate along the ROW.

Cement paved maneuvering areas area shown around all new buildings. The requested site layout has adequate fire coverage and has been reviewed for vehicle maneuvering by the Fire Marshal. They also show a 6-ft. sidewalk along the entire adjacent ROW, as SH 317 is classed as a major arterial on the Thoroughfare Map.

The applicant is adding additional wood fencing along the north side of the lot to the end of the residential property as shown with the brown dashed line above. The rear property line is adjacent to Windmill Farms residential subdivision. The applicant has shown the rear of the Building C storage unit as the required 8-ft. screen. The rear wall is proposed to block the view between the use and the residential lots.

The applicant has not proposed any additional landscaping on this site. The site currently has 150 shrubs along the base of the front wrought iron fence, ornamental cacti and four trees along the street frontage. One tree is along the side of the office, and three are in the landscaping area, even though the submitted site plan shows 5 trees planted in this area. In order to be in compliance with the originally approved Planned Development for this property, which requires one tree per 60 feet of street frontage, and give some mitigation for the lack of a formal screen at the rear of the property, the front landscaping area, forward of the street facing facades, should have two additional 2"-3" caliper inch, 65 gallon oak species trees added. This is reflected in the Staff and P&Z recommendations.

**PUBLIC NOTICE:** Twenty-eight notices of the Planning and Zoning Commission public hearing were sent out to property owners within 200 feet of the subject property. As of Wednesday, February 15, at 10 am, one notice was returned in favor of and no notices were returned in opposition to the request. The newspaper printed notice of the Planning and Zoning Commission public hearing on January 26, 2012, in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

ATTACHMENTS: Aerial, Thoroughfare Plan Map and Trails Plan Map PD Site Plan Storage Unit Elevations Zoning and Notice Map Response Letters P&Z Staff Report (Z-FY-12-23) P&Z Minutes (February 6, 2012) Ordinance



Johnson One Star Properties Addition - Amy's Attic Planned Development PD-NS 85 Amendment



2010 Bell County Aerial

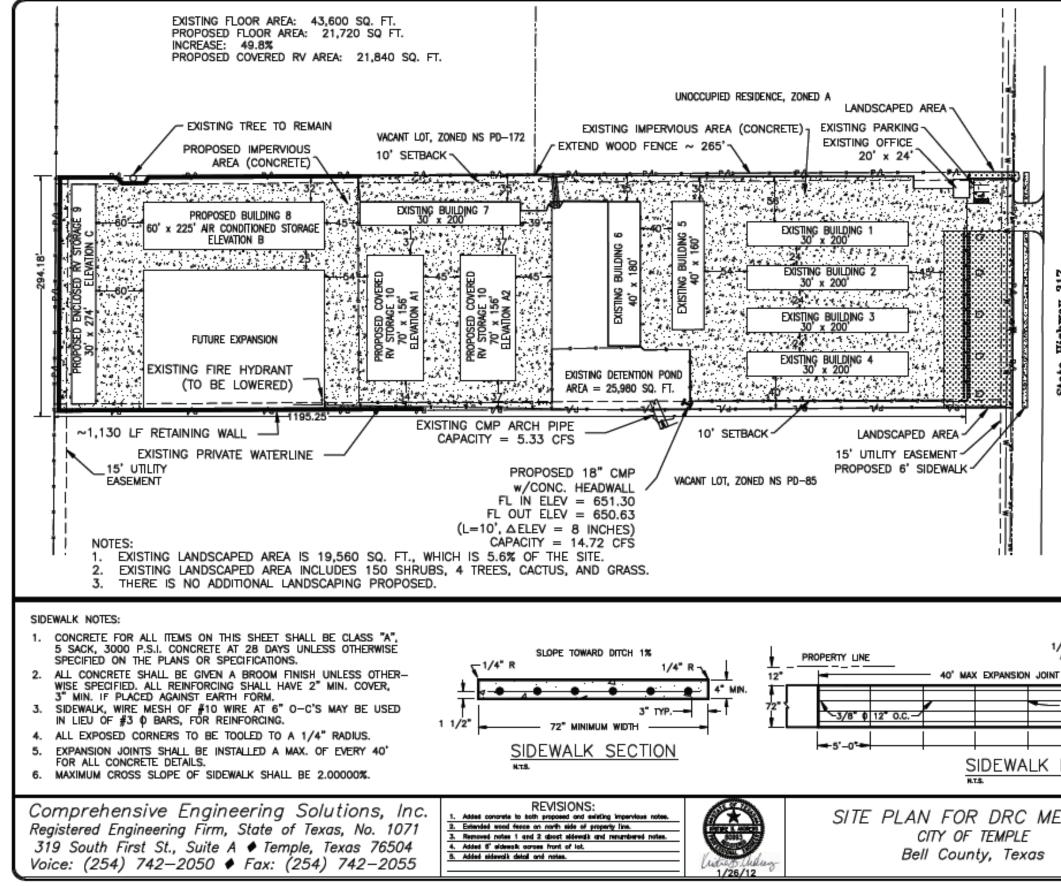
Case Z-FY-12-23

Major Arterial

Proposed Local Connector Trail

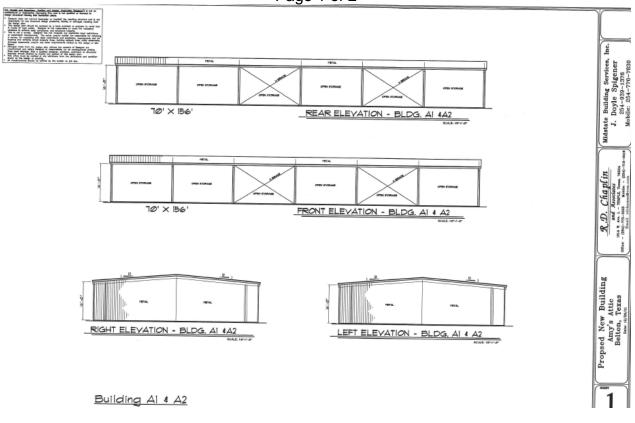
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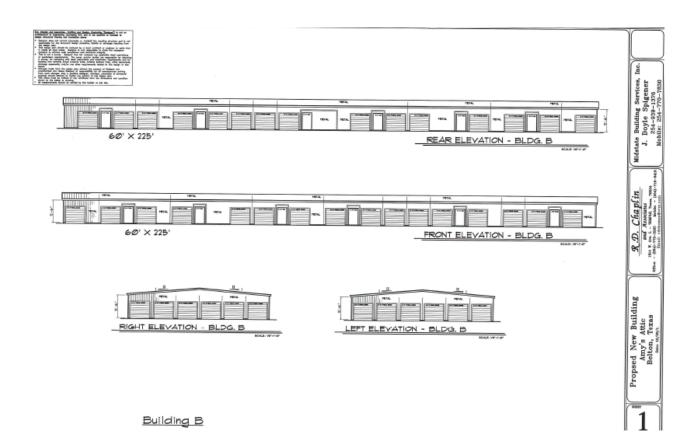
LMatlock 1.11.12



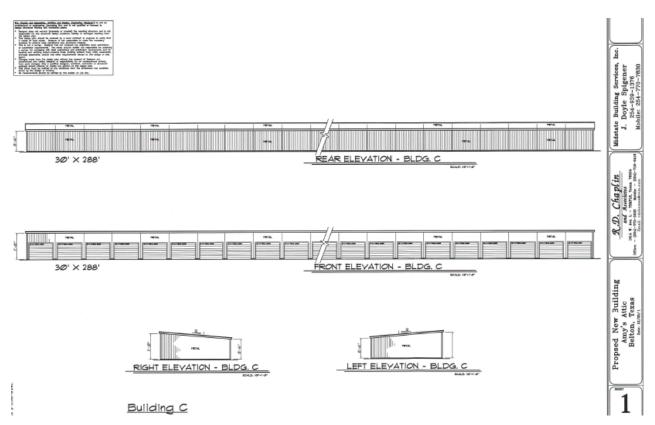
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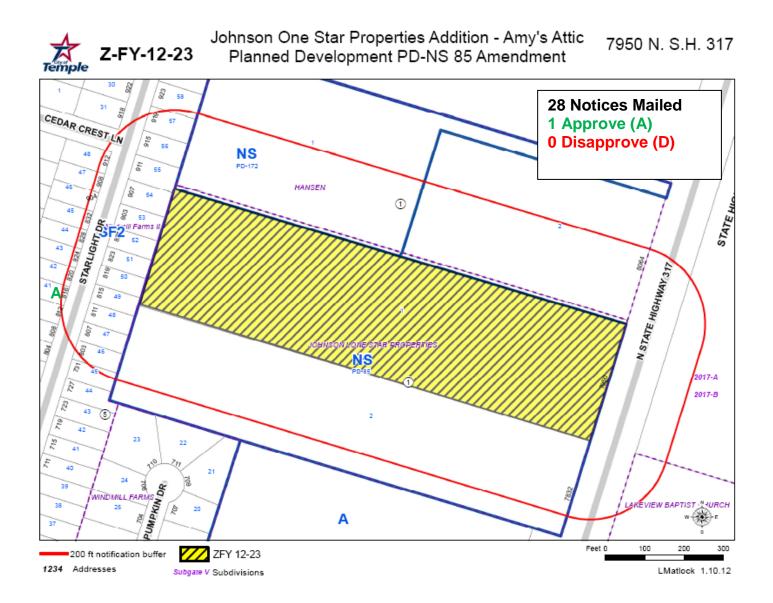
Elevations of Proposed Buildings Page 1 of 2





## Elevations of Proposed Buildings Page 2 of 2







## **RESPONSE TO PROPOSED** PLANNED DEVELOPMENT AMENDMENT REQUEST **CITY OF TEMPLE**

James & Catherine Stanco 816 Starlight Drive Temple, Texas 76502

## Zoning Application Number: Z-FY-12-23

Project Manager: Leslie Matlock

Location: 7590 North State Highway 317

The proposed amendment to allow additional storage units and covered RV parking is the area shown in hatched marking on the attached map. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the possible rezoning of the property described on the attached notice, and provide any additional comments you may have.

I recommend () approval () denial of this request.

Comments:

WE ARE All For Free Enterprise - Createing Jobs.

James M. Stanco Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than February 6, 2012

City of Temple Planning Department Room 201 Municipal Building Temple, Texas 76501

RECEIVED JAN 3 0 2012 City of Temple Planning & Development

January 26, 2012 Date Mailed:



2/6/12 Item #3 Regular Agenda Page 1 of 4

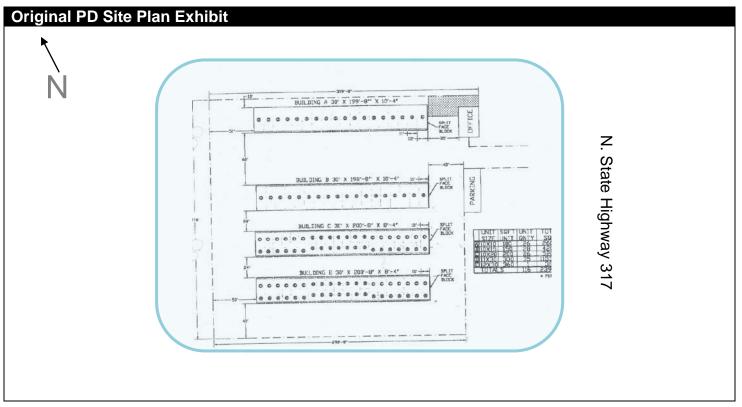
**APPLICANT:** Doyle Spigener for RAS Investments - Amy's Attic Storage Warehouses

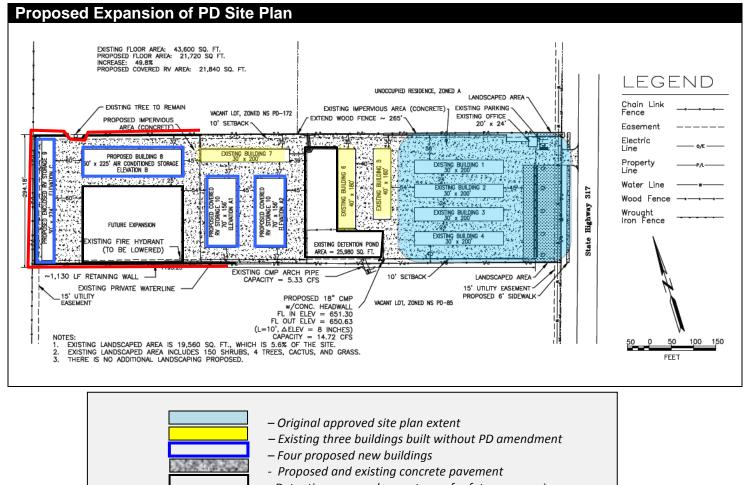
**CASE MANAGER:** Leslie Matlock, AICP, Senior Planner

**ITEM DESCRIPTION:** Z-FY-12-23 Hold a public hearing to discuss and recommend action to an amendment to Ordinance No. 2001-2748, originally approved March 1, 2001, Planned Development Neighborhood Service) District, to allow additional units and covered RV parking on Lot 1, Block 1, Johnson Lone Star Properties Addition, located at 7950 North State Highway 317.

**BACKGROUND:** In March 2001, the City Council approved a rezoning request for the subject property from AG, Agricultural to PD-NS, Neighborhood Services zoning district which included a site plan for mini-warehouses. As with all PDs, the City Council required that future development of the property require reapproval of an amended PD site plan. The applicant proposes to expand the layout on the originally approved PD site plan to fill the entire lot.

The original site plan below shows 116 units and an office. Landscaping, while not shown on this plan, was also required along the SH 317 frontage in the form of 1 tree per 60 feet of street frontage for a total of 5 trees. Currently, 3 trees exist along the street frontage so an additional two trees were originally required in the wording of the PD. All surfaces shown between buildings and to the road were paved with concrete. There is a 6-ft. wooden stockade fence shown and placed along the north side of the property as a screen between the adjacent residential property, an ornamental iron fence along the frontage, and a chain link fence around the west and south property lines, as approved with the PD in 2001.





- Detention area and vacant area for future expansion (See attached site plan for finer details) - Retention Wall being built on site

In 2005, there were three buildings and concrete flatwork added to the storage warehouse without an amendment to the PD site plan. These buildings are being shown as existing units on the Proposed Expansion Site Plan and highlighted above in yellow. This amendment, if approved, will add these existing units to the approved site plan and ordinance, along with the new proposed units outlined in blue and the detention area in white.

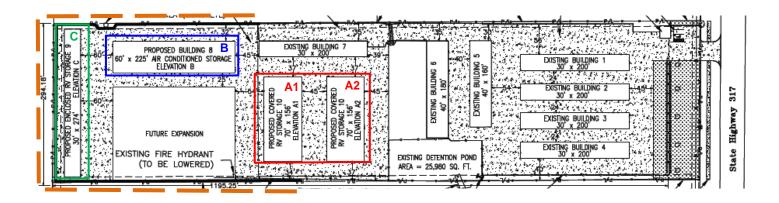
Additionally shown on the plan to the west, another white area is labeled as vacant, remaining unpaved, for future expansion. Around the western portion of the lot, a retention wall is shown outlined in red. It is currently being built for proper drainage for the entire lot (see photo below - looking to the north from an adjacent residential lot).



## Site Plan Review:

The four unbuilt storage building units are proposed to the rear of the lot and would not be visible from the public ROW or, for the most part, from adjacent non-storage-related uses. The plans and elevations for each are attached at the end of this report.

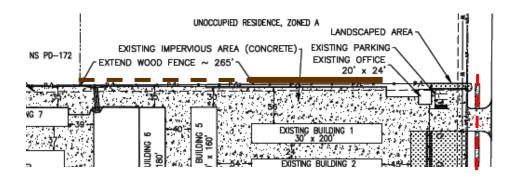
- Buildings A1 and A2, near the center of the site in red, are proposed for covered storage for recreational vehicles and boats. They are entered and remain open from both long sides and have a wall in the center of the building, being much like a large carport. All inner and outer facades are proposed to be metal. Each building has 12 bays, all totaling 24, 26-ft wide openings between each support column.
- Building B, at the northern property line in blue, is fully enclosed and air conditioned storage unit building, is entered from all sides and has 55 storage units.
- Building C, at the far west in green, is only entered from one side and has 26 enclosed garages for recreational vehicles.



The plans show a variable height retaining wall (2-3 ft.) that is currently being built around the rear portion of the lot to redirect rainwater to the proposed detention pond. It is indicated in orange above. The chain link security fence is proposed to be reestablished around the new portion of the building site. There will be no change to the ornamental iron fence with a security gate along the ROW.

Cement paved maneuvering areas area shown around all new buildings. The requested site layout has adequate fire coverage and has been reviewed for vehicle maneuvering by the Fire Marshal.

They also show a 6-ft. sidewalk along the entire adjacent ROW, as SH 317 is classed as a major arterial on the Thoroughfare Map. The sidewalk is shown in red below.



The applicant is adding additional wood fencing along the north side of the lot to the end of the residential property as shown with the brown dashed line above. The rear property line is adjacent to Windmill Farms residential subdivision. The applicant has shown the rear of the Building C storage

unit as the required 8-ft. screen with the property being secured by the chain link security fence. The rear wall is proposed to block the view between the use and the residential lots.

The homes, however, are above the rear building pad level (the photos below are from an adjacent residential back yard). While the building will approximately come up to the fence line or higher of homes, the rear façade of the unit is not made of the materials that are usually required for a wall, which would be masonry, wood, stone, or precast concrete.



Looking eastward from a residential yard adjacent to the building site. Existing storage warehouses are in the distance. Looking southeasterly from the residential yard, the land is somewhat higher on the southern rear end of the subject site, and it will bring the walls and roofs of the proposed storage units into view.



The applicant has not proposed any additional landscaping on this site. The site currently has 150 shrubs along the base of the front wrought iron fence, ornamental cacti and four trees along the street frontage. One tree is along the side of the office, and three are in the landscaping area, even though the submitted site plan shows 5 trees planted in this area. In order to be in compliance with the originally approved Planned Development for this property, which requires one tree per 60 feet of street frontage, and give some mitigation for the lack of a formal screen at the rear of the property, the front landscaping area, forward of the street facing facades, should have two additional 2"-3" caliper inch, 65 gallon oak species trees added.

## SURROUNDING PROPERTY AND USES:

The following table shows the existing zoning and current land uses for the subject property and its general vicinity:

Direction	Zoning	Current Land Use	Photo
Subject Property	PD- NS 85	Amy's Attic Storage Warehouse	

Direction	Zoning	Current Land Use	Photo
			South side of property frontage
West	SF-3	Single-family residential	
North	AG and PD- NS 172	Vacant residential and undeveloped property approved for boat storage with a PD	
South	PD- NS 85	Undeveloped	

Direction	Zoning	Current Land Use	Photo
East	AG	Undeveloped	

## PUBLIC NOTICE:

Twenty-eight notices of the Planning and Zoning Commission public hearing were sent out to property owners within 200 feet of the subject property. As of Wednesday, February 1, at 10 am, one notice was returned in favor of and no notices were returned in opposition to the request. The newspaper printed notice of the Planning and Zoning Commission public hearing on January 26, 2012, in accordance with state law and local ordinance.

**STAFF RECOMMENDATION:** Staff recommends approval of the PD amendment request subject to the revised PD site plan. In addition, Staff recommends the installation of two additional 2"-3" caliper inch, 65 gallon oak species trees along the SH 317 street frontage in order to conform to the previously approved Planned Development and the completion of the 6-ft. sidewalk on the original plan.

## FISCAL IMPACT: Not Applicable

## ATTACHMENTS:

Aerial, Thoroughfare Plan Map and Trails Plan Map PD Site Plan Storage Unit Elevations Notice Map Response Letters

## EXCERPTS FROM THE

## PLANNING & ZONING COMMISSION MEETING

## MONDAY, FEBRUARY 6, 2012

## **ACTION ITEMS**

Item 3: Z-FY-12-23: Hold a public hearing to discuss and recommend action to an amendment to Ordinance No. 2001-2748, originally approved March 1, 2001, Planned Development Neighborhood Service) District, to allow additional units and covered RV parking on Lot 1, Block 1, Johnson Lone Star Properties Addition, located at 7950 North State Highway 317. (Applicant: Doyle Spigener for RAS Investments)

Ms. Leslie Matlock, Senior Planner, stated this Planned Development (PD) amendment was for Amy's Attic Storage Warehouses and would be heard at City Council on March 1st for first reading and March 15th for second reading.

Surrounding properties include Windmill Farms Subdivision to the west, vacant residential house on acreage to the north, and vacant undeveloped land to the east and south.

The applicant's proposed site plan, if recommended and approved, would become part of the Ordinance. Ms. Matlock explained that the retaining wall now being built on the subject property is for site drainage and not part of this PD amendment.

The original PD Ordinance called for three things that are not built at this time. The new site plan shows these items except for the extension of the six foot wooden buffer fence. There should be five conforming trees and should be planted along the right-of-way as well as a six foot wide sidewalk across the frontage. Current conditions show no sidewalk installed and there are three trees instead of the required five. Two more trees should be planted and the sidewalk needs to be built. The use is expanding beyond the current units and there should be an extension of the buffer fence.

On the applicant's proposed plans the rear storage building which is eight and a half feet tall, extends across the entire property line adjacent to the residential homes on the west. The unit will be placed two feet higher than shown, plus the eight and a half feet will put the back storage unit approximately as high as the fences of the adjacent residential homes. Normally applicants are requested to put a six to eight foot buffer of a masonry fence or row of closely spaced hedges, 6 ft tall when planted. In this case, the additional fence or landscaping would not be visible as a buffer from the houses and the blank wall would be just as effective.

Twenty-eight notices were mailed out: three notices were returned in opposition and one notice in favor of the request.

State Highway 317 is classified as a major arterial and can support this commercial development, it complies with the Thoroughfare Plan, and public and private facilities extend to the site and appear adequate for use.

Staff recommends approval of this amendment subject to the revised site plan and the following conditions:

1. Extend the northern fence buffer along the remainder of the residential property line;

2. There be two additional, two to three inch caliper, 65 gallon oak species trees planted along the right-of-way; and

3. A six foot sidewalk be installed as shown on the original planned development site plan.

Chair Martin asked if Staff has discussed these requested items with the applicant and Ms. Matlock stated yes.

Commissioner Talley asked if the owner has had any contact with the residents who objected to this request. Ms. Matlock stated these requests were received late last week and the applicant has not yet received copies.

Commissioner Rhoads asked who was responsible for maintenance of the small piece of property between Windmill Farms and the fence. Ms. Matlock stated that belonged to the property owners of the residences. Vice-Chair Staats stated the retaining wall was entirely on the property of the residential landowners. Photo was shown for explanation.

Commissioner Pilkington asked about the sidewalk not being built previously but they are operating their business. Ms. Matlock stated it was required in 2001 when the PD was approved but for some reason did not get built so Staff is asking for the sidewalk to be installed. Vice-Chair Staats asked if there were a reason given for not complying with original PD. Ms. Matlock stated the land was sold several years ago and the new owners wanted to expand and would not have known what happened. Commissioner Pilkington asked if Staff would be monitoring this closely and not allowing a C.O. until everything is done and Ms. Matlock said they would do their best.

Chair Martin opened the public hearing. There being no speakers, the public hearing was closed.

Commissioner Talley had a concern about not complying the first time and with the number of complaints, something was wrong. Chair Martin stated if this passed, he hoped the City would follow up and make sure everything is complied with and installed as instructed.

Commissioner Rhoads made a motion to approve Item 3, **Z-FY-12-23**, and Commissioner Jones made a second.

Motion passed: 7:0

## ORDINANCE NO. 2012-4519

#### (ZONING NO. Z-FY-12-23)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN AMENDMENT TO THE PLANNED DEVELOPMENT (NEIGHBORHOOD SERVICE) DISTRICT ORDINANCE NO. 2001-2748 TO ALLOW THREE COVERED RV PARKING GARAGES AND ONE SET OF STORAGE UNITS FOR PERSONAL BELONGINGS, ON LOT 1, BLOCK 1, JOHNSON LONE STAR PROPERTIES ADDITION, LOCATED AT 7950 NORTH STATE HIGHWAY 317; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on March 1, 2001, the City Council approved Ordinance No. 2001-2748 authorizing a Planned Development (Neighborhood Service) District (PD-NS) for property located on approximately 15 acres of land, commonly referred to as Outblock 2005-A, City Addition;

Whereas, the property owner has requested an amendment to the ordinance to allow three covered RV parking garages and one set of storage units for personal belongings.

**Whereas,** at its February 6, 2012 meeting, the Planning and Zoning Commission voted 7/0 to recommend approval of the Planned Development amendment;

Whereas, the Staff recommends amending the ordinance to allow three covered RV parking garages and one set of storage units for personal belongings, on Lot 1, Block 1, Johnson Lone Star Properties Addition, located at 7950 North State Highway 317; 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:

<u>**Part 1**</u>: The City Council approves an amendment to the Planned Development (Neighborhood Service) District (PD-NS) Ordinance No. 2001-2748 by allowing three covered RV parking garages and one set of storage units for personal belongings on Lot 1, Block 1, Johnson Lone Star Properties Addition, located at 7950 North State Highway 317.

<u>**Part 2**</u>: The City Council approves an amendment to Planned Development Ordinance No. 2001-2748, to allow three covered RV parking garages and one set of storage units for personal belongings, in accordance with the following conditions:

- a. Except as varied by the approved Planned Development site plan, attached hereto as Exhibit B, the use and development standards of the property shall conform to the requirements of the Planned Development (Neighborhood Service) District (PD-NS).
- b. In the event of a conflict between the Planned Development site plan and the text of this Planned Development ordinance, the stricter standard applies.
- c. All standards of the Unified Development Code apply unless the Planned Development site plan or the text of the Planned Development ordinance specifically modifies such standards.
- d. Two additional 2"-3" caliper, 65 gallon, oak species trees must be installed along the SH 317 street frontage in order to conform to the previously approved Planned Development ordinance 2001-2748.
- e. A 6-foot wide sidewalk must be installed as required in the previously approved Planned Development ordinance 2001-2748.

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

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

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

<u>**Part 5**</u>: It is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading and Public Hearing on the  $1^{st}$  day of **March**, 2012.

PASSED AND APPROVED on Second Reading on the 15<sup>th</sup> day of March, 2012.

THE CITY OF TEMPLE, TEXAS

## WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson City Secretary Jonathan Graham City Attorney



## **COUNCIL AGENDA ITEM MEMORANDUM**

03/01/12 Item #8 Regular Agenda Page 1 of 4

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

Brian Mabry, Planning Director

**ITEM DESCRIPTION:** FIRST READING – PUBLIC HEARING - Z-FY-12-24: Consider adopting an ordinance authorizing a rezoning from General Retail District to Planned Development-Multiple Family One (PD-MF1) on Lot 10, Block 1, Elmwood Addition, located at 4011 Brooklawn Drive.

**P&Z COMMISSION RECOMMENDATION:** At its February 6, 2012 meeting, the Planning and Zoning Commission voted 6/1 to recommend denial of a rezoning from GR to PD-MF1. Their denial was based on public input related to lack of on-site guest parking, potential privacy issues with a two story building abutting the rear property line and proposed density of the project which would be greater than the surrounding area.

## <u>Due to a denial recommendation by the Planning and Zoning Commission and due to the</u> <u>amount of negative responses from surrounding property owners, a supermajority (minimum</u> <u>of 4 affirmative votes) is required from City Council in order to approve this request.</u>

**<u>STAFF RECOMMENDATION</u>**: Conduct public hearing and adopt ordinance as presented in item description, on first reading, and schedule second reading and final adoption for March 15, 2012.

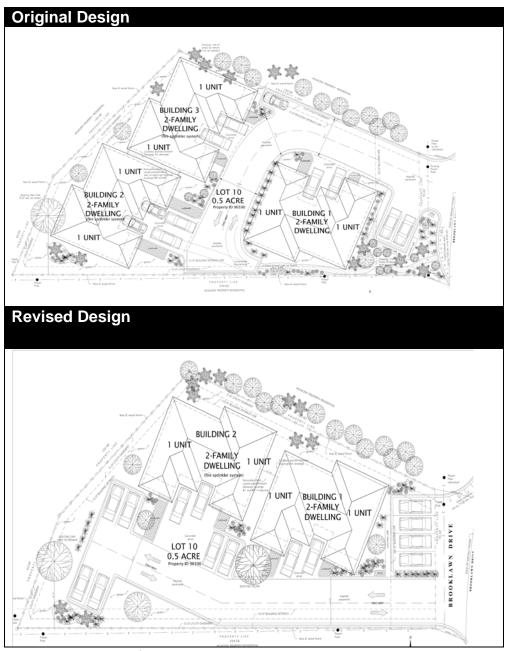
Staff recommends approval of the requested rezoning from General Retail District to Planned Development Multiple Family One District (PD-MF1) for the following reasons:

- 1. The reconfigured PD Site Plan addresses density, parking, and height and privacy concerns voiced from adjacent property owners at the P&Z Commission meeting;
- 2. The request is compatible with the Future Land Use and Character Map;
- 3. The request complies with the Thoroughfare Plan Map; and
- 4. Public facilities are available to serve the property.

All development on the property must comply with the attached Planned Development site plan and elevations, as Exhibit A of the Ordinance.

**ITEM SUMMARY:** Please refer to the Staff Report and draft minutes of case Z-FY-12-24, from the Planning and Zoning Commission meeting, February 6, 2012. The Planning and Zoning Commission recommended denial (6/1) of the applicant's initial request for a rezoning from General District (GR) to Planned Development-Multiple Family One District (PD-MF1) to allow the development of three residential structures consisting of six dwelling units on this vacant property.

Due to large opposition from the surrounding neighborhood and a denial recommendation from the Planning and Zoning Commission, the applicants have submitted a re-configured Planned Development site plan showing only two two-story buildings rather than the original three. This new proposal addresses concerns of density, on-site parking availability, and privacy issues associated with two-story structures. One less building than originally proposed makes the development less dense, allows room for guest parking and enabled the designer to arrange the two buildings so that window openings are not as close to the rear property line.



Larger versions of these drawings are attached to this report

**<u>COMPREHENSIVE PLAN COMPLIANCE</u>**: The proposed Planned Development relates to the following goals, objectives or maps of the Comprehensive Plan and Sidewalk and Trails Plan:

Document	Policy, Goal, Objective or Map	Compliance?
СР	Map 3.1 - Future Land Use and Character	Yes*
CP	Map 5.2 - Thoroughfare Plan	Yes
СР	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities.	Yes*
СР	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

CP = Comprehensive Plan STP = Sidewalk and Trails Plan

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

The Future Land Use and Character Map designates the subject property as Neighborhood Conservation. While the request is residential in nature, it is more dense that its surroundings. Several nearby homes are on quarter-acre lots, resulting in four units per acre. This PD proposes four units on a half-acre lot, or eight units per acre. With enhanced landscaping and preserved trees, the architect for the project has worked to design the site to be as unobtrusive as possible with its surroundings.

## Availability of Public Facilities (CP Goal 4.1)

A 6-inch water line runs across the street along Brooklawn Drive. There is a 6-inch sewer line along the rear property line. One concern that citizens expressed during the public hearing was that these additional units would put stress on the nearby wastewater system, which has failed in the past. The Public Works department has informed Planning that they have no recent recollection of sewer problems in the area and that the sewer infrastructure in this area serves less than a dozen lots, so the overloading from the proposed four proposed units is unlikely.

**DEVELOPMENT STANDARDS:** Although the current General Retail District allows a maximum height of three stories and allows retail uses, restaurants, and offices, it does not allow multiple family development (apartments). Therefore, the applicant's requested Planned Development District will have a base zoning of MF1. The required PD site plan and elevations will be exhibited to the ordinance for this PD if it is approved by City Council.

The proposed PD-MF1 would allow the development as shown on the attached Planned Development site plan. The MF1 base zoning district allows duplexes, triplexes, as well as single-family attached and detached dwellings. Patio homes, manufactured homes, and most nonresidential uses are not allowed in MF1 Districts.

In general, the MF1 District, without the guidance of a Planned Development, permits typical garden apartment development of one to two stories, allowing approximately 15 units per acre and is intended to be located near, and reasonably accessible to, collectors and arterials, due to the traffic generating capacity of lower density multiple family dwellings. The proposed four units on ½ acre of property equates to eight dwelling units per acre.

The property's current General Retail District (GR) allows one duplex on a lot, but not a group of residential structures, such as those proposed, on a single lot. The applicant's proposal to build two multi-family structures, essentially four dwelling units, is considered a small multiple family development.

**PUBLIC NOTICE:** Staff mailed notices of the Planning and Zoning Commission's public hearing to the nineteen property owners within the 200-foot radius surrounding the rezoning site. As of Friday, February 10, 2012 at 2:00 PM, two notices were returned in favor of the request and six notices were returned in opposition to the request. The newspaper printed notice of the Planning and Zoning Commission public hearing on January 26, 2012 in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

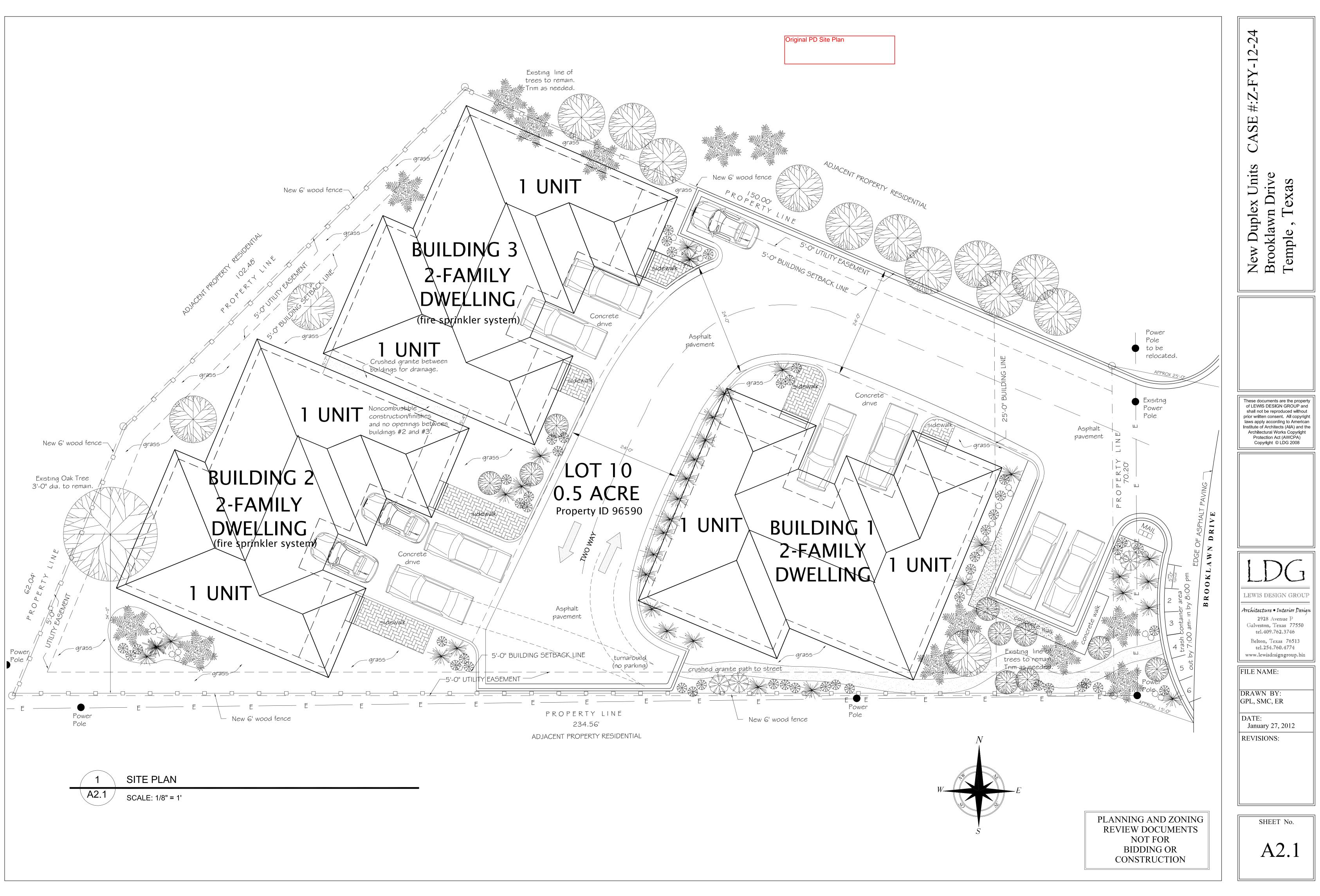
ATTACHMENTS: Aerial and Thoroughfare Plan Map Original PD Site Plan Revised PD Site Plan PD Building Elevations Zoning and Notice Map Response Letters P&Z Staff Report (Z-FY-12-24) P&Z Minutes (2/06/12) Ordinance



GR to PD MF-1 Oak Park United Methodist Church

## 4011 Brooklawn Drive









# CITY OF TEMPLE ZONING ORDINANCES

CURRENT ZONING - GR - GENERAL RETAIL PROPOSED ZONING - MF-1-PD - PLANNED DEVELOPMENT

LOT COVERAGE CALCULATIONS TOTAL SITE AREA..

## LOT COVERAGE:

MAXIMUM BULIDING COVERAGE per Section 5.3.3 MAXIMUM ALLOWED - 40% PROPOSED BUILDING COVER BUILDINGS 1, 2, GRD FLOO (EACH UNIT 2,348 SF – INCLUDES FRONT PORCH)

DRIVES/PARKING (ASPHALT) CONCRETE SIDE WALKS/CO

LANDSCAPED AREA per Section 7.3.4 MINIMUM REQUIRED – 5% GRASS ..... PLANTING AREAS .....

## BUILDING SETBACKS

<u>PER TABLE 4.5.5:</u> MINIMUM FRONT YARD SETBACK = 25' MINIMUM REAR YARD SETBACK = 10'

PER SECTION 5.3.3-A: MINIMUM SIDE YARD SETBACK = 10'

... 21,247 SF

۰	8,499	SF		
RAGE:				
OR	4,696	SF	=	22% OF TOTAL SITE

۲)	5,997 SF	
ONCRETE PARKING	<u>2,525 SF</u>	
	8,522 SF =	40% OF TOTAL SITE

. 5,467 SF ..<u>908 SF</u> 6,375 SF = 30% OF TOTAL SITE

(Building face or wall does not exceed 35 feet in length)

PLANNING AND ZONING
<b>REVIEW DOCUMENTS</b>
NOT FOR
BIDDING OR
CONSTRUCTION

Ň  $\sim$ I #:Z-F SE Ũ Units Drive Texas Duplex New Dupley Brooklawn ] Temple These documents are the property of LEWIS DESIGN GROUP and shall not be reproduced without prior written consent. All copyright laws apply according to American Institute of Architects (AIA) and the Architectural Works Copyright Protection Act (AWCPA) Copyright © LDG 2008 LEWIS DESIGN GROUP Architecture • Interior Design 2928 Avenue P Galveston, Texas 77550 tel.409.762.3746 Belton, Texas 76513

4

FILE NAME:

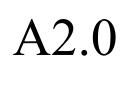
tel.254.760.4774 www.lewisdesigngroup.biz

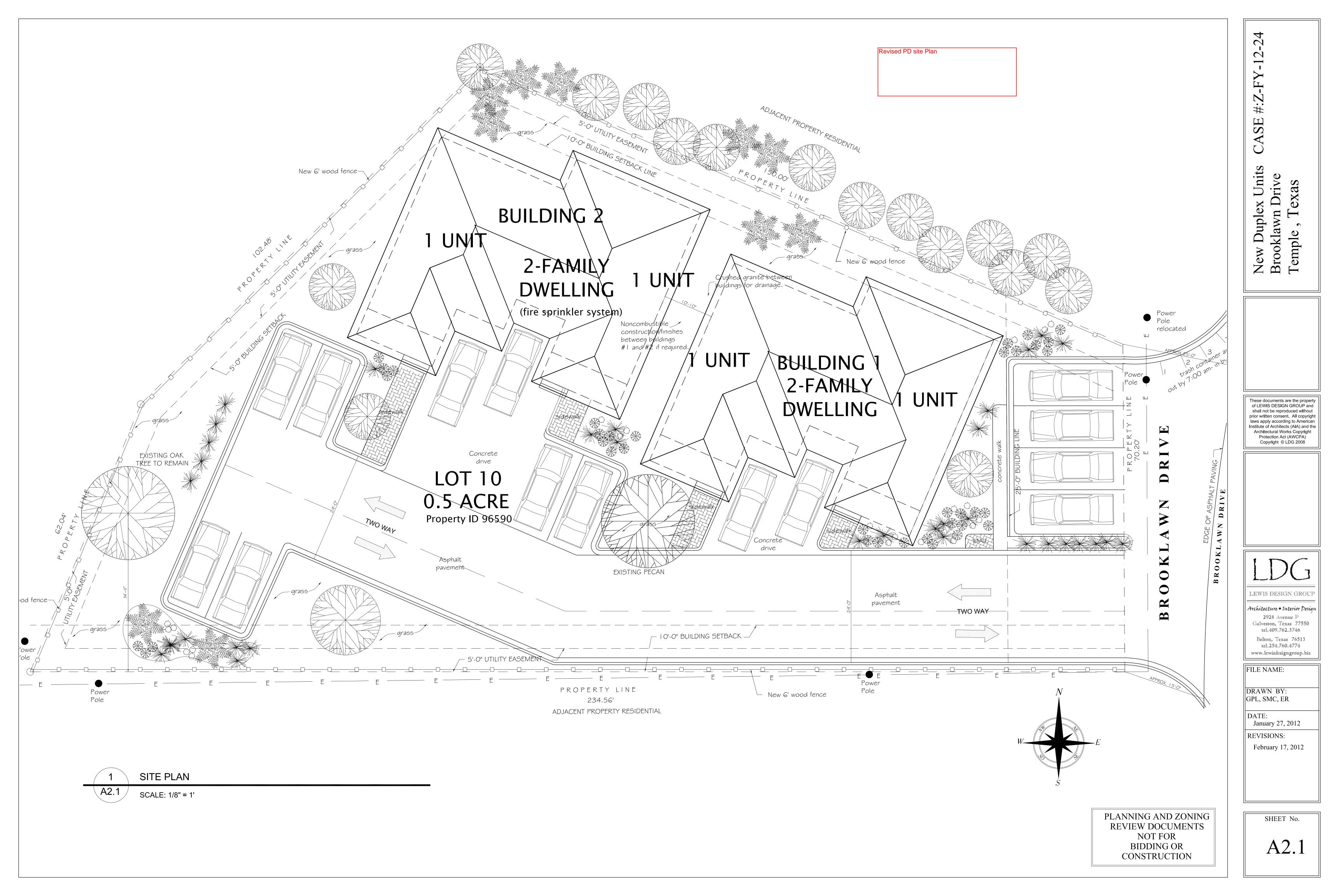
DRAWN BY: GPL, SMC, ER

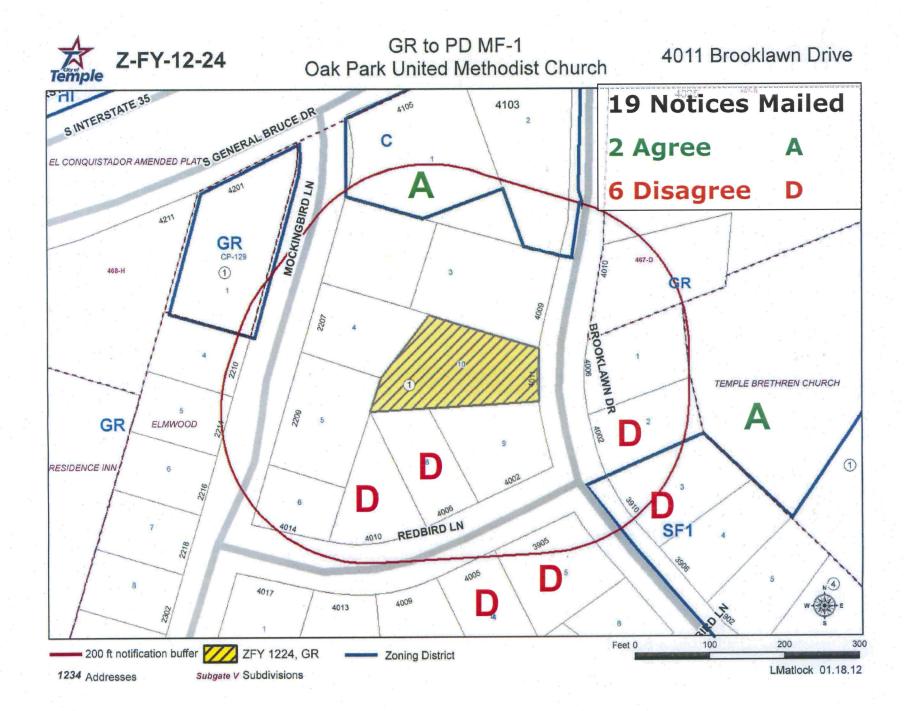
DATE: January 27, 2012

**REVISIONS:** February 17, 2012

SHEET No.









Central Texas Propeties Ltd P.O. Box 3819 Bryan, Texas 77805-3819

## Zoning Application Number: Z-FY-12-24

## Project Manager: Tammy Lyerly

Location: 4011 Brooklawn Drive

The proposed rezoning is the area shown in hatched marking on the attached map. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the possible rezoning of the property described on the attached notice, and provide any additional comments you may have.

I recommend () approval () denial of this request.

Comments:

Sacal Signature

DONALD H. BROACH

Please mail or hand-deliver this comment form to the address shown below, no later than February 6, 2012

> City of Temple **Planning Department Room 201 Municipal Building** Temple, Texas 76501

RECEIVED

JAN 3 0 2012

City of Temple Planning & Development

Number of Notices Mailed: 19

Date Mailed:

January 26, 2012



**Temple Brethren Church** 2202 Birdcreek Drive Temple, Texas 76502

## Zoning Application Number: Z-FY-12-24

## Project Manager: Tammy Lyerly

Location: 4011 Brooklawn Drive

The proposed rezoning is the area shown in hatched marking on the attached map. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the possible rezoning of the property described on the attached notice, and provide any additional comments you may have.

I recommend () approval () denial of this request.

Comments:

JOSEPH J. BERA Print Name

BOARD V.A. Please mail or hand-deliver this comment form to the address shown below, no later than February 6, 2012

**City of Temple** Planning Department Room 201 **Municipal Building** Temple, Texas 76501

RECEIVED FEB 0 3 2012

City of Temple Planning & Development

January 26, 2012 Date Mailed:



Asa & Nora Hall 4006 Redbird Lane Temple, Texas 76502

## Zoning Application Number: <u>Z-FY-12-24</u>

Project Manager: <u>Tammy Lyerly</u>

Location: 4011 Brooklawn Drive

The proposed rezoning is the area shown in hatched marking on the attached map. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the <u>possible</u> rezoning of the property described on the attached notice, and provide any additional comments you may have.

I recommend () approval

 $(\chi)$  denial of this request.

Comments: havo second Inch system Selver a austion anily NOIN hood

Signature

Please mail or hand-deliver this comment form to the address shown below, no later than <u>February 6, 2012</u> City of Temple

City of Temple Planning Department Room 201 Municipal Building Temple, Texas 76501

FEB 0 1 2012

City of Temple Planning & Development

Number of Notices Mailed: 19

Date Mailed: January 26, 2012

nt Name

added concern of noise and security. Having a Mutti Family dwelling literally in my back yard could cause my house insurance to go up and my property value to go down. My house is already less than I paid for it. Any thoughts of selling in the future with a multiple family Dwelling so close and I would be at a substantial loss in value, although I do not intend to sell as the community is what we were looking for. I strongly request denial of rezoning of this area as the lot is small and any multi family dwelling would be a blemish on the neighbor hood.

Thankyou Asa Hall 4006 Redbird Ln Temple TX 76502



Robert L. Ranly 4010 Redbird Lane Temple, Texas 76502

Zoning Application Number: Z-FY-12-24

Project Manager: <u>Tammy Lyerly</u>

Location: 4011 Brooklawn Drive

The proposed rezoning is the area shown in hatched marking on the attached map. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the possible rezoning of the property described on the attached notice, and provide any additional comments you may have.

I recommend () approval

() denial of this request.

Comments: an a nezoned ing G an 100 m Bt szanerez alm many reported re MOA. geste A n as rea Cor

Signature

**Print Name** 

Please mail or hand-deliver this comment form to the address shown below, no later than February 6, 2012

City of Temple Planning Department Room 201 Municipal Building Temple, Texas 76501

RECEIVED

FEB 0 2 2012

City of Temple Planning & Development

Number of Notices Mailed: 19

Date Mailed: Janua

January 26, 2012



Joe, Jr. & Josie Vargas 4005 Redbird Lane Temple, Texas 76502

## Zoning Application Number: <u>Z-FY-12-24</u>

Project Manager: <u>Tammy Lyerly</u>

Location: 4011 Brooklawn Drive

The proposed rezoning is the area shown in hatched marking on the attached map. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the possible rezoning of the property described on the attached notice, and provide any additional comments you may have.

I recommend () approval

 $(\chi)$  denial of this request.

## Comments:

The addition of these duplexes would add to the already trafficissues and parking issues in this one particular area. Alreadythe Enterprise employees have no place to park and actually parkin the grassy medium across from the business and some have evenasked if they can park their cars in front of our homes.This along with the poperty being a very dense area to add threeduplexes, would make it seem almost impossible that all three couldfit is this one area and there be sufficient parking for a multi-family complex. This addition would no doubt bring down the valueof the surrounding single family homes.Multi May 4SignatureSignature

Please mail or hand-deliver this comment form to the address shown below, no later than February 6, 2012

City of Temple Planning Department Room 201 Municipal Building Temple, Texas 76501



FEB 0 2 2012 City of Temple Planning & Development

Number of Notices Mailed: 19

Date Mailed: January 26, 2012



Charles M. Crocker 4002 Brooklawn Drive Temple, Texas 76502

## Zoning Application Number: <u>Z-FY-12-24</u>

Project Manager: Tammy Lyerly

Location: 4011 Brooklawn Drive

The proposed rezoning is the area shown in hatched marking on the attached map. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the possible rezoning of the property described on the attached notice, and provide any additional comments you may have.

I recommend () approval  $(\sqrt{})$  denial of this request.

Comments:

les m. Crank

CHARLES CROCKER Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than February 6, 2012

> City of Temple **Planning Department Room 201 Municipal Building** Temple, Texas 76501

RECEIVED

FEB 0 3 2012

City of Temple Planning & Development

Number of Notices Mailed: 19

Date Mailed: January 26, 2012



Angela M. Vasicek 3910 Brooklawn Drive Temple, Texas 76502

## Zoning Application Number: <u>Z-FY-12-24</u>

Project Manager: <u>Tammy Lyerly</u>

Location: 4011 Brooklawn Drive

The proposed rezoning is the area shown in hatched marking on the attached map. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the <u>possible</u> rezoning of the property described on the attached notice, and provide any additional comments you may have.

I recommend () approval

denial of this request.

Comments:

1001ce Signature

Please mail or hand-deliver this comment form to the address shown below, no later than <u>February 6, 2012</u>

City of Temple Planning Department Room 201 Municipal Building Temple, Texas 76501



FEB 0 3 2012

City of Temple Planning & Development

Date Mailed: January 26, 2012



# **RESPONSE TO PROPOSED REZONING REQUEST CITY OF TEMPLE**

**Betty Jean Willi** 3905 Redbird Lane Temple, Texas 76502

#### Zoning Application Number: Z-FY-12-24

#### Project Manager: Tammy Lyerly

Location: 4011 Brooklawn Drive

The proposed rezoning is the area shown in hatched marking on the attached map. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the possible rezoning of the property described on the attached notice, and provide any additional comments you may have.

I recommend () approval

(x) denial of this request.

Comments:

a Vill

Signature

Please mail or hand-deliver this comment form to the address shown below, no later than February 6, 2012

> City of Temple **Planning Department Room 201 Municipal Building** Temple, Texas 76501

FEB 0 3 2012

RECEIVED

City of Temple Planning & Development

Number of Notices Mailed: 19

Date Mailed:

January 26, 2012

PLANNING AND ZONING COMMISSION AGENDA ITEM

2/06/12 Item 4 Regular Agenda Page 1 of 4

# APPLICANT / DEVELOPMENT: Patrick Guillen for Oak Park Methodist Church

CASE MANAGER: Tammy Lyerly, Planner

**ITEM DESCRIPTION:** Z-FY-12-24 Hold a public hearing to discuss and recommend action on a rezoning from General Retail District to Planned Development-Multiple Family One (PD-MF1) on Lot 10, Block 1, Elmwood Addition, located at 4011 Brooklawn Drive.

**BACKGROUND:** The applicant requests this Planned Development-Multiple Family One District (PD-MF1) to allow the development of three residential structures consisting of six dwelling units on this vacant property. The property's current General Retail District (GR) allows one duplex on a lot, but not a group of residential structures such as the those proposed on a single lot. The applicant's proposal to build three such structures, essentially six dwelling units, is considered a small multiple family development.

Although the current General Retail District allows a maximum height of three stories and allows retail uses, restaurants, and offices, it does not allow multiple family development (apartments). Therefore, the applicant's requested Planned Development District will have a "base zoning" of MF1 and requires a Planned Development site plan and building elevations. The required PD site plan and elevations were reviewed by DRC on January 23, 2012 and are attached to this report. They will be exhibited to the ordinance for this PD if it is approved by City Council.

# SURROUNDING PROPERTY AND USES:

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

Direction	Zoning	<b>Current Land Use</b>	Photo
Subject Property	GR	Vacant Land	

Direction	Zoning	Current Land Use	Photo
North	GR	Single-Family Residential	
South	GR	Single-Family Residential	<image/>
East	GR	Single-Family Residential	

Direction	Zoning	Current Land Use	Photo
West	GR	Single-Family Residential and Vacant Land	

# COMPREHENSIVE PLAN COMPLIANCE:

The proposed Planned Development 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
CP	Map 5.2 - Thoroughfare Plan	Yes
СР	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities.	Yes
СР	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

CP = Comprehensive Plan STP = Sidewalk and Trails Plan

# Future Land Use and Character (Cp Map 3.1)

The Future Land Use and Character Map designates the subject property as Neighborhood Conservation. While the request is residential in nature, it is more dense that its surroundings. Several nearby homes are on quarter-acre lots, resulting in four units per acre. This PD proposes six units on a half-acre lot, or 12 units per acre. With enhanced landscaping and preserved trees, the architect for the project has worked to design the site to be as unobtrusive as possible with its surroundings.

# Thoroughfare Plan (CP Map 5.2)

The Thoroughfare Plan classifies Brooklawn Drive as a local street. Local streets are appropriate for single-family, two-family, and multiple family developments. The applicant's portion of Brooklawn Drive does not have curb and gutter, but it will need to be installed to the City's standards during the construction process for the proposed development.

# Availability of Public Facilities (CP Goal 4.1)

A 6-inch water line runs across the street along Brooklawn Drive. There is a 6-inch sewer line along the rear property line.

# PLANNED DEVELOPMENT SITE PLAN REVIEW:

The proposed Planned Development –MF1 (PD-MF1) would allow the development as shown on the attached Planned Development site plan. The MF1 base zoning district allows duplexes, triplexes, as

well as single-family attached and detached dwellings. Patio homes, manufactured homes, and non-residential uses are not allowed in MF1 Districts.

In general, the MF1 District, without the guidance of a Planned Development, permits typical garden apartment development of one to two stories, allowing approximately 15 units per acre and is intended to be located near, and reasonably accessible to, collectors and arterials, due to the traffic generating capacity of lower density multiple family dwellings.

Since the applicant's request is for a Planned Development District, development would be limited to three residential structures with two units each as shown on the attached Planned Development site plan, if approved by City Council. This proposal would reduce the density allowed by right, resulting in traffic generation more suitable for a local street such as Brooklawn Drive.

The proposed site plan proposes three two-story buildings with garages, as well as sprinkler systems in the two rear structures designated as buildings #2 and #3. The site plan also reflects a 24-foot wide drive aisle with a hammer-head turn-around for emergency vehicles. The site plan also includes 6-foot tall privacy fences and landscaping for buffering adjacent to existing residential uses. The site plan has a crushed granite path along the south property line to give its potential residents access to the street for solid waste collection days.

# PUBLIC NOTICE:

Staff mailed notices of the Planning and Zoning Commission's public hearing to the nineteen property owners within the 200-foot radius surrounding the rezoning site. As of Friday, February 3, 2012 at 8:00 AM, two notices were returned in favor of the request and six notices were returned in opposition to the request. The newspaper printed notice of the Planning and Zoning Commission public hearing on January 26, 2012 in accordance with state law and local ordinance.

# **STAFF RECOMMENDATION:**

Staff recommends approval of the requested rezoning from General Retail District to Planned Development Multiple Family One District (PD-MF1) for the following reasons:

- 1. The request is compatible with the Future Land Use and Character Map;
- 2. The request complies with the Thoroughfare Plan Map; and
- 3. Public facilities are available to serve the property.

All development on the property must comply with the attached Planned Development site plan and elevations, as Exhibit A of the Ordinance.

# FISCAL IMPACT: Not Applicable

# **ATTACHMENTS:**

Aerial, Thoroughfare Plan Map and Trails Plan Map PD Site Plan Building Elevations Building Floor Plans Notice Map Response Letters

#### EXCERPTS FROM THE

# PLANNING & ZONING COMMISSION MEETING

#### MONDAY, FEBRUARY 6, 2012

#### **ACTION ITEMS**

**Item 4: Z-FY-12-24**: Hold a public hearing to discuss and recommend action on a rezoning from General Retail District (GR) to Planned Development (Multiple Family One) District (PD-MF1), on Lot 10, Block 1, Elmwood Addition, located at 4011 Brooklawn Drive. (Applicant: Patrick Guillen for Oak Park United Methodist Church)

Ms. Lyerly stated this case is scheduled for City Council on March 1st for first reading and March 15th for second reading.

The subject property is zoned GR which allows retail uses such as stores, restaurants, and gas stations. The applicant is requesting a rezoning from GR to a PD-MF1. GR district does not allow any type of multi-family development, however, it does allow a single duplex on a lot. The applicant proposes three residential structures, each structure with two dwelling units equaling six dwelling units on the subject property. This odd shaped property is located along Brooklawn Drive.

Surrounding properties include some residential to the north, east, and south with vacant land to the west.

Elevations of proposed structures were shown and dimensions were given. These would be two story structures with a single garage; one building in the front area and two buildings at the rear. The sides would be full brick on the sides and Hardi Shingle Siding on the front of the second story. The only entrance into the development would be off of Brooklawn Drive, with a proposed drive aisle of 24 feet that wraps around with a hammerhead turnaround. This portion of Brooklawn Drive does not have any curbing, only edge of pavement, and the applicant proposes to add curbing along the front of the property which would improve the area. Some of the existing trees will be preserved on the property and ornamental trees will be added, along with ground cover plantings. A crushed granite trail along the south will allow residents to take individual trash receptacles down the path to an area designated for pickup. No dumpster will be on site. The rear two buildings (Building 2 and 3) will both be sprinklered (a sprinkler system installed inside the buildings) and the Fire Department liked this idea for fire prevention. Sidewalk areas will be internal for residents and a six foot high privacy fence adjacent to the residential uses would be built. Any exterior lights will be pointing downward.

Commissioner Talley asked why Building 1 would not have a sprinkler system. Ms. Lyerly explained it was not close to another structure and nearer to the entrance so there is no problem with the Fire Department. The sprinkler systems in the rear buildings were safer because they are within five feet of each other and located at the back of the lot.

Vice-Chair Staats asked about on-street parking inside the development. Ms. Lyerly stated they would have a garage area and another parking area next to it, making two parking spaces per dwelling unit. The applicant is meeting the drive aisle standards as far as being 24 feet wide and the aisles would not accommodate parking, only two-way traffic.

Chair Martin asked for confirmation that the current zoning of GR allowed for a developer to build a two story nonresidential building and Ms. Lyerly stated GR allowed for a three story building, however, the applicant's PD-MF1 would only allow a two story structure.

The Future Land Use and Character Map designates the area as Neighborhood Conservation. The applicant's request for multi-family development fits into a residential use which brings the property more into compliance with the Land Use and Character Map versus General Retail which is what the property currently is zoned.

Commissioner Talley asked what the square footage was for Building 1. Ms. Lyerly stated each unit was approximately 2,310 square foot including the front porch. Commissioner Rhoads asked why Oak Park Methodist Church was involved and Ms. Lyerly stated they owned the property.

Ms. Lyerly stated there was a six-inch sewer line along the property's rear side and a six-inch water lines along Brooklawn so utilities are available.

Nineteen notices were sent out: two were received in favor of the request and seven responses were in opposition. With the negative responses equaling 20.92% of opposition, a supermajority vote will be required at City Council level in order for this item to be approved.

Staff recommendation is for approval of the requested rezoning of PD-MF1 since the request brings the property into more compliance with the Future Land Use and Character Map, complies with the Thoroughfare Plan, public facilities are available to serve the property, and since this is a PD, the site plan and elevations shown would track with the Ordinance if approved meaning any development on this property would have to follow the site plan submitted.

Chair Martin asked about the sewer line and the ability to handle the additional buildings. Ms. Lyerly stated she alerted Public Works to research this matter after receiving the comments regarding the sewer lines.

Commissioner Jones asked if anything had been discussed with the owners regarding the maximum allowed vehicles in the development, per family, or to allow emergency vehicles. Ms. Lyerly stated the applicant met with Staff, including the Fire Marshall, at Development Review Committee (DRC) regarding the site plan. Traffic flow was a major concern and the property was redesigned to increase circulation and better maneuverability for emergency vehicles. The parking was reconfigured to allow more parking space and maneuverability and the applicant has met the minimum requirements.

Commissioner Jones asked if the families would be limited on the amount of cars allowed. Ms. Lyerly stated the development only allowed two parking spaces per dwelling unit, which is the minimum allowed. Commissioner Jones asked about the number of additional family vehicles allowed and if the quantity was discussed. Ms. Lyerly stated no, they just looked at the site plan and were going with minimums and how they could fit on the space.

Vice-Chair Staats asked if the entire drive would be redlined as a fire lane. Ms. Lyerly stated she did not believe it would be redlined as a fire lane. It exceeds the 21-foot width for a fire lane and is going to be 24 feet wide. If the Commission wanted to add conditions, those conditions could be part of the Ordinance. Vice-Chair Staats stated he did not feel there was

enough parking for visitors and at least one side should be redlined. He stated the parking looks ill-conceived.

Ms. Lyerly stated the whole area is zoned GR. When Ms. Lyerly spoke with some of the property owners, they were surprised to find out the area was zoned GR. It allows single family development but this area has been GR since the 1960's. The property belonged to the Cater Family who set up a lot of the development before the homes were built. Several of the homes were built around 1963.

Chair Martin opened the public hearing.

Mr. Paul Contrucci, 4013 Redbird Lane, Temple, Texas, stated his entire house was flooded through sewage and he spent \$25,000 to \$30,000 fixing it and now these three buildings may be added. There are already nine cars parked every night on the street adjacent to another house on Redbird and sometimes he has difficulty getting out of his driveway because it is blocked. Mr. Contrucci stated the sewage lines in the area are old.

Mr. Contrucci stated this matter had ethical values not being observed by the Church for them to do this to a community. It is a single family residence neighborhood and that is the way it was set up originally by Mr. Cater. Mr. Contrucci does not know what the City has done since 1963 to change it, but "all of a sudden this stuff happens." Legally the City can be correct; ethically there are problems.

Enterprise Rental Car has cars parked there already every morning and traffic comes through the neighborhood to avoid I-35 so plenty of traffic is on the street already. Someone moving into the development will add four or five more families with even more cars.

Mr. Contrucci stated he did not receive a notice letter and Ms. Lyerly informed him he was outside of the 200 foot radius. Mr. Contrucci stated people 300 and 400 feet away were affected by what is happening just as much as the 200 foot homes.

Commissioner Rhoads asked Mr. Contrucci if he knew where the nine cars came from he mentioned earlier. Mr. Contrucci stated they were from people that stay there overnight. Mr. Contrucci also stated they have been talking with the City for four years and nothing has been done.

Mr. Asa Hall, 4006 Redbird Lane, Temple, Texas, stated he did not understand how three multi-family dwellings could fit onto half an acre. Building Two is against his back fence. Mr. Hall has a single story house and even if a six foot privacy fence were built, with a two story house they will be able to look right into his home and he will have no security or privacy. Mr. Hall stated his home was 1600 square feet, has a little over half an acre, and the house takes up most of the property. He did not see how three buildings would fit on the subject lot.

Mr. Hall stated the sewage is already a problem and the possibility of adding six more families will make it even worse. Ms. Lyerly stated the pipe was six inches.

Mr. Hall's concerns were privacy and security. The buildings will be literally against his back fence.

Chair Martin agreed with Mr. Hall but stated since the area is zoned GR, a developer could come in and build a two story GR nonresidential building because it would be allowed. Mr.

Hall stated when he purchased the home six years ago he was informed he could not run a business out of his home. Since the area is zoned GR, Mr. Hall felt he should be able to do that. According to Mr. Hall, this stipulation was written into his deed/contract work when he purchased the house but does not know who put it in the paperwork. Vice-Chair Staats stated the seller can include whatever restrictions they want and if you sign the paperwork you have agreed to it. Mr. Hall stated if the area is zoned GR he should be able to run a business out of house. Vice-Chair Staats stated unless he agreed to the seller's stipulations. Mr. Hall stated once it was his property they had nothing to say about it. Vice-Chair Staats stated that was not true; once Mr. Hall agreed to a certain contractual obligation when the property was purchased, it extends to the life of Mr. Hall's ownership.

Mr. Hall's main concern was the privacy factor. Even with a six foot fence he will have no privacy.

Commissioner Sears asked if Mr. Hall's home had had sewage backup as well. Mr. Hall stated he has had four instances in the six years he has lived in the home with sewage backing up in his bathtub/shower stall. Mr. Hall stated Roto-Rooter was out recently to fix another problem in the bathroom and admitted it was partly his line underneath his patio. The City "supposedly" replaced the sewer line to his house prior to him purchasing the home. When asked if this problem was Mr. Hall's or the City sewer lines, Mr. Hall stated this backup was his problem. Mr. Hall stated the problems the neighbors are having are from City sewage.

Commissioner Jones asked about the privacy issue. Commissioner Jones stated he drove by Mr. Hall's home and could look into his back yard from Brooklawn. Mr. Hall stated there were enough bushes and trees there. Commissioner Jones stated there were very few and was curious about the privacy issue and why Mr. Hall had not put up a fence in six years when anyone driving by could look. Mr. Hall stated driving by a house was different than sitting at a window looking into a back yard.

Mr. Robert Ranly, 4010 Redbird Lane, Temple, Texas, stated he purchased his lot in 1963 and the abstract stated it was single family; nothing says GR for any of the property. Mr. Ranly built his home in 1964.

Chair Martin asked if Mr. Ranly had any sewage issues and he said no, but further down there were a lot of problems. The easement runs alongside Mr. Ranly's property.

Mr. Ranly did not feel the lot was big enough to put three buildings on it and have enough parking spaces.

Mr. Joe Vargas, 4005 Redbird Lane, Temple, Texas, stated his main concern was the parking issue. There is no room for parking now and additional visitors will be a problem. Enterprise Rental Car has cars that make it a bit difficult in the mornings and afternoons and visitors will make it more difficult. If young couples with children move in, there are no slow signs or speed bumps, and people drive through there very fast. Traffic and parking are big concerns.

Mr. Greg Lewis, 2928 Avenue P, Galveston, Texas, stated he is working with Mr. Guillen on this project and would like to address the concerns brought up. The sanitary sewer issues need further investigation; however, at this time they have been told it is ok.

Mr. Lewis stated there would be no problem red stripping the lanes for emergency vehicles to keep people from parking on the streets.

Mr. Lewis stated since the road into the development is a dead end, the back two buildings would be sprinklered which made the Fire Department more comfortable.

Mr. Lewis stated the buildings were rearranged and staggered, the drive aisle was widened from 21 feet to 24 feet for better access, a single-car garage in every unit, two for each building, space for a car in the driveway, plus two parking places close to the front of the street. The minimum requirements have been met plus an additional two spaces.

Mr. Lewis stated there were things that could be done to address the privacy concerns such as high windows, opaque glass, etc.

Commissioner Rhoads asked if the three buildings would fit on the property based on the site evaluation and the way it is designed. Mr. Lewis stated yes, each building is a two-story unit about 1600 square feet a piece, 24-foot access drive with a turn-around space for the end units, the two rear buildings are as close as possible (approximately five feet apart), a firewall will be there, and the rear buildings are as close to the back fence as possible with 24% of the land left for landscaping, which is more than required. They also made space off the street along the front for the trash receptacles so they do not sit on the street.

Commissioner Jones asked Mr. Lewis if he would be willing to meet with the residents to discuss and address the privacy issues before the Commission voted on the item. Mr. Lewis said they could sit down and look at the elevations and see if something could be determined.

Commissioner Jones asked if there were some way to limit, regulate, or address the amount of vehicles the residents owned or parked there overnight on a permanent basis.

Mr. Lewis suggested a property management company or Home Owners Association (HOA).

Commissioner Talley asked if there would be a HOA with this and will there be a covenant. Mr. Lewis stated that would be questions for the potential property owners developing this.

Mr. Patrick Guillen, 1618 W. Avenue M, Temple, Texas, stated he did not want to create bad feelings and welcomed a mutual working relationship with the residents. Mr. Guillen lives in the subject area and called about the property when he found it. Mr. Guillen's company does multi-family investing and would like to do something with the subject property.

Mr. Guillen stated a garden or gated community was discussed and they are aware of the additional parking. Right now it seems when residents have guests over, they tend to park on the street. Mr. Guillen stated if someone had an event, the guests would probably park along Brooklawn and walk over to the residence.

Mr. Guillen wants to work with the residents. The rents on the proposed properties would be somewhere between \$900 to \$1200 a month rent and would be a quality residential development.

Commissioner Talley asked who owned the land and Mr. Guillen stated they had it under contract from the Church and would like to develop the land.

Vice-Chair Staats asked Mr. Guillen to consider two things for the long-time residents living there. On the sides of the buildings that face the property either eliminate windows or make them high windows. The residents need their privacy. On the lane coming into the development, eliminate or restrict the parking on one side in order to have enough room.

Mr. Guillen stated they were very flexible with the project and do whatever they needed.

Commissioner Sears asked if any type of feasibility study to do two units instead of three on the property and Mr. Guillen stated they looked at that but with the asking price of the land and what it would cost at this time would not work otherwise they would do two.

Commissioner Rhoads asked if the buildings were going to be put up one at a time or all at once. Mr. Guillen stated they would build one and once it is leased out, do the second, then the third.

Mr. Paul Contrucci returned to the podium and stated no matter how nice it sounds it will not work. It is all about making a buck and ruining the neighborhood. The car situation is already bad and more would be coming in. Mr. Contrucci stated he was surprised and never knew this before and felt no one had a chance to do anything prior to this meeting. Ms. Lyerly explained the rezoning and public hearing process. P&Z would make a recommendation to City Council and City Council has a public hearing for comments at the first reading and the second meeting would be the actual decision. The process is set up for the public to attend two separate public hearings.

Mr. Contrucci did not understand how different zoning districts could be done the way they are and they do not make sense.

Mr. Asa Hall returned to the podium and asked what the setback was on this property, how far back does the house have to be from the property line. The Ordinance used to state a minimum of ten feet from the property line to the eave of the house. There is not enough room for the property line and the edge of the house.

Mr. Hall stated now he has to contend with noise, dirt, and grime three times over from building the separate buildings.

Ms. Lyerly stated the setback for the development was five feet. There was also a five-foot wide utility easement along the perimeter of the property. Mr. Hall asked if the buildings would be five feet from his property line and Ms. Lyerly stated yes, and the fence would be along the property line, but the setback is five feet.

Mr. Robert Ranly returned to the podium and stated that five feet is not on the abstract; it says ten feet from his house to the property line and does not know where the five feet comes from, the whole thing was zoned single family housing.

Vice-Chair Staats asked when the GR zoning was established for the area. Ms. Lyerly stated it was done prior to 1967 and believed to have been done before the Caters actually sold the property. (Ms. Lyerly puts a research document—an old city map used in 1967 and prior years-on the screen for the Commission). The checkered area on the map indicates the applicant's property which was designated as a retail and commercial center in the 60s. The prior zoning would have been Agricultural because a lot of it was out of the city limits.

Vice-Chair Staats asked if the ten-foot setback Mr. Ranly referred to was some type of subdivision ordinance and Ms. Lyerly stated that was more likely in the covenants (restrictions that were created when the development was created. When one purchases land in the area, they receive a list of allowed setbacks, etc., if covenants were created).

Mr. Isaac Schlebech, Real Star Property Management 7407 Wind Chime Way, Temple, Texas, stated he manages the properties for Guillen Partners. Mr. Schlebech stated it would be an improvement to the property and parking can be restricted in the lease(s) to prevent tenants from having four or five cars permanently parked, even if guests were there. Commissioner Talley asked how that would be enforced. Mr. Schlebech stated there would be a fine or an eviction since the plan was to have them as rentals.

Mr. Schlebech understood about the privacy issue but did not understand the difference if someone went in and built a two story home since it would have the same effect as a two story duplex. The privacy issue would still be there.

Mr. Schlebech stated it is currently a vacant lot and this would improve the area. Guillen Partners builds nice homes and these would rent out around \$1000 to \$1200 per duplex, per unit.

Mr. Contrucci returned to the podium and stated the parking is not being enforced now and did not understand how it would be enforced when the structures were built. Mr. Contrucci felt the lot was nice with the trees and did not feel the buildings would improve the area.

Vice-Chair Staats asked if Enterprise was using public streets for inventory storage. Ms. Lyerly stated the City was not aware of this but could request Code Enforcement be sent out to investigate. Vice-Chair Staats stated no matter what happened, that matter should be looked into since it seems to be an issue for the residents who feel some of the cars are from Enterprise.

Commissioner Jones stated he saw the cars parked to the north side of Enterprise, not down on Brooklawn.

Chair Martin closed the public hearing.

Chair Martin stated he was a pro small business supporter, however, the subject property is not much bigger than many of the other lots with single family homes and felt it was injurious to the property to have that many structures on that lot. Commissioner Sears agreed with Chair Martin and stated he could understand the idea better if it were just two units with more parking. Enforcement of parking issues does not seem feasible and parking will occur on the streets. Commissioner Sears stated this does not fit the area. Commissioner Talley also agreed but commented this area has had a history of sewage problems. It does not make sense.

Discussion about Bird Creek pipes and sewage issues.

Vice-Chair Staats had an issue with the parking arrangement. The buildings looked very nice but the clustering is not a good arrangement for this piece of property.

Commissioner Pilkington agreed it was a tight fit. If it were single-family they could get that close to the property line. Commissioner Pilkington stated the sewer line issues could be fixed

since the lines are probably old and sized wrong, however, this would add to the problem right now.

Commissioner Jones agreed and stated privacy and sewer were important issues and encouraged the audience to call Public Works. This was too much for that size lot in the area. He also had concerns about the cars and controlling the issue.

Vice-Chair Staats made a motion to deny Item 4, **Z-FY-12-24**, for reasons stated and Commissioner Talley made a second.

Motion passed: (6:1)

Commissioner Rhoads voted nay.

#### ORDINANCE NO. 2012-4520

#### (PLANNING NO. Z-FY-12-24)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A REZONING FROM GENERAL RETAIL DISTRICT (GR) TO PLANNED DEVELOPMENT - MULTIPLE FAMILY ONE (PD-MF1) ON LOT 10, BLOCK 1, ELMWOOD ADDITION, LOCATED AT 4011 BROOKLAWN DRIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

<u>**Part 1**</u>: The City Council approves a rezoning from General Retail District (GR) to Planned Development – Multiple Family One (PD-MF1) on Lot 10, Block 1, Elmwood Addition, and more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

<u>Part 2</u>: In accordance with Section 3.4 of the Unified Development Code (UDC) of the City of Temple, the City Zoning Map is amended by changing the zoning classification of the property described in Part 1 above, to Planned Development Multiple Family One District. The Planned Development shall comply with all applicable sections of the Code of Ordinances of the City of Temple, Texas, and all local, State and Federal laws and regulations as they may now read or hereafter be amended, including but not limited to the following conditions:

a. Except as varied by the approved Planned Development elevations and site plan, attached hereto as Exhibit B and Exhibit C, the use and development standards of the property shall conform to the requirements of the Multiple Family One zoning district.

b. In the event of a conflict between the Planned Development site plan and the text of this Planned Development ordinance, the stricter standard applies.

c. All standards of the Unified Development Code apply unless the Planned Development site plan or the text of the Planned Development ordinance specifically modifies such standards.

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

**<u>Part 3:</u>** The City Council directs the Director of Planning to make the necessary changes to the City Zoning Map accordingly.

<u>**Part 4**</u>: It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction,

such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such phrase, clause, sentence, paragraph or section.

<u>**Part 5**</u>: This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

<u>**Part 5**</u>: It is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading and Public Hearing on the  $1^{st}$  day of March, 2012.

PASSED AND APPROVED on Second Reading on the 15<sup>th</sup> day of March, 2012.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson City Secretary Jonathan Graham City Attorney



03/01/12 Item #9 Regular Agenda Page 1 of 3

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

Brian Mabry, Planning Director

**ITEM DESCRIPTION**: FIRST READING – PUBLIC HEARING - Z-FY-12-25: Consider adopting an ordinance authorizing a rezoning from Two Family District (2F) to General Retail District (GR) on a 0.939 ± acre tract of land out of the Redding Roberts Survey, Abstract No. 692, Bell County, Texas, located at 2102 Scott Boulevard.

**<u>P&Z COMMISSION RECOMMENDATION</u>**: At its February 21, 2012, meeting, the Planning and Zoning Commission voted 8/0 to recommend approval of a rezoning from 2F to GR.

**<u>STAFF RECOMMENDATION</u>**: Conduct public hearing and and adopt ordinance as presented in item description, on first reading, and schedule second reading and final adoption for March 15, 2012.

Staff recommends approval of Z-FY-12-25, the requested rezoning to GR for the following reasons:

- 1. The request basically complies with the Future Land Use and Character Map;
- 2. The request complies with the Thoroughfare Plan Map; and
- 3. Public facilities are available to serve the property.

**ITEM SUMMARY:** Please refer to the Staff Report and draft minutes of case Z-FY-12-25, from the Planning and Zoning meeting, February 21, 2012. The applicant, the City of Temple, is in the midst of a year-long process identifying properties which the City believes are no longer needed and should be disposed of. The City requests the rezoning for the subject property bring the property into compliance with the Future Land Use and Character Map, expand the menu of possible uses that could take place on the property, and make the property more attractive to potential future owners. A rezoning from the 2F to the GR zoning district would allow many uses that would not have been allowed before. Those uses include, but are not limited to, the following:

Lithographic or print shop Plumbing shop Hospital Office Hotel or motel On-premise consumption of beer and wine-less than 75% revenue Restaurant Car Wash Fuel Sales Auto sales, leasing, rental:

**<u>COMPREHENSIVE PLAN COMPLIANCE</u>**: 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	Site Conditions	Compliance?
СР	Map 3.1 - Future Land Use and Character	Suburban commercial with Auto-Urban across street and Neighborhood Conservation to west	Yes
СР	Map 5.2 - Thoroughfare Plan	Scott Blvd. is a Collector Street	Yes
СР	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities.	8" water line and 8" sewer line	Yes
СР	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.	GR zoning would serve as a transition between C to the east and 2F to the west	Yes

CP = Comprehensive Plan

**DEVELOPMENT REGULATIONS:** The requested GR zoning district is the standard retail district and allows most retail sales, restaurants, grocery stores, department stores, or offices and all residential uses except apartments, with a maximum building height of 3 stories. There is no minimum lot area, width or depth. The building setback for the front yard is 15 feet from the front property line. There is a minimum side yard setback requirement of 10 feet. If a residential use borders the subject property use, as in this case, then a 10-foot setback and fence or vegetative screening is required.

**<u>STAFF ANALYSIS</u>**: This undeveloped property is located on a heavily traveled collector street, Scott Boulevard. The C zoning district is to the east and the 2F zoning is to the west. The GR zoning district would be appropriate for the subject property so that the intensity of future nonresidential uses along Scott would decrease adjacent to the established residential neighborhood to the west.

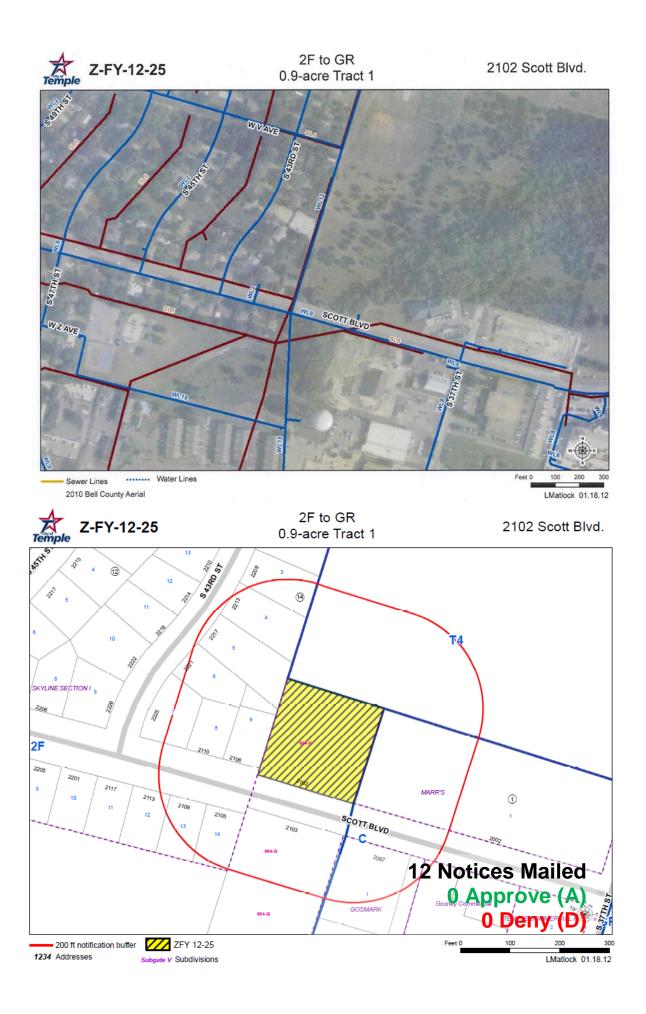
**PUBLIC NOTICE:** Staff mailed notices of the Planning and Zoning Commission's public hearing to the 12 property owners within a 200-foot radius surrounding the subject property. As of Wednesday, February 15, 2012 at 12:00 PM, one notice was returned in favor of the request and one was returned in opposition to the request. The newspaper printed notice of the Planning and Zoning Commission public hearing on February 10, 2012 in accordance with state law and local ordinance.

# FISCAL IMPACT: Not Applicable

# **ATTACHMENTS:**

Aerial, Thoroughfare and Sidewalk and Trails Plan Map Land Use and Character Map Zoning and Notice Map Utility Map P&Z Staff Report (Z-FY-12-25) P&Z Minutes (February 21, 2012) Ordinance





PLANNING AND ZONING COMMISSION AGENDA ITEM

02/21/12 Item 5 Regular Agenda Page 1 of 4

APPLICANT: City of Temple

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

**ITEM DESCRIPTION:** Z-FY-12-25 Hold a public hearing to discuss and recommend action on a rezoning from Two Family District (2F) to General Retail District (GR) on a 0.939 ± acre tract of land out of the Redding Roberts Survey, Abstract No. 692, Bell County, Texas, located at 2102 Scott Boulevard.

**BACKGROUND:** The City of Temple, which is the applicant for this case, is in the midst of a yearlong process identifying properties which the City believes are no longer needed and should be disposed of. In order to bring the property into compliance with the Future Land Use and Character Map, expand the menu of possible uses that could take place on the property, and make the property more attractive to potential future owners, the City is applying for this rezoning. A rezoning from the 2F to the GR zoning district would allow many uses that would not have been allowed before. Those uses include, but are not limited to, the following:

Lithographic or print shop Plumbing shop Hospital Office Hotel or motel On-premise consumption of beer and wine less than 75% revenue Restaurant Car wash Fuel sales Auto sales, leasing, rental

# 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	2F	Undeveloped Land	

Direction	Zoning	Current Land Use	Photo
North	Τ4	Undeveloped Land with Church in distance	
South	2F	Undeveloped	
East	С	Office	

Direction	Zoning	Current Land Use	Photo
West	2F	Single-family dwelling	

# **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	Site Conditions	Compliance?
СР	Map 3.1 - Future Land Use and Character	Suburban commercial with Auto-Urban across street and Neighborhood Conservation to west	Yes
СР	Map 5.2 - Thoroughfare Plan	Scott Blvd. is a Collector Street	Yes
СР	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities.	8" water line and 8" sewer line	Yes
СР	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.	GR zoning would serve as a transition between C to the east and 2F to the west	Yes

CP = Comprehensive Plan

# **DEVELOPMENT REGULATIONS:**

The requested GR zoning district is the standard retail district and allows most retail sales, restaurants, grocery stores, department stores, or offices and all residential uses except apartments, with a maximum building height of 3 stories. There is no minimum lot area, width or depth. The building setback for the front yard is 15 feet from the front property line. There is a minimum side yard setback requirement of 10 feet. If a residential use borders the subject property use, as in this case, then a 10-foot setback and fence or vegetative screening is required.

# STAFF ANALYSIS

This undeveloped property is located on a heavily traveled collector street, Scott Boulevard. The C zoning district is to the east and the 2F zoning is to the west. The GR zoning district would be appropriate for the subject property so that the intensity of future nonresidential uses along Scott would decrease adjacent to the established residential neighborhood to the west.

# PUBLIC NOTICE:

Staff mailed notices of the Planning and Zoning Commission's public hearing to the 12 property owners within a 200-foot radius surrounding the subject property. As of Wednesday, February 15, 2012 at 12:00 PM, no notices were returned in favor of the request and none were returned in opposition to the request. The newspaper printed notice of the Planning and Zoning Commission public hearing on February 10, 2012 in accordance with state law and local ordinance.

# **STAFF RECOMMENDATION:**

Staff recommends approval of the requested zone change to Commercial District for the following reasons:

- 1. The request complies with the Future Land Use and Character Map;
- 2. The request complies with the Thoroughfare Plan Map; and
- 3. Public facilities are available to serve the property.

# FISCAL IMPACT:

Not Applicable

# ATTACHMENTS:

Aerial, Thoroughfare and Sidewalk and Trails Plan Map Future Land Use and Character Map Utility Map Zoning and Notice Map Responses

#### EXCERPTS FROM THE

#### PLANNING & ZONING COMMISSION MEETING

#### TUESDAY, FEBRUARY 21, 2012

#### **ACTION ITEMS**

Item 5: Z-FY-12-25 - Hold a public hearing to discuss and recommend action on a rezoning from Two Family District (2F) to General Retail District (GR) on a 0.939 ± acre tract of land out of the Redding Roberts Survey, Abstract No. 692, Bell County, Texas, located at 2102 Scott Boulevard. (Applicant: City of Temple)

Mr. Brian Mabry, Planning Director, stated if this case were approved it would go to City Council on March 1, 2012 for first reading and March 15, 2012 for second reading and final action.

The surrounding land includes undeveloped land to the north and south, a single-family dwelling to the west, and an office to the east. This property is not affected by the Master Trails Plan.

The Future Land Use and Character Map designates the property as Suburban Commercial. Neighborhood Conservation is to the west, Auto Urban Commercial is to the south and Suburban Commercial to the east and north.

The Thoroughfare Plan designates Scoot Boulevard as a collector street and public facilities are available to the site.

Twelve notices were mailed out; two were returned in favor of the request. One was returned in opposition to the request. However, this recipient stated he was against apartments on the property. The requested zoning district does not allow apartments. One other opposition letter was received in the form of an email addressed to City Council members. This citizen is outside of the 200' notice radius. His concerns related to traffic on Scott Boulevard.

Staff recommends approval of this request since it complies with the Future Land Use and Character Map, the Thoroughfare Plan, and utilities are available for the site.

Chair Martin opened the public hearing.

There being no speakers, Chair Martin closed the public hearing.

Commissioner Talley made a motion to approve Item 5, Z-FY-12-25 and Commissioner Pilkington made a second.

Motion passed: (8:0)

Burt Pope has been appointed to the Commission as its ninth member but has not yet been seated.

# ORDINANCE NO. 2012-4521

# [PLANNING NO. Z-FY-12-25]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A REZONING FROM TWO FAMILY DISTRICT (2F) TO GENERAL RETAIL DISTRICT (GR) ON APPROXIMATELY 0.939 ACRES OF LAND BEING OUT OF THE REDDING ROBERTS SURVEY, ABSTRACT NO. 692, CITY OF TEMPLE, BELL COUNTY, TEXAS, LOCATED AT 2102 SCOTT BOULEVARD; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

<u>**Part 1**</u>: The City Council approves a rezoning from Two Family District (2F) to General Retail District (GR) on approximately 0.939 acres of land being out of the Redding Roberts Survey, Abstract No. 692, City of Temple, Bell County, Texas, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

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

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

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

<u>**Part 5**</u>: It is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of

the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading and Public Hearing on the  $1^{st}$  day of **March**, 2012.

PASSED AND APPROVED on Second Reading on the **15<sup>th</sup>** day of **March**, 2012.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson City Secretary Jonathan Graham City Attorney



03/01/12 Item #10 Regular Agenda Page 1 of 4

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

Brian Mabry, Planning Director

**ITEM DESCRIPTION**: Z-FY-12-31: Consider adopting a resolution to take action on an Appeal of Standards in Sec. 6.7 of the Unified Development Code related to the I-35 Corridor Overlay Zoning District standards for landscaping and parking for Starbucks Coffee, located at 111 North General Bruce Drive.

**<u>P&Z COMMISSION RECOMMENDATION</u>**: At its February 21, 2012, meeting, the Planning and Zoning Commission voted 8/0 to recommend approval of the appeal request.

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

**ITEM SUMMARY:** Please refer to the Staff Report and draft minutes of case Z-FY-12-31, from the Planning and Zoning meeting, February 21, 2012. The applicant, Starbucks Coffee, proposes to remodel the inside of the building and add exterior improvements such as a new alignment for the drive-through lane. The cost of the proposed exterior and interior improvements, as compared to the assessed value of the property, is greater than 50% of that value. This threshold triggers all of the I-35 overlay zoning district requirements.

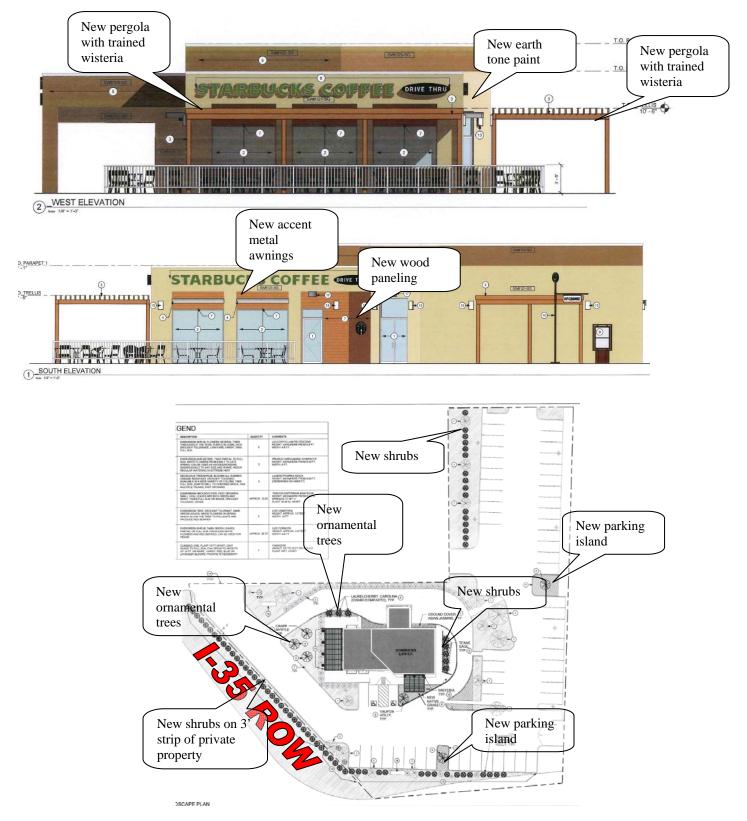
The Applicant requests relief from complying with some of these standards in the form of this Appeal. The building is surrounded by attractive mature landscaping, and the site has constraints along the I-35 frontage where the 25-ft. landscape buffer is required to be placed. The site plan additions are the Applicant's attempt to come as close to the spirit of the overlay district as possible given the property constraints and the mature landscaping already existing on the site.

**I-35 APPEAL:** Listed below are the I-35 overlay requirements which the proposal does not comply with. There are other requirements, shown on the table in the Planning and Zoning Commission staff report, that the proposal does comply with, but they are not addressed in this report to City Council in the interest of brevity.

# 03/01/12 Item #10 Regular Agenda Page 2 of 4

Requirement	Submitted Plans and Elevations Show
25' landscape buffer along front street	Drive aisle connecting to I-35 prevents widening of the existing adjacent 3' wide planting bed which is proposed to be planted with new Dwarf Burford Holly shrubs. Remainder of green space is TXDOT ROW
20% of required landscape buffer must have native grass beds or wildflowers	Width of 3' wide buffer adjacent to drive aisle connecting to I-35 is consumed by proposed shrubs. Remainder of green space is TXDOT ROW
Landscaping is required within parking area in the form of islands and medians – one island per 10 spaces and 1 median per 3 parking rows	Two new islands are proposed where they would be most visible from I-35. Two more islands were originally proposed in the back of the property near Barton but Staff preferred enhanced architectural elements in exchange for the rear, less visible, islands. See illustrations below.
Additional 10% vegetation required in landscaped area	Width of 3' wide buffer adjacent to drive aisle connecting to I-35 is consumed by proposed shrubs. Remainder of green space is TXDOT ROW
Additional ornamental trees in buffer per 30 linear feet of frontage (10 required)	Drive aisle connecting to I-35 prevents widening of the existing adjacent 3' wide planting bed. In order to work around this constraint, three additional ornamental trees are proposed near drive aisle. Remained of green space is TXDOT ROW
One three-inch caliper tree per 25 feet street frontage (12 along I-35 and 6 along Barton)	Seven new and existing trees are proposed along I-35, two existing trees are proposed along Barton with hedge buffer. Width of 3' wide buffer adjacent to drive aisle connecting to I-35 and existing parking near Barton Avenue prevent widening of landscaped area to allow for more trees. Remained of green space is TXDOT ROW
Berming required in 50% of the landscape buffer (700')	None proposed. Drive aisle connecting to I-35 prevents widening of the existing adjacent 3' wide planting bed to accommodate berms. Remained of green space is TXDOT ROW
50% Enhanced paving at throat of entrance driveway	None proposed. Driveway connecting to I-35 is adjacent to Whataburger driveway, which would remain unimproved.
Parking aisles must be perpendicular to the front of the principal building	No change proposed to existing parking aisles, some are parallel and some are perpendicular. Odd shape of lot prevents all parking from being perpendicular to the front of the building.

The following elevations and landscape plan show some of the improvements to the building and property. Lerger versions of these drawings are attached to this report.



**STAFF ANALYSIS**: The Starbuck's building and surrounding landscaped parking lot is comparatively attractive to other similar businesses along the highway and is maintained in the spirit of the I-35 overlay district. The addition of supplementary landscaping, new architectural elements, screening, parking islands and lighting has brought this mature and atypically-shaped lot and building to an even more attractive level.

FISCAL IMPACT: Not Applicable

# ATTACHMENTS:

Applicant's Appeal Request Letter (5 pages) Applicant's Site Plans (4 pages) P&Z Staff Report (Z-FY-12-25) P&Z Minutes (February 21, 2012) Resolution



architecture · planning · interior design

4130 Commerce St. #105 Dallas, TX 75226-1713 p 214.466.1192 f 214.466.1197 www.cmab.com

Bruce M. Carlson, AIA Patrick G. Blees, AIA January 30, 2012

Ms. Leslie Matlock, Senior Planner City of Temple 2 North Main Street Temple, TX 76501 (254) 298-5561

#### RE: Design Review Appeal Request- Statement of Compliance Project #: 11104.106

Dear Ms. Matlock:

I am writing to you in regards to the Starbucks located at 111 N. General Bruce Dr. in the City Entry District, within the I-35 Design Overlay District. We are requesting a design appeal due to the lack of a ROW buffer at the area contiguous to the Starbucks property line and the I-35 Frontage Road.

On January 25<sup>th</sup>, we met with the Design Review Committee; they recommended that we make improvements to our existing site plan in order to satisfy the city design requirements. The following is a list of improvements that we have made to the site in order to comply with the city:

- We have added a 10 foot wide parking island at the south-facing parking row near the frontage road, as well as an 18 foot wide island at the east-facing parking row. Each parking island will be equipped with an irrigation system and will be landscaped with native grasses and a yaupon holly tree.
- The existing sidewalk and foundation plantings at the southern-facing façade are to remain. In order to improve this area of the facade, we are adding a canopy/trellis structure over the sidewalk and planting wisteria vine at the existing plant bed.
   Wisteria vine will also be planted at the canopy/trellis over the outdoor patio.
- Three new crape myrtle trees will be placed on the landscape tongue located at the front of the building directly in front of the outdoor seating area. Also, there is a new yaupon holly tree located in the green space in front of the new sidewalk trellis.
- The green space between the frontage road and the Starbucks property line will be landscaped with native grasses and new Burford Holly plants. These plants will act as a hedge between the I-35 frontage road and the entry drive. Also, dead plant material at the existing landscape bed farthest from the drive-thru entry will be removed and filled in with new Burford Holly.
- New Burford Holly plants will be added to the west facing rear parking area under the existing yaupon holly trees.

Fort Worth, TX

Minneapolis, MN

Dallas, TX

Please feel free to contact us if you have any questions or further information is required. Thank you for your time.

Sincerely,

CMA

an

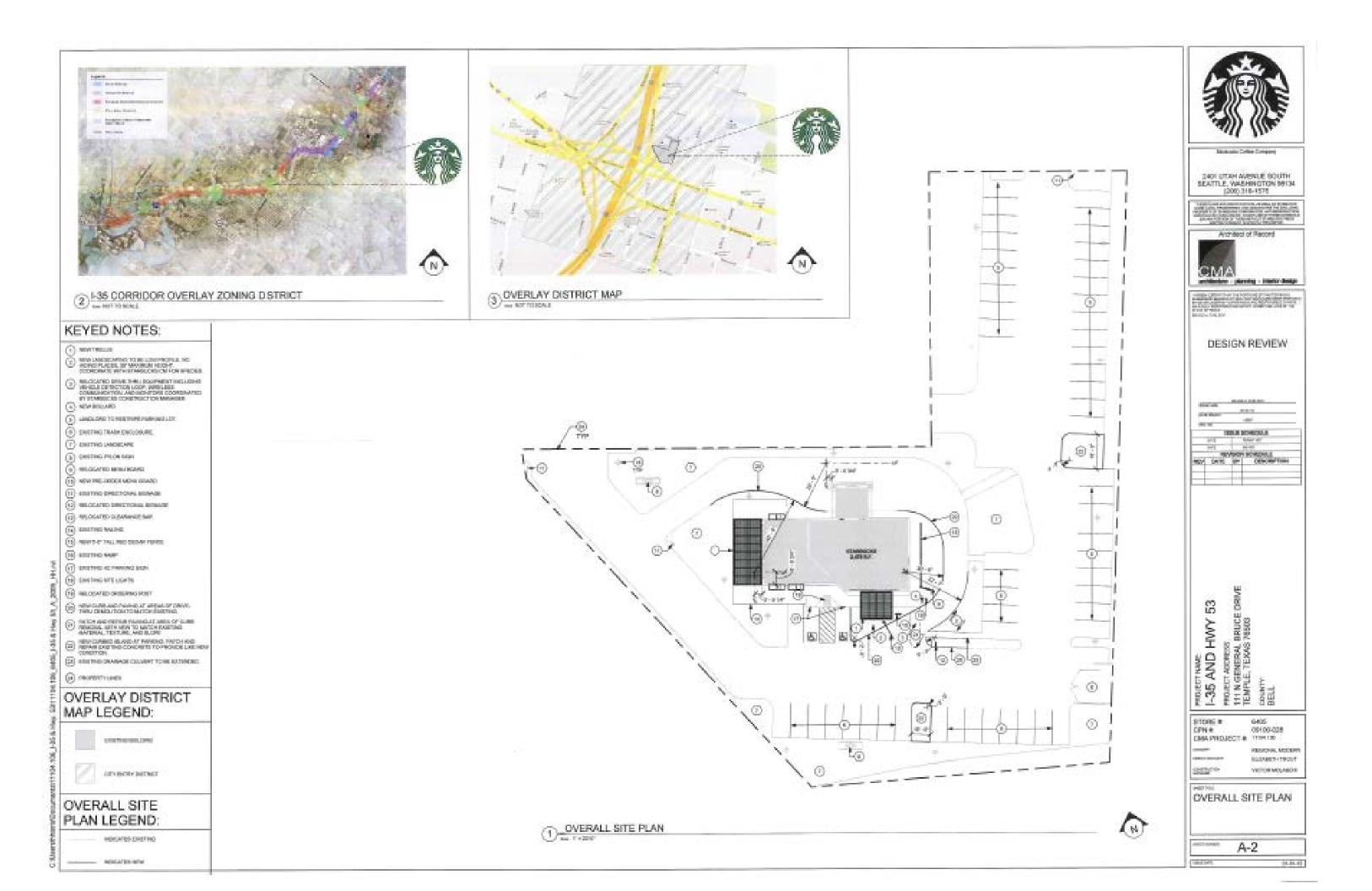
Tim Lyssy, Project Manager

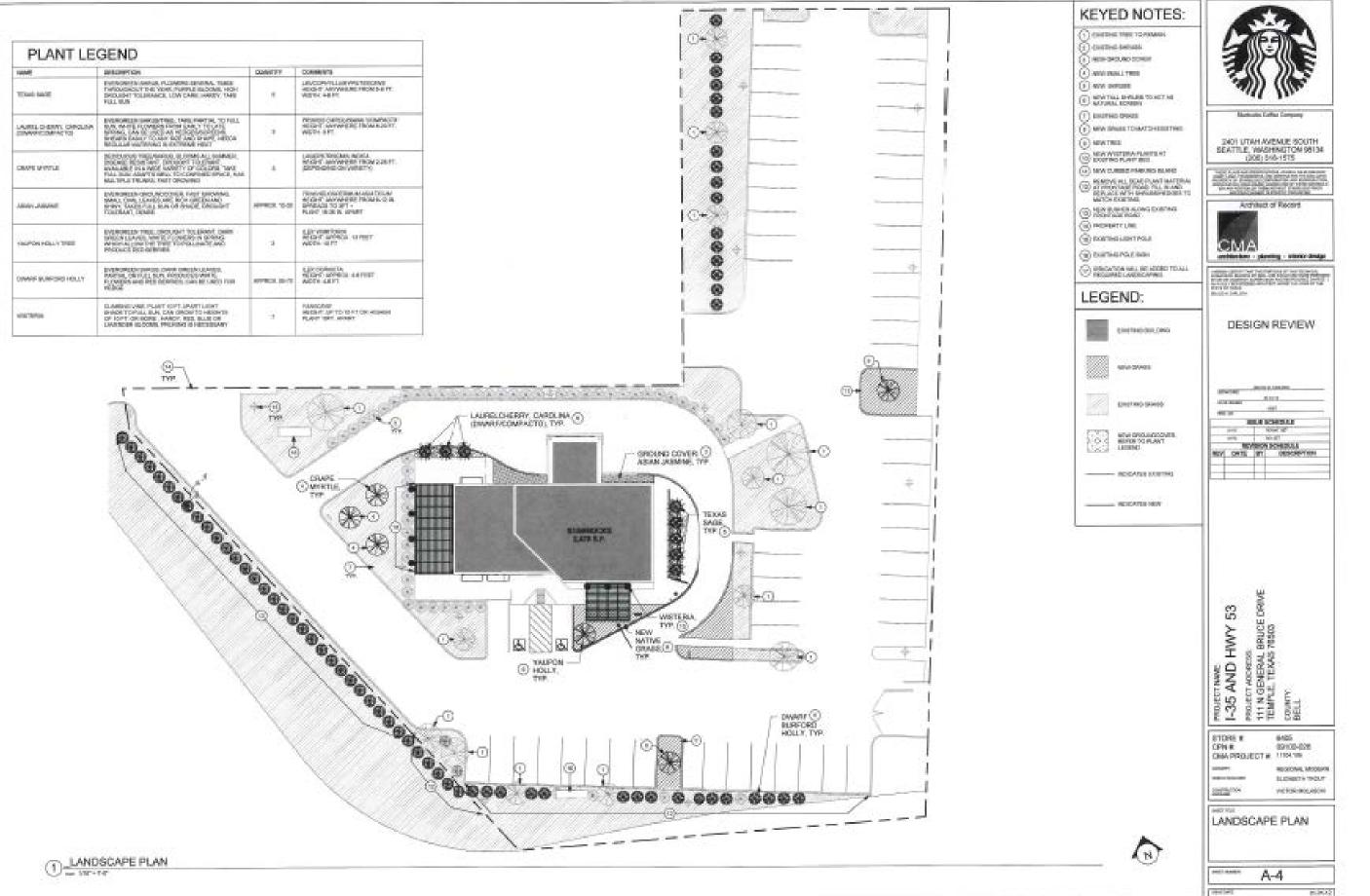
TL/hh

ype of Improvement Required	General Overlay Requirements	Additional City Entry District Requirements	Total Minimum Required	Total Provided and/or Needed at Site	Architect Response
Construction Documents	No apparent water, sewer or electrical distribution lines being added or changed. Interior changes are not in this set and not needed for this review. Costs are added into the above improvements value above according to applicant.			1-3-12 Plans provided 1-13-12 Additional revised plans received colors and screening fence altered slightly	
Tree Preservation	Any trees should be preserved if possible.			No existing trees are identified on site plan nor are they apparently being removed. Please show all existing trees with caliper-number of canes, and if removing any, show the area of replanting or mitigation along with caliper mitigated.	ALL TREES TO REMAIN
	A. Every 3rd full double row of parking shall have a continuous row of landscaping between next row. B. Every 10 parking spaces shall have an approved tree island. C. Terminal island located at end of each parking row.		A. N/A B. One island per each 10 linear arranged spaces is required with tree. C. Terminal islands at end of rows required with tree.	<ul> <li>B. Need to add 2 curbed islands on eastern rear property parking row.</li> <li>C. 1 curbed terminal island on western facing rear parking row, and one curbed island on the southern facing parking row.</li> <li>1. Each island should have an approved tree</li> </ul>	<ul> <li>A. N/A</li> <li>B. N/A (ADDED SHADE STRUCTURE INSTEAD)</li> <li>C. NEW 10 FT. WIDE CURBED ISLAND AT PARKING ROW ALL FRONTAGE ROAD WITH 10 PARKING SPACES ON EITHER SID NEW 18 FT. WIDE CURBED ISLAND AT PARKING ROW ALON EAST SIDE (CLOSEST TO CHICK-FIL-A)</li> <li>1. EACH ISLAND WILL HAVE NATIVE GRASSES AND A YAUPO HOLLY TREE. ALSO, EACH ISLAND WILL BE EQUIPPED WITH IRRIGATION SYSTEM.</li> <li>2. YAUPON HOLLY TREES GROW TO BE AT LEAST 10 FT TALL ARE APPROX 15 FT WIDE.</li> </ul>
Screening & Mall Standards	A. Adjacent residential zoning district shall be screened. B. Service area shall be screened. C. Machinery and utilities shall be screened and possibly landscaped with evergreen species. D. If Drive-Thru window and vehicle maneuvering or parking lot visible from row- screening mandatory.			B. Rear service area of building is being screened with wooden fence and planted with	A. N/A B. SERVICE ENTRANCE AT BACK SCREENED WITH FENCE AS WELL AS TEXAS SAGE AND NATIVE GRASSES C. SHOWN ON ROOF, TRELLIS, AND AWNING PLAN: SHEET A-3 OF THE DESIGN REVIEW

	A DE Contrar d'Ant	T-1-1-5 1 PM -5 10	11 000 C	A Decided OFA loads are 1. White and 1.	
				A. Required 25ft landscape buffer is not possible with configuration of existing unhide managements	A. NEW HEDGES TO BE PROVIDED ALONG I-35 IN AREA
		minimally be landscaped.	tree per 25 ft of landscaped	with configuration of existing vehicle maneuvering area/entrance, leaving 3' permeable land	BETWEEN FRONTAGE ROAD AND ENTRY DRIVE
	adjacent row.	1. Additional 10% landscaping	buffer.	continuous to property line and sow (see commont	1. NEW HEDGES
	B. 1,3-in-cal, approved tree per		B1. =18 trees [(3) 10 shade	contiguous to property line and row. (see comment 1 below) Additionally, shade trees are less viable in	
	30 feet of row frontage	grasses, seasonal flowers).	frees and (2) 8 ornamental	smaller areas. Lot is also required to have buffer at	5. IRRIGATION NOTE ADDED TO PLANS
		2. Additionally in landscaped	trees in buffer. 10% more	any vehicle maneuvering or parking areas visible	D. SIDE WALK IN FRONT OF BUILDING IS TO REMAIN AS IS WITH
	evergreen species.	buffer - 1,2- in ornamental	under planting.	from row, which includes the entry drive to the site	NEW TRELLIS STRUCTURE
	C. 6' wide bed of foundation	trees per 30-ft 3. 1,3 inch tree	D1. Northwest façade is only	from the I-35 frontage road.	E. EXISTING TREES SHOWN ON LANDSCAPE PLAN
an C. S. S.	plantings for 70% of any	per 25ft of landscaped buffer	one without foundation	1. Bushes/grasses and ornamental Trees (wax or	F. FOUNDATION PLANTINGS ARE TO REMAIN, NEW WISTERIA
	façade visible to public.	instead of 1 per 30 linear ft in	plantings.	crepe myrtle, redbud, possum haw, mountain	VINES AND NEW TRELLIS
	D.Provide irrigation.	general requirements.		laurel, vitex, yaupon) should be shown in a casual	
				arrangement with irrigation to mitigate lack of	
				required buffer. They should be shown near as	
				possible (given space restraints) to the amount of	
				all trees that are required for the 25ft buffer in the	
Sec. R. Star				city entry district.	
				2. Additional trees could be placed on landscape	
				tongue in front of building. 3. Final 60 ft.,	
				furthest from driveway entry on frontage road, has	
126 Bell 18 3 19 19				area that could be planted from the 2 existing trees	
				to the property corner and 25ft deep back into the	
				area of the dead bushes with a partial buffer area.	
				<ol><li>The area adjacent to city row at north parking</li></ol>	
				area has mature yaupon holly trees. Butter	
Landscaping				according to ordinance would also require shrubs in	1
				a 25 foot buffer.	
				<ol> <li>Add note that irrigation will be provided to all required landscaping.</li> </ol>	
				D. It appears that the side walk along the east side	
				of the southern facade is being removed and	
and the second				planted in turf with crepe myrtles. Please retain	
				sidewalk connection on this building face.	
				E. Provide inventory of current trees planted with	
				caliper and amount of canes in order to show	
				provided trees that are already provided for	
				amount of trees required.	
				F. Show foundation planting on at planting area	
				adjacent to south flat facade of building.	
D. Norse I.C.					

	-			
		1. Articulated entrances and 3		1. THERE IS A NEW CANOPY/TRELLIS STRUCTURE AT ENTRANCE
an year and the		structural elements provided at	canopy/arcade.	WHICH COUNTS AS ONE ADDITIONAL FEATURE
34 - 18 - 18 - 18 - 18 - 18 - 18 - 18 - 1		main entrance.	<ul> <li>Entrance is proposed to be accented with</li> </ul>	- CREPE MYRTLES HAVE BEEN TRANSFERRED TO LANDSCAPE
			wood inserts.	TONGUE NEAR DRIVE-THRU, NEW YAUPON HOLLY IN FRONT OF
- 12 Mar			<ul> <li>One additional feature should be provide or</li> </ul>	CANOPY STRUCTURE IN GREEN AREA
			another feature be added on this entrance side.	
			•	
			Canopy that covers the sidewalk along the wall	
			east of the entrance could be substitutes for	
a lot a l			this requirement.	
Architectural Details			* Leave sidewalk in front of southern wall east	
Architectural Details			of entrance and add a matching canopy/awning	
			above it where crepe myrtles are called out.	
15 1			This canopy could be regarded as the additional	
12 18 . C . B.			feature of the entrance. Move crepe myrtle to	
N. M. A. & B.			green area south of sidewalk.	
			-Plans providing an outdoor shade structure at	
			front of building over existing outdoor patio and	
1			canopies on north and south windows.	
1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1				
		- Earth tone color palette and	Appears as Earth-toned paint.	- EARTH-TONED PAINT ON EXTERIOR STUCCO
12		sample boards with elevations	N and S windows accented with wood insert on	- WOOD INSERTS AT WINDOWS
		3 materials.	building.	- CALCULATIONS PROVIDED ON PLANS
		- No one material more than	Show and provide calculations to demonstrate	
<b>Building Materials and</b>		80% of any building façade	that the building façade are maximum of 80%	
Colors (Accents)		(not including windows)	on type of finish	
		-Min 10% / max 30% accented		
		with listed materials.		
			Circle and baing abanged. Adding disational and	N/A
-			Signs not being changed. Adding directional and	NVA
Signs			menu board.	
	Directional control light	Ornamental or decorative	Is the new sconce lighting being added feature	CUT SHEET PROVIDED
Lighting	trespass reasonable intensity.		focused full cut off? Give tear sheet or state in	
			note.	
Utilities			Is any new utility being added?	NO
			, , , , , , , , , , , , , , , , , , , ,	













02/21/11 Item 2 Regular Agenda Page 1 of 6

**APPLICANT:** Tim Lyssy, of CMA Architects, on behalf of Starbucks Coffee Company

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

**ITEM DESCRIPTION:** Z-FY-12-31 - Consider and take action on an Appeal of Standards in Sec. 6.7 of the Unified Development Code related to the I-35 Corridor Overlay Zoning District including landscaping, building treatment, and parking lot additions for Starbucks Coffee, located at 111 N. General Bruce Drive.



💳 I-35 Overlay/City Entry Sub District 🛑 I-35 Expressway 🛑 Major Arterial 💻 Minor Arterial 💶 Proposed Trail 💳 Starbucks

#### **BACKGROUND:**

The owner of Starbucks Coffee proposes to remodel the inside of the building and add exterior improvements such as a new alignment for the drive-through lane, paint for the exterior, and a pergola over the exterior patio. The property is in the PD-GR, CP-106, General Retail zoning district and in the City Entry sub-district of the I-35 overlay. This Conditional Use Permit (CUP) was approved

for the former owner, Taco Cabana, in 1992, for on-premise alcohol service of 75% or less of revenue. The CUP remains with the land, but Starbucks does not sell alcohol in Temple.



The cost of the proposed exterior and interior improvements, as compared to the assessed value of improvement to the property, is greater than 50% of that value. This threshold triggers the entire I-35 overlay zoning district requirements, which are:

- Tree Preservation (not applicable to this site)
- Landscaping
- Architectural Design
- Screening and Wall Standards
- Parking
- Lighting
- Utilities

The Applicant requests relief from complying with these standards in the form of this appeal. While the building is surrounded by attractive mature landscaping, the site has constraints along the I-35 frontage where the 25-ft. landscape buffer is required to be placed. The site plan additions are the Applicant's attempt to come as close to the spirit of the overlay district as possible given the property issues found and mature landscaping already existing on the site.



Guide to Current Site Photos

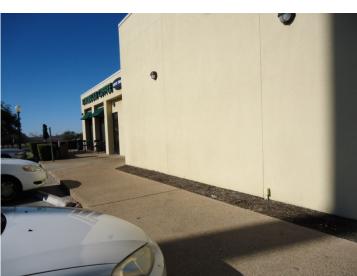


Front Patio on western front façade of building

Side Patio on South Entrance façade looking east



Southern façade of building with entrance



View to the west along the south façade of building



View west from front patio looking at drive and I-35 frontage (indicated with arrow)



The current drive-thru aisle configuration at rear of building, looking north with mature ornamental trees on landscaped parking divider

**<u>I-35 APPEAL:</u>** Below is a summary of the General and the City Entry sub-district standards in the I-35 Overlay and how the applicant's submittal compares with them.

I-35 Requirements/City Entry Additional Requirements	Submitted Plan and Elevations Show	Meets Requirements?	
Landscaping (General)			
Areas not covered by building or pavement must be landscaped	No additional areas need pavement or landscape cover on this fully urbanized site	Yes	
15% of entire site must be landscaped (8,245 sf)	18% of entire site landscaped (~9,900 sf )	Yes	
Foundation plantings required along 70% of the length of any façade visible to public	71%, of foundation plantings on the visible side façade to grow up and on to pergola	Yes	
25' landscape buffer along front street	Drive aisle prevents anything but the existing 3' wide planting bed which is planted with new Dwarf Burford Holly shrubs	No	
20% of required landscape buffer must have native grass beds or wildflowers	Width of buffer along drive aisle is consumed by proposed shrubs	No	
Landscaping is required within parking area in the form of islands and medians – one island per 10 spaces and 1 median per 3 parking rows	2 new islands proposed. More were originally proposed in the back of the property near Barton but Staff preferred enhanced architectural elements in exchange for these rear islands	No	
Landscaping (City Entry Sub- District)			
Additional 10% vegetation required in landscaped area	Width of buffer along drive aisle is consumed by proposed shrubs	No	
Additional ornamental trees in buffer per 30 linear feet of frontage (10 required)	3 additional ornamental trees proposed near I-35 driveway. Site constraints prevent more.	No	
One three-inch caliper tree per 25 feet street frontage (12 along I-35 and 6 along Barton)	7 new or existing trees along I-35, 2 existing along Barton. Site constraints prevent more.	No	
Berming required in 50% of the landscape buffer (700')	None proposed. Narrow planting bed prevents berm.	No	
Parking area must be screened by a continuous hedge or shrubs, berm, or retaining walls	Shrub buffer proposed	Yes	
50% Enhanced paving at throat of entrance driveway	None proposed	No	
Architecture (General)			
Building entrances must be articulated six feet	Proposed entrance meets requirements	Yes	

I-35 Requirements/City Entry Additional Requirements	Submitted Plan and Elevations Show	Meets Requirements?
Buildings must have one articulation element (canopy, arcade, articulated cornice line, accent materials, etc.)	Proposed pergola near to entrance and over sidewalk serves as articulation element	Yes
Architecture (City Entry Sub- District)		
Earth-Toned color	Building is to remain stucco, and will be re-painted in two earth-toned colors	Yes
No single material may cover more than 80% of façade	Large stucco wall on south side. Will be backdrop for new wooden pergola to match existing pergola on front façade. Will be planted with 3 wisteria vines.	Yes
Approved accent materials must be provided between 10 and 30% of facades (wood is an approved accent material)	Decorative wooden panels and metal awnings will be inset and installed over each window	Yes
Screening and Walls (General)		
Garage & service bays must be located to rear of building or on side not visible to traffic flow on abutting side of I-35.	NA	NA
Loading zones & mechanical equipment must not be clearly visible at eye level from any public street or located within 100 feet of any public street, unless screened	Even though rear service area is not visible from public street, it is being screened with 6-ft. wooden privacy fence and planted with 5 Texas sage bushes	Yes
Parking (General)		
Curb & gutter, 6 inches in height, required around perimeter of parking area and all landscaped parking islands	Curbing proposed and exists	Yes
Parking aisles must be perpendicular to the front of the principal building	No change proposed to existing parking aisles, some are parallel and some per perpendicular	Partially
Parking areas must be planned so that vehicles are not required to back out directly into a public or private street	No backing motions proposed	Yes
Lighting (General)		
Light sources must be housed in full cut-off fixtures	New lighting is shown as full cut off	Yes

I-35 Requirements/City Entry Additional Requirements	Submitted Plan and Elevations Show	Meets Requirements?
Utilities (General)		
All wires & cables on property must be located underground	No above ground utilities proposed	Yes

<u>Staff Analysis</u>: The Starbuck's building and surrounding landscaped parking lot is comparatively attractive to other similar businesses along the highway and is maintained in the spirit of the I-35 overlay district. The addition of supplementary landscaping, new architectural elements, screening, parking islands and lighting has brought this mature and atypically-shaped lot and building to an even more attractive level.

**STAFF RECOMMENDATION:** Staff recommends approval of this Appeal of the I-35 Corridor Overlay standards for Z-FY-12-31 as the Applicant has met the intent of the general I-35 overlay zoning district standards with the condition that bushes be extended across the existing islands on the Barton Street ROW.

FISCAL IMPACT: Not Applicable

### ATTACHMENTS:

Applicant's Appeal Request Letter (5 pages) Applicant's Site Plans (7 pages)

#### EXCERPTS FROM THE

#### PLANNING & ZONING COMMISSION MEETING

#### TUESDAY, FEBRUARY 21, 2012

#### **ACTION ITEMS**

Item 2: Z-FY-12-31 - Consider and make a recommendation on an Appeal of Standards in Sec. 6.7 of the Unified Development Code related to the I-35 Corridor Overlay Zoning District including landscaping, building treatment, and parking lot additions for Starbucks Coffee, located at 111 N. General Bruce Drive. (Applicant: Starbucks Coffee)

Ms. Leslie Matlock, Senior Planner, stated that this case would go to City Council on March 1, 2012 for final action. Pictures of the site were shown from the I-35 frontage road and from an aerial view. Ms. Matlock explained that the Applicant's proposal to remodel the coffee shop interior and to realign the drive aisle triggers improvements tied to the Overlay District and that the property is in the City Entry Sub-District.

Additional pictures were shown of existing mature landscaping, building exterior and outdoor dining patio. Proposed building exterior modifications were shown including a new pergola with trained wisteria vines, new earth tone paint job, and new wood paneling with accent metal awnings. Screening will be provided in the form of a wood fence for the rear service area.

A landscaping slide was shown, showing existing and proposed landscaping. The existing primary drive aisle from the I-35 frontage road prevents the widening of the existing 3' wide strip of private property adjacent to the I-35 ROW. The Applicants proposed a screening hedge within this 3' strip. Width of the strip prevents required berming and tree planting. Additional new trees, shrubs and parking islands were pointed out by Ms. Matlock.

Ms. Matlock explained that the Applicant originally showed the 4 required parking landscape islands; however, Staff requested from the Applicant building entrance enhancements in exchange for two of the islands at the back of the lot. The enhancement is proposed to be an additional pergola along the southern side of the building and wisteria vine added to each pergola.

Ms. Matlock further explained that no enhanced driveway pavers are proposed for the entrance and that a screening row of shrubs should extend along the landscaped islands along Barton Avenue.

Ms. Matlock concluded by saying that the Applicant has an attractive, well maintained business in comparison to similar businesses on I-35. The landscaping and building improvements are in the spirit of the I-35 Overlay District and will add to an even more attractive site.

Staff Recommends approval of this Appeal with the extension of the shrub screen across the frontage islands of the Barton Avenue ROW.

Noticing that the Applicants were not in the audience, as was expected, Vice-Chair Staats made a motion to skip on to other items on the agenda to give the applicants time to arrive.

Commissioner Talley seconded the motion.

Motion passed: (8:0)

After all other items were addressed on the Agenda, the applicants still had not arrived. Mr. Brian Mabry, Planning Director, explained to the Commission that the Applicants and City Staff were in agreement on the proposal and that the Commission should vote on the item.

Commissioner Rhoads made a motion to approve Z-FY-12-31 as recommended by Staff.

Commissioner Pilkington made a second to the motion.

Motion passed: (8:0)

Burt Pope has been appointed to the Commission as its ninth member but has not yet been seated.

#### RESOLUTION NO. <u>2012-6567-R</u>

#### (PLANNING NO. Z-FY-12-31)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, DECIDING AN APPEAL FROM THE APPLICATION OF SPECIFIC I-35 CORRIDOR OVERLAY ZONING DISTRICT STANDARDS IN THE REMODELING OF STARBUCKS COFFEE, LOCATED AT 111 NORTH GENERAL BRUCE DRIVE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

**Whereas**, at its February 21, 2012, meeting, the Planning and Zoning Commission considered an appeal from the application of specific I-35 Corridor Overlay Zoning District Standards to the remodeling of Starbucks Coffee, located at 111 N. General Bruce Drive, and recommended approval of the requested relief;

Whereas, the Staff recommends approval of the requested relief; and

Whereas, the City Council has considered the matter and deems it in the public interest to approve the requested relief.

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

<u>**Part 1:**</u> The City Council approves the requested relief to waive the following specific provisions of Section 6.7 of the Unified Development Code as they relate to the remodeling of Starbucks Coffee, located at 111 N. General Bruce Drive:

a. Subsection 6.7.5.C.2 requiring parking aisles to be perpendicular to the front of the principal building;

b. Subsection 6.7.5.E requiring 20% of the landscaped buffer to contain native grass beds or wildflowers;

c. Subsection 6.7.5.E. requiring one landscaped parking island per 10 spaces and one landscaped parking median per 3 parking rows;

d. Subsection 6.7.10.C requiring a 25-foot wide landscaped buffer along the front property line; and

e. Subsection 6.7.10.E. requiring an additional 10% vegetation in landscaped areas, additional ornamental trees per 30 linear feet of street frontage, one three-inch caliper tree per 25 feet of street frontage, berming along the front landscaped buffer and enhanced pavers at the driveway throat.

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

PASSED AND APPROVED this the 1st day of March, 2012.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, MAYOR

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson City Secretary Jonathan Graham City Attorney



# **COUNCIL AGENDA ITEM MEMORANDUM**

03/01/12 Item #11 Regular Agenda Page 1 of 2

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

Lacy Borgeson, City Secretary

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

- (A) Building and Standards Commission three members to fill expiring terms through March 1, 2014; one alternate member to fill an expiring term through March 1, 2014
- (B) Building Board of Appeals two members to fill expiring terms through March 1, 2016
- (C)Community Services Advisory Board one member to fill an unexpired term through September 1, 2014.
- (D) Development Standards Advisory Board three members to fill expiring terms through March 1, 2015
- (E) Electrical Board one member to fill an expiring term through March 1, 2015
- (F) Parks and Leisure Services Advisory Board four members to fill expiring terms through March 1, 2015
- (G)Temple Economic Development Corporation one member to fill an unexpired term through September 1, 2012
- (H) Temple Public Safety Advisory Board one member to fill an unexpired term through September 1, 2012
- (I) Transit Advisory Committee two members to fill unexpired terms through September 1, 2013
- (J) Tree Board two members to fill expiring terms through March 1, 2015
- (K) Zoning Board of Adjustment three members to fill expiring terms through March 1, 2014; two alternate members to fill expiring terms through March 1, 2014

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

**ITEM SUMMARY:** In accordance with the City Council adopted policies governing the appointment and training of citizens to City boards, appointments to the above stated boards are to be made with an effective date of March 1, 2011.

Please see the attached board summary forms, which list current board members, purpose, membership requirements, term and meeting time/place for the boards. Also attached is a summary listing of all applications received for board appointments. Individual board application forms on file for these boards have already been provided. New application forms received will be forwarded to the Council as received.

03/01/12 Item #11 Regular Agenda Page 2 of 2

## FISCAL IMPACT: N/A

ATTACHMENTS: Board Summary Forms Board Applications Resolution

#### BUILDING AND STANDARDS COMMISSION

#### TERM EXPIRATION MARCH - 2 YEAR TERMS APPOINTED BY: MAYOR/COUNCIL

MEMBER	DATE APPOINTED	EXPIRATION YEAR	ADDRESS	PHONE NUMBER
Jeff Norwood jeffn@intonline.com OMA Eligible for reappointment	03/10	2012	256 Eagle Landing Belton, TX 76502	493-4600 W/C
Crystal Cowen <u>ccowen@archedge.com</u> (moved to reg. member 3/10) Eligible for reappointment	03/08	2012	1017 North 11 <sup>th</sup> Street Temple, TX 76501	771-2054 W 773-2144 F 721-5104 C
Fay Evans fayevans@mac.com Eligible for reappointment	03/10	2012	904 North 7 <sup>th</sup> Street Temple, TX 76501	598-4019 H
*Lee A. Crossley lacrossley@sbcglobal.net Eligible for reappointment	03/10	2012	5102 Sturbridge Drive Temple, TX 75602	780-7934 W/C
Jonathan (Tony) Gallagher <u>Tonygallagher3@yahoo.com</u> OMA	02/09	2013	6121 FM 439 Belton, TX 76513	939-6795 W 718-5360 C
Kevin Bonner kevinbonner@bcswlaw.com	07/11	2013	11381 Parkdale Temple, TX 76502	774-8333 W 298-3140 H
*Ed Laughlin Ed@edlaughlin.com	02/09	2013	3114 Sleepy Hollow Lane Temple, TX 76502	773-8399 W 718-3786 C
*Mary Ann Rojas Maryann.rojas@myjobsource.org O/OMA	03/11	2013	19 North Main #2715 Temple, TX 76501	298-8785 W 774-7061 H 361-816-4157 C
* Scott Morrow scott@bmipest.com	02/09	2013	10 West Welton Temple, TX 76501	771-9933 W 931-0211 H

#### \* ALTERNATES

Created October 18, 1990 under the authority of Chapter 54, Subchapter C of the Local Government Code of the State of Texas, Ordinance #2060.

**Purpose:** The Board has the authority to hear and determine cases concerning alleged violations of City ordinances related to building codes, including the minimum housing code; conditions covered by accumulation of matter that creates unsanitary and unhealthy conditions; functions of the Historic Preservation ordinance; and serves as a screening committee for the rental rehabilitation and the owner-occupied housing rehabilitation program. The Building & Standards Commission's final decisions may be appealed to any district court in Bell County within 30 days of the date of final decision.

Membership:5 regular members ; 4 alternate members

Terms: 2 years City Staff: Supt. Of Construction Safety & Services

Meeting Time/Place: 1st Monday of each month, at 2:00 p.m. in the Council Chambers in the Municipal Building. REVISED 07/07/11

#### **BUILDING BOARD OF APPEALS**

#### **TERM EXPIRATION: MARCH - 4 YEAR TERMS**

APPOINTED BY: MAYOR/COUNCIL

MEMBER	DATE APPOINTED	EXPIRATION YEAR	ADDRESS	PHONE NUMBER
Alan Horn (general contractor) ahorn@mmccorps.com OMA	03/10	2014	3502 Preston Oaks Dr. Temple, TX 76504	778-4241 W 493-0676 C
Will Sears (contractor/developer) willsears@hotmail.com	03/10	2014	3401 Mesquite Drive Temple, TX 76502	931-2485 W/C
Starky K. Winnett (at-large) <sup>OMA</sup>	03/10	2014	2009 South 53 <sup>rd</sup> St. Temple, TX 76504	760-2699 W/C
Michael W. Marrs (architect) OMA Not eligible – term out	03/04	2012	3315 Red Cliff Circle Temple, TX 76502	778-0877 W 791-2027 H
Kristy Andrews (engineer) <u>Kristine.Andrews@cse-</u> texas.com Not eligible – term out	11/02	2012	Comprehensive Engineering 319 S. 1 <sup>st</sup> Street Temple, TX 76504	742-2050 W ext. 101 742-2055 F
Michael Vansa <u>templeheatair@hot.rr.com</u> (HVAC) Eligible for reappointment	3/11	2012	3406 W. Nugent P.O. Box 1128 Temple, TX 76503	771-1012 W 231-5769 C
Phillip Snyder (builder/at large) OMA psnyderconst@aol.com Eligible for reappointment	02/08	2012	P O Box 3067 Temple, TX 76505	773-5546 W 541-5536 C
Ralph Hernandez (master plumber) ома	02/05	2013	210 N. 21 <sup>st</sup> Street Temple, TX 76504	778-1413 W 534-5135 C
Ben Mauldin (master plumber) <u>benmauldin@aol.com</u>	06/06	2013	402 E. Loop 121 Belton, TX 76513	721-8330 C 939-5886 F

Created September 4, 1980 by Ordinance #1295; amended 5/03/90 by Ordinance #2041, amended 8/20/98 by Ordinance #98-2569.

**Purpose:** The board shall submit recommendations to the Council for improvements and revisions to the Standard Building Code, Mechanical Code, One and Two Family Dwelling Code, Plumbing Code, Gas Code and Fire Prevention Code as it deems necessary and proper in the light of the development of new materials, methods or techniques.

Membership:

- 9 members to include the following:
- 2 architects or engineers
- 2 master plumbers
- 2 from building industry, including general contractor, engineer or other

1 from mechanical or air conditioning trade

2 at large 4 years

Term:

Meeting Time/Place:Called basis; within 10 days after notice of appeal has been filed.Meetings conducted inCouncil Chambers, Municipal Building.City Staff:Director of Planning & DevelopmentREVISED 03/03/11

### COMMUNITY SERVICES ADVISORY BOARD

#### TERM EXPIRATION: SEPTEMBER - 3 YEAR TERMS

APPOINTED BY: MAYOR/COUNCIL

MEMBER	DATE APPOINTE D	EXPIRATION YEAR	ADDRESS	PHONE NUMBER
Rev. Roscoe Harrison <u>rharrison@swmail.sw.org</u> OMA	06/04	2012	5222 J. I. Bruce Dr., Temple, TX 76502	773-0173 H 724-1929 W 724-5288 F
Lamar Collins, Chair coach@collinseducationgroup.org	09/06	2012	101 Twelve Oaks Drive Temple, TX 76502	412-5704 W 624-7133 C 808-1008 Pager
Nancie Etzel <u>NEtzel27@hot.rr.com</u>	04/08	2012	329 Big Timber Drive Temple, TX 76502	780-9898 H
Patsy Cofer pcofer@hot.rr.com O/OMA	09/10	2013	4314 Gazelle Trl Temple, TX 76504	718-1859 W 899-8165 H 718-0866 C
Ashleigh Pettijohn apettijohn@extracobanks.com	09/10	2013	201 Rabern Ct Apt 517 Belton, TX 76513	774-5807 W 624-9268 H/C
Florencio Olivares <u>Florencio.olivares@atmosenergy.com</u>	03/11	2013	1111 North 6 <sup>th</sup> Street Temple, TX 76501	718-7326 W/C 295-0123 H
Melissa Bragg, Chair melissatyrochbragg@yahoo.com	09/08	2014	4747 McLane Parkway Temple, TX 76504	654-5606 C
Kevin Pitts - Resigned Kevin.Pitts@bbvacompass.com	09/11	2014	7309 Klein Drive Temple, TX 76502	770-5128 W 718-4984 C/H
Dee Blackwell dahblackwell@hotmail.com	04/10	2014	8520 Oak Crossing, 76502	228-5609 H 541-8873 C

Created May 7, 1992 by Resolution #92-234-R; duties expanded May 6, 2004 by Resolution 2004-4042-R

**Purpose:** To assess public service needs in the community; annually request proposals from public service agencies to meet identified needs; recommend funding levels to the Council from the CDBG annual budget; monitor the agencies receiving CDBG funds to evaluate their performance and proper utilization of funds.

**General Duties:** Attend approximately 6 board meetings per year, from October through May; participate in subcommittee work on application format as needed; participate in subcommittee application review; participate in interview process of agency representatives; present funding recommendations to the Council in June. Duties will include the selection criteria and process for the new HOME Program and other associated CDBG activities.

Membership: 11 members, all residents of Bell County; Ex-officio members - City Manager

**Term:**3 years **City Staff**: Traci Barnard, Director of Finance **Meeting Time/Place:** Regular meetings monthly, special meetings as needed; Staff Conference Room, Municipal Building.

Revised 08/18/11

#### DEVELOPMENT STANDARDS ADVISORY BOARD

#### TERM EXPIRATION: MARCH - 3 YEAR TERMS

APPOINTED BY: MAYOR/COUNCIL

MEMBER	DATE APPOINTED	EXPIRATION YEAR	ADDRESS	PHONE NUMBER
Jim Howe,Chair General Const.	2/07	2013	Omega Builders 7353 West Adams Temple, TX 76502 jimh@omegabuilders.com	773-9966 W 771-2299 F
Monty Clark Engineer	3/10	2013	2105 South 51 <sup>st</sup> Street Temple, TX 76504 mclark@clark-fuller.com	899-0899 W 913-1732 C
Byron Sinclair Utility Const.	2/07	2013	City of Belton <u>bsinclair@ci.belton.tx.us</u>	254-295-6417 M
Charles Lucko Surveying OMA	09/08	2014	1303 S. 21 <sup>st</sup> Temple, TX 76504 <u>chuck@allcountysurveying.com</u>	778-2272 W 534-1225 M 774-7608 F
Michael L. Brock Real Estate OMA	09/08	2014	4102 S. 31 <sup>st</sup> #700 Temple, TX 76502 <u>texaslumar@yahoo.com</u>	770-1882 W 718-7346 H/M 770-1886 F
Kenny Paysse Insurance <sup>OMA</sup>	09/08	2014	2118 Birdcreek Dr. #110 Temple, TX 76502 kpaysse@farmersagent.com	778-7136 W 718-3371 M 778-7346 F
Charles R. Chapman Banking OMA Eligible for reappointment	3/10	2012	103 Calvin Drive Temple, TX 76501 <u>cchapman@usbanktexas.net</u>	931-1762 C
W.C. (Pat) Patterson Construction OMA Eligible for reappointment	02/09	2012	2116 West Avenue H Temple, TX 76504 Pat.patterson@patcoconstructionIIc.com	771-0037 W 760-6062 C
Bryant Davis Street Const. Eligible for reappointment	3/08	2012	401 Hallmark Circle Belton, TX 76513 <u>bdavis@rtschneider.com</u>	933-2529 W 939-3014 H 534-2455 M

Created February 15, 2001, Resolution No. 2001-2885-R

**Purpose:** Standing advisory board to advise the City Council and Planning & Zoning Commission on matters relating to the Subdivision Ordinance, City's standard construction details, and related development standards and regulations.

**Membership:**9 members, 5 to be residents of City or City ETJ, or own or be employed by a business that has an office within the City; 7 of 9 positions to be represented from following professions: civil engineering, general construction, utility construction, street construction, real estate, banking, insurance, land development, architecture, homebuilding or surveying.

Term:3 years

City Staff: Asst. Director of Public Works/City Engineer

REVISED 02/17/11

## TERM EXPIRATION MARCH - 3 YEAR TERMS

#### APPOINTED BY: MAYOR/COUNCIL

MEMBER	DATE APPOINTED	EXPIRATION YEAR	ADDRESS	PHONE NUMBER
John Toone TXU Delivery Representative	12/06	2013	P.O. Box 688 Temple, Texas 76503	770-6204 W
Craymon Myers Master Electrician rmyers@hot.rr.com	03/10	2013	4003 Wendy Oaks Drive Temple, TX 76502	534-3572 W/C 773-0185 F
Tonya Degges Architect Tonya_Degges@yahoo.com	03/10	2013	3009 West Avenue T Temple, TX 76504	817-903-7031 W/C 254-231-4897 F
Robert Bass Master Electrician rk@basselectric.com O/OMA	03/11	2014	5763 Denmans Loop Belton, TX 76513	698-8751 W 939-6392 H 535-0443 C
Melissa Bragg Attorney melissatyrochbragg@yahoo.com	02/08	2014	4747 McLane Parkway Temple, TX 76504	624-5606 C
Jeff Byrd General contractor jeff@bccgeneralcontractor.com	03/09	2014	11212 Inverness Road Belton, TX 76513	563-6633 W/C
Kenneth Malina Journeyman Electrician OMA Eligible for reappointment	02/09	2012	2006 North 13 <sup>th</sup> Street Temple, TX 76501	778-4271 W 534-0176 C

Created March 18, 1976 by Ordinance #869.

**Purpose:** Hear and rule on appeals of application of the Electrical Code; provide recommendations for changes and additions to the Code; review and upgrade license examinations.

**Membership:** 7 members to include the following:

- 2 master electricians
- 1 journeyman electrician
- 1 representative of TU Electric
- 1 representative from construction industry
- 1 architect, engineer or insurance industry
- 1 attorney

\* Members which require licenses must be licensed to perform work in the City of Temple. No

2 members shall be appointed from the same firm or business organization.

Term:3 yearsMeeting Time/Place:Called basis; Council Chambers, Municipal Building.City Staff:Director of Construction Safety & ServicesREVISED 02/17/11

### PARKS AND LEISURE SERVICES ADVISORY BOARD

TERM EXPIRATION: MARCH - 3 YEAR TERMS

APPOINTED BY: MAYOR/COUNCIL

TERM EXTINATION. MARCI				
MEMBER	DATE APPOINTED	EXPIRATION YEAR	ADDRESS	PHONE NUMBER
Sue Ellen Galvan - resign segalvan@vvm.com	07/10	2012	3813 Rosemary Ln 76502 P.O. Box 3261 76505 Temple, TX 76501	773-6779 W 931-1232 C
David Rapp, Vice Chair revdavidrapp@gmail.com Eligible for reappointment	10/08	2012	4307 Vista Court Temple, TX 76502	254-760- 4246 C 774-6999 H
Doug Smith, Chair dougs@papergraphicsItd.com Eligible for reappointment	09/07	2012	18 West Upshaw Temple, TX 76501	773-7391 W 771-1673 H 534-2943 C
Ron Perry <u>Rperry1@farmersagent.com</u> Not eligible – term out	12/06	2012	3701 Redbud Rd. Temple, TX 76502	774-9976 W 774-9950 H
Scott Allen svallen@sbcglobal.net OMA	03/11	2014	818 North 11 <sup>th</sup> Street Temple, TX 76501	774-9565 W 771-4181 H 718-3025 C
John Bailey john@johnbaileyfinancial.com	03/11	2014	373 Eagle Landing Drive Belton, TX 76513	774-8882 W 780-9114 H 760-1486 C
Mona Fullmer monasellshomes@aol.com	03/10	2013	4722 Stagecoach Trail Temple, TX 76502	913-6500 W/C 231-3030 H 773-4505 F
David Perez-Guerra davidp@concentusmediagroup.com OMA	09/07	2013	Concentus Media Group 718 S. 17 <sup>th</sup> St. Temple, TX 76504	742-2007 W 771-1739 F 760-1908 C
Gil Hollie <u>ghollie@hot.rr.com</u> O/OMA	03/10	2013	2425 Hancock Drive Temple, TX 76504	721-7474 H

Created by City Charter, Section 3.28; Ordinance 2133, April 16, 1992-repealed 3-20-08; merged with Convention Center & Tourism Board and recreated under Resolution 2008-5349-R, 3-20-08

**Purpose:** To advise the City Council and the Director of Parks & Leisure Services Recreation on matters relating to the City's parks, recreational programs, Sammons Golf Course, Frank W. Mayborn Civic & Convention Center and tourism generally.

**Membership:** 9 members - all residents of the City; to be reduced from the present 13 members by attrition (forfeiture of term, resignation or end of term); Ex-officio members - City Manager, Director of Parks & Leisure Services

**Term:** 3 years; **Meeting Time/Place:** 2nd Tuesday each month, 11:45 a.m., Mayborn Civic and Convention Center, Parks and Recreation Conference Room.

City Staff: Ken Cicora, Parks & Leisure Services Director

# TEMPLE ECONOMIC DEVELOPMENT CORPORATION

APPOINTED BY: CITY COUNCIL

		<u> </u>		
MEMBER		EXPIRATION	ADDRESS	PHONE NUMBER
William A. Jones, III, Mayor bjones@ci.temple.tx.us	02/08	standing	2 North Main Temple, TX 76501	298-2951 W
Perry Cloud	06/11	Standing	P O Box 667	778-1363 W
Councilmember	00/11	Standing	Temple, TX 76503	760-6421 C
pcloud@ci.temple.tx.us			•	
David Blackburn,City Mgr	02/01	Standing	2 North Main	298-5600 W
dblackburn@ci.temple.tx.us			Temple, TX 76501	298-5637 Fax
Bob Browder (RZ Chair)	09/09	Standing	P.O. Box 1655	774-8333/255 W
bobbrowder@bcswlaw.com	03/03	Standing	Temple, Texas 76503	778-8956 H
bobbiomdol e boomamoon.				760-6164 C
				774-9353 Fax
Kenny Martin	02/08	2014	3115 Kensington Court	771-5400 W
(At large)			P O Box 1404	771-3811 H
martin@vvm.com			Temple, TX 76503	771-4000 F
George Lee	09/11	2014	Horny Toad Harley-Davidson	743-7200 W
(Chamber)	09/11	2014	7454 S. General Bruce Dr.	210-410-5007 C
georgelee@me.com			Temple, TX 76501	743-7299 F
goolgeloo Chielochi				14012001
Hugh Shine	09/11	2014	P O Box 793	742-1885 W
(RZ No. 1)			Temple, TX 76503	774-9685 H
hughdshine@yahoo.com				760-6007 C
Greg Rhoads		┼────	2668 South 31 <sup>st</sup> St.	778-3400 W
(Chamber)	09/09	2012	Temple, TX 76504	931-0637 C
greg@2thetopllc.com				
<u>9. 9 C =</u>				
Peter Brumleve - resigned	07/44	0040	2401 S. 31 <sup>st</sup> Street	724-6572 W
(At Large)	07/11	2012	Temple, TX 76508	541-9422 C
pbrumleve@swmail.sw.org		<b></b>		
Pat Currie	5/08 (unexp)	2012	1150 Hartrick Canyon Dr	724-4537 W
(At Large) pcurrie@swmail.sw.org	09/09	2012	Temple, TX 76502	982-4674 H 713-582-5606 C
Charles Belson	09/09	2012	4309 Stonehill Court	254-697-8516 W
(At Large)	00/00	2012	Temple, TX 76502	773-1347 H
cmbelson@sbcglobal.net				760-6636 C
	<u> </u>	<b></b>		254-697-8656 F
Pat Patterson	09/07	2013	201 Shady Oaks Ct	771-2228 W
(Chamber) pat.patterson@patconstructionllc.com	00,01	2010	Temple, TX 76504	760-6062 M
James (Jim) Kent	09/10	2013	13616 Dandelion Trail	771-7905 W
(At Large)	00/10	2010	Belton, TX 76513	780-9812 H
Jkent88@yahoo.com				541-6252 C
Drayton McLane III	09/10	2013	P.O. Box 549	770-6123 W
(At Large)			Temple, TX 76503	947-8307 H
Drayton.mclane3@mclaneat.com				228-3845 C
Gregg Strasburger	09/10	2013	Fuel Distributors, Inc.	778-3547 x 433 W
(Bioscience Dist.)	00/10	2010	7 North 5 <sup>th</sup> Street	
gss@strasburger.net			Temple, TX 76501	760-7278 M
TEDC STAFF –		<u> </u>	1 South 1 <sup>st</sup> Street	
Lee Peterson			Temple, Texas 76501	773-8856 F
lpeterson@choosetemple.com				773-8332 W
		<u> </u>		

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 08/18/11

### TEMPLE PUBLIC SAFETY ADVISORY BOARD

TERM EXPIRATION: SEPTEMBER - 3 YEAR TERMS

APPOINTED BY: MAYOR/COUNCIL

TERM EXPIRATION: S			MS APPOINTED BY: MAY	
MEMBER	DATE APPOINTED	EXPIRATION YEAR	ADDRESS	PHONE NUMBER
Bill E. Moore - resigned	06/05	2012	2005 East Avenue K, 76501	773-3589 H
Sonny Jaramillo	06/11	2012	512 W. Oakland Dr., 76501 sjvj@swbell.net	933-4206 W 760-7502 C
Rebecca Rucker	07/11	2013	212 Tanglewood Rd. 76502 rebeccar@fsbcentex.com	899-6602 W 231-2766 C
John Bush	09/09	2013	1302 North 13 <sup>th</sup> , 76501 Jbush83498@sbcglobal.net	774-8899 W 773-1416 H 760-9313 C
Donald W. Nelson	09/09	2012	3105 Hemlock Blvd., 76502 Dnelson8@hot.rr.com	778-1803 H/F
Sylvia Chesser	09/10	2013	802 Westpoint Dr., 76504 Kd5usi@aol.com	771-1171 H
Dee Blackwell	09/10	2013	8520 Oak Crossing, 76502 dahblackwell@hotmail.com	228-5609 H 541-8873 C
Richard Morgan	03/11	2013	214 West Houston, 76501 richardmorgan@hot.rr.com	634-4244 W 760-0331 C
Temikia Brown	09/09	2012	P O Box 1702, 76503 temikiabrown@aol.com	780-2822 H 778-8036 W 217-5476 C
Margaret Goodwin	06/10	2013	3206 Keller Road, 76504 mag47goo@msn.com	541-0894 C
Jeff Blackwell	11/10	2014	8520 Oak Crossing, 76502 jblackwell@swmail.sw.org	228-5609 H 541-8874 C
Steve Hubbard	09/10	2014	8716 Laurel Ridge, 76504 sthubbard@swmail.sw.org	654-3828 –C
Bennie Trevino	11/10	2014	1003 South 13 <sup>th</sup> Street, 76504 Bnn_trevino@yahoo.com	771-3859 H
Billy Rowton	07/11	2014	3008 W. Ave T 76504 <u>b.rowton@sbcglobal.net</u>	771-2400 H 541-1775 C
John Barina	09/08	2014	2109 Stagecoach Trl 76502 johnbarina@hot.rr.com	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 08/18/11

### TRANSIT ADVISORY COMMITTEE

### TERM EXPIRATION: SEPTEMBER - 2 YEAR TERMS APPOINTED BY:MAYOR/COUNCIL

MEMBER	DATE APPOINTED	EXPIRATION YEAR	ADDRESS	PHONE NUMBER
Mary Ann Rojas maryannrojas@myjobsource.org *forfeit – attendance/ request to be reinstated	05/11	2013	1313 N. 8 <sup>th</sup> Temple, TX 76501	298-8785 W 774-7061 H <sub>361-816-4157 C</sub>
Peggy McIlvanie	09/11	2013	313 North 15 <sup>th</sup> Temple, TX 76501	682-229-3665 C
Esther Roque, Vice Chair <u>esther.roque@co.bell.tx.us</u> *forfeit – attendance/ request to be reinstated	09/06	2013	5007 Williams Drive, 76504 11 North 2 <sup>nd</sup> (mail) Temple, TX 76501	228-5060 H 770-6838 W 770-6837 F
Vickie Gideon,Chair vickieg@workforcelink.com	09/07	2012	2706 Pin Oak Temple, TX 76502	742-4413 W 778-3445 H 760-1226 C
Deanna DeGraaff vipdegraaff@att.net	09/10	2012	815 West French Avenue Temple, TX 76501	778-5073 H 718-8998 C
Nancie Etzel <u>NEtzel27@aol.com</u>	09/10	2012	329 Big Timber Drive Temple, TX 76502	780-9898 H
Justice Bigbie jbnavyman@hot.rr.com	09/10	2012	108 Sundance Drive Temple, TX 76502	742-2171 H 421-0849 C

Created by Resolution No. 2000-2812-R, December 7, 2000; replaces previous Transit Advisory Board.

**Purpose:** Review operations of Temple Transit System and make suggestions for service enhancements; make advisory policy recommendations to the City Council; attend public hearing regarding system changes conducted by the contractor and report finding to the City Council and to the Hill Country Transit District Board of Directors.

**Membership:** 7 members, all residents of City; one member shall be elderly and not disabled, one member shall be disabled, and three members shall be citizens who are not program participants. Committee has recommended two remaining positions be filled with representation from the health, education or business community.

**Term:** 2 years **Meeting Time/Place:** Second Thursday of every other month, 2:00 p.m., as needed, Temple Public Library, 3<sup>rd</sup> Floor Board Room

City Staff: Kim Foutz, Asst. City Manager

Revised 08/18/11

### TREE BOARD

#### TERM EXPIRATION: MARCH - 3 YEAR TERMS

APPOINTED BY: MAYOR/COUNCIL

TERM EAFIRATION. MARCH			AFFOINTED BT. MATOR/COL	
MEMBER	DATE APPOINTED	EXPIRATIO N YEAR	ADDRESS	PHONE NUMBER
Allen Einboden * does not want to be reappt'd (Keep Temple Beautiful) aeinboden@swmail.sw.org	04/05/07	2012	S&W Health Plan 2401 S. 31 <sup>st</sup> Street Temple, TX 76508	298-3030 W 780-3634 H 298-3011 F
Dr. Tom Gerik (Blackland Research Ctr) tgerik@brc.tamus.edu OMA Eligible for reappointment	04/02/09	2012	720 East Blackland Road Temple, TX 76502-9622	774-6128 W 774-6001 fax
Doug Smith, Vice Chair (Parks & Leisure Services Board) dougs@papergraphicsltd.com	10/16/08	2014	18 West Upshaw Temple, TX 76501	773-7391 W 771-1673 H 534-2943 C
James Staats(Planning & Zoning Comm.) jmmstaats@aol.com james@allcountysurveying.com	09/02/10	2014	2214 Fox Glen Lane Hm:Temple, TX 76502-H Ofc:1303 S. 21 <sup>st</sup> -W	778-2272 W 773-3464 H 534-1233 C
David Lockwood, Chair (at large) tembelnsy@hot.rr.com	04/05/07	2013	Tem-Bel Nursery 5300 S. General Bruce Dr. Temple, TX 76502	778-5651 W 774-8489 H
Kent Boyd (Ex Officio-TISD) <u>kent.boyd@tisd.org</u>	07/20/09		Temple ISD 200 North 23rd Temple, TX 76504	215-6781 W
Scott Moger (Ex Officio-BISD) Scott.moger@bisd.org	01/2012		Belton ISD 616 East 6 <sup>th</sup> Ave Belton, TX 76513	215-2038 W
Staff: Ken Cicora, Director of Parks & Leisure Services				

Created by Ordinance 2006-4117, Section 22-92

**Purpose:** To develop public awareness and education programs relating to trees; promote Arbor Day; develop and update 5-year plan for planting trees on City property; advise Parks & Leisure Services on issues relating to planting or maintenance of trees and other landscaping on City property.

Membership: 5 members – (1) member of Parks and Leisure Services Advisory Board; (1) member of Keep Temple Beautiful, Inc. Board of Directors; (1) member of Planning and Zoning Commission; (1) member of Blackland Research and Extension Center; and (1) member at large. Ex Officio members from Temple ISD and Belton ISD

Term: 3 year terms

Meeting Time/Place: Board shall meet a minimum of 4 times each year

### ZONING BOARD OF ADJUSTMENT

#### TERM EXPIRATION: MARCH - 2 YEAR TERMS

#### APPOINTED BY: MAYOR/COUNCIL

MEMBER	DATE APPOINTED	EXPIRATION YEAR	ADDRESS	PHONE NUMBER
Mat Naegele, Vice Chair mnaegele@lamar.com (moved to reg. member 02/09)	02/07	2013	Lamar Advertising 5110 N. General Bruce Temple, TX 76501	773-3169 W 534-5746 C
*Cynthia Martinez cymartinez@templejc.edu OMA	02/09	2013	508 West Virginia Ave. Temple, TX 76501	298-8358 W 231-6004 C
*Joel Amos joelamos@amoselectric.com	03/11	2013	1016 Ravenwood Ct P.O. Box 3766 – mail Temple, TX 76505	778-4271 W 534-0177 C
Ed Laughlin Ed@edlaughlin.com	03/11	2013	3114 Sleepy Hollow Lane Temple, TX 76502	773-8399 W 773-5230 H 718-3786 C
Scott Morrow, Chair Smorrow_aggie98@yahoo.com Eligible for reappointment	02/08	2012	BMI Pest Management P O Box 1302 Temple, TX 76503	771-9933 W 931-0211 C
Brandon Tarnow <u>btarnow@aspen-air.com</u> O/OMA (moved to reg. member 3/10) Eligible for reappointment	02/08	2012	Aspen Air 4515 West Hwy 190 Belton, TX 76513	939-2076 W 254-535-2681 C
Bert Pope <u>mvpbep@sbcglobal.net</u> (moved to reg. member 2/08) Not eligible – term out	03/06	2012	1206 North 3 <sup>rd</sup> Street Temple, TX 76501	773-4198 H 773-9196 W 231-1470 C
* Omar Crisp alphainc@vvm.com Eligible for reappointment	03/10	2012	**Alpha Constructors (W) 420 Old Waco Rd Temple, TX 76502 8260 Cedar Creek Road (H) Temple, TX 76504	771-3948 W 770-8129 C
*Keith Odom keith.odom@bbvacompass.com Eligible for reappointment	03/10	2012	**1004 Marlandwood (W) Temple, TX 407 Gilbraltor (H) Lorena, TX 76655	770-5139 W 493-7973 C

Alternates

Created by Charter, Section 3.26 and Zoning Ordinance #91-2101, Section 17.

**Purpose:** Hear appeals and rule on special exceptions to the Zoning Ordinance.

4 alternate members

Term: 2 years

**Meeting Time/Place:** 1st & 3rd Wednesdays each month, if application is filed by submission deadline; Council Chambers, Municipal Building.

City Staff: Director of Planning

REVISED 03/03/11



# APPLICATION SUMMARY

## MARCH 1, 2012 BOARD APPOINTMENTS

# BUILDING & STANDARDS COMMISSION – 2 YEAR TERMS: Meets 1<sup>st</sup> Monday of each month at 2 p.m.

<u>4 Terms Expiring: 3 regular members</u> – Jeff Norwood, Crystal Cowen, and Fay Evans; <u>1 alternate</u> <u>member</u> – Lee A. Crossley

<u>Eligible for Reappointment:</u> All; Jeff (reg.) and Fay (reg.) would like to be reappointed; have not received responses from Fay or Lee.

<u>Board Forms on File:</u> Rayford Brown (Airport Brd), Jeff Byrd (Electrical Brd), Lamar Collins, (Electrical Brd), Ruth Freeman, Alan Horn (Bldg. Brd of Appeals), Denise Karimkhani, Timothy Weddle, Starky Winnett (Bldg. Brd of Appeals)

TABA Recommendation:

Staff Recommendation:

## BUILDING BOARD OF APPEALS – 4 YEAR TERMS: Meets as called basis

2 Terms Expiring: Michael Marrs (architect), and Kristy Andrews (engineer)

Eligible for Reappointment: no - both have termed out;

Board Forms on File: Monty Clark (Engineer), Tonya Degges (Architect - Electrical Brd)

TABA Recommendation:

Staff Recommendation:

### COMMUNITY SERVICES ADVISORY BOARD – 3 YEAR TERMS: Meets as needed basis

<u>1 Unexpired Term: 1 regular members</u> – Kevin Pitts

Eligible for Reappointment: resigned due to transfer effective 01-2012; must be a resident Bell County

<u>Board Forms on File:</u> Tamika Brown, Margaret Goodwin (PSAB), Denise Karimkhani, Karl Kolbe, Chris Magana (P&Z), Olivia Marsala, John Mayo, Richard Morgan, Donald Nelson (PSAB), Margarita Stefano-Rios (Library Brd), Bennie Trevino (PSAB), Kelly Yepma

#### **DEVELOPMENT STANDARDS ADVISORY BOARD – 3 YEAR TERMS: Meet on called basis**

<u>3 Terms Expiring</u>: Charles Chapman (banking), W.C. 'Pat' Patterson (Construction), Bryant Davis (Street Construction)

<u>Eligible for Reappointment:</u> All; Bryant would like to be reappointed; have not received responses from Charles or Pat.

Board Forms on File: N/A

TABA Recommendation:

Staff Recommendation:

#### **ELECTRICAL BOARD – 3 YEAR TERMS: Meet on Called Basis**

<u>1 Terms Expiring:</u> Keith Malina (Journeyman electrician

Eligible for Reappointment: Yes; Keith would like to be reappointed

Board Forms on File: Joe Amos, Kent Antwine (journeyman), Gary Kotrla (journeyman)

TABA Recommendation:

Staff Recommendation:

# PARKS AND LEISURE SERVICES ADVISORY BOARD – 3 YEAR TERMS: Meets 2nd Tuesday of each month at 11:45 am

<u>4 Terms Expiring:</u> Sue Ellen Galvan, David Rapp (V-Chair), Doug Smith (Chair), Ron Perry

<u>Eligible for Reappointment:</u> All **except Ron Perry**; David and Doug would like to be reappointed; Sue is unable to serve due to other commitments

<u>Board Forms on File:</u> Jessica Andrews, John Bailey (RZ No. 1), Justice Bigbie (Transit Adv. Brd), Bill Bogucki, Silvia Chesser (PSAB), Patsy Cofer (Community Services Brd), Charles Lucko (DSAB), Gene Moeller, Will Sears (Bldg. Brd. of Appeals & P&Z), Adam Soorholtz, Margarita Stefano-Rios (Library Brd), Rachel White

#### **TEMPLE ECONOMIC DEVELOPMENT CORPORATION – 3 YEAR TERMS: Meets the 3<sup>rd</sup> Tuesday each month at 10:00 am**

<u>1 Unexpired Terms: 1 members</u> – Peter Brumleve (at – large)

Eligible for Reappointment: resigned

<u>Board Forms on File:</u> John Bailey (RZ Brd), Bill Bogucki, Jim Calhoun, Omar Crisp, Paul Erchinger, david Fitch, Marc Hallee, Jim Howe, Rick Hughes, Wade Knight, Mike Thompson (RZ Brd)

TEDC Recommendation: Marc Hallee

Staff Recommendation:

# TEMPLE PUBLIC SAFETY ADVISORY BOARD – 3 YEAR TERMS: Meets 2<sup>nd</sup> Tuesday each month at 6:00 pm

1 Unexpired Term: 1 regular members – Bill Moore

Eligible for Reappointment: resigned effective 02-13-2012; must be a Temple Resident

Board Forms on File: Karl Kolbe

Staff Recommendation:

# TRANSIT ADVISORY COMMITTEE – 2 YEAR TERMS: Meets 2<sup>nd</sup> Thursday every other month at 2:00 pm

<u>2 Unexpired Term: 2 regular members</u> – Esther Roque (V-Chair), and Mary Ann Rojas

<u>Eligible for Reappointment:</u> both forfeited positions due to attendance – Esther wishes to be reinstated (request received/ on file 2-23-2012)

Board Forms on File: Richard Morgan, Sammy Ragsdale, Adam Soorholtz

Staff Recommendation:

#### TREE BOARD – 3 YEAR TERMS: Meet on Called Basis (at least 4 times/year)

<u>2 Terms Expiring</u>: Allen Einboden (KTB), and Dr. Tom Gerik (Blackland Research Ctr)

<u>Eligible for Reappointment:</u> Yes; Tom would like to be reappointed; Allen is unable to serve due to other commitments Board Forms on File: None at this time.

Board Forms on File: None at this time

KTB Recommendation: Joe Stewart no application on file to date

# ZONING BOARD OF ADJUSTMENT – 2 YEAR TERMS: Meets 1<sup>st</sup> / 3<sup>rd</sup> Wednesday each month

<u>5 Terms Expiring: 3 regular members</u> – Scott Morrow (chair), Bandon Tarnow, and Bert Pope; <u>2</u> <u>alternate members</u> – Omar Crisp and Keith Odom

<u>Eligible for Reappointment:</u> All – except Bert Pope; Scott (reg), Brandon (reg), Omar (alt) and Keith (atl) would like to be reappointed

Board Forms on File: Ed Laughlin (Bldg Standards)

TABA Recommendation: